



New Forest District Council

Closed Business Lockdown Payment

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Definitions

The following definitions are used within this document:

‘Additional Restrictions Grant (ARG)’ means additional funding provided by Government. Funding 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;

‘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 restrictions.

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

‘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, 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 (Closed) Addendum; means the changes made to the Local Restrictions Support Grant Scheme (Closed) due to widespread national restrictions;

‘Rateable value’ means the rateable value for the hereditament shown in the Council’s local rating list at the date of the local restrictions;

‘Ratepayer’; means the person who according to the Council’s records, was liable for occupied rates in respect of the hereditament at the date of the local restrictions and the person eligible to receive the grant;

‘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. Purpose of the Scheme and background

- 1.1 The purpose of this document is to determine eligibility for a payment under the Council's Closed Business Lockdown Payment.
- 1.2 The Closed Business Lockdown Payment grant scheme has been developed in response to an announcement made by the government on 5 January 2021 to provide additional support for businesses legally forced to close.
- 1.3 Whilst the awarding of the grant will be the Council's responsibility, the Department for Business, Energy & Industrial Strategy (BEIS) has set down criteria which **must** be met by each business making an application. The Department has also indicated the types of business which should be given the grant.
- 1.4 National restrictions are legally binding restrictions imposed on specific 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.
- 1.5 The Closed Business Lockdown Payment is a one-off payment for businesses that have been required to close from 5 January 2021 due to the introduction of national restrictions.
- 1.6 Grants under this scheme will be available for the 2020/21 financial year. The scheme will close for applications on 31 March 2021 and the scheme will close on 30 April 2021.

2. Funding

- 2.1 Local Authorities will receive funding under section 31 of the Local Government Act (2003) to meet the cost of payments to businesses within the business rates system based on an assessment of the number of eligible business hereditaments.

3. Eligibility criteria

- 3.1 Government has set national criteria for the funds. In all cases, the Council will only consider businesses for grants where **all** the criteria are met. Businesses that are eligible for the Local Restrictions Support Grants (Closed) are eligible. Businesses that have been mandated to close by Government and include non-essential retail, leisure, personal care, sports facilities and hospitality businesses are eligible.
- 3.2 The funding is a one-off payment.
- 3.3 Businesses will only be eligible where they are trading from those premises on 4 January 2021 or would have been had it not been for local restrictions, and were the ratepayer in respect of the hereditament in 5 January 2021.

Grant Awards

- 3.4 The amount of grant in respect of this scheme are fixed as follows:
- Businesses occupying hereditaments appearing on the local rating list with a rateable value less of exactly £15,000 or under on the date of the commencement of the national restrictions will receive a payment of £4,000
 - Businesses occupying hereditaments appearing on the local rating list with a rateable value over £15,000 and less than £51,000 on the date of the commencement of the national restrictions will receive a payment of £6,000
 - Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £51,000 or above on the date of the commencement of the national restrictions will receive a payment of £9,000
- 3.5 Businesses that are also in receipt of other Local Restrictions Support, for example LRSG (Open) or Additional Restrictions Grant, can also receive this grant.
- 3.6 Any changes to the rating list (rateable value or hereditament) after 5 January 2021 will be ignored for the purposes of eligibility. The council does have discretion where it was factually clear that the rating list was inaccurate on restriction date.

Excluded businesses

- 3.7 The following businesses will not be eligible for an award:
- a) Businesses that are able to conduct their main service because they do not depend on providing direct in-person services from premises and can operate their services effectively remotely (e.g. accountants, solicitors).
 - b) Businesses in areas outside the scope of the national restrictions, as defined by the Government, are excluded
 - c) Businesses that have chosen to close but not been required to will not be eligible for this grant
 - d) Businesses that were in administration, are insolvent or where a striking-off notice has been made are not eligible for funding under this scheme.

The Ratepayer

- 3.8 In **all** cases the following shall apply:
- 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 on 5 January 2021. Where the Council has
 - Where the Council has reason to believe that the information it holds about the ratepayer on 5 January 2021 is inaccurate, it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer;
 - Businesses that have a voluntary agreement but are not insolvent, in liquidation or in administration will be eligible if they are still trading and open
 - Businesses must have been trading the day before national restrictions came into force to be eligible to receive funding under this scheme. Where businesses were closed due to restrictions that preceded the national restrictions, it is accepted that those businesses are still trading.

- If a business is required to close its main, in-person service but adapts its business to operate takeaway, click and collect or online with delivery services, it will be considered closed and be eligible to receive grants under this scheme because its substantive business must close.
- Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid; and
- Where any ratepayer 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.

4. 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 Closed Business Lockdown Payment will provide additional support to businesses who are struggling to survive during to the COVID-19 crisis.
- 4.2 In all cases businesses will be required to confirm that they are eligible to receive the grants. This includes 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.
- 4.3 The Council reserves the right to request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.
- 4.4 An application for a Closed Business Lockdown Payment is deemed to have been made when a duly completed application form is received via the Council's online procedure.
- 4.5 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. Subsidy Control

- 5.1 The EU State Aid rules no longer apply to subsidies granted in the UK following the end of the transition period. The UK remains bound by its international commitments, including subsidy obligations set out in the Trade and Cooperation Agreement with the EU.
- 5.2 The State Aid Temporary Framework are still to be applied to this scheme until further guidance on subsidy control is issued. Any Closed Business Lockdown Payment 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), increased to €3,000,000 following the amended Temporary Framework announced on 13 October 2020.
- 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. Scheme of Delegation

- 6.1 The Council has implemented this scheme in line with Government requirements and guidance and has been approved by the Portfolio Holder for Finance, Investment and Corporate Services.
- 6.2 Officers of the Council will administer the scheme and the Service Manager – Revenue and Benefits reserves the right to make minor changes to this scheme as necessary in consultation with the Portfolio Holder for Finance, Investment and Corporate Service to ensure it meets the criteria set by the Council and, in line with Government guidance.

7. Notification of Decisions

- 7.1 Applications will be considered on behalf of the Council by the Revenues and Benefits 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. Reviews of Decisions

- 8.1 The Council will operate an internal review process and will accept an applicant's request for an appeal of its decision.
- 8.2 All such requests must be made in writing or by email 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 Service Manager – Revenue and Benefits, as soon as practicable and the applicant informed in writing or by email of the decision. This decision is final.

9. Complaints

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

10. 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 this 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. Managing the risk of fraud

11.1 Neither the Council, nor the Government will accept deliberate manipulation of the scheme 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. The council will actively participate in any exercises to detect and prevent fraud and will report to and work with the National Investigation Service and the National Anti-Fraud Network.

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. 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. 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.