

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK LOCAL AUTHORITY

LOCAL RESTRICTIONS SUPPORT GRANT (OPEN) POLICY

2 December 2020 onwards

1. GUIDANCE SUMMARY

The government has confirmed it will fund to Local Authorities to provide grants to businesses that are still open but severely impacted by Tier 2 or Tier 3 restrictions, and has issued guidance to assist local authorities in administering the grants.

The Local Restrictions Support Grant (Open) is intended for hospitality, hotel, bed and breakfast and leisure businesses who are able to open during Tier 2 and Tier 3 restrictions, but who are severely impacted by the restrictions imposed under the Tiers.

These grants do not apply to businesses which cannot open, such as public houses who do not serve substantial meals and nightclubs. These businesses are able to claim the Local Restrictions Support Grant (Closed) for the Tier 2 or Tier 3 restriction period.

Businesses must occupy a premises shown in the Business Rates list order to qualify for the grant. Separate grants may be available for those who do not have a business rates account.

This guidance and policy applies to England from 2 December 2020, following the period of the second national lockdown.

This policy ceases to apply for any days when national lockdown restrictions are imposed. Grants are then payable under different schemes.

2. GENERAL ELIGIBILITY

Any business or trader wishing to claim the grant must pass the initial eligibility checks:

- They have a business rates account and be occupying a business property which is shown on the business rates list on the day before the Tier restrictions came into force
- They were trading on the day before the Tier restrictions came into force, from the premises they are claiming the grant for,
- They were not in administration, insolvent or subject to a striking off notice either on, or since, the day before the Tier restrictions came into force
- They are operating or trading within the boundaries of the Borough Council's area ,

Any business or trader failing to meet the criteria above is not eligible to claim this grant.

Exclusions:

Businesses that have already received grant payments that equal the maximum levels of State Aid permitted under the de minimis and the Covid-19 Temporary State Aid Framework.

All applicants will be required to complete a State Aid Declaration.

3. GRANT PAYMENTS

Grant payments are based on a 14 day payment cycle, starting with the date the Tier restrictions first came into force after the second national lockdown. Pro-rata grants are payable if a period of Tier restrictions is less than 14 days.

The grant amount is based on the Rateable Value of the property on the date the Tier Restrictions came into force as follows:

| Rateable Value | Grant Amount per 14 days |
|-----------------------------|---------------------------------|
| Up to and including £15,000 | £467 |
| £15,001 to £50,999 | £700 |
| £51,000 | £1,050 |

If a pro- rata payment is due it will be based on the following daily amounts:

| Rateable Value | Grant Amount per day |
|-----------------------------|-----------------------------|
| Up to and including £15,000 | £33 |
| £15,001 to £50,999 | £50 |
| £51,000 | £75 |

4. ELIGIBLE BUSINESSES

The following businesses are eligible to claim the Local Restrictions Support Grant (Open), providing they meet the eligibility criteria.

Any property occupied by a business that is able to open under Tier 2 or Tier 3 restrictions and is shown in one of the following categories on the Business Rates list:

- Hotels and B&Bs – includes:
 - Hotels
 - Bed and Breakfast
 - Guest Houses
 - Self-catering Accommodation
 - Caravan and Chalet Parks and Sites
 - Youth Hostels

- Hospitality – includes:
 - Restaurant and Premises
 - Public House or Inn and Premises (only if able to open)
 - Café and Premises
 - Takeaway and Premises

- Leisure – includes:
 - Cinemas
 - Museums
 - Clubs and clubhouses
 - Bingo halls
 - Theatres
 - Tourist attractions
 - Village halls, public halls, scout and guide huts

- Sports and Gyms – includes:
 - Gyms and Fitness Studios
 - Swimming pools
 - Sports centres
 - Squash and Tennis courts

Other properties and business types which fall within these categories will also be considered for the grants providing they are shown in the business rates list.

5. MEMBER DISCRETION

Members may also specify a further category or class of business or organisation to receive the grant, the eligibility criteria and the amount of the grant, providing they also meet the eligibility criteria. Awards under this section of the policy will be on an exceptional basis, and wholly at the discretion of Members.

Awards will be made on a recommendation basis by the Revenues and Benefits Manager, to be agreed by the Leader of the Council and the Cabinet Member for Business Development.

6. APPLICATIONS

Wherever possible the grants will be paid based on existing data held by the council in relation to previous grant applications made by the business. However in certain circumstances we may require the applicant to complete a new form, for example if there have been no previous applications, or the applicant's bank details have changed.

Businesses must supply any evidence requested to support their application within one calendar month or their application will be closed. We may ask for more information if necessary to validate an application, prevent and detect fraud. We may refuse to pay a grant if the information we require is not supplied.

7. GRANT PAYMENTS

Payment of the grant under this policy is entirely at the discretion of the borough council, and we reserve the right to refuse, pay or query any application or grant. There is no right of appeal against our decision to pay, or not to pay, a grant. Grant payments will only be made by bank transfer to a validated bank account. Payments will not be made unless a bank statement is provided or available as evidence of sort code, account number and account name.

8. STATE AID AND TAX

The Local Restrictions Support Grant (Open) is classed as taxable income for those receiving it. The Discretionary Grant is also classed as State Aid as follows:

- A grant is provided under the EU law on State Aid under De Minimis rules and those claiming the grant must declare that they have not received more than €200,000 of De Minimis aid within this financial year of the past two years

- A grant is paid under the Covid-19 temporary framework for UK Local Authorities and those claiming the grant must declare that, including this grant, they have received no more than €800,000 of state aid under this framework.
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9. FRAUD AND MISREPRESENTATION

We will not accept fraudulent applications for the grant and will carry out checks to ensure all applications for grant payments are accurate. We may refuse to pay a grant if we suspect an application is fraudulent for any reason. We will check information at the time of application, and may also carry out spot checks at a later date, including asking for further evidence and verifying information on Companies House. We will recover any grants found to have been claimed fraudulently. We will also share the information about applications and grant payments with other bodies as requested and allowed by law, including Her Majesty's Revenue and Customs, the Ministry of Housing, Communities and Local Government, the Department for Business, Energy and Industrial Strategy and any other government departments as required.

10. OTHER HELP

The council continues to work with a wide range of partners, including New Anglia Local Enterprise Partnership (New Anglia LEP) and the New Anglia Growth Hub to provide support to businesses in West Norfolk. This includes providing information and guidance about central Government support schemes, grant schemes provided by New Anglia LEP, and introductions to other specialist providers of support and information where appropriate.