

## **WEST SUSSEX GUIDELINES**

### **Local Restrictions Support Grant (OPEN) Tier 2/3– Discretionary Scheme**

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 scheme sets out the guidelines in which businesses in West Sussex will qualify to make an application to the Local Restrictions Grant (Open) Fund (LRSGO). Additionally these guidelines will detail the evidence required to support an application. This is a discretionary scheme and is aligned with the government guidance for the LRSGO 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 and local priorities.
5. Local Authorities in West Sussex reserve the right to keep this scheme under review 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.
6. This scheme will be run during any period of national restrictions where the relevant local authority area has been placed in Covid High (Tier 2) or very High (Tier 3)

7. Businesses can chose to spend the grants as they wish and it does not need to be repaid. However the Government expect that most businesses will use the grants to help cover fixed property related costs.
8. The Councils in West Sussex reserve the right to review and amend the scheme at any time.
9. Who will benefit from this scheme?
  - This scheme is predominately aimed at hospitality, hotel, bed and breakfast and leisure businesses. However Local Authorities have the discretion as to how to award grant funding. The grant funding can only be spent on business grants.
  - **A list of eligible businesses who will be prioritised is shown in Appendix A.** Other businesses considering applying for a grant will be assessed against this list. One grant per period may be claimed for each eligible rateable business. The Premises must be used wholly or mainly for the prescribed activity to qualify for the grant.
  - Each Local Authority within the scheme may review the list of eligible businesses shown in Appendix A ahead of any payment period adding or removing business types depending upon funding and trading conditions. Local Authorities may also retrospectively add business types should funding allow.
  - Businesses must have been trading the day before the restrictions came into force for each business grant period.
  - For the avoidance of doubt grants from this scheme are not available to shops (whether deemed essential or not) takeaways and homeworkers.
  - Businesses which have vacated their premises before a grant payment is made will not be eligible as there is no longer a business to sustain. If a business vacates premises after receiving a grant, repayment will not be required, but no further payments will be due.
10. Other Qualifying Conditions
  - Businesses must not be in administration, insolvent or subject to a striking-off notice at the time of applying or receiving a grant.
  - Businesses must ensure that by receiving a grant they will not be in breach of state aid thresholds. Grants can be received under the existing De Minimis rules, providing doing so does not exceed the rolling three year 200,000 euro threshold. Payments made where the De Minimis threshold has been reached should be paid under the Covid-19 Temporary Framework for UK Authorities (threshold 800,00 euros). Additional rules apply for businesses that are 'undertaking in difficulty'. The Government provides more detailed information at [www.gov.uk](http://www.gov.uk) Businesses in any doubt should take their own legal advice.
  - Businesses may apply for a grant under this scheme regardless of any other national or local COVID-19 grants or loans already received.
  - As repeat payments will be made under this scheme businesses will be expected to confirm their entitlement for each payment period. Businesses must promptly inform their relevant local authority should they become ineligible for a grant and must return any overpaid funding.

11. Amount of each business grant

- As this is a discretionary scheme local authorities can determine the level of grants to businesses. The level of each grant will be based on the rateable value of the business premises and are shown below for each 14 day period of restrictions;

Rateable Value	Grant of up to per 14 days
£15,000 and less	£ 467
£15,001 to £50,999	£ 700
£51,000 and above	£ 1,050

- In the event that local restrictions end or change part way through a 14 day period, no grant will be paid unless otherwise advised by Government.
- Should the total grants paid exceed the funding for this scheme; the individual West Sussex Local Authority at their discretion may use their Additional Restriction Grant scheme allocation.

12. The Application Process

- The application form is available online (for example at [www.grantapproval.co.uk](http://www.grantapproval.co.uk)). This electronic form including the declaration must be fully completed with all the required evidence to be considered for a grant.
- Businesses will be expected to provide the following evidence to support their application;

- (1) Proof of identity of sole trader or limited company.
- (2) Evidence of fixed property costs incurred by the business such as rent or mortgage payments. This does not include personal or household costs.
- (3) Evidence demonstrating a substantial loss in income as a result of national restrictions. This is likely to be in the form of bank statements.
- (4) The application process will allow the Councils to undertake pre-payment checks to confirm eligibility.
- (5) As a condition of funding we will expect the business applying to sign a declaration stating that by accepting the grant payment they are eligible under the grant scheme and that any payments accepted will be in compliance with State Aid requirements.
- (6) 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.

13. Decision Making Process

- Applications will be determined by Council officers (in consultation with Executive Members where appropriate) administering the grant scheme.

- All decisions will be communicated by email or in writing to businesses. Decisions will be made as soon as is reasonably practical on applications received.
- There is no statutory right of appeal against a decision regarding a business grant under this scheme. When a decision is disputed, this will be reconsidered by a different officer to whom made the original decision. This is to ensure an independent review takes place.
- Businesses are able to challenge a grant decision on a point of law through the courts.
- Where a business owes Business Rates this may be taken into account in deciding if a grant is to be paid. Also the Council will also check with any grant application if that business should be liable for business rates.

14. Payments of Grant and Tax

- All grant payments will be made by a BACS transfer to the company or business' nominated bank account. Bank Accounts will be verified before payment is made.
- Grant payments are not repayable unless paid in error, where State Aid levels are exceeded or where fraudulent activity is detected.
- Grant payments are taxable however only businesses which make an overall profit once grant income is included will be subjected to tax.
- Grant income may also affect the amount of benefit an individual can or may receive.

15. Managing the risk of fraud

- Councils will not accept deliberate manipulation and fraud. Any business that dishonestly provides false or misleading information in communication with the relevant 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.
- Conditionality of funding will be dependent on the business agreeing to these conditions by confirmation when they complete their electronic application form.
- Businesses will need to notify the relevant Council if they no longer meet the eligibility criteria for additional grants (for example, if they become insolvent).
- All information is subject to internal and external audit checks.

16. Sharing information

- By applying for a discretionary grant all applicants give authority to the relevant Council to share data for efficient systems administration (including across West Sussex) and to protect the public purse, subject to the Delta Protection legislation.
- 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.

- 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 the relevant council's website.

## APPENDIX A

### LOCAL RESTRICTIONS SUPPORT GRANT (OPEN)

1. Hospitality, hotel, B&B and leisure businesses not legally closed, but severely impacted by local restrictions
2. Eligible Business types – the use of the premises must be wholly or mainly for these purposes to qualify for the grant.

#### **Hospitality - includes the following;**

Restaurants, cafes, coffee shops, public houses, bars, social clubs, clubs and clubhouses, corporate event and wedding caterers and organisers.

Businesses whose main operations is a 'takeaway' are **not** eligible for this grant as they have generally not been as severely impacted by the local restrictions.

Businesses whose main operation is a café, restaurant or pub and which offer a takeaway or click and collect service are eligible for a grant.

#### **Hotels and Holiday Accommodation- includes the following;**

Hotels, bed and breakfast, guest houses and serviced apartments qualify.

Airbnb accommodation is not eligible for this scheme due to the limited funding and shortage of available housing within West Sussex.

#### **Leisure – includes the following;**

Gymnasiums, sports grounds, sports facilities, health clubs, fitness clubs/centres, spas, casinos, cinemas, theatres, concert halls, public halls, arenas, bingo halls, amusement arcades, bowling alleys, snooker clubs, skate parks, entertainment venues, farm parks, adventure activities, riding schools, scout and guide huts, cadet huts, conference and exhibition centre, coach tour operators.

Note.

Nightclubs and adult entertainment venues closed by national restrictions are not eligible for this scheme. They should apply through the LRSG (Sector) Scheme.