



East Devon District Council Additional Restrictions Grants (ARG) Scheme

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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 will be made available to eligible Local Authorities at the point that national restrictions are imposed or at the point the Local Authority first entered LCAL 3 local restrictions;

‘the Council’; means East Devon District Council;

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

‘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 14th October 2020;

‘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 9th September 2020 and amended on 9th 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’**.

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 (ARG). 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 made on 31st 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 are 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 This scheme applies for the period of widespread national lockdown. 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.
- 1.5 Additional Restrictions Grant will be available for the 2020/21 and 2021/22 financial years only.

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.
- 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.
- 2.3 The Council has been allocated an amount of £2,925,680 which will be used as follows:
 - (a) £1m which will be committed towards the widespread national restriction period of 5th November 2020 to 2nd December 2020 and will support business through the widespread national lockdown;
 - (b) £1m of the available funds will be used by the Council in order to support strategic Economic Development projects. These will be designed to support a wide range of businesses both during and post the COVID-19 crisis; and
 - (c) £925,680 will be retained in case of further national restrictions before 31st March 2022 (to allow for any subsequent discretionary grant programme requirement).
- 2.4 The Council reserves the right to vire amounts between each of the funds as necessary either to meet the demand of applications for grants or to support businesses through

strategic Economic Development projects should any amount of the initial grant funds remain.

3.0 Eligibility criteria and awards

- 3.1 The Council is able to use this funding for business support activities and Government envisage that this will primarily take the form of discretionary grants although it can be used for wider business support activities.
- 3.2 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.
- 3.3 This document details the eligibility criteria for the widespread national restriction period 5th November 2020 until 2nd December 2020.

Eligibility Criteria - widespread national restriction period

- 3.4 For the purposes of this scheme the Council has decided that the following eligibility criteria must be met in order to receive an Additional Restriction Grant (ARG) during the widespread national restriction period.
- 3.5 In line with Government guidance, the Council's Additional Restrictions Grants (ARG) scheme will support businesses that have had their trade affected by the current restrictions. This includes closed businesses that don't pay business rates as well as businesses that have not been required to close but are still severely impacted by the restrictions
- 3.6 The Council particularly encourages applications from businesses both within and which supply the retail, hospitality and leisure sectors, as well as the events sector and taxi operators with East Devon District Council as their local licensing authority. In prioritising support to those businesses most adversely impacted by the current restrictions, the Council will be proactive in communicating the availability of the Additional Restrictions Grants (ARG) to retail, hospitality and leisure related businesses, including those with whom the Council had contact in relation to the previous Local Authority Discretionary Business Grants.
- 3.7 Businesses and organisations which are not included within the specific list of exclusions detailed within this scheme will be able to apply to the Additional Restrictions Grants (ARG) scheme if sufficient evidence can be provided that they have been 'severely impacted' by the period of national restrictions. This includes non-excluded home-based and mobile businesses that can evidence they are registered companies or sole traders.
- 3.8 Government have made clear that discretionary grants, including the ARG must not be used as a wage supplement, rather as a support to the business that the self-employed

person runs. As such, ARG applicants whose businesses have not been required to close and can demonstrate 'significant impact' must also evidence specific fixed business costs outside of their residential property and staffing costs totalling a minimum of £250 per month that the grant would help mitigate.

- 3.9 Each application will be considered on a case-by-case basis and the Council considers 'significant impact' to describe an evident drop in the business' normal trading, income or service provision of at least 30% compared to a more representative period of comparable trading. It should be shown that this decreased level of trade is a direct consequence of the period of national restrictions, and not as a result of more predictable (e.g. seasonal) fluctuations in demand.
- 3.10 Full details on how to claim are shown in Section 4.
- 3.11 To prevent overspend from the Council's allocation of funding, applications will not be accepted from any business that is eligible for an award from the Local Restrictions Support Grant (Closed) Scheme.
- 3.12 Notwithstanding the above, there will be provision for 'special cases' to be considered within the Council's ARG Policy. Businesses within East Devon who are experiencing exceptional circumstances will be required to email arg@eastdevon.gov.uk with specific justifications for support and full details of their case for consideration by the Service Lead – Growth, Development & Prosperity.
- 3.13 Only one Additional Restrictions Grants (ARG) will be awarded to any business covering the 4-week national lockdown period (5th Nov 2020 to 2nd Dec 2020). The Council will make payment as a single sum and reserve the right to amend the level of grant award. Any subsequent period of new national restrictions will require a new application for Additional Restrictions Grants (ARG) from any business which would be required to satisfy what may be different eligibility criteria for that scheme. No automatic right of approval for any subsequent grant is implied or should be assumed of from the current scheme.

