

Additional Restrictions Grants –from 21 January 2022

The Additional Restrictions Grants, from 21 January 2022, will replace the previous scheme that concluded on 31 May 2021. The Scheme will be assessed on a weekly basis to ensure adequate funding is available and once exhausted the scheme will close. The initial application window will close on 4 March 2022. However, the Council reserves the right to alter this date where it is relevant.

The new Additional Restrictions Grants will automatically exclude businesses that are eligible for an Omicron Hospitality and Leisure Grant.

PAYMENT OF THE ADDITIONAL RESTRICTIONS GRANT

For businesses that are continuing to trade and those that are compulsorily closed the Additional Restrictions Grant will be paid in one instalment.

All grant payments are subject to the satisfactory receipt of:

- A completed Application Form, which can be found at on the Council's website.
- confirmation that the business is able to accept the grant under State Aid regulations
- evidence of bank accounts
- proof of rent payments made (in the absence of wholly occupying a property listed as rateable by the Valuation Office Agency).
- Any other information the Council considers relevant.

ELIGIBILITY CRITERIA FOR ADDITIONAL RESTRICTIONS GRANTS

An eligible business must be able to demonstrate that the business:

- a) Is small or micro business as defined in Section 33 Part 2 of the Small Business, Enterprise and Employment Act 2015 and the Companies Act 2006.
- b) Grants will only be paid to businesses and those business in the following sectors
 - Boarding Kennels/Catteries
 - Businesses in the Hospitality, Leisure and accommodation sectors
 - Businesses in the Personal Care sector where they have 2 or more employees.
 - Businesses supporting the Hospitality, Leisure and accommodation sectors
 - Tour operators
 - Taxi Drivers living within the Broxtowe Borough Council area
 - Sports Clubs that provide services to the community without the requirement of being a private member.
 - Businesses in the Personal Care sector where they employ fewer than 2 employees.
- c) Occupies commercial premises that have a rateable value within the Broxtowe Borough Council area, or if they occupy a commercial space which is not separately rated for business rates purposes pay a fixed rental cost within the

Broxtowe Borough Council area. Note that domestic mortgage payments are not admissible as property related charges unless they are occupied by Businesses in or supporting the Hospitality, Leisure and Accommodation Sectors.

- d) Was trading on 31 December 2021 i.e. continuing to trade with a view to making a profit or surplus (not a dormant company). This will ensure the grant is targeted at businesses whose owners/directors have demonstrated that they believe the business remains viable. You may need to provide proof of recent activity.
- e) Has a relevant certificate(s) to show compliance with laws and regulations relevant to its trade, for example a food hygiene certificate, a licence to sell alcohol, permission to operate a pavement seating area.
- f) Is not subject to enforcement action by the Police or a Regulatory Authority for an order for non-compliance with Covid-19 regulations or food hygiene standards.
- g) Is State Aid compliant.
- h) Is not eligible to receive a payment of mandatory Omicron Hospitality and Leisure Grant.

Grant Awards

An eligible business may receive (subject to the availability of funds) a **one off payment** if the business occupies a property with a rateable value (or if there is no rateable value a proxy such as annual rent) as follows:

- £1,000 if RV up to £15,000
- £1,250 if RV is £15,001 to £51,000
- £1,500 if RV over £51,000

If you do not wholly occupy a property listed for business rates (i.e. not liable for business rates) and are not charged a fixed property charge you may be entitled to a fixed grant of £750 if your business is within the categories detailed above.

Taxi Drivers will be eligible for a rate of £500.

Businesses in the Personal Care Sector, that employ less than 2 employees, will receive an allocation based on the number of applications received and the remaining ARG funding as at 5pm on 4 March 2022.

The Council reserves the right to amend the financial limits stated above.

