

Notice of a public

Decision Session - Executive Member for Finance and Performance

In consultation with the Executive Member for Housing & Safer Neighbourhoods (Agenda Item 4, Financial Inclusion/Welfare Benefits Update Report) and the Executive Member for Economy & Strategic Planning (Agenda Item 5, Omicron Business Support Grants)

To: Councillor Ayre (Executive Member for Finance and Performance)
Councillors Craghill (Executive Member for Housing & Safer Neighbourhoods) and Waller (Executive Member for Economy & Strategic Planning)

Date: Monday, 14 February 2022

Time: 10.00am

Venue: The George Hudson Board Room - 1st Floor, West Offices (F045)

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democratic Services by **4:00pm on Wednesday 16 February 2022.**

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any items that are called in will be considered by the Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5:00pm on Thursday 10 February 2022.**

1. **Declarations of Interest**

At this point in the meeting, the Executive Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 3 - 6)

To approve and sign the minutes of the Decision Session held on 13 December 2021.

3. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee. The deadline for registering at this meeting is at **5:00pm on Thursday 10 February 2022.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers who have given their permission. The public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Financial Inclusion/Welfare Benefits Update Report (Pages 7 - 34)

This report presents the Executive Member for Finance & Performance in consultation with the Executive Member for Housing & Safer Neighbourhoods with the following matters:

- To consider and approve the renewed Service Level Agreement with the Welfare Benefits Unit for the next three financial years;
- To receive an update on the Financial Inclusion Steering Group (FISG) 2022/23 grant scheme;
- To consider and approve the funding of a Community Involvement Officer to deliver actions relating to food poverty priorities in the city including priorities set down in the Right to Food Motion approved at Full Council in October 2021;
- To approve an amendment to the Executive decision made 30 September 2021 for digital inclusion funding for a year, to extend this for 18 months at no extra cost.

5. Omicron Business Support Grants (Pages 35 - 128)

This report provides the Executive Member for Finance & Performance in consultation with the Executive Member for Economy & Strategic Planning with the new Omicron business grants schemes for approval. The report also includes the officer decisions on the Covid Additional Relief Fund (CARF) and the new Omicron Additional Restrictions Grant (ARG) made on 21 January and 2 February respectively for ratification.

6. Application for Community Right to Bid under the Localism Act 2011 (Pages 129 - 144)

This report details an application to list Holgate Allotments, York as an Asset of Community Value (ACV), for consideration by the Council. The application has been received from Holgate Allotment Association.

7. Urgent Business

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Angela Bielby

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Email: a.bielby@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

Coronavirus protocols for attending Committee Meetings at West Offices

If you are attending a meeting in West Offices, you must observe the following protocols.

Good ventilation is a key control point, therefore all windows have been opened to allow adequate ventilation, they must be left as set prior to the start of the meeting.

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you should follow government guidance. You are advised not to attend your meeting at West Offices.

Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend.

Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/covid-19/testing/rapid-tests/), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/order-coronavirus-covid-19-rapid-lateral-flow-tests).

Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

Guidelines for attending Meetings at West Offices

- Please do not arrive more than 10 minutes before the meeting is due to start.
- You are not required to wear a face covering whilst in West Offices. CYC supports the decision of those who wish to do so.
- Visitors to enter West Offices by the customer entrance and Officers/Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass and lanyard is clearly visible at all time and worn around the neck.
- Regular handwashing for 20 seconds is recommended.
- Please use the touchless hand sanitiser units on entry and exit to the building and hand sanitiser within the Meeting room.
- Bring your own drink if required.
- Only use the designated toilets next to the Meeting room.

Developing symptoms whilst in West Offices

If you develop coronavirus symptoms during a Meeting, you should:

- Make your way home immediately
- Avoid the use of public transport where possible
- Follow government guidance in relation to self-isolation.

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you should not attend the meeting.**

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City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Finance and Performance in Consultation with The Executive Member for Housing and Safer Neighbourhoods (for Agenda Item 4 – Interim Financial Inclusion/Welfare Benefits Update Report)
Date	13 December 2021
Present	Councillors Ayre (Executive Member for Finance and Performance and Craghill (Executive Member for Housing and Safer Neighbourhoods)

1. Declarations of Interest

The Executive Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests that he might have had in respect of business on the agenda. They confirmed they had none.