Award Levels

- 3.14 The Council has decided the following grant award levels for the current widespread national restrictions;

Total payment per 28 days (5th November 2020 to 2nd December 2020)	
Where the business has been required by Government close and is not subject to Non-Domestic rating; or where the business suffers a significant financial impact and is not subject to Non-Domestic rating;	£934
Where the business suffers a significant financial impact and is subject to Non-Domestic rating; RV £0 - £15k	£934

Where the business suffers a significant financial impact and is subject to Non-Domestic rating; RV £15 - £51k	£1,400
Where the business suffers a significant financial impact and is subject to Non-Domestic rating; RV £51k+	£2,100

Ineligible businesses

- 3.15 The following businesses will **not** be eligible for an award:
- Businesses which can obtain a grant under the Local Restrictions Support Grant Scheme (Closed);
 - 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
 - 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.
- 3.16 In addition to the above and to ensure limited grant funds are prioritised to those businesses most severely impacted by the current national restrictions, the following businesses and hereditaments are specifically excluded from Council's Additional Restrictions Grants (ARG) scheme:
- Any properties or parts of properties used for personal use
 - Charitable business receiving other help from public funds;
 - Businesses whose primarily trade comprises:
 - Show homes;
 - Car parking;
 - Storage containers; Containers; Storage premises;
 - Yards, land or properties used for storage only;
 - Advertising or advertising stations or hoardings;
 - Communication stations or telecommunication equipment
 - Solar panel sites;
 - ATM's, cash machines or equivalent;
 - Schools / Academies / Educational establishments and premises (which are publicly funded);
 - Lockers; Beach huts or similar structures; and
 - Any premises where the Council consider that a Bed and Breakfast business is basically "home sharing" and advertised solely online through "home sharing" websites will not be eligible for this fund.

The Effective Date

- 3.17 The effective date for eligibility is the 5th November 2020 being the date of the widespread national restriction. Businesses **must** have been trading on the day prior to national restrictions to be eligible to receive grant support.

Who can receive the grant?

- 3.18 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. Where there is no entry in the rating list for the business, the Council will have discretion to determine who should receive the grant.
- 3.19 Where the Council has reason to believe that the information it holds about the ratepayer or applicant at the effective date is inaccurate, it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer or applicant.
- 3.20 Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid.
- 3.21 Where any business or individual 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 person is found to have falsified records in order to obtain a 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 Full details of the Council's scheme, including how to apply are available online at <https://eastdevon.gov.uk/coronavirus-covid-19/businesses-employers-and-employees/business-grants/> and marketed via the East Devon business update which all businesses are encouraged [to subscribe to](#).
- 4.3 The online application form is available to complete with effect from the 9th December 2020. This initial scheme will remain open for a period of 2 weeks until 5pm on the 23rd December 2020. The Council reserves the right to close the scheme earlier should the allocated funding be exhausted.
- 4.4 All applicant businesses will be required to upload up to date bank statement(s) (for the account used by the business). This must contain the name of account, sort code and account number for verification purposes.
- 4.5 The Council will undertake both pre- and post-payment anti-fraud checks. Any attempt to fraudulently claim public grant funding will result in funds being recovered and legal action being taken.
- 4.6 In all cases, businesses will be required to confirm that they are eligible to receive the grants. Businesses are under an obligation to notify the Council should they no longer meet the eligibility criteria for any additional grants.

- 4.7 The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible. The council may suspend an application in the event an applicant fails to provide sufficient evidence of
- (a) their business being specifically required to close due to the current national restrictions;
 - (b) significant adverse impact of the restriction period on their business (minimum 30% reduction in turnover);
 - (c) the ARG being used to mitigate fixed business costs (and so not used to supplement wages)
- 4.8 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.
- 4.9 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.
- 6.3 The Council reserves the right to change this scheme at any time.

7.0 Notification of Decisions

- 7.1 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. This decision shall be final.

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.
- 13.2 Applicants will be made aware that detail about their application, including business name, contact details and amount awarded, will be shared with the department for Business, Energy and Industrial Strategy for the purpose of monitoring and evaluating the scheme.