

Wyre Forest District Council

Record of a Council Decision delegated to be made by an Officer

This includes a record of an Executive Decision made by an officer under Regulation 13, Part 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Item decided: Update to Covid-19 Local Assisted Restrictions Grant (ARG) – January 2021	
Officer who has taken the decision	Corporate Director: Economic Prosperity & Place
Date of the decision	09/02/2021
Reason for the decision/alternatives considered	Delegated approval was granted to the Corporate Director: EPP by virtue of the Strong leader decision dated 23/12/2020 to make changes to the ARG as may be necessary from time to time. The proposed changes in the attached revised ARG will increase the availability of the grant to qualifying businesses in the district who have been impacted upon by Covid -19 restrictions.
Date and source of Delegated Decision (if appropriate)	23/12/2020 – Strong Leader decision.
Council/Cabinet member consulted – if applicable	Cllr Helen Dyke, Cabinet Member for Economic Regeneration, Planning and Capital Investments
Any interest declared by the Consultee or officer	None



WYRE FOREST DISTRICT COUNCIL

ADDITIONAL RESTRICTIONS GRANT SCHEME
FROM 5 JANUARY 2021



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Definitions

The following definitions are used within this document:

'Additional Restrictions Grant (ARG)' means the additional funding provided by Government. Funding was made available to eligible Local Authorities at the point that national restrictions were imposed or at the point the Local Authority first entered LCAL 3 local restrictions;

'COVID-19' (coronavirus); means the infectious disease caused by the most recently discovered

'Department for Business, Energy & Industrial Strategy (BEIS)'; means the Government department responsible for the scheme and guidance;

'Effective date'; means, for eligibility of the grant, the date of the local restrictions or the date of widespread national restrictions. For the purpose of this scheme the date cannot be before 5/1/21;

'Hereditament(s); means the assessment defined within Section 64 of the Local Government Finance Act 1988;

'Local Covid Alert Level' (LCAL) means the level of alert determined by Government and Local Authorities for the area. LCALs have three Tiers. Tier 1 (Medium): Tier 2 (High) and Tier 3 (Very High). For the purposes of these schemes the definitions used are LCAL1, LCAL2 and LCAL3.

'Local lockdown'; means the same as **'Local restrictions';**

'Local rating list'; means the list as defined by Section 41 of the Local Government Finance Act 1988

'Local restrictions'; and **'Localised restrictions'** means legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures;

'Local Restrictions Support Grant Scheme (Closed); means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 9 September 2020 and amended on 9 October 2020 and which is applicable to businesses forced to close under either LCAL3 or where national restrictions are in place;

'Local Restrictions Support Grant Scheme (Closed) Addendum; means the changes made to the Local Restrictions Support Grant Scheme (Closed) due to widespread nationwide restrictions;

'Ratepayer'; means the person who, according to the Council's records, was the ratepayer liable for occupied rates in respect of the hereditament at the date of the local restrictions or widespread national restrictions;

'State Aid Framework'; means the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020; and

'Temporary Framework for State aid'; means the same as the **'State Aid Framework'**. Wyre Forest District Council/Additional Restrictions Grants Scheme (ARG) 04112020

1.0 Purpose of the Scheme and background

1.1 The purpose of this document is to determine eligibility for a payment under the Council's Additional Restrictions Grant Scheme from 5 January 2021. The Council, as the Business Rates Billing Authority is responsible for payment of these grants.

1.2 This discretionary grant scheme has been developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy on 31 October 2020, which sets out the basic circumstances whereby an additional restriction grant payment may be made by the Council to a business which has to close or is severely affected due to localised or widespread national restrictions being put in place to manage coronavirus and save lives.

1.3 Whilst the awarding of grants will largely be at the Council's discretion, the Department for Business, Energy & Industrial Strategy (BEIS) has set down criteria which **must** be met by each business making an application.

1.4 The scheme applies where local restrictions (LCAL3) are put in place **or** where a widespread national lockdown is announced.

1.5 Localised restrictions are legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures.

1.6 National restrictions are nationally binding widespread restrictions imposed by Parliament under legislation. The current national restrictions are made under the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.

1.7 Grants under this scheme will be available for the 2020/21 and 2021/22 financial years only.

1.8 No grant shall be paid for any period where the localised or widespread national restrictions were in place prior to 14 October 2020.

1.9 Where any area enters either a localised restriction (LCAL3) or where a national restriction applies, additional assistance may be given to businesses under the Council's Local Restrictions Support Grants (Closed) Scheme (as amended).

2.0 Funding

2.1 Under the Additional Restrictions Grant Scheme (ARG) provisions, Local Authorities will receive a one-off lump sum payment amounting to £20 per head in each area when local restrictions (LCAL3) or widespread national restrictions are imposed. In addition, a further £899,733 was awarded in January 2021 resulting in a total budget of £2,925,553.

