



# **WOKINGHAM BOROUGH COUNCIL**

Local Restrictions Support Grant  
(Open)

Discretionary Policy (Tiers 2 and 3)

Applicable 2 December 2020 – 18  
December 2020

## Version Control

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Comments</b>
1	12.01.2021	Andrew Kupusarevic	Approved by delegated powers

## 1. Introduction:

This Local Restrictions Support Grant (Open) guidance is applicable from 00:01 on 2 December 2020 when the revised Tiers were introduced.

For the period of national restrictions from 5 November to 2 December, the LRSO (Closed) Addendum applied.

This guidance is intended to support Local Authorities in administering the Local Restrictions Support Grant (Open) for businesses that are still open but severely impacted by Tier 2 or Tier 3 restrictions.

Government has provided grant funding to Local Authorities to support eligible businesses that are affected by Tier 2 or 3 restrictions.

Local Authorities have the freedom to determine the precise eligibility criteria for these grants. However, Government would expect the funding to be targeted at hospitality, hotel, bed & breakfast, and leisure businesses. Local Authorities should consider how the Local Restrictions Support Grant (Open) funding can help kickstart recovery by supporting sustainable businesses that have not been legally required to close but which are severely impacted by Tier 2 or 3 restrictions.

The Government has announced the following funding tiers as a guide for Local Authorities. They anticipate that Local Authorities provide grant funding under the following tiers, unless there is a local economic need to deviate:

- a. Grants of up to £467 per 14-day period for businesses occupying hereditaments with a rateable value of exactly £15,000 or under on the date of the commencement of the local restrictions.
- b. Grants of up to £700 per 14-day period for businesses occupying hereditaments with a rateable value over £15,000 and less than £51,000 on the date of the commencement of the local restrictions.
- c. Grants of up to £1,050 per 14-day period for businesses occupying hereditaments with a rateable value of exactly £51,000 or above on the date of the commencement of the local restrictions.

In taking decisions on the appropriate level of grant, Local Authorities may want to consider the level of fixed costs faced by the business in question, the number of employees, whether they are unable to trade online and the consequent scale of coronavirus losses.

2. **To claim this grant in Wokingham businesses must:**

- Be operating in the hospitality, hotel, bed & breakfast, and leisure sector, according to Valuation Office records - (see Appendix 1)
- Be registered for Business Rates and have a business rates account number.
- Have been actively trading from the premises to which the number relates prior to the Tier 2 / 3 and national lockdown restrictions coming into force.
- Have not had to close but have been impacted by local restrictions during this time.
- NOT be in administration, insolvent or had a striking off notice.

The grant is not available for loss of income to support wage or employment costs.

3. **Grants will be paid at the following rates:**

- a. Grants of up to £467 per 14-day period for businesses occupying hereditaments with a rateable value of exactly £15,000 or under on the date of the commencement of the local restrictions.
- b. Grants of up to £700 per 14-day period for businesses occupying hereditaments with a rateable value over £15,000 and less than £51,000 on the date of the commencement of the local restrictions.
- c. Grants of up to £1,050 per 14-day period for businesses occupying hereditaments with a rateable value of exactly £51,000 or above on the date of the commencement of the local restrictions.

Payments will be made in line with government guidance relating to those businesses impacted by tier 2 / 3 restrictions.

Any changes to the rating list (rateable value or to the hereditament) after the first full day of localised restrictions and business closure regulations came into force, including changes which have been backdated to this date, will be ignored for the purposes of eligibility.

The Council will not adjust, pay, or recover grants where the rating list is subsequently amended retrospectively to the date that local restrictions began.

In cases where it was factually clear to the Local Authority on the local restriction date that the rating list was inaccurate on that date, the Council may withhold the grant and/or award the grant based on its view of who would have been entitled to the grant had the list been accurate. This is entirely at the discretion of the Local Authority and only intended to prevent manifest errors.

#### **4. How to apply**

Businesses can make an application for each property with a rateable value that they operate from within Wokingham Borough Council. Each property requires a separate application.

Some businesses may, therefore, receive more than one grant payment. A successful application for one property does not guarantee the same business a successful application for any additional properties if they do not meet the eligibility criteria.

This grant funding scheme must be applied for by way of an online application form, available on Wokingham Borough Council website.

The online form guides businesses through the application process and prompts applicants for the information required, as well as any supporting documents needed (see 'Evidence to support applications' below).

