

WEST SUSSEX DISTRICT COUNCIL'S
ADDITIONAL RESTRICTIONS DISCRETIONARY GRANT GUIDELINES

1. The West Sussex local authority Boroughs and Districts utilising these guidelines are:
 - Adur District Council
 - Arun District Council
 - Chichester District Council
 - Crawley Borough Council
 - Horsham District Council
 - Mid Sussex District Council
 - Worthing Borough Council
2. This guidance sets out the guidelines under which businesses in West Sussex will qualify to make an application to the Local Authority Additional Restrictions Discretionary Grants Fund, and the evidence required to support an application, and is aligned with the government guidance for the Additional Restrictions Grant issued on 3rd November 2020 and any revisions, which can be found via this link:-
<https://www.gov.uk/government/publications/local-restrictions-support-grants-lrsg-and-additional-restrictions-grant-arg-guidance-for-local-authorities>.
3. Therefore, for the avoidance of doubt any guidance in the Government Guidance also applies to the scheme operating in West Sussex (unless stated otherwise) and should be referred to as well as these local guidelines.
4. The Government suggests that Local Authorities may wish to consider collaborating as they design their discretionary schemes to ensure there is consistency where they are working across a functional economic area. All seven Council's in West Sussex, listed above, have agreed and approved these guidelines, although it is up to each individual Local Authority which grants they approve based upon available resources.
5. Local Authorities in West Sussex reserve the right to review the scheme criteria to ensure that financial support is going to those most in need, as well as to help businesses who provide employment to others whilst available resources allow. This scheme being set up is phase 1 and then phase 2 is to do some more work with the County and Economic Development teams to best target available resources.

6. Local Restriction Support Grant (LRSB) – mandatory criteria and grant values

The new business grants include a mandatory element. A lot of businesses will have already received £10k or £25k grants under Small Business Grant/Retail, Hospitality and Leisure Grant and are now forced to close - claims will be cross referenced back to original application to reduce verification needed.

The rate of payment for eligible businesses for this mandatory grant will be:

6.1 For properties with a rateable value of £15,000 or under, grants will be £1,334 for the four weeks.

6.2 For properties with a rateable value of more than £15,000 and below £51,000, grants will be £2,000 for the four weeks.

6.3 For properties with a rateable value of £51,000 or over, grants will be £3,000 for the four weeks

7. Additional Restrictions Discretionary Grant (ARG) categories

Additional Restriction Grant funding is a one off payment by the Government to local authorities to be used during 2020/21 and 2021/22 to provide support to businesses affected by the COVID19 pandemic. Local authorities are encouraged to provide support to businesses through wider support initiatives, although primarily the support is envisaged to take place in the form of discretionary grant payments

In order to provide an immediate response and emergency support to businesses impacted by the current lockdown the following are confirmed guidelines for distribution of Additional Restrictions Grant.

Eligible businesses:

7.1 Businesses who

- Are not entitled to Local Restriction Support Grant (Closed) scheme as they are not responsible for payment of business rates, and
- were open and trading the day before national restrictions were imposed, and
- are now required to close under national restrictions (e.g. non-essential market traders, Bed & Breakfast, shared workspace).

7.2 Businesses who

- Are not entitled to Local Restrictions Support Grant (Closed) Scheme as they are not responsible for payment of business rates, and
- were open and trading the day before national restrictions were imposed, and
- while not legally forced to close are nonetheless severely impacted by the restrictions put in place to control the spread of COVID19 (e.g. businesses which supply the retail, hospitality, and leisure sectors, or businesses in the events sector).

7.3 Businesses who

- Are not eligible or did not apply under any other grant scheme, for example, may have qualified for Local Restrictions Support Grant (Closed) scheme but are waiting for a business rate valuation decision from the independent Valuation Office Agency or who began trading after 5th November 2020, and
- Were open and trading the day before national restrictions were imposed, and
- Are either required to close or while not legally forced to close are nonetheless severely impacted by the restrictions put in place to control the spread of COVID19 (e.g. businesses which supply the retail, hospitality, and leisure sectors, or businesses in the events sector, markets, Bed and Breakfast, shared workspaces), and
- Are having to pay unavoidable fixed property costs during the period of restrictions

7.4 Businesses receiving a mandatory Local Restrictions Support Grant can also apply for Additional Restrictions Grant. It is up to the discretion of each Local Authority to issue further grant funding to previous recipients.

7.5 If a business ratepayer, then Local Restrictions Support Grant (Support) scheme maximum grant levels will be applicable. If not a ratepayer Local Authority Additional Restrictions Discretionary Grant criteria applied to determine what would have been applicable under Local Authority Additional Restrictions Discretionary Grant and grants as detailed in 7.2 and 7.3 above applied. The West Sussex Local Authorities reserve the right to reopen the previous scheme if genuinely missed out due to late start or valuation query.