2. Minutes

Resolved: That the minutes of the Decision Session held on 8 November 2021 be approved as a correct record and signed by the Executive Member.

3. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

4. Interim Financial Inclusion/Welfare Benefits Update Report

The Executive Members considered a report that provided a mid-term update including the ongoing impact of Coronavirus as well recent welfare benefits changes in York (including Universal Credit and support available for residents in dealing with those challenges); an update on benefits statistics and performance administered by the council including the York

Financial Assistance Scheme; and other financial inclusion (FI) activity during 2021/22 including the delivery of Financial Inclusion Steering Group (FISG) grant schemes.

The Director of Customer and Communities explained that the impact of the pandemic continued and the council continued to invest in further support for people in York, with a forecast spend of £2.5 - £3million in further support for residents. An update on universal credit was given, with around 12,000 people claiming it at that time. The challenges around the cost of housing, food, fuel and childcare were noted. The work of the FISG and difference that its schemes were making was highlighted. The Head of Customer and Exchequer Services outlined the amounts sent out in direct payments to residents.

The Executive Member for Housing and Safer Neighbourhoods commented that winter was proving a difficult one for York residents with the council continuing to support tenants and link them to the support available. She noted the work of the YFAS and commended the work of the welfare benefits advisors and adult social care advisors. The Executive Member for Finance and Performance noted the impact that the funding was having on peoples lives. They then;

Resolved: That the report and the progress made in supporting residents who are financially vulnerable be noted.

Reason: To ensure councillors, residents and stakeholder groups are aware of the ongoing financial inclusion activity across the city and use of associated funding including covid-19 support.

[The Executive Member for Housing and Safer Neighbourhoods left the meeting at 11.12]

5. Approval of ICT procurements with a whole life contract value of over £250k: HR & Payroll System

The Executive Member considered a report detailing a procurement to renew or replace a core ICT system in the council with a whole life contract value of over £250k. This was defined as a non-key routine procurement as per the council's contract procedure rules and expenditure fell within existing capital and revenue budget provisions. The Director of Customer and Communities explained that was a retrospective report to meet the requirement for transparency regarding procurements of this nature. Due to the contract renewal timescales the procurement was approved by a published officer decision in line with the council's Constitution.

The Director of Customer and Communities noted that all procurement came through the ICT procurement board and that the procurement for the HR and payroll system was good value with a minimal increase in cost. The Executive Member then;

Resolved: That the reprocurement of a HR & Payroll system for the council at a total three year cost of £343k (as detailed in Annex A of the report) be noted.

Reason: To ensure the that councillors consider routine procurement decisions over £250k in value in line with procurement regulations and the public have the opportunity to see transparent decision-making in operation relating to major procurements.

Cllr Ayre, Executive Member

[The meeting started at 11.00 am and finished at 11.16 am].

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**Decision Session- Executive Member for
Finance & Performance****14 February 2022**

Report of the Director Customer & Communities

Financial Inclusion/Welfare Benefits Update Report**Summary**

1. This report presents the Executive Member for Finance & Performance in consultation with the Executive Member for Housing & Safer Neighbourhoods with the following matters:
 - To consider and approve the renewed Service Level Agreement with the Welfare Benefits Unit for the next three financial years;
 - To receive an update on the Financial Inclusion Steering Group (FISG) 2022/23 grant scheme;
 - To consider and approve the funding of a Community Involvement Officer to deliver actions relating to food poverty priorities in the city including priorities set down in the Right to Food Motion approved at Full Council in October 2021;
 - To approve an amendment to the Executive decision made on 30 September 2021 for digital inclusion funding for a year, to extend this for 18 months at no extra cost.

