



# Enfield Council Additional Restrictions Grants (ARG)

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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 30<sup>th</sup> December 2021;

**'Rateable Value';** means the value ascribed to the hereditament on 1<sup>st</sup> April 2017 and shown in the local rating list on 30<sup>th</sup> 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 21<sup>st</sup> December 2021 and the Omicron Hospitality and Leisure Grant guidance on 30<sup>th</sup> 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 31<sup>st</sup> March 2022 in accordance with Government guidance.
- 1.5 This ARG scheme will provide assistance to, and support certain eligible businesses that may have been severely impacted by restrictions due to the Omicron variant. The scheme is primarily designed for businesses who are not able to receive the mandatory Omicron Hospitality and Leisure grant scheme.

## 2.0 Funding

- 2.1 Under the Additional Restrictions Grant Scheme (ARG) provisions, local authorities have received limited funding from Central Government.
- 2.2 In view of that, should funding be exhausted, the Council reserves the right to either reduce the awards available or to close the scheme.

## 3.0 Eligibility criteria and awards

### Eligibility criteria

- 3.1 Grants under this ARG scheme will cover those businesses, which fall within the descriptions shown below and who are **not** able to receive any award under the mandatory Omicron Hospitality and Leisure grant scheme.
- 3.2 For the purpose of this scheme the businesses as defined as:
  - **Garages and MOT test centres:** Businesses that are wholly or mainly for the repair of motor vehicles and the provision of MOTs;

- **Factories:** Businesses that are producing goods or materials, or subjecting those goods or materials to a process;
- **Warehouses:** Businesses who operate from premises which are wholly or mainly constructed or adapted to provide storage;
- **Hairdressers, Barbers and Hair and Beauty:** Businesses which are wholly or mainly for the provision of in person services relating to hair and beauty; and
- **Travel agents:** Businesses which are wholly or mainly for the provision of holidays, holiday packages, travel, and experiences. This will exclude any business that primarily is based online, and the business will need to demonstrate that sales are generated wholly or mainly from the visiting members of the public. Coach tour operators and bus storage depots will be excluded from this grant.

- 3.4 The receipt of a grant in previous schemes including previous versions of the ARG, will not indicate eligibility for an award under this scheme.
- 3.5 All businesses will need to provide evidence that they have been severely affected by the impact of the Omicron variant and require grant funding to meet unavoidable business costs.
- 3.6 Due to the low amount of finance provided by Government, the Council is unlikely to have sufficient funds to support businesses not listed above.

## Awards

- 3.7 The Council, in taking decisions on the appropriate level of grant, will take into account the following criteria:
- (a) the level of fixed unavoidable costs of the business;
  - (b) the number of employees the business has;
  - (c) whether the business has fixed business premises or is 'homebased';
  - (d) whether it is able to trade online; and
  - (e) the scale of losses due to the Omicron variant.
- 3.8 The business must have been trading at 30<sup>th</sup> December 2021 and continue to trade and no grant will be paid in respect of premises that are unoccupied.
- 3.9 The amount of any award will be at the Council's discretion but is likely to be in the region of £1,000 to £3,000, where the impact of the Omicron variant has been evidenced.
- 3.10 ARG funding **cannot** be used as a wage support mechanism, for capital projects that do not provide direct business support, or to fund projects whereby Local Authorities or Precepting Authorities are the recipients.

## 4.0 Excluded businesses

- 4.1 The following businesses will **not** be eligible for an award:
- (a) Businesses that have not been affected by the Omicron variant;
  - (b) Businesses that are not wholly or mainly based in the Enfield Council area;

- (c) Businesses that have chosen to close but not been required to, will not be eligible;
- (d) Businesses that are not currently trading;
- (e) Businesses which have already received grant payments that equal the maximum levels of subsidy as defined within this policy; and
- (f) 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 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 applicant is inaccurate, it may withhold or recover the grant.
- 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 person 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 the COVID-19 crisis.
- 6.2 Details of how to obtain grants are available on the Council's website:  
<https://new.enfield.gov.uk/services/business-and-licensing/covid-19-guidance-for-employers/#2>
- 6.3 A fixed application period or 'window' will be provided by the Council during which applications can be made. Details are shown on the Council's website.
- 6.4 All businesses will be required to provide evidence confirming:
  - (a) that it is an official business (this would include home-based businesses from the sectors above);
  - (b) that it is based in Enfield; and in addition
  - (c) providing a bank statement to validate the business bank information
- 6.5 The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.

6.6 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 and EU State Aid**

7.1 Grants under this Scheme will be given under one of the Subsidy Allowances. In calculating allowance limits, applicants are required to include any other De Minimis state aid or aid received under the EU Commission Temporary Framework for State Aid published on 19<sup>th</sup> March 2020. The applicant will be required to declare to the Council if they have received any other State Aid or Subsidy Allowances.

7.2 The applicant may receive a grant under this Scheme using one of the following Subsidy Allowances:

- (a) Small Amounts of Financial Assistance Allowance: applicants may receive financial assistance of up to £335,000 in any three-year period, calculated over the current year and the two previous ones;
- (b) Covid-19 Business Grant Allowance: applicants may receive financial assistance of up to £1,600,000. This allowance includes grants previously received under the Covid-19 business grant schemes and any State Aid previously received under the EU Commission's Temporary Framework;
- (c) Covid-19 Business Grant Special Allowance: if the applicant has reached its limit under the Small Amounts of Financial Assistance Allowance and the Covid-19 Business Grant Allowance, it may be able to access a further allowance of funding. The applicant must meet a number of conditions before any subsidy can be received. Further advice is available on the gov.uk website.

## **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 Section 151 Officer 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 Grants Team.

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.

9.3 The decision of the Council will be final.

## **10.0 Complaints**

- 10.1 The Council's 'Complaints Procedure' (available on the Council's website) will be applied in the event of any complaint received about this scheme or how the Council has administered any application.

## **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. Applicants should note that all information provided, and details of any awards will be shared with other local and central government agencies and departments to prevent and detect fraud and error.