Exclusions to Additional Restrictions Grant funding

8. Businesses that have already received grant payments that equal the maximum levels of State aid permitted under the de minimis and the COVID19 Temporary State Aid Framework.
9. For the avoidance of doubt, businesses that are in administration, insolvent or where a striking-off notice has been made, are not eligible for funding under this scheme.
10. Certain businesses will not be able to apply for an additional restrictions discretionary grant. This includes Air BnB, due to the limited funding amount available and the shortage of housing available within West Sussex.
11. Businesses that were not trading on the first full day on national restrictions. For the purpose of Phase 1 of these grants the first full day is the 5th November 2020.

Local Eligibility Criteria and Payments

12. Where a business has not been required to close, then the Councils in West Sussex will consider the fixed costs of that business, including rent and business rates. Where the business does not pay rent or business rates, then the Council's will consider other unavoidable business related fixed costs, and will be able to estimate the rateable value of the premises that the business is operating from. Fixed costs must normally be in the name of the business applying for a grant.
13. Priority will be given to those businesses that, whilst not being required to close, have been affected by the closure of other businesses, and in particular those businesses in the supply chain to those closed businesses. This would include businesses that supply the retail, hospitality and leisure sectors, or businesses in the events sector.
14. Any business applying must be operating within the boundaries of the relevant West Sussex Council.
15. Local Councils in West Sussex will prioritise businesses and organisations that provide support to local communities within the Local Authority area, and where the restrictions have impacted on their income, that are highly likely to flourish after COVID19.
16. Councils in West Sussex may also take into account the number of employees and the scale and risk of potential job losses, whether businesses have had to close operations and are unable to trade online, and the consequent scale of impact of COVID19 losses.
17. Businesses will be required to demonstrate that they have been severely impacted by the national restrictions. As well as meeting the criteria it is the intention for the discretionary additional restrictions grants to support local businesses whose intention it is to continue to trade and do business in the local area after COVID19.
18. Awards will be made to cover the relevant national or local restriction period, initially four weeks from 5th November 2020 to 2nd December 2020, in line with grants paid under the Local Restrictions Grant Scheme.
19. Whilst the payment of grants previously will not exclude a business from applying this may be a factor included when deciding to award a grant and/or the level of any grant.
20. The grant levels and eligibility criteria are presented below.

Category	Grant Amount
<ul style="list-style-type: none">• Eligible mobile sole trader (eg taxi driver) unable to trade (or severe loss of income due to COVID19) or local business with West Sussex registered trading	Up to £250 per 28-day qualifying restriction period (or pro rata per

<p>address, trading on or before 5th November 2020 (or subsequent date)</p> <ul style="list-style-type: none"> • At least £250 in rent or flexible licence fee per calendar month. / Eligible market trader, unable to trade (or severe loss of income) with ongoing costs. 	<p>any further 14-day qualifying restriction period).</p>
<ul style="list-style-type: none"> • Eligible market trader unable to trade or local business with West Sussex* registered trading address, trading on or before 5th November 2020 (or subsequent date) • At least £250 in rent or flexible licence fee per calendar month. / Eligible market trader, unable to trade with ongoing costs. 	<p>Up to £500 per 28-day qualifying restriction period (or pro rata per any further 14-day qualifying restriction period).</p>
<ul style="list-style-type: none"> • Businesses occupying a commercial property on the local authority ratings list, with a Rateable Value of £15,000 or less • Where there is no Rateable Value, then businesses paying rent of £15,000 per annum (£1,250 per month) or less • If no Rateable Value or rent, then the local authority may estimate the rateable value or rent of the property where the business is based, or take into account other business related fixed costs in the name of the business, with a value of £15,000 or less per annum 	<p>Up to £1,334 per 28-day qualifying restriction period (or pro rata per any further 14-day qualifying restriction period)</p>
<ul style="list-style-type: none"> • Businesses occupying a commercial property on the local authority ratings list, with a Rateable Value of over £15,000 and less than £51,000 • Where there is no Rateable Value, then businesses paying rent of over £15,000 and less than £51,000 per annum • If no Rateable Value or rent, then the local authority may estimate the rateable value or rent of the property where the business is based, or take into account other business related fixed costs in the name of the business with a value of over £15,000 and less than £51,000 per annum 	<p>Up to £2,000 per 28-day qualifying restriction period (or pro rata per any further 14-day qualifying restriction period)</p>

<ul style="list-style-type: none"> • Businesses occupying a commercial property on the local authority ratings list, with a Rateable Value of over £51,000 or above • Where there is no Rateable Value, then businesses paying rent of £51,000 or above per annum • If no Rateable Value or rent, then the local authority may estimate the rateable value or rent of the property where the business is based, or take into account other business related fixed costs in the name of the business with a value of over £51,000 per annum 	<p>Up to £3,000 per 28-day qualifying restriction period (or pro rata per any further 14-day qualifying restriction period).</p>
<ul style="list-style-type: none"> • In exceptional circumstances any local authority in West Sussex may pay above the maximum amounts outlined in the above boxes. • This is at the discretion of the individual Local Authority. • Exceptional circumstances is not defined but need to meet as a minimum 2 conditions – severe loss of income and closure. 	<p>Up to £10,000 per 28-day qualifying restriction period (or pro rata per any further 14-day qualifying restriction period).</p>

The Application Process

21. The application form will be available online. This electronic form including the declaration must be fully completed with all the required evidence to be considered for a grant.
22. Applications across all local authorities will start on the 23rd November 2020 and will close on the 13th December 2020. Payments in this funding window will be made by BACS before Christmas where possible. A remittance notice will be emailed to accompany any grant payment.
23. Further funding windows will be offered for further lockdowns and/or if resources are still available.