Recommendations

2. The Executive Member for Finance & Performance is asked to:
 - i) approve the Service Level Agreement for the Welfare Benefits Unit at Annex A for a period of 3 years 2022 to 2025 at a cost of £22,700 per year (see paragraphs 3-6);
 - ii) note the criteria and progress of the 2022/23 FISG grant scheme including the approvals of awards at the next Executive Member Decision Session for Finance & Performance on 16 March 2022 (see paragraphs 7-12);
 - iii) approve £39k funding for a Community Involvement Officer role to deliver actions relating to food poverty priorities in the city. This will

be funded from the existing York Financial Assistance Scheme Emergency Fund for one year (see paragraphs 13-17 and 26); and

- iv) approve the use of funding previously agreed by Executive on 30 September for a 100% Digital York Project Co-ordinator, over an 18 month period rather than a year (see paragraph 18 and 19).

Reason: To ensure councillors, residents and stakeholder groups are aware of the ongoing financial inclusion activity across the city and use of associated funding and approvals.

Welfare Benefits Unit Service Level Agreement

- 3. The Welfare Benefits Unit (WBU) provides a specialist welfare benefits advice service to advisers and others who work with members of the public. The team of experienced advisers provide independent support through their advice line, publications, training and consultancy. WBU support is critical in supporting the council's response to welfare benefits changes.
- 4. The service level agreement proposed is contained at Annex B to this report. The funding element is for the council to pay £22,700 per annum for three years to March 2025. There is no proposed change to the amount of funding which will be derived from existing budget allocations.
- 5. The agreement contains some very minor amendments from the current version essentially around changes in staffing resources and operations.
- 6. The council also has contributed in the current financial year £13,900 to the WBU '*Advice Extra*' project as part of the Financial Inclusion Steering Group grant funding scheme as reported in the Financial Inclusion/Welfare Benefit Update Report to this Decision Session on 13 December 2021. This provides key enhancements to the WBU service, providing responsive follow-up, in-depth support and building knowledge of the benefit system.

The Financial Inclusion Steering Group (FISG) Grant Scheme Update

- 7. The Council's Financial Inclusion Steering Group (FISG) is responsible for overseeing the delivery of financial inclusion initiatives and also has strategic oversight of the council's DHP, YFAS and CTS schemes. Membership has expanded over the last 18 months¹.

¹ Now includes: Welfare Benefits Unit, Joseph Rowntree Foundation, York CVS, Explore York, Citizens Advice York, the York Food Justice Alliance, Community First Credit Union and a number of CYC directorate representatives. The Executive Members for Housing & Safer Neighbourhoods, for Finance & Performance and for Adult Social Care & Health are members of the group. There is a standing invitation to a representative of the Parish Councils.

8. The group's purpose is:

'To ensure that local people have the knowledge of and access to appropriate services, allowing them to make more informed choices to achieve and maintain financial stability'.

9. Grants are awarded to local organisations to deliver projects that meet the group's objectives. It currently has an agreed base budget of £100k per financial year for approved schemes. Delivery of the schemes is regularly monitored.
10. The bidding round for funding projects for 2021/22 was completed in March 2021 and grants totalling £113,276 to fund seven projects were awarded. Funds included an amount carried forward from previous years.
11. As with projects funded in 2020/21 all providers have been able to continue to deliver high levels of support to residents by developing alternative methods of working in the face of Covid-19 constraints. All partners are working collaboratively and innovatively to continue to support vulnerable residents in the city. Further details were reported to this Executive Member Decision Session on 13th December 2021.

Funding of projects for 2022/23

12. Bids for the next round of funding were invited in mid-January and will have closed on 11 February 2022. Selection will be by a panel of senior CYC officers and a representative of the Joseph Rowntree Housing Trust who will assess the bids against set criteria. The selected bids will be brought to the next Decision Session on 16th March 2022 for approval to allow the successful schemes to start in April 2022. It is expected that funding for these schemes may be supplemented in the 2022/23 budget setting process enabling awards totalling up to £150,000. Final available funding will be confirmed at Full Council to be held on 17 February 2022, before the panel meets.

