

**OADBY AND WIGSTON BOROUGH COUNCIL**  
**OADBY AND WIGSTON LOCAL RESTRICTIONS SUPPORT**  
**GRANTS (CLOSED) ADDENDUM POLICY**

Background

1. National restrictions refer to legally binding restrictions on all Local Authority areas in England in response to the threat posed by Coronavirus.
2. National restrictions were announced on 31 October 2020 and came into force 5 November 2020, ordering some businesses to close.
3. Businesses that have been mandated to close by Government include non-essential retail, leisure, personal care, sports facilities and hospitality businesses.
4. Additional support may be available through the Local Restrictions Support Grants (Open) may be available for businesses that were not legally required to close but have been severely impacted by Local Covid Alert Level 'High' (LCAL 2). Further information for this scheme may be found at [https://www.oadby-wigston.gov.uk/pages/coronavirus\\_information](https://www.oadby-wigston.gov.uk/pages/coronavirus_information).
5. Alternative support may be available through the Additional Restrictions Grant, a discretionary grant assisting businesses, while not legally forced to close, are nonetheless severely impacted by the restrictions put in place to control the spread of Coronavirus. Further information for this scheme may be found at [https://www.oadby-wigston.gov.uk/pages/coronavirus\\_information](https://www.oadby-wigston.gov.uk/pages/coronavirus_information).

Grant purpose

6. To support businesses during the national lockdown that have been mandated to close by Government for the period 5 November 2020 – 2 December 2020, so that they are able to re-open and begin trading once lockdown and business closures measures are lifted.

Grant to Local Authorities

7. Payments to Local Authorities will be provided on a rolling 28 day basis for as long as national restrictions apply.

## Grants to businesses

8. Payments will be made to qualifying businesses per 28 day period of the national lockdown.
9. Businesses can choose to spend the grants as they wish. The Government expects that many businesses will use the grants to cover high fixed property-related costs.

## Who will benefit from this scheme?

10. Businesses whose main service has been mandated to close by the Government, including non-essential retail, leisure, personal care, sports facilities and hospitality businesses. This includes businesses closed nationally since March 2020, principally nightclubs and sexual entertainment venues.
11. Those businesses that have been mandated to close under the national restrictions, please see the regulations for a list of affected businesses:

The businesses required to close and allowed to open are listed in the Schedule to the Regulations:

Part 1 – hospitality businesses required to close

Part 2 – other businesses required to close

Part 3 – businesses allowed to remain open

Where a business operates mixed premises and only part of the business is subject to national closures (for example a restaurant that also offers a takeaway service), a grant can be paid if the main service is required to close. The Council will apply its local knowledge and discretion in such cases.

## Who will be excluded from this scheme?

12. Businesses that are able to continue trade because they do not depend on providing direct in-person services from premises and can operate their services effectively remotely (e.g. accountants, solicitors).
13. Businesses must be the ratepayer on the Council's records at 5 November, and at the start of any subsequent grant period.
14. Businesses must have been trading the day before the restrictions came into force, i.e. 4 November for the closure period 5 November – 2 December.
15. Businesses that are not the ratepayer (for example, their landlord pays the rates to the Council) are not eligible for grants from this scheme, under

Government rules. Neither are they eligible under the Local Restrictions Support Grant (Open) for the period of the national lockdown. The Council will consider including such businesses in its Additional Restrictions Grant discretionary scheme.

16. Businesses which have already received grant payment that equal the maximum levels of State Aid permitted under the de minimus and the Covid-19 Temporary State Aid Framework. The Government provides more detailed information at <https://www.gov.uk/guidance/check-if-your-business-is-eligible-for-a-coronavirus-grant-due-to-national-restrictions-for-closed-businesses?utm>

Businesses in any doubt should take their own legal advice.

17. For the avoidance of doubt, businesses that were in administration, are insolvent or where a striking-off notice has been made, are not eligible for funding under this scheme.
18. As repeat payments may be made under this scheme if national closure restrictions continue beyond 2 December 2020, businesses must promptly inform the Council should they become ineligible for grants and must return any overpaid funding.

#### Will these grant schemes be subject to tax?

19. Grant income received by a business is taxable therefore funding paid under the Local Authority Discretionary Grants Fund will be subject to tax.
20. Only businesses which make an overall profit once grant income is included will be subject to tax.

#### Managing the risk of fraud

21. The government and the council will not accept deliberate manipulation and fraud - and any business caught falsifying their records to gain grant money will face prosecution and any funding issued will be subject to claw back, as may any grants paid in error.
22. The Council may withhold all or part of any grant payment where there is reason to believe that the eligibility conditions have not been met.
23. The Government's grants management and counter fraud functions provide local authorities with access to 'Spotlight', a digital assurance tool. This tool will also assist the Council with pre and post payments assurance, including identification of high-risk payments. There will also be joint working across councils and government departments in preventing fraud.
24. For the avoidance of doubt:

- Businesses listed in Parts 1 and 2 are eligible to apply for a grant, provided their premises actually closed as required by law.
  - Any shop or retail business listed in Part 3 is not eligible to apply, as the business premises were not required to be closed by law.
  - Any shop or retail business premises listed in Part 3 that stayed closed for whatever reason is not eligible to apply, as the law stated it could open.
25. Businesses may apply for this fund regardless of any other national or local Covid-19 grants or loans already received.
26. Only one grant will be awarded per business from this fund, per 28 day period for as long as national restrictions apply.
27. For the avoidance of doubt, homeworkers are not eligible to apply.

Amount of each business grant

28. Indicative grant amounts provided as part of the scheme are as follows (per 28 day period):

| <b>Rateable Value</b>              | <b>Grant per business, per 28 day period</b> |
|------------------------------------|--|
| Exactly £15,000 and under          | £1,334                                       |
| Over £15,000 and less than £51,000 | £2,000                                       |
| Exactly £51,000 or above           | £3,000                                       |

29. The Council will pay these amounts for the 28-day period from 5<sup>th</sup> November 2020 to 2<sup>nd</sup> December 2020.
30. Further payments will be made for any subsequent periods as notified by the Government, should national lockdown restrictions continue.
31. In the event that local restrictions end or change part way through a 28-day period, grants will be paid pro-rata unless otherwise instructed or advised by Government.

Applying for a grant

32. Businesses must meet the criteria as outlined above.
33. In the first instance, the Council will be initiate the application process by contacting the businesses directly. In addition, an application form will be available on the website.

34. . The Council will determine a closing date for the scheme in general or for particular periods, taking into account any Government instructions. Any such dates will be advertised on the Council's website.
35. Should the national lockdown be extended, the Council will make any future payments automatically towards the end of the period, with no need for further applications.
36. Businesses must tell the Council of any changes in circumstances that might affect eligibility for grant payments. Failure to do this could lead to grants being clawed back.

#### Appeals

37. There is no right to appeal, and the decision of the Council is final. The Council's interpretation of this document is at its own discretion and it will be the final arbiter of the definitions contained within this policy.

#### Policy Review

38. This policy has been written in line with Government guidance. It will be subject to dynamic review as circumstances dictate and in line with future clarifications and changes that may be announced by the Government.

*Oadby and Wigston Borough Council*  
16/11/2020