Evidence Required for Discretionary Grant Fund application

24. In order for an application to be considered, we require businesses to demonstrate that they meet the eligibility criteria stated above. The more meaningful the evidence, the more compelling the grant application will be. We anticipate that to do this, applicants will need to provide as a minimum:
 - Evidence that the property is closed, or partially closed (e.g. a retail premise trading as click and collect only).
 - Proof of identity of sole trader or limited company

- Evidence of unavoidable fixed property costs incurred by the business such as rent, rates or mortgage payments, this does not include personal or household costs. This should take the form of leases/agreements showing an obligation to pay and bank statements showing that payments have actually been made.
- Evidence that the business falls within the criteria of those businesses required to close (or partially close) or evidence to demonstrate a substantial loss in income as a result of the national restrictions. This is likely to be in the form of filed accounts for previous years and management accounts/bank statements for the current period. For example, a minimum of three months bank statements may be required.
- Details of any registration number eg Taxi Drivers.
- Confirmation of State Aid compliance. There is a requirement for all grants made under this scheme to be state aid compliant

25. Annual property cost will include rent, mortgage payments, insurance, rates, flexible licence fees.
26. If a business is in a sector that has not been allowed to open / trade during the COVID19 crisis or if a business provides services that are not permitted due to social distancing rules, and have not been able to move to online services, the level of income lost will be more significant to that of business still able to operate but at a reduced level. This will be considered in confirming whether a grant is awarded and the grant amount to be offered.
27. This application process will allow the Councils to undertake pre-payment checks to confirm eligibility and to allow the individual Council to determine how to use its discretion in relation to the appropriate level of grant.
28. The Councils will use their discretion in identifying the right business to receive this funding, based on the application process.
29. The Councils will email or write to the business, stating that by accepting the grant payment, they have confirmed they are eligible under the grant scheme, and that any payments accepted will be in compliance with State Aid requirements.
30. As a condition of funding we will expect the business applying to sign a declaration stating that they are not committing any fraud and that they are fully complying with any state aid limits, as well as giving the Council permission to share data to check such compliance and that these guidelines are complied with.

Decision Making Process

31. Applications will be determined by authorised Council officers, in consultation with Executive Members where appropriate.
32. All decisions will be communicated by email or in writing to businesses. Decisions will be made as soon as possible after applications are received, after the receipt of

further information if required, and after pre-payment assurance checks have been carried out.

33. There is no statutory right of appeal against a decision regarding discretionary business grants. Where a decision is disputed, this will be reconsidered by a different senior officer in consultation where appropriate with an elected member.
34. A business can only challenge the grant decision on a point of law through the court.

Payments of Grant and Tax

35. All payments of grant will be made by a BACS transfer to the company or business' nominated bank account. Bank accounts will be verified by the Councils counter fraud team.
36. These payments are Grants and not Loans, and therefore will not require repayment, unless paid in error or where fraudulent activity is detected.
37. Grant income received by a business is taxable therefore funding paid under the Additional Restrictions Grant scheme will be subject to tax.
38. Only businesses which make an overall profit once grant income is included will be subject to tax.
39. Grant income may also affect the amount of benefit you can or may receive.

Liability for Business Rates

40. Also all Councils in West Sussex will investigate if any business applying shall be liable for business rates, if not already liable, if applicable. Payment of grant funding to a successful applicant will be conditional on the business paying any business rates liabilities arising from this.
41. If the business is liable for business rates and has arrears owed to any West Sussex Council this may stop an additional restrictions discretionary grant being paid. The business may be given the opportunity to clear these arrears.

Managing the risk of fraud

42. The Councils will not accept deliberate manipulation and fraud. Any business that dishonestly provides false or misleading information in communication with any Council, including verbal communication, will be committing a criminal offence contrary to the Fraud Act 2006 and will be subject to a criminal investigation and criminal proceedings may be taken against them.
43. Conditionality of funding will be dependent on the business agreeing to these conditions by confirmation when they complete their electronic application form.
44. Businesses will need to notify their Local Authority if they no longer meet the eligibility criteria for additional grants (for example, if they become insolvent).
45. All information is subject to internal and external audit checks.

Sharing Information

46. By applying for a discretionary grant all applicants give authority to the West Sussex Councils to share data for efficient system administration (including within their own Authority) and to protect the Public Purse, subject to the Data Protection legislation. This will include sharing data with Sussex and other Local Authorities.
47. The Councils will be required to share data with Government Departments for monitoring and other reasons. By applying for a discretionary grant all applicants give authority for this.
48. The Councils are also required to provide open data, and be transparent about the use of public funding. In accordance with Data Protection Guidelines, this grant recipient data may be subject to being published on Council's websites.