2.2 Once the Council's area is removed from local restrictions (LCAL3) or widespread national restrictions, no additional funding will be received from Government even if either the local restrictions or widespread national restrictions are re-instated.

3.0 Eligibility criteria and awards

3.1 The Council is able to use this funding for business support activities and the Government envisages that this will primarily take the form of discretionary grants although it can be used for wider business support activities.

3.2 If Local Authorities use the Additional Restriction Grant for direct business support grants, Government has stated that the same conditions of grant **must** apply as for the Local Restrictions Support Grant (Closed) scheme. However, the Council will have the discretion to alter the amount of funding offered to individual businesses and the frequency of payment.

3.3 Government has stated that the Council *may* also consider making grant payments to those businesses which, while not legally forced to close are nonetheless severely impacted by the restrictions put in place to control the spread of Covid-19. Government has also stated that the Council may also wish to assist business which are outside of the rating system and which are effectively forced to close.

Award Levels

3.4 The Council has decided the following grant award levels:

Proposed Eligible Businesses and Indicative Grant Allocations

3.5 Where a business is shown in the local non-domestic rating list, the following grants will be awarded:

Rateable Value	Grant Amount
Up to £15,000	£2001
Between £15,001 and £51,000	£3,000
£51,001 plus	£4,500

3.6 Where a business is not shown in the local non-domestic rating list, the following grants will be awarded:

Eligible businesses	Amount
Market Trader regularly trading on a market in Wyre Forest	£66.70 for each day's worth of normal market activity in Wyre Forest during the 6 week period, subject to a maximum payment of £2001
Bed & Breakfast that pays Council Tax rather than business rates	£2,001
Businesses in shared spaced that have been forced to close	£2,001
Businesses that provide mobile personal care services that are required to close	£2,001
Business that trade under a street trading licence	£2,001
Any other eligible business	£2,001

Eligibility Criteria

3.7 Any business can apply; however, the following will be considered as priority:

- Businesses that supply goods and services to businesses in the retail, hospitality and leisure sectors;
- Businesses that supply goods and services to the events sector;
- Businesses that have fixed property costs but do not have a separate listing on the business rates system, eg Market Traders, Street Licence Holders, Businesses in Shared Spaces;
- Businesses that provide mobile personal care services that are required to close;

- Businesses that, whilst not required to close, have been significantly impacted by the restrictions in place.

3.8 All applicants will be required to demonstrate that they have been significantly impacted by the restrictions in place.

3.9 Businesses that have been mandated to close and are eligible for the Local Restrictions Support Grant (Closed Addendum) are not eligible for the Additional Restrictions Grant.

Excluded businesses – both local and national restrictions

3.10 The following businesses will **not** be eligible for an award:

(a) Businesses in areas outside the scope of the localised restrictions, as defined by Government and not subject to a widespread national restriction;

(b) Businesses that have chosen to close but not been required to, will not be eligible;

(c) Businesses which 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; and

(d) Businesses that were in administration, are insolvent or where a striking-off notice has been made at the date of the local restriction or widespread national restriction.

The Effective Date

3.11 The effective date for eligibility is the date of the widespread national or local restrictions (LCAL3). Businesses **must** have been trading on the first full day of national or LCAL3 restrictions to be eligible to receive grant support.

Who can receive the grant?

3.12 In **all** cases, Government has stated that the person who will receive the grant will be the person who, according to the Council's records, was the ratepayer in respect of the hereditament at the effective date.

3.13 Where the Council has reason to believe that the information it holds about the ratepayer at the effective date is inaccurate, it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer.

3.14 Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid.

3.15 Where any business misrepresents information or contrives to take advantage of the scheme, the Council will look to recover any grant paid and take appropriate legal action. Likewise, if any ratepayer is found to have falsified records in order to obtain a grant.

3.16 Where there is no entry in the rating list for the business, the Council will have discretion to determine who should receive the grant.

4.0 How will grants be provided to businesses?

4.1 The Council is fully aware of the importance of these grants to assist businesses and support the local community and economy. The Council's Additional Restrictions Grant (ARG) scheme together with the Local

Restrictions Support Grant (Closed) will offer a lifeline to businesses who are struggling to survive during to the COVID-19 crisis.

4.2 Details of how to obtain grants are available on the Council's website at:

[https://www.wyreforestdc.gov.uk/community-wellbeing-and-environment/coronavirus-\(covid-19\)/business-support-local-restrictions-support-grant.aspx](https://www.wyreforestdc.gov.uk/community-wellbeing-and-environment/coronavirus-(covid-19)/business-support-local-restrictions-support-grant.aspx)

4.3 Where a business has previously received an Additional Restrictions Grant for the period 5/11/20 to 2/12/20 and / or Local Restrictions Support Grant (Open), they will automatically be considered for an Additional Restrictions Grant (2021).

