



Harlow Council

Additional Restrictions Grants (ARG) Scheme

Omicron

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Definitions

The following definitions are used within this document:

'Additional Restrictions Grant (ARG)' means the additional funding provided by Government.

'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;

'Omicron Hospitality and Leisure Scheme'; means the mandatory business grants scheme announced on 30th December 2021;

'Rateable Value'; means the value ascribed to the hereditament on 1st April 2017 and shown in the local rating list on 30th December 2021;

'Ratepayer'; means the person who will receive the grant will be 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;

'Subsidies'; means the replacement for state aid subsidy obligations set out in the Trade and Cooperation Agreement (TCA) with the EU;

'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 Omicron 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 Treasury on 21st December 2021 and the Omicron Hospitality and Leisure Grant guidance on 30th December 2021. Both relate to an economic support package designed to support businesses that are experiencing difficulties because of the Omicron variant, and the dual impact of staff absences and lower consumer demand.
- 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 Funding under the Additional Restrictions Grant (ARG) scheme is only available for the 2021/22 financial year and all grants will be paid by 31st March 2022 in accordance with Government guidance.

2.0 Funding

- 2.1 Under the Additional Restrictions Grant Scheme (ARG) provisions, the Council has received a fixed amount of funding. The total funding has effectively been paid to allow support to businesses until 31st March 2022, however as the level of funding is fixed, the Council reserves the right to amend this scheme at any time.

3.0 Eligibility criteria and awards

- 3.1 The Additional Restrictions Grant (ARG) aims to support businesses that have been severely impacted by coronavirus restrictions and the rise of the Omicron variant.
- 3.2 This grant is only open to businesses located in Harlow and those that are not eligible for an Omicron Leisure and Hospitality Grant.
- 3.3 Harlow Council has received funding from Government to distribute to local businesses via the ARG funding scheme. Due to the limited amount of funding available businesses will be invited to apply on a sector basis and applications will be reviewed in-line with the priorities outlined below.
- 3.4 Grants will be processed and issued in-line with the priorities and phases as outlined below

Eligibility

- 3.5 Businesses that have been severely impacted by the pandemic or the rise in the omicron variant.

- 3.6 Businesses must have been trading on 30 December 2021.
- 3.7 The grant cannot be used to subsidise wage costs / income loss.
- 3.8 Phase 1 and phase 2 will run concurrently. The Council will only open phase 3 and phase 4 if funding allows.

Phase 1 and 2

- 3.9 The Council will provide an ‘application window’ during which applications can be made by the following businesses. Details are available on the Council’s website at <https://www.harlow.gov.uk/coronavirus/businesses>
- Businesses in leisure, hospitality and visitor accommodation sectors that operate from premises in the local rating list but are not liable for business rates (see definitions below); and
 - Travel agents, coach operators, group travel operators, event companies, wholesalers whose main activity are suppliers to the hospitality sector, caterers and breweries that occupy or operate from premises in the local rating list and have on-going property costs.

Hospitality

- 3.10 For the purposes of this scheme, hospitality is defined as a business whose main function is to provide a venue for the consumption and sale of food and drink including:
- Food courts;
 - Public houses/pub restaurants;
 - Restaurants;
 - Roadside restaurants;
 - Wine bars; and
 - Cafés.
- 3.11 For these purposes, the definition of a hospitality business **excludes**: food kiosks and businesses whose main service (generating 50% or more of income) is a takeaway (not applicable to those that have adapted to offer takeaways during periods of restrictions, in alignment with previous COVID-19 business grant schemes).

Leisure

- 3.12 For the purposes of this scheme, leisure is defined as a business that provides opportunities, experiences, and facilities, in particular for culture, recreation, entertainment, celebratory events, days and nights out, betting and gaming including:
- Casinos and gambling clubs;
 - Cinemas;
 - Museums and art galleries;
 - Stately homes & historic houses;
 - Theatres;

- Zoos & safari parks;
- Amusement parks;
- Wedding venues;
- Events venues;
- Night clubs & discotheques;
- Arenas;
- Concert halls;
- Tourist attractions;
- Theme parks;
- Amusement arcades;
- Soft play centres or areas;
- Clubs & institutions;
- Village halls & scout huts; and
- cadet huts, etc.

3.13 For these purposes, the definition of a leisure business **excludes**: all retail businesses, gyms, and sports businesses where physical exercise or training is conducted on an individual or group basis (including dance and fitness studios, sports centres and clubs, sports courts, swimming pools and golf courses – this list is not exhaustive).