BUSINESSES THAT ARE EXCLUDED FROM ALL COVID SUPPORT GRANTS

A business will be excluded from applying for a grant if, on the date it makes the application it:

- is dissolved or about to be dissolved
- is insolvent or if insolvency action had been instigated against it (including any petition or where a striking off notice has been made)
- is dormant as of the 31 December 2020, ie. not trading but not insolvent

- has ceased trading or has closed without being required to do so as part of Government and local restrictions
- Self-employed that have no fixed property costs such as Business Rates or rental charges, unless they are in or support the Hospitality, Leisure or Accommodation Sectors
- Gyms
- Non-essential retail
- Businesses in the Personal Care sector with less than 2 employees.
- Businesses that are unable to demonstrate, if requested, a negative impact as a result of the Omicron strain of Covid-19.
- Take-aways

Businesses that have been subject to environmental health or planning enforcement prosecution since 1 April 2020 will be excluded from all discretionary grants

APPLICANT'S RESPONSIBILITIES

Businesses are responsible for providing true and accurate information, and applicants are asked to note that:

- a) The business for which the application is made must be currently experiencing financial hardship as a result of the COVID-19 crisis and must have an evident need for financial relief under the terms and conditions of the Additional Restrictions Grant.
- b) Providing wrong or misleading information is a criminal offence and any such information may be used against applicants in any subsequent criminal investigation. The information provided on the online application form may be made available to other departments/agencies for the purposes of preventing or detecting crime.
- c) Any grant received by a business must be declared to HM Revenue & Customs (HMRC) as appropriate as part of the tax return for the business. For further information, you can contact HMRC's Coronavirus (COVID-19) helpline.
- d) Any grant received by the business will be used only for the purpose intended ie. to help alleviate the financial pressure of the recipient business and to the exclusion of any other individual or third-party gain.
- e) The applicant will be asked to certify that the information provided on behalf of the business is true and correct to the best of the applicant's knowledge and belief, and should it be subsequently determined that the grant was awarded on the basis of wrong or misleading information, or paid in error, the grant will be subject to recovery in full.
- f) The applicant understands that an officer of the Council, including Planning, Environmental Health, Public Health and/or Trading Standards, may undertake spot checks of the premises. If there is non-compliance with regulatory requirements, the grant, or any portion of the grant, will be repayable by the business.

- g) The applicant understands that the information provided on the online form will be made available to other government departments and their agencies for the purpose of detecting and preventing crime.
- h) The applicant understands that if the Council approves the application, the terms and conditions shall be enforceable on the basis of the Terms and Conditions of the grant scheme

THE GRANT PROCESS

It is anticipated that the grant funding available will not satisfy the combined amount of funding requested by applicants. Therefore, the following application process has been adopted:

- a) Applications **can only be made online**. Therefore, before you apply there are some steps that you will need to take. Please read the eligibility criteria and checklist first to find out if you qualify. One application will cover all of the schemes.
- b) A 'grant application window' will close at **5.00 pm on 4 March 2022 but reopened weekly if funding allows**. The Council reserve the right to amend the closing date.
- c) During this window the Council will only accept fully completed online applications and the required evidence to support each application. An application made during the 'grant application window' **does not guarantee** approval for payment.
- d) On receipt of the online application and evidence, the Council will send an email to acknowledge receipt and a **Unique Reference Number (URN)** will be allocated to the application.
- e) If the application is not accompanied by all necessary supporting evidence, the Council will email the applicant to advise that information is missing. The application will not be processed until this evidence is received, ie. the onus is on the applicant to provide the evidence in a timely manner. If the applicant does not respond within 3 working days of email from the Council your application will be withdrawn. No further contact will be made.
- f) The grant is only available to businesses in the hospitality, leisure and accommodation sectors.
- g) Unsuccessful applicants will be advised of the outcome of an application by email. There is no right to appeal a decision.
- h) Should there be sufficient funds after the first 'window', a further 'window' may be opened or 'top-up' payments may be allocated at the Council's discretion, but this is not guaranteed.
- i) The Council will seek to reach a decision within 5 working days, or as soon as reasonably practicable, of receipt of a completed application that has all the required evidence attached. Successful applicants will be notified by email, and payments will be made by BACS (payments usually takes three working days to arrive in accounts).

