



**Uttlesford District Council  
Additional Restrictions Grants (ARG) Scheme  
Window 5  
1<sup>st</sup> October 2021 to 31<sup>st</sup> March 2022**

## Contents

Definitions.....	3
1.0 Purpose of the Scheme and background .....	4
2.0 Eligibility criteria and awards.....	4
3.0 How will grants be provided to Businesses? .....	6
4.0 Subsidies and EU State Aid requirements.....	7
5.0 Scheme of Delegation .....	8
6.0 Notification of Decisions .....	8
7.0 Reviews of Decisions.....	8
8.0 Complaints .....	8
9.0 Taxation and provision of information to Her Majesty’s Revenues and Customs (HMRC) .....	8
10.0 Managing the risk of fraud.....	9
11.0 Recovery of amounts incorrectly paid .....	9
12.0 Data Protection and use of data .....	9

## 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;

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

**'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 of the local restrictions or widespread national restrictions;

**'State Aid Framework';** means the Temporary Framework for State aid measures to support the economy during the COVID-19 pandemic published on 19 March 2020;

**'Subsidies';** means the Central Government scheme effective from 4<sup>th</sup> March 2021 that replaces the state aid framework;

**'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 Scheme (ARG) (Window 5).

This scheme has a definitive amount of money available. Window 5 will expire on 31/3/2022 or when funds are exhausted, whichever is the soonest.

- 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 made on 31<sup>st</sup> October 2020 which sets out the basic circumstances whereby an additional restriction grant payment may be made by the Council to a business which has been and continues to be severely impacted by the national COVID-19 restrictions.
- 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.

## **2.0 Eligibility criteria and awards**

- 2.1 The Council is able to use this funding for business support activities and Government envisage this will primarily take the form of discretionary grants although it can be used for wider business activities.
- 2.2 The Council will have the discretion to alter the amount of funding offered to individual businesses and the frequency of payment.

### **Eligibility Criteria**

- 2.3 The Council has agreed that any Micro, Small or Medium (SME) business, as defined in Section 33 Part 2 of the Small Business, Enterprise and Employment Act 2015 and Sections 382 and 465 of the Companies Act 2006, which is located in Uttlesford district is eligible to apply for ARG if they have been and continue to be severely impacted by the Coronavirus restrictions.
- 2.4 In order to be eligible for this scheme taxis and licensed taxi operators must hold a Uttlesford District Council licence and be resident in Uttlesford district.
- 2.5 For the purpose of this scheme the Council has decided that any business applying for ARG must meet the following eligibility criteria, and be able to provide the necessary evidence:
- (a) has ongoing, fixed business-related costs e.g., business premises and/or equipment costs (excluding staffing costs) critical to the continued operation of the business, which are unavoidable. The Council has determined that as part of the application process, the business is required to provide evidence of these costs; and

- (b) businesses must demonstrate that they continue to suffer a significant fall in income due to the COVID-19 crisis. Businesses will be required to provide evidence to the Council of their turnover / income in both 2019 and 2021 and the Council must be sure that the fall in income is due to the COVID-19 crisis and not a general failure of business.
- (c) In order to be eligible for this grant scheme a business must be trading, and engaged in business activity. This should be interpreted as carrying on a trade or profession or buying and selling goods or services in order to generate turnover. Fully constituted businesses in liquidation, dissolved, struck off or subject to a striking-off notice are not eligible under these conditions.

## **Excluded businesses**

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

(a) These will include businesses in the following sectors:

- Agriculture, forestry, or fishing
- Mining or quarrying
- Electricity, gas steam and air-conditioning supply
- Water supply or sewerage
- Financial and insurance services
- Information and communication services
- Professional services
- Recruitment consultants
- Real estate activities
- Education or social work activities
- Manufacturing or construction
- Medical services

(b) Businesses that are in administration, are insolvent or where a striking-off notice has been made.

(c) Businesses that have already received grant payments that equal or exceed the maximum permitted subsidy allowance

## **Award Levels**

2.6 Award levels will be based on each individual business's circumstances, taking into consideration the evidence submitted which must show that business turnover continues to be severely impacted compared with turnover data from 2019. Other considerations taken into account, will be;

- Number of employees;
- amount of business grant funding already received (from any coronavirus business support grant scheme); and

- evidenced, ongoing and unavoidable business-related costs.

Awards are not intended to compensate businesses for losses. They are intended to support and encourage businesses to continue to invest in themselves to secure their survival.

- 2.7 Awards will be subject to the number of approved applications and the level of available funding to ensure that all eligible claims receive some level of grant support.

