



New Forest District Council

**Omicron Hospitality and Leisure Grant
Policy 2022**

Contents

Definitions.....	3
1. Purpose of the Scheme and background.....	4
2. Funding.....	4
3. Eligibility criteria and awards.....	4
Excluded businesses	5
The Ratepayer.....	6
4. How will grants be provided to Businesses?.....	5
5. Subsidy Control	6
6. Scheme Delegation	6
7. Notification of Decisions.....	8
8. Reviews of Decisions.....	8
9. Complaints.....	8
10. Taxation	9
11. Managing the risk of fraud	9
12. Recovery of amounts incorrectly paid.....	9
13. Data Protection and use of data.	9
14. Annex A.....	10

Definitions

The following definitions are used within this document:

‘Department for Business, Energy & Industrial Strategy (BEIS)’; means the Government department responsible for the scheme and guidance for local authorities

‘Effective date’; means 30 December 2021

‘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 compiled and maintained by the Valuation Office Agency

‘Rateable value’ means the rateable value for the hereditament shown in the local rating list on 30 December 2021

‘Ratepayer’; means the person who according to the Council’s records, was liable for occupied business rates in respect of the hereditament on 30 December 2021 and the person eligible to receive the grant

Subsidy Allowance means the Small Amounts of Financial Assistance Allowance, the COVID-19 Business Grant Allowance and the COVID-19 Business Grant Special Allowance

1. Purpose of the Scheme and background

- 1.1 The purpose of this document is to determine eligibility for a payment under the Council's Omicron Hospitality and Leisure Grant policy. This scheme is effective from 30 December 2021.
- 1.2 The Omicron Hospitality and Leisure Grant scheme has been developed in response to an announcement made by the government on 21 December 2021 to provide additional support to businesses in the hospitality, leisure, and accommodation sectors in recognition that some businesses are likely to struggle following the impact of Omicron variant.
- 1.3 Whilst the awarding of the grant will be the Council's responsibility, the Department for Business, Energy & Industrial Strategy (BEIS) has set down criteria which **must** be met by each business making an application. The Department has also indicated the types of business which are eligible for the grant.
- 1.4 The Omicron Hospitality and Leisure Grant is a one-off payment to support businesses that are predominantly reliant on delivering in-person services to the public, where the main service and activity takes place in a fixed rate-paying premises in the hospitality, leisure, and accommodation sectors. Annex A gives an indicative list of the types of businesses that fall into the scope of each sector.
- 1.5 Grants under this scheme will be available from January 2022. The scheme will close for applications on 18 February 2022 and final payments must be made by 31 March 2022. Applications made after the scheme closure date will be ineligible.

2. Funding

- 2.1 Local Authorities will receive funding under section 31 of the Local Government Act (2003) to meet the cost of payments to businesses within the business rates system based on an assessment of the number of eligible business hereditaments.

3. Eligibility criteria

- 3.1 Government has set national criteria for the funds. In all cases, the Council will only consider a grant application where **all** the criteria are met. The Omicron Hospitality and Leisure Grant scheme is for businesses on the Valuation Office Agency rating list on 30 December 2021 in the accommodation, hospitality and leisure sectors.
- 3.2 The funding is a one-off payment.
- 3.3 Businesses will only be eligible where they are trading from those premises on the effective date.

Grant Awards

- 3.4 Businesses will be entitled to receive a grant for each eligible hereditament. The amount of grant in respect of this scheme are fixed as follows:
 - Businesses occupying hereditaments appearing on the local rating list with a rateable value less of £15,000 or less on 30 December 2021 will receive a payment of £2,667

- Businesses occupying hereditaments appearing on the local rating list with a rateable value over £15,000 and less than £51,000 on 30 December 2021 will receive a payment of £4,000
- Businesses occupying hereditaments appearing on the local rating list with a rateable value of £51,000 or above on 30 December 2021 will receive a payment of £6,000

3.5 Where a business operates services that could be considered hospitality or leisure, and which also falls into another business category, the main service can be determined by assessing which category constitutes 50% or more of their overall income. The Council will exercise its judgement to determine the main service principle and whether or not a business is eligible.

Excluded businesses

3.6 The following businesses will not be eligible for an award:

- a) Businesses that were not on the rating list on 30 December 2021
- b) Businesses that have already received grant payments that equal or exceed the maximum permitted subsidy allowance
- c) Businesses that were in administration, are insolvent or where a striking-off notice has been made on 30 December 2021.
- d) Businesses in sectors other than hospitality, accommodation and leisure as defined in paragraph 3.9 to 3.11 below,
- e) Town and Parish Councils

The Hereditament

3.7 In all cases the following must have existed at the effective date:

- The hereditament must be shown in the local rating list
- Any change to the rating list after 30 December 2021, including changes which have been backdated to this date, will be ignored for the purposes of eligibility
- The Council is not required to adjust, pay or recover grants, where the local rating list is subsequently amended retrospectively to the effective date
- In cases where it was factually clear to the Council that, at the effective date, the local rating list was inaccurate on that date, the Council may withhold the grant and/or award the grant based on their view who would have been entitled to the grant had the list been accurate. This is at the discretion of the council and is intended to prevent manifest errors.
- Where a hereditament is exempt from rating as at the effective date, no grant shall be awarded.

The Ratepayer

3.8 In **all** cases the following shall apply:

- The person who will receive the grant will be the person who, according to the Council's records, was the ratepayer in respect of the hereditament on 30 December 2021. Grants will not be awarded where the hereditament is unoccupied.
- Where the Council has reason to believe that the information it holds about the

ratepayer on 30 December 2021 is inaccurate, the council has discretion to withhold or recover the grant and take reasonable steps to identify the correct ratepayer and award the grant based on our view of who would have been entitled to the grant had the list been accurate.

