



Solihull Metropolitan Borough Council Discretionary Business Grants (ARG) Scheme Omicron Variant

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FINAL

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Definitions

The following definitions are used within this document:

'Additional Restrictions Grant (ARG)' means the additional funding provided by Government to support those businesses impacted by the Omicron variant.

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

'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. For the purpose of this scheme the effective date cannot be before 30 December 2021.

'Hereditament(s); means the assessment defined within Section 64 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 as at the effective date of this scheme.

'Covid-19 Business Grant Subsidy Allowance'; means the subsidy allowances applicable to Covid-19 Business Grants

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 Chancellor of the Exchequer on 21 December 2021 which sets out the basic circumstances whereby an additional restriction grant payment may be made by the Council to a business which is experiencing significant difficulties as a direct result 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 Grants under this scheme will be available for the 2021/22 financial year only.
- 1.5 Applications as part of this scheme will be accepted from 14 January 2022 to 5pm on 11 February 2022 only. **Applications will not be accepted after this date.**

2.0 Funding

- 2.1 Under the Additional Restrictions Grant Scheme (ARG) provisions, Local Authorities will receive a further top up of funding to support this scheme. Solihull Council's allocation of the top up funding is £348,268.

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. The discretionary grant scheme will look to support those businesses experiencing significant difficulties as a direct result of the Omicron variant and the dual impact of staff absences and lower consumer demand.
- 3.2 The Council will accept applications from: -
- Businesses in the supply chain to hospitality and leisure sectors
 - Hospitality, accommodation, and leisure businesses **not** liable for business rates
 - Events businesses **not** liable for business rates
 - Businesses in the travel sector. Those liable for business rates **and** those who are not.

3.3 The following **business** definitions apply for the purpose of this scheme: -

Hospitality Sector - food courts, pubs, restaurants, wine bars, cafes

Accommodation Sector – B&B's, guest & boarding houses, lodges, holiday apartments, cottages or bungalows, canal boats, catered holiday homes

Leisure Sector – Bingo halls, casinos, cinemas, stately homes, theatres, amusement parks, wedding venues, events venues, nightclubs, arenas, clubs and institutions, amusement arcades, soft play centres, theme parks, personal care (i.e. hairdressers)

Travel Sector – travel agents, tour operators, travel management companies

Eligibility Criteria – Omicron Discretionary Business Grant Scheme

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:

- (a) The discretionary scheme will be for those Solihull businesses that are not eligible for the Omicron Hospitality and Leisure Grant.
- (b) Applications will be accepted for those businesses detailed in sections 3.2 & 3.3
- (c) If you are a taxi driver then you must be registered and live in Solihull
- (d) Applicants must be able to demonstrate a loss of trade/turnover of at least 25% as a result of the Omicron variant.
- (e) Applicants will be required to confirm their annual turnover and number of employees
- (f) The scheme will run for the period 14 January 2022 to 5pm on 11 February 2022 and will then be reviewed.

Award Levels – Omicron Discretionary Business Grant Scheme

3.5 The actual level of grants awarded will depend on the number of applications received compared to the funding available and will be a local decision.

3.6 Successful applicants will receive an email confirmation confirming their grant amount and the date the grant will be paid.

Excluded businesses

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

- (a) Businesses who are eligible for or who have received an Omicron Hospitality and Leisure Grant
- (b) Businesses which have already received grant payments that equal the maximum levels of subsidy allowances
- (c) Businesses that were in administration, are insolvent or where a striking-off notice has been made as at the effective date.

The Effective Date

- 3.8 The effective date for eligibility is the 30 December 2021. Businesses **must** have been trading on this day to be eligible (and if liable for business rates must be the ratepayer on 30 December 2021).

Who can receive the grant?

- 3.9 Businesses/applicants who meet the eligibility criteria and who provide the necessary information and evidence will receive a grant. **If the necessary information/evidence is not provided at the time of applying the application will automatically be declined.**
- 3.10 For those businesses that do not pay business rates a maximum of one grant will be considered. This will apply if more than one Limited Company has the same director (s), where more than one business has the same proprietor (either sole traders or partnerships) and/or where multiple businesses are ran from the same address (excluding those in shared office buildings).
- 3.11 Where the Council has reason to believe that the information provided is inaccurate, it may withhold or recover the grant whilst further checks are made.
- 3.12 Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid.
- 3.13 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 applicant 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 will offer support to those eligible businesses most impacted by the Omicron variant.
- 4.2 Details of how to obtain grants are available on the Council's website:
<https://www.solihull.gov.uk>
- 4.3 Businesses will be required to complete an online application to confirm that they are eligible to receive the grant regardless of whether they have received a grant previously.
- 4.4 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.
- 4.5 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. The application form details the supporting evidence required and this must be provided at

the time of application. Failure to do so will result in the application being automatically declined.

4.6 Grants to eligible businesses will be sent via BACS to the applicant's business bank account.

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 Covid-19 Business Grant Subsidy Allowances

5.1 Any grant awarded is subject to subsidy allowances. There are three subsidy allowances for the Covid-19 Business Grant Schemes – Small Amounts of Financial Assistance Allowance; the Covid-19 Business Grant Allowance and the Covid-19 Business Grant Special Allowance.

5.2 To check the rules regarding subsidy allowances please refer to the specific guidance set out in sections 83 to 97 of the Additional Restrictions Grant guidance which can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1044351/additional-restrictions-grant-la-guidance.pdf

5.3 If the applicant has not received business grants exceeding the appropriate levels of subsidy allowance, they are required to make that declaration to the Council by the completion of a declaration statement.

6.0 Scheme of Delegation

6.1 Officers of the Council will administer the scheme and the Director of Resources & Deputy Chief Executive is authorised to make technical scheme amendments to ensure it meets the criteria set by the Council and, in line with Government guidance.

6.2 The Head of Income & Awards will make recommendations on the value of grants to be awarded based on the number of eligible businesses that apply. Recommendations for approval will be made to the Director of Resources & Deputy Chief Executive and the Cabinet Portfolio Holder for Resources.

6.3 Solihull Council reserves the right to review and amend the scheme as appropriate.

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 In accordance with national guidance there is no appeals process for businesses under this scheme. However reconsiderations of decisions will be made by a Senior Officer if required.

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 will 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 Data regarding business grants and applications may be shared with the Department for Business, Energy & Industrial Strategy. The BEIS privacy notice, setting out how BEIS will handle personal data across all COVID-19 business grant schemes, can be found here <https://www.gov.uk/government/publications/covid-19-grant-schemes-privacynotice/covid-19-grant-schemes-privacy-notice>.