### **Who can receive the grant?**

- 2.7 Government has stated that the person who would normally receive the grant will be the person who, according to the Council's records, was the ratepayer in respect of the hereditament on 23<sup>rd</sup> March 2020. Where the Council has reason to believe that the records are inaccurate it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer.
- 2.7 Where the business is not subject to Non-Domestic Rates, the Council will decide who should receive the award.
- 2.8 Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid.
- 2.9 Where any business misrepresents information, contrives to take advantage of the scheme, or is found to have falsified records the Council will look to recover any grant paid and take appropriate legal action.

### **3.0 How will grants be provided to Businesses?**

- 3.1 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 due to the COVID-19 crisis.
- 3.2 Details of how to obtain grants are available on the Council's website:  
<https://www.uttlesford.gov.uk/covid-business-support-grants>
- 3.3 The Council reserves the right to request any supplementary information from businesses.
- 3.4 Applicants will be required to provide evidence proportionate to the need to verify that their business is eligible and that the application is not fraudulent. This will include business bank statements and may include invoices, insurance policies and/or utility bills. Applicants should make every effort to provide this information upfront as the Council reserves the right to refuse applications which are ambiguous, incomplete or contradictory.
- 3.5 The Council will not usually award multiple grants to the same business or individual unless that business or individual can clearly demonstrate that it operates multiple premises in the

Uttlesford District. The Council reserves the right to refuse any and all payments to any business or individual that is considered to be intentionally making multiple claims for the same business or premises.

3.6 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.

3.7 The Council reserves the right to make changes to this scheme.

## **4.0 Subsidy Allowance**

4.1 The EU State Aid rules no longer apply and from 4 March 2021 new subsidy allowances were established for the COVID-19 business grant schemes. Payments received by the applicant from any of the business grant schemes administered by local authorities or anything similar from the government, for all business properties they are responsible for, counts as Subsidy Allowance.

4.2 There are three subsidy allowances:

(a) Small Amounts of Financial Assistance Allowance.

This allowance is £335,000 over three fiscal year periods at 3 March 2021

(b) COVID-19 Business Grant Allowance.

Where the Small Amounts of Financial Assistance Allowance has been reached, grants may be paid in compliance with the principles set out in Article 3.4 of the Trade and Cooperation Agreement. For the purpose of this scheme, this allowance is £1,600,000 per business and includes grants previously received under the COVID-19 business grant schemes. This may be combined with the Small Amounts of Financial Assistance Allowance to equal £1,935,000. The COVID-19 Business Grant Special Allowance. (Grants provided in excess of the Small Amounts of Financial Assistance Allowance may not be granted to applicants that were defined as an 'undertaking in difficulty').

(c) The Special Allowance

Where an 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 under these scheme rules of up to £9,000,000 for business, provided the following conditions are met:

- The Special Allowance covers only the applicants uncovered fixed costs incurred during the period 1 March 2020 and 31 March 2022. Uncovered fixed costs means fixed costs not otherwise covered by profit, insurance, or other subsidies.
- Applicants can demonstrate a decline in turnover from audited or official accounts of 30% compared to 2019.

- The Grant payment must not exceed 70% of the applicant's uncovered fixed costs (except where you have less than 50 employees and less than £9m annual turnover), where the grant payment must not exceed 90% of the uncovered fixed costs.
- Grants under this scheme shall not be cumulated with other subsidies for the same costs.
- Evidence is provided to demonstrate eligibility.

4.3 There is more information about Subsidy Allowance available on the [government website](#).

## **5.0 Scheme of Delegation**

5.1 Officers of the Council will administer the scheme and the Director of Finance and Corporate Services is authorised to make technical scheme amendments to ensure it meets the criteria, in line with Government guidance.

## **6.0 Notification of Decisions**

6.1 Applications will be considered on behalf of the Council by the Economic Development Team.

6.2 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.

## **7.0 Reviews of Decisions**

7.1 The Council will operate an internal review process and will accept an applicant's request for a review of its decision.

7.2 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.

7.3 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.

7.4 The amount of any grant awarded by the Council cannot be challenged.

## **8.0 Complaints**

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



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

- 9.1 The Council has been informed by Government that all payments under the scheme are taxable.
- 9.2 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.
- 9.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

## **10.0 Managing the risk of fraud**

- 10.1 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.
- 10.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.

## **11.0 Recovery of amounts incorrectly paid**

- 11.1 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.

## **12.0 Data Protection and use of data**

- 12.1 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.