- Businesses that have a voluntary agreement but are not insolvent, in liquidation or in administration will be eligible if they are still trading and open
- Businesses must have been trading on 30 December 2021 and engaged in business activity to be eligible to receive funding under this scheme. The government have provided guidance on what is considered trading and factors include:
 - a. The business continues to trade, including on-line, via delivery services
 - b. The business is not in liquidation, dissolved, struck-off or subject to a striking-off notice or under notice.
 - c. The business is engaged in activity, managing accounts, preparing, and planning for reopening, planning, and implementing COVID safe measures
- Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid; and
- Where any ratepayer misrepresents information or contrives to take advantage of the scheme, the Council will look to recover any grant paid and take appropriate legal action. Likewise, if any ratepayer is found to have falsified records in order to obtain a grant.

3.9 For the purposes of this scheme, a hospitality business can be defined as a business offering in-person services whose main function is to provide a venue for the consumption and sale of food and drink to the general public. For the purpose of this scheme a business whose main service is a takeaway food outlet or food kiosk are excluded.

3.10 For the purposes of this scheme, a leisure business can be defined as a business that provides in-person opportunities, experiences, and facilities, in particular for culture, recreation, entertainment, celebratory events and days and nights out from their business premises. For the purpose of this scheme, retail businesses linked to the leisure sector such as coach operators and travel agents, tour operators, and gyms and sports businesses where physical exercise is conducted on an individual or group basis are excluded.

3.11 For the purposes of this scheme, an accommodation business can be defined as business premises whose main lodging provision is used for holiday, travel, and other purposes. For the purpose of this scheme, private dwellings, care homes, education accommodation and beach huts are excluded.

4. How will grants be provided to Businesses?

4.1 The Council is fully aware of the importance of these grants to assist businesses and support the local community and economy. The Omicron Hospitality and Leisure Grant payment will provide additional support to businesses who are struggling to survive during the COVID-19 crisis.

- 4.2 In all cases businesses will be required to confirm that they are eligible to receive the grants and must complete an online application form. Businesses are under an obligation to notify the Council should they no longer meet the eligibility criteria for this or any additional grants.
- 4.3 The Council reserves the right to request any supplementary information from businesses before making a decision.
- 4.4 An application for an Omicron Hospitality and Leisure Grant is deemed to have been made when a duly completed application form is received via the Council's online procedure and any additional information has been provided. Business will receive notification of receipt of the online form and of the decision.
- 4.5 All monies paid under this scheme will be funded by Government and paid to the Council under S31 of the Local Government Act 2003.

5. Subsidy Allowance

5.1 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.

5.2 There are three subsidy allowance:

Small Amounts of Financial Assistance Allowance

5.3 This allowance is £335,000 over three fiscal year periods at 2 March 2021

The COVID-19 Business Grant Allowance

5.4 Where the Small Amounts of Financial Assistance Allowance has been reached, grants may be paid in compliance with the Principles set out in Article 366 of the Trade and Cooperation Agreement. For the purpose of this scheme, this allowance is £1,900,000 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 £2,235,000.

The COVID-19 Business Grant Special Allowance

5.5 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 £10,000,000 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

5.6 There is more information about Subsidy Allowance available on the government website at <https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities>

6. Scheme of Delegation

6.1 The Council has implemented this scheme in line with Government requirements and guidance and has been approved by the Portfolio Holder for Finance, Investment and Corporate Services.

6.2 Officers of the Council will administer the scheme and the Service Manager – Revenue and Benefits reserves the right to make minor changes to this scheme as necessary in consultation with the Portfolio Holder for Finance, Investment and Corporate Service to ensure it meets the criteria set by the Council and, in line with updated Government guidance.

7. Notification of Decisions

7.1 Applications will be considered on behalf of the Council by the Revenues and Benefits Service.

7.2 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.

8. Reviews of Decisions

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

8.2 All such requests must be made in writing or by email 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.

8.3 The application will be reconsidered by Service Manager – Revenue and Benefits, as soon as practicable and the applicant informed in writing or by email of the decision. This decision is final.

9. Complaints

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

10. Taxation and the provision of information to Her Majesty's Revenues and Customs (HMRC)

- 10.1 All payments under this scheme are taxable.
- 10.2 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.
- 10.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

11. Managing the risk of fraud

- 11.1 Neither the Council, nor the Government will accept deliberate manipulation of the scheme 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. The Council will undertake pre-payment checks and will actively participate in any exercises to detect and prevent fraud and will report to and work with the National Investigation Service and the National Anti-Fraud Network. This includes undertaking pre-payment checks as per government guidance on company and bank account checks.
- 11.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.

12. Recovery of amounts incorrectly paid

- 12.1 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.

13. Data Protection and use of data

- 13.1 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.

Annex A

Support for businesses

This table sets out types of businesses that are eligible under the sector thresholds for this scheme. This list is not exhaustive, but indicative of the types of businesses that can be supported under this scheme.

Business Sector	Types of business use	
Hospitality	Food courts Public houses/pub restaurants, Restaurants	Roadside restaurants Wine bars Cafés
Leisure	Casinos and gambling clubs Cinemas Museums and art galleries Stately homes & historic houses Theatres Zoos & safari parks Amusement parks Wedding venues Events venues Night clubs & discotheques	Arenas Concert halls Tourist attractions Theme parks Amusement arcades Soft play centres or areas Clubs & institutions Village halls & scout huts, cadet huts, etc.
Accommodation	Caravan parks Caravan sites and pitches Chalet parks Coaching inns Country house hotels Guest houses Hostels Hotels Lodge	Holiday apartments Cottages or bungalows Campsites Boarding houses Canal boats or other vessels B&Bs Catered holiday homes Holiday home