- j) The Council will prioritise consideration of grant applications when received and will not respond to canvassing.
- k) Canvassing any officer responsible for the execution of this grant's process or elected individual will render the applicant disqualified from this process.
- l) If the scheme is extended beyond 28 days applicants will have to advise the Council of any change of circumstances. Payment periods will be extended in accordance with changes in legislation to extend schemes and limited to further Government Funding.

EVIDENCE AND CHECKLIST

The Council is relying on businesses to be honest and open, and to present evidence of need and eligibility for the Omicron Hospitality and Leisure Grant and Additional Restrictions Grant fund (If you provide false or inaccurate information then the Council will take appropriate action). If a business believes that it is eligible to apply for the grant the following **Eligibility Checklist** may be used to help gather evidence.

ELIGIBILITY CHECKLIST

Information	Evidence	Comment
Applicant details	Submit information on the online application form	Your business name. Nature of the business, how this relates to the specific sectors listed above and explanation of how the business has been affected (self-declaration statement). Your contact name and number(s). Your business trading address and postcode. Company registration number (if applicable) or self-assessment tax return and your VAT number (if VAT registered). Business Rates reference number. Proof of rental payments. Confirmation of proportion of sales that are in person/e-commerce (self-declaration, proof will be requested dependent on the nature of the business)
Payment details	Your business bank account number and sort code (only provide bank account details where a BACS payment can be accepted). A copy of a business bank statement, clearly showing the	These details must match the name of the business or individual listed on the business rates bill or lease, licence or mortgage agreement

Information	Evidence	Comment
	<p>bank account holder's name, sort code and account number and business address.</p> <p>A utility bill clearly showing your business address</p>	
Evidence that you are a micro or small business	<p>This will be done by way of self-declaration on the online application form.</p> <p>Details may be checked using the Companies House register.</p>	<p>Under the Companies Act 2006:</p> <p>A Micro business must satisfy two or more of the following:</p> <ul style="list-style-type: none"> • Turnover: Not more than £632,000 • Balance sheet total: Not more than £316,000 • Number of employees: a staff headcount of not more than 10 <p>A Small business must satisfy two or more of the following:</p> <ul style="list-style-type: none"> • Turnover: Not more than £10.2 million • Balance Sheet total: Not more than £5.1 millions • Number of employees: a staff headcount of up to and including 50
Proof of rent charged (if you do not occupy a property liable for business rates as the liable party)	Proof of rent charged (for example lease agreement or rental receipt) - note mortgage payments are not considered a rent charge and are not admissible	Charge has to relate to the Broxtowe Borough Council area
Self-employed in supply chain	Evidence of type of business self-assessment (contract /copy invoices/accounts). Latest Tax return. Evidence of recent trading	Self-declaration – what is business and how does it link to the grant? Paragraph from applicant
Evidence of eligibility under State aid rules	You will need to demonstrate this by way of self-declaration statement on the online application form. See section 11 below.	If you are unsure whether State aid applies to your business, you will need to seek independent legal advice

HOW WE WILL USE YOUR INFORMATION

We will use your information to assess your application for financial support. We will confirm information about you and your account from credit referencing agencies to

confirm account validity and your identity. If you provide false or inaccurate information, we will record this. If you would like full details on how we use your information, please refer to our privacy policy.

STATE AID/SUBSIDY

All successful businesses will be required to declare that by accepting the grant payment, the business confirms that they are eligible for the grant scheme, including that any payments accepted will be in compliance with State Aid requirements. Any business that has reached the limits of payments permissible under the De Minimis and the UK Covid-19 Temporary State Aid Framework will not be able to receive further grant funding.

TAX

Grant income received by a business is taxable, therefore funding paid under the Additional Restrictions Grant or Omicron Hospitality and Leisure Grant will be subject to tax. Only businesses which make an overall profit once grant income is included will be subject to tax.

RIGHT TO UPDATE THIS POLICY

The Council reserves the right to update, change or withdraw this policy without notification or prior warning in the event that the government updates or changes its guidance to us or in the event of an error, omission, or unallocated funds

APPEALS

There is no right to appeal and the decision of the Council is final. The Council's interpretation of this document is at its own discretion and it will be the final arbiter of the definitions contained within this policy.