Funding to deliver food projects in York

13. On 21 October 2021 and within the context of a pandemic in which access to food had been identified as a critical challenge for many York residents, families and communities, full Council approved a motion supporting York Residents' Right to Food. This included actions around

setting up a food network, understanding the level of informal food bank use in the city, and using the Community Hub strategy to establish further opportunities to provide further sources of nutritional food provision and activity where need is identified.

14. This had been already been identified as an area of focus by the council's Financial Inclusion Steering Group (FISG) to include in its developing thinking around a new strategy and as such membership of the group was extended to members of the Food Justice Alliance last year. Further to this the Community Hubs strategy and support is focussed around financial inclusion, food provision and nutrition as a way to improve health and to bring people together to address social isolation. Many initiatives to address food poverty during the pandemic have been funded by the government, or by the council or have been organised by volunteer groups across the city to supplement the formal work of the hubs, and charitable organisations such as the York Food Bank.
15. It is recognised through the work of those involved in communities, FISG and officers across a number of services in the council (including Public Health and Climate Change) that improved planning, co-ordination and support as well as a true understanding of food insufficiency and solutions across the city are much needed. This is critical given the imminent ending of much of the covid financial support for food and the rapidly increasing costs of living. The outcomes hoped for from this work will be evident in terms of improved co-ordination of available resources, improved access to food where needed, improved health, reduced isolation and reduction in food waste.
16. It is for these reasons councillors are asked to support the funding of a Community Involvement Officer within the Communities Team structure who will focus on community development work addressing food poverty and meeting the priorities as set down in the council motion especially supporting the establishment of a food network. It is recommended that the funding is provided from the existing 2021/22 Emergency York Financial Assistance Fund to supplement other schemes funded in September 2021 by Executive to address the longer term impacts of the pandemic. The total cost will be £39k for one year.
17. Bringing this resource in now and learning from similar schemes in place in other cities, and working alongside for example Joseph Rowntree Foundation, it is hoped that rapid progress will be made in this area which will be critical at a time when covid funding streams are due to end and ahead of next winter which will be even more difficult for many families. This person will also work alongside a proposed Holiday Activities & Food (HAF) Community Involvement Officer project role

(funded by HAF) and will support the scrutiny work on School Holiday Hunger.

Amendment to previous decision

18. At Executive on 30 September 2021 Members approved the following:

That approval be given to fund the following schemes for one year from existing YFAS emergency funds as outlined in paragraphs 34-39 and 41 of the report:

- *Early Support Fund, at an additional cost of £20k;*
- *Early intervention for residents in debt, at a cost of £35k;*
- ***100% Digital York Project Co-ordinator, at a cost of £23,220.***

19. Explore York have identified that the funding can be best used to fund a part-time role over 18 months rather than a year. The Executive Member is asked to approve this change as this will create a benefit to the 100% Digital York partnership over a longer period of time at no extra cost.

Consultation

20. The FISG grant scheme is developed in consultation with Executive members sitting on FISG and those with Financial Inclusion portfolio responsibility.

Options/Analysis

21. Recommendation 2i – the Executive Member can choose to accept, reject or amend the Welfare Benefits Unit draft SLA at Annex 1. The preferred recommendation is to accept given that this is an essential resource supporting the city's advice network in York which in turn are supporting some of the city's most vulnerable residents in financial difficulty, some of them with multi-complex needs.
22. Recommendation 2ii – there is no alternative recommendation to noting the progress of the annual FISG grant scheme. Decisions on grant approvals will be made at the next scheduled Decision Session in March.
23. Recommendation 2iii – the Executive Member can choose to accept or reject the funding and creation of a Communities Officer responsible to deliver actions relating to food poverty priorities. The preferred recommendation is to accept given that there is not an alternative resource in the council to deliver this work.

24. Recommendation 2iv – the Executive Member can choose to accept or reject the request to change the term of the funding for a 100% Digital York Project Co-ordinator. The preferred recommendation to accept is based on the feedback from Explore York in order to ensure the most meaningful and productive use of the funding. It does mean that the partnership has support and greater benefit over a longer period. This has no implication for the council, but a greater benefit for residents suffering from digital exclusion.