4.4 In all cases, businesses will be required to confirm that they are eligible to receive the grants. This includes circumstances where the Council already has bank details for the business and are in a position to send out funding immediately. Businesses are under an obligation to notify the Council should they no longer meet the eligibility criteria for any additional grants.

4.5 The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.

4.6 An application for an Additional Restriction Grant is deemed to have been made when a duly completed application form is received via the Council's online procedure.

4.7 All monies paid under this scheme will be funded by Government and paid to the Council under S31 of the Local Government Act 2003.

5.0 EU State Aid requirements

5.1 Any grant is given as aid under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020. This means that businesses receiving support under these provisions can receive up to €800,000 in aid over three years (being the current and the previous two years).

5.2 Any grant awarded is required to comply with the EU law on State Aid. This will involve the applicant declaring to the Council if they have received any other de minimis State aid or aid provided under the EU Commission COVID-19 Temporary Framework.

5.3 If the applicant has not received any other de minimis State aid, they are not required to make that declaration to the Council or to complete any declaration statement.

6.0 Scheme of Delegation

6.1 The Council has approved this scheme.

6.2 Officers of the Council will administer the scheme and the Section151 Officer is authorised to make technical scheme amendments to ensure it meets the criteria set by the Council and, in line with Government guidance.

7.0 Notification of Decisions

7.1 Applications will be considered on behalf of the Council by the North Worcestershire Economic Development and Regeneration service.

7.2 All decisions made by the Council shall be notified to the applicant either in writing or by email. A decision shall be made as soon as practicable after an application is received.

8.0 Reviews of Decisions

8.1 The Council will operate an internal review process and will accept an applicant's request for a review of its decision.

8.2 All such requests must be made in writing to the Council within 14 days of the Council's decision and should state the reasons why the applicant is aggrieved with the decision of the Council. New information may be submitted at this stage to support the applicant's appeal.

8.3 The application will be reconsidered by a senior officer, as soon as practicable and the applicant informed in writing or by email of the decision.

9.0 Complaints

9.1 The Council's 'Complaints Procedure' (available on the Council's website) will be applied in the event of any complaint received about this scheme.

10.0 Taxation and the provision of information to Her Majesty's Revenues and Customs (HMRC)

10.1 The Council has been informed by Government that all payments under the scheme are taxable.

10.2 The Council does not accept any responsibility in relation to an applicant's tax liabilities and all applicants should make their own enquiries to establish any tax position.

10.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

11.0 Managing the risk of fraud

11.1 Neither the Council nor Government will accept deliberate manipulation of the schemes or fraud. Any applicant caught falsifying information to gain grant money or failing to declare entitlement to any of the specified grants will face prosecution and any funding issued will be recovered from them.

11.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.

12.0 Recovery of amounts incorrectly paid

12.1 If it is established that **any** award has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by an applicant or their representative(s), the Council will look to recover the amount in full.

13.0 Data Protection and use of data

13.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.

WYRE FOREST DISTRICT COUNCIL ADDITIONAL RESTRICTIONS GRANT 2021

GUIDANCE NOTES

1. On 4 January 2021, the Government announced a set of national measures designed to control the spread of Covid-19. These measures included the mandatory closure of non-essential retail; hospitality; accommodation; personal care and close contact services from 5 January 2021 until further notice.
2. To help to mitigate the impact of the mandatory closure, the Government reintroduced the Local Restricts Support Grant (Closed) Addendum. This grant is available to those businesses, mandated to close, that occupy a premise appearing on the rating list.
3. In addition, the Government announced further funding for the Additional Restrictions Grant. This grant is available to help those businesses which – whilst not legally forced to close – are nonetheless severely impacted by the restrictions put in place.
4. The grants are awarded for the 42 day period from 5 January 2021 to 15 February 2021. Further payments may be made for subsequent periods of restrictions subject to the relevant Government guidance at the time.

Eligibility Criteria

5. The Additional Restrictions Grant is available to businesses that trade from an address in the local authority district of Wyre Forest. Applicants must have been trading on 4/01/21, ie not in administration, insolvent, or subject to a striking off notice.
6. Any business can apply; however, the following will be considered as priority:
 - Businesses that supply goods and services to businesses in the retail, hospitality and leisure sectors;
 - Businesses that supply goods and services to the events sector;
 - Businesses that have fixed property costs but do not have a separate listing on the business rates system, eg Market Traders, Street Licence Holders, Businesses in Shared Spaces;
 - Businesses that provide mobile personal care services that are required to close;
 - Businesses that, whilst not required to close, have been significantly impacted by the restrictions in place.
7. All applicants will be required to demonstrate that they have been significantly impacted by the restrictions in place.
8. Businesses that have been mandated to close and are eligible for the Local Restrictions Support Grant (Closed Addendum) are not eligible for the Additional Restrictions Grant.