All applicants will be required to demonstrate loss of income related to COVID-19 as part of the application process. The applicant must make a declaration regarding this.

The Council may write to ask for additional supporting documentation where necessary.

#### **5. Evidence to support applications**

Businesses are required to submit evidence to support their application:

- The address and rateable value of the property from which they operate.
- A bank statement to confirm the details of the business bank account the grant is requested to be paid into.
- A declaration that the business has been severely impacted by local restrictions and complies with state aid requirements.

#### **6. Payments**

Payments of the relevant grants will be made into the specified business bank account after making appropriate checks.

Businesses not eligible for support through the Local Restrictions Support Grant (Open), will be informed in writing.

## 7. **Decision making and Appeals**

Applications received will be reviewed by the NNDR Grants Team and a recommendation on award will be made by this team. The NNDR Grants Team will ensure that the decision outcome is notified by email as soon as is reasonably practical after the application review date.

There is no right of appeal.

## 8. **Manipulation and Fraud**

Neither the government or Wokingham Borough Council will accept deliberate manipulation and fraud - and any business caught falsifying their records to gain additional grant money will face prosecution and any funding issued will be subject to claw back. All applications will be subject to checks and verification.

## 9. **State Aid**

The United Kingdom left the EU on 31 January 2020, nonetheless under the Withdrawal Agreement the State aid rules continue to apply during a transition period, subject to regulation by the EU Commission. The Local Authority must be satisfied that all State aid requirements have been fully met and complied with when making grant payments, including, where required, compliance with all relevant conditions of the EU State aid De-Minimis Regulation, the EU Commission Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, the approved Covid-19 Temporary Framework for UK Authorities, and any relevant reporting requirements to the EU Commission.

Payments made can be provided under the existing De Minimis rules, provided doing so does not exceed the €200,000 threshold<sup>2</sup> to any one organisation over a three-year fiscal period. Payments made where the De Minimis threshold has been reached should be paid under the Covid-19 Temporary Framework for UK Authorities (threshold €800,000).

The amended Temporary Framework enables EU Member States to give up to the nominal value of €800,000 per company (€120,000 per undertaking active in the fishery and aquaculture sector or €100,000 per undertaking active in the primary production of agricultural products). This can be combined also with so-called *de minimis* aid (to bring the aid per company to up to €1 million) and with other specific types of aid. Any business that has reached the limits of payments permissible under the De Minimis, the UK Covid-19 Temporary State Aid Framework, and all other UK schemes under the terms of the European Commission's Temporary Framework will not be able to receive further grant funding.

On 13 October 2020, the European Commission (CION) announced further amendments to its State aid Temporary Framework - introducing a new measure enabling further support to companies facing a decline in turnover during the eligible period of at least 30% compared to the same period of 2019 due to the coronavirus

outbreak. The support can be provided for up to 70% (90% in case of micro and small companies) of the beneficiaries' fixed costs that are not covered by their revenues or other specified sources, up to a maximum amount of EUR 3 million per undertaking. The aid under this measure cannot be cumulated with other aid for the same eligible costs and is subject to further conditions set out in the Temporary Framework. The UK Government has notified the CION of its intention to use the new provision.

If you proceed to make an application, we will ask you to complete a declaration confirming your business will not exceed the relevant state aid threshold.

#### **10. Tax implications**

Grant income received by a business is taxable. The Local Restrictions Support Grant (open) will need to be included as income in the tax return of the business.

NB: The Council reserves the right to vary the terms of the scheme at any time, and without notice, should it be necessary to do so.

## **Appendix 1**

Businesses that fall under the following categories are included

### **Hospitality**

Restaurants  
Takeaways  
Public Houses  
Wine bars  
Cafés

### **Hotels and Bed & Breakfast**

Hotels  
Guest and Boarding Houses  
Hostels  
Inns

### **Leisure**

Ice Rinks  
Gyms  
Leisure centres  
Bingo Halls  
Bowling Alleys  
Clubhouses  
Museums and Art Galleries  
Roller Skating Rinks  
Radio Station's  
Amusement parks  
Arenas  
Go kart rinks  
Tourist attractions  
Aquaria  
Theme parks  
Village Halls Scout Huts Cadet Huts etc.  
Amusement arcades

This list is not exhaustive and may be subject to change