Council Plan

25. The outcomes in this report contribute to the key Council Plan priority focussed on delivering ‘Well-paid jobs and inclusive economy’ and the related focus on financial inclusion. The associated Financial Inclusion Policy review will be progressed in 2022 as current activity continues to be prioritised around the impacts of the Covid-19 crisis in terms of meeting immediate needs for support.

Implications

- 26.
- (a) **Financial** – The direct financial implications relate to the funding of the WBU SLA, FISG bids and the funding of the food post are that the sums quoted are within approved budget allocations/reserves. Any increase to the funding of the FISG grant scheme will be subject to full Council approval on 17 February 2022. The Executive Member should be aware that the current balance of the YFAS emergency fund stands at £164k does not account for any draw down that may be required at year end in the event of an in-year overspend on the YFAS scheme.
 - (b) **Human Resources (HR)** - The creation of a position of Community Involvement Officer to take forward food project work is covered in the report.
 - (c) **Equalities** – Annex B contains the Equalities Impact Assessment for this report and concludes that the recommendations will have positive impacts as the purpose is to provide support both financial and food support and solutions for some of our most vulnerable residents. Community development activities and co-production activities will ensure residents and partners are involved in generating solutions in relation to delivering the food related actions.
 - (d) **Legal** – There are no implications
 - (e) **Crime and Disorder** - There are no implications
 - (f) **Information Technology (IT)** - There are no implications

(g) **Property** - There are no implications

Risk Management

27. The key risks are in relation to the ongoing impacts of the pandemic on residents suffering from deepening financial and food poverty and the recommendations in this report seek to mitigate those risks. Continuing to support voluntary and charity sector organisations to deliver financial inclusion schemes will ensure not only direct and targeted support is given to residents in need but may contribute to the ongoing viability of those organisations also. There is a risk of that none of the priorities around food and particularly in relation to delivery of the related Council Motion can be delivered without the resource identified.

Contact Details

Author:

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Chief Officer

Responsible for the report:

Director of Customer & Communities

Report Approved: ✓

Date: 3/2/2022

Specialist Implications Officer:

Chief Finance Officer

Wards Affected:

✓ All

Background Papers:

Approval of grant scheme awards, 2021/22

[Agenda for Decision Session - Executive Member for Finance and Performance 15 February 2021](#)

Full Council 21 October 2021

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=331&MId=12805&Ver=4>

Annexes:

Annex A: Draft Service Level Agreement for the Welfare Benefits Unit 2022/25

Annex B: Equalities Impact Assessment

List of Abbreviations

FISG	Financial Inclusion Steering Group
HAF	Holiday Activities & Food Scheme
k	Thousand
SLA	Service Level Agreement
WBU	Welfare Benefit Unit
YFAS	York Financial Assistance Scheme



SERVICE LEVEL AGREEMENT

Between

The City of York Council Customer & Communities West Offices York, YO1 6GA	<i>And</i>	The Welfare Benefits Unit 17 Priory Street York YO1 6ET
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For the period 1st April 2022 to 31st March 2025, a grant of £22,700 per annum.

The payment is subject to the organisation continuing to provide the activities summarised below.

1. SERVICE / ACTIVITY TO BE PROVIDED

The Welfare Benefits Unit is an independent welfare rights organisation working across York and North Yorkshire which aims to enable those who are eligible for benefits to access their full entitlement. It does this by providing a 'second tier' service to advice workers and agencies based in both voluntary and public sector organisations. Its core services are:

- A daily advice line (weekdays)
- Training
- Consultancy
- Biannual forum meetings
- Publications - e.g. Advisers' Guide

Activities which are funded by the above grant

The council's funding contributes towards the costs of the services described above.

Staffing profile

Staff members consisting of (as at March 2022):

- Chief Executive (0.6 FTE)
- Advice Service Manager / Adviser (0.8 FTE)
- Welfare Benefits Advisers (2.3 FTE)
- Admin staff (0.6 FTE)

Support for Citywide Priorities

The work of the Welfare Benefits Unit supports citywide objectives to improve the economic well-being of residents through helping to maximise take up of benefits and tax credits. Work to reduce the impact and incidence of poverty is also recognised to have additional benefits in relation to promoting good health and social inclusion. These issues are included within the council's Financial Inclusion Strategy. WBU also helps to build the capacity of the voluntary sector through its training of advisers, employees and volunteers.