The Grant Award

9. Where a business is shown in the local non-domestic rating list, the following grants will be awarded:

Rateable Value	Grant Amount
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Up to £15,000	£2001
Between £15,001 and £51,000	£3,000
£51,001 plus	£4,500

10. Where a business is not shown in the local non-domestic rating list, the following grants will be awarded:

Eligible businesses	Amount
Market Trader regularly trading on a market in Wyre Forest	£66.70 for each day's worth of normal market activity in Wyre Forest during the 6 week period, subject to a maximum payment of £2001
Bed & Breakfast that pays Council Tax rather than business rates	£2,001
Businesses in shared spaced that have been forced to close	£2,001
Businesses that provide mobile personal care services that are required to close	£2,001
Business that trade under a street trading licence	£2,001
Any other eligible business	£2,001

11. The following businesses will **not** be eligible for an award:

11.1 Businesses that have chosen to close but are not been required to, will not be eligible;

11.2 Businesses which have already received grant payments that equal the maximum levels of State aid permitted under the COVID-19 Temporary State Aid Framework;

11.3 Businesses that were in administration, are insolvent or where a striking-off notice has been made at the date of the local restriction or widespread national restriction; and

11.4 Businesses that are eligible for the Local Restrictions Support Grant Closed Addendum

Application Process

12. Applications must be submitted using the online form available at [XXX](#)
13. Once you have submitted your application you will be contacted to request evidence to support your application. We require the following documents:
- (a) Bank Statements for January 2021. Business account statements should be supplied if applicable. If a personal account is used, please highlight on the statement the transactions relating to the business.
- (b) Bank statements for January 2020 showing income from trading. Where this is not available, other evidence which demonstrates a significant reduction in income due to the lockdown restrictions will be required.

(c) Evidence of business address – if the bank statements do not show the address that the business operates from, then additional evidence is required showing that address e.g. recent rent invoice, utility statement, business rates statement.

(d) Companies house registration number/Unique Tax Reference/Charity Commission number

(e) Sole traders – correspondence from HMRC to verify the Unique Tax Reference

14. The evidence that you provide should demonstrate that you have experienced a significant reduction in turnover as a result of the restrictions in place. The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.

15. Where a business has previously received an Additional Restrictions Grant (November) and / or Local Restrictions Support Grant (Open), they will automatically be considered for an Additional Restrictions Grant (2021).

EU State Aid requirements

16. Any grant is given as aid under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020. This means that businesses receiving support under these provisions can receive up to €800,000 in aid over three years (being the current and the previous two years). By submitting an application you are declaring to the Council that payment of the grant will not result in the business receiving support in excess of the state aid limits.

Notification of Decisions

17. All decisions made by the Council shall be notified to the applicant either in writing or by email. A decision shall be made as soon as practicable after an application is received.

Reviews of Decisions

18. The Council will operate an internal review process and will accept an applicant's request for a review of its decision.

19. All such requests must be made in writing to the Council within 14 days of the Council's decision and should state the reasons why the applicant is aggrieved with the decision of the Council. New information may be submitted at this stage to support the applicant's request for a review.

20. The applicant will be informed in writing or by email of the outcome of the review, as soon as practicable.

Complaints

21. The Council's 'Complaints Procedure' (available on the Council's website) will be applied in the event of any complaint received about this scheme.

Who can receive the grant?

22. In **all** cases, Government has stated that the person who will receive the grant will be the person who, according to the Council's records, was the ratepayer in respect of the hereditament at the effective date.

23. Where the Council has reason to believe that the information it holds about the ratepayer at the effective date does not accord with the person making the claim, it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer.
24. Where it is subsequently determined that the records held by the Council are correct and it is not the ratepayer making the claim, the Council reserves the right to recover any grant incorrectly paid.
25. Where there is no entry in the rating list for the business, the Council will have discretion to determine who should receive the grant.

How will grants be provided to businesses?

26. Grants will be paid directly into the applicants business bank account by BACS using the details provided on the application. Please ensure that you have provided the correct bank account number and sort code.

Taxation and the provision of information to Her Majesty's Revenues and Customs (HMRC)

27. The Council has been informed by Government that all payments under the scheme are taxable.
28. The Council does not accept any responsibility in relation to an applicant's tax liabilities and all applicants should make their own enquiries to establish any tax position.
29. All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

Managing the risk of fraud

30. Neither the Council nor Government will accept deliberate manipulation of the schemes or fraud. Any applicant caught falsifying information to gain grant money or failing to declare entitlement to any of the specified grants will face prosecution and any funding issued will be recovered from them.
31. Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.

Recovery of amounts incorrectly paid

32. If it is established that **any** award has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by an applicant or their representative(s), the Council will look to recover the amount in full.

Data Protection and use of data

33. All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.