



Tonbridge & Malling Borough Council Additional Restrictions Grants (ARG) 30th December 2021 onwards

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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;

'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

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

'Local Authority Business Grants'; means 'the additional funding provided by the Government to local authorities in January 2022 to provide grant support to local businesses'

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

'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 the application;

'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;

'Subsidy'; means the arrangements set by Central Government in place of the previous state aid regime: 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 (Discretionary) Scheme** from 30th December 2021 onwards. 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 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 the rise of the Omicron variant.
- 1.3 The scheme applies to the period 30th December 2021 to 31st March 2022.

2.0 Funding

- 2.1 The Council has been provided with additional funds which has allowed a further round of the ARG (Discretionary) Grant scheme. As the funding is fixed, the Council reserves the right to amend the scheme (or end it) at any point funds are exhausted.
- 2.2 This scheme forms part of a series of schemes designed to assist businesses through the current period of increased Omicron variant cases.

3.0 Eligibility criteria and awards

- 3.1 The Council has decided that For this scheme the eligible sectors will be:
- Hospitality, Leisure and Accommodation sector (using definitions in the OHLG policy, but also including gyms and sports/exercise venues);
 - Other Travel and Tourism sector (including tour and coach operators, travel agents);
 - Suppliers to the Hospitality, Leisure and Accommodation Sector (including wholesalers, caterers, events equipment suppliers and breweries); and
 - Personal Care (including hair and beauty, spa facilities).
- 3.2 Businesses that are in an eligible sector will become ineligible if they:
- (a) Are eligible for the Omicron Hospitality and Leisure Grant (OHLG);
 - (b) Cannot demonstrate that the rise of the Omicron variant has impacted trade;
 - (c) Have ceased trading;
 - (d) Are no longer located in Tonbridge and Malling borough or able to demonstrate trade within the borough;
 - (e) Are in administration, insolvent or subject to a striking off notice;
 - (f) Have already received grant payments that equal maximum levels of state subsidy permitted; or
 - (g) Have no demonstrable fixed costs.

3.3 Where businesses feel they fit this criterion but are unsure of their eligibility, contact with the Council via economic.regeneration@tmbc.gov.uk should be made to confirm whether an application will be accepted.

Award Levels

3.4 The level of funding provided to each business will be calculated as follows:

- **£6000** – Where the rateable value of the hereditament on the local rating list is £51k plus (or where the business has 15+ employees);
- **£4000** – Where the rateable value of the hereditament on the local rating list is over £15k but less than £51k (or the business has 5-14 employees);
- **£2667** - Where the rateable value of the hereditament on the local rating list is £15k or under (or the business has 1-4 employees)
- **£750** – For homebased or mobile business in an eligible sector (i.e. no commercial premises) and the business does not have any hereditaments on the local rating list.

3.5 In exceptional instances, where the impact of the omicron variant or levels of fixed costs are exceptionally high or low, the local authority will use its discretion to increase or decrease the award level accordingly.

The Effective Date

3.5 The effective date for this particular scheme is 30th December 2021.

Who can receive the grant?

3.6 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.

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

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

3.9 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.

4.0 How will grants be provided to Businesses?

4.1 As required by Central Government, businesses looking to access this grant support will need to fill in the appropriate application form. Details of how to obtain grants are made

available on the Council's website: <https://www.tmbc.gov.uk/business/apply-business-grant>

- 4.2 In all cases businesses will be required to confirm that they are eligible to receive the grant. This includes circumstances where the Council already has bank details for the business and, is 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 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 an Additional Restrictions Grant is deemed to have been made when a duly completed application is received via the Council's online procedure.

5.0 Subsidies and EU State Aid

- 5.1 The EU State aid rules no longer apply to subsidies granted in the UK following the end of the transition period.
- 5.2 The United Kingdom remains bound by its international commitments, including subsidy obligations set out in the Trade and Cooperation Agreement (TCA) with the EU.
- 5.3 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.

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 Director of Finance & Transformation 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 staff from the Economic Development Team, in consultation with the Revenues and Benefits Team and the Director of Finance & Transformation.
- 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 Councils 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.