In relation to the council's corporate plan Welfare Benefits Unit supports the following council priorities:

- **a prosperous city for all** - where local businesses can thrive and residents have good quality jobs, housing and opportunities
- **a focus on frontline services** - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities.

2. SERVICE STANDARDS, STATUTORY AND POLICY CONDITIONS

a) The organisation will comply with the following general and statutory requirements:

- Charity Commission legislation
- Health and Safety legislation
- Equal Opportunities and Equalities legislation
- The organisation will maintain, update and implement as necessary its own procedures for Health & Safety and Equalities
- Maintenance of suitable public liability and employers insurance consistent with the range and manner of services provided
- Maintenance and implementation of a suitable complaints procedure.

3. MONITORING CONDITIONS AND ARRANGEMENTS:

- a) The council will monitor the performance of the organisation in carrying out the service or activity funded. This may include visits, review meetings, inspection of records and financial accounts relating to the funding with 14 days' notice. The organisation will submit monitoring reports to the council as set out below:
- b) The council will monitor the activity/service provided by the organisation using the following performance indicators:

Key Objectives 2022-25	Actions	Measured By
Provide guidance, specialist expertise and support to benefits and welfare staff & volunteers within the statutory and voluntary sectors in the City of York	Provide a telephone and email advice service, open Monday to Friday 10am to 1pm	Take-up / number of calls to advice line each month - broken down by issue, enquirer. Satisfaction with service received - measured through WBU Service Review every 3 years.
Provide information around welfare benefits through the publication of three key booklets (produced in an easy to use format).	Produce: Advisers Guide to Benefits Benefits for older people – leaflet for public Benefits if you are Disabled – leaflet for public	No. of copies distributed.
Provide information (changes / updates) around welfare reform through an update bulletin	Produce a quarterly welfare benefits update bulletin in an accurate and timely manner.	Circulation to CYC and voluntary sector
To provide an opportunity for networking and information exchange around welfare benefit issues, welfare reform.	Facilitate a Welfare Benefits Forum, to meet on a bi- annual basis.	Evidence of speakers, attendees, organisations represented at these events.

<p>To promote information and training around the latest welfare benefits developments to statutory and voluntary sectors staff members.</p>	<p>Offer ongoing welfare benefits and credits training courses –</p> <p>3 day Introduction to benefits (quarterly)</p> <p>Offer 8 other benefits and credit training courses - 2 per quarter.</p>	<p>No. of people / organisations attending each course.</p> <p>Ensure that 5 free training places identified for CYC staff on each course.</p>
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c) Qualitative information

- The organisation will provide an accurate and detailed monitoring report to the council to demonstrate that the funding awarded has been used for service or activity specified above.
- d) The organisation will submit monitoring reports including the performance indicators to the council on an annual basis, by provision of two six monthly reviews. This will include a review of performance as set out in the agreement and the continuing need for the service or activity. The results of the second six monthly Review will be used to inform the council's decision on the continuation of the agreement into the next year of the agreement.
- e) Failure by the organisation to submit satisfactory monitoring review information as indicated and by the dates due may result in the council withholding funding or terminating the agreement.
- f) The organisation will:
- submit its annual report and accounts as soon as these are available.

- inform the council of any changes to its Constitution, Trustee Board or contact representative as soon as practicably possible.
- inform the Council of any changes to its charging policy, overall staffing arrangements or delivery of the service or activity as soon as practicably possible

4. FUNDING

- a) The council will make the annual payment in April each year (subject to receipt of the signed service level agreement).
- b) The agreement may be terminated immediately if there is a material failure by the organisation to fulfil the terms of this agreement.
- c) The council may require the organisation to repay all or part of the funding if:
 - the funding is not used for the service or activity specified and by the named organisation only
 - the organisation is not able to provide the service or activity specified to the agreed standard
 - the organisation is wound up or otherwise ceases to exist
- d) The terms of the agreement may be varied or the agreement terminated by mutual consent of the organisation and the council.

5. SIGNATURES:

- a) This agreement is accepted on behalf of the organisation by the authorised officers:

Position	Signature	Print name
Date		

- b) This agreement is accepted on behalf of the council by the authorised officer:

Position	Signature	Print name
Date		

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City of York Council
Annex B Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Customer & Communities		
Service Area:	Customer & Communities		
Name of the proposal :	Financial Inclusion/Welfare Benefits Update Report <ul style="list-style-type: none"> - Welfare Benefits Unit SLA - Community Involvement Officer (Food) 		
Lead officer:	Pauline Stuchfield		
Date assessment completed:	3/2/2022		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Pauline Stuchfield	Director of Customer & Communities	CYC	Customers, Communities. Financial Inclusion

Step 1 – Aims and intended outcomes

1.1	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>To extend the Welfare Benefits Unit Service Level Agreement for an additional 3 years at a cost of £22,700 per annum. The creation of an officer role to focus on community development work addressing food poverty and meeting the priorities as set down in the council motion on 'York Residents' Right to Food' especially supporting the establishment of a food network. There will be a cost of £39k for one year.</p>
1.2	<p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p>
	<p>This is discretionary activity but all of which supports our local equalities protected characteristic around people experiencing financial difficulty.</p>
1.3	<p>Who are the stakeholders and what are their interests?</p>
	<p>The key stake holders are:</p> <ul style="list-style-type: none"> • The Council in providing welfare support for its residents and capacity to address a full council motion on food poverty • The residents of the city who will benefit from any support provided – this could include people who represent all communities with protected characteristics

- Third sector agencies who provide similar support and or advice and benefit either from the advice of the Welfare Benefit Unit or will contribute to coproducing food solutions in the city.

1.4	<p>What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p>
	<p>The Welfare Benefits Unit (WBU) provides a specialist welfare benefits advice service to advisers and others who work with members of the public. The team of experienced advisers provide independent support through their advice line, publications, training and consultancy. WBU support is critical in supporting the council's response to welfare benefits changes. This ensures that all our benefits advisers across the city are up to date with their skills and have additional support on complex issues which all contributes to hopefully better opportunity to secure the right welfare support for York's residents.</p> <p>The Community Involvement Officer for Food will immediately create capacity to deliver on full Council's expectations in relation to addressing food poverty impacts. The outcomes hoped for from this work will be evident in terms of improved co-ordination of available resources, improved access to food where needed, improved health, reduced isolation and reduction in food waste. Related activities will be focussed in areas of need and communities currently feeling the greatest impact of food insufficiency. The person will work closely with residents and organisations working within communities to co-produce solutions.</p>

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
Source of data/supporting evidence	Reason for using	
<p>The Welfare Benefits Unit are a 2nd tier service and so residents do not see this service. Evidence is provided from advice providers ie direct users of the service.</p>	<p>Advice Line survey feedback</p> <ul style="list-style-type: none"> • A valuable service provided by knowledgeable people, who give an excellent service, even with on the spot questions. • It is amazing! I could not do my job without this service. It allows me to understand sometimes very complex benefits issues and then advise members of the public and help them to understand in turn. • Excellent service that I am relatively new to but I have every confidence in the knowledgeability of your staff when it comes to benefits. • An excellent service which provides a lifeline to me in my job • I really valued the speed of your response and the comprehensive answer that I received. Many thanks <ul style="list-style-type: none"> • Always excellent comprehensive advice received • The support you provide is essential to my work, it means I can confidently advise the people I support and know that the information is accurate • Really useful and helpful service – I would find it hard to do my job without it • I was very impressed with the service, from the initial phone call and information I was given during this phone call, to the follow-up emails I received with further information that the person had sought themselves to give me a better understanding of the issue I was dealing with. Will definitely use the service again if needs be. Thank you. • It's brilliant and I couldn't manage without it! 	
<p>Food role - The evidence is the full Council Motion itself and key actions</p>	<p>The key actions for this role include:</p> <ul style="list-style-type: none"> • Supports the setting up of a food partnership