Accommodation

3.14 For the purposes of this scheme, accommodation is defined as a business whose main lodging provision is used for holiday, travel and other purposes including:

- Caravan parks;
- Caravan sites and pitches;
- Chalet parks;
- Coaching inns;
- Country house hotels;
- Guest houses;
- Hostels;
- Hotels;
- Lodge;
- Holiday apartments;
- Cottages or bungalows;
- Campsites;
- Boarding houses;
- Canal boats or other vessels;
- B&Bs;
- Catered holiday homes; and
- Holiday homes .

3.15 For these purposes, the definition of an accommodation business excludes: private dwellings, education accommodation, residential homes, care homes, residential family centres and beach huts

Phase 3

3.16 Phase 3 will include wedding industries, English language schools, personal care, and gyms.

3.17 To be eligible businesses must have on-going property costs and operate from non-domestic premises which appear in the local rating list, either as a ratepayer or shared space.

Phase 4

3.18 Phase 4 will include home based or mobile leisure, hospitality, visitor accommodation, travel agents, coach operators, group travel operators, nightclubs, theatres, event companies, wholesalers whose main activity are suppliers to the hospitality sector, caterers, breweries, wedding industries, English language schools, personal care, and gyms.

3.19 To be eligible businesses must have ongoing business-related costs.

Awards

Phase 1 & Phase 2

- Businesses operating from commercial (non-domestic) premises who are not liable for business rates - one-off grant of £2,667;
- Businesses operating from commercial (non-domestic) premises liable for business rates – one-off grant depending on rateable value;
 - (a) of exactly £15,000 or under, one off grant of £2,667;
 - (b) over £15,000 and less than £51,000, one off grant of £4,000; and
 - (c) of exactly £51,000 or over, one off grant of £6,000

Phase 3

- Businesses which have on-going property costs and operate from non-domestic premises which appear in the local rating list - one off grant of £2,667

Phase 4

- Mobile or home-based businesses – one-off grant of £500.

The Effective Date

3.20 The effective date for eligibility is the 30th December 2021. The business must have been trading prior to the effective date and continue to trade.

4.0 Excluded businesses

- 4.1 The following businesses will **not** be eligible for an award:
- (a) Businesses not affected by the Omicron variant;
 - (b) Businesses that have chosen to close but not been required to;

- (c) Businesses which have already received grant payments that equal the maximum levels allowed under the Government's subsidy arrangements; 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.

5.0 Who can receive the grant?

- 5.1 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. Where there is no entry in the rating list for the business, the Council will have discretion to determine who should receive the grant
- 5.2 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 business.
- 5.3 Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid.
- 5.4 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.

6.0 How will grants be provided to Businesses?

- 6.1 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 will offer a lifeline to businesses who are struggling to survive during to the COVID-19 crisis.
- 6.2 Details of how to obtain grants and application windows for each phase are available on the Council's website:
<https://www.harlow.gov.uk/coronavirus/businesses>
- 6.3 The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.
- 6.4 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.

7.0 Subsidies

- 7.1 The EU State aid rules no longer apply to subsidies granted in the UK following the end of the transition period.
- 7.2 The United Kingdom, however, remains bound by its international commitments, including subsidy obligations set out in the Trade and Cooperation Agreement (TCA) with the EU.
- 7.3 The Council can still pay out subsidies under previously approved schemes and this includes subsidies related to COVID-19 that have previously been given under the EU State aid Temporary Framework.
- 7.4 Businesses should make themselves aware of their obligations under Government's subsidies arrangements available on via the following link:
<https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities>.

8.0 Scheme of Delegation

- 8.1 The Council has approved this scheme.
- 8.2 Officers of the Council will administer the scheme and the Deputy to the Chief Executive and Head of Finance & Property Services is authorised to make technical scheme amendments to ensure it meets the criteria set by the Council and, in line with Government guidance.

9.0 Notification of Decisions

- 9.1 Applications will be considered on behalf of the Council by the Revenues and Benefits Service.
- 9.2 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.

10.0 Reviews of Decisions

- 10.1 The Council will operate an internal review process and will accept an applicant's request for a review of its decision.
- 10.2 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.
- 10.3 The application will be reconsidered by a senior officer in consultation with an elected councillor, as soon as practicable and the applicant informed in writing or by email of the decision. This decision shall be final.

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

- 11.1 The Council has been informed by Government that all payments under the scheme are taxable.
- 11.2 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.
- 11.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

12.0 Managing the risk of fraud

- 12.1 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.
- 12.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.

13.0 Recovery of amounts incorrectly paid

- 13.1 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.

14.0 Data Protection and use of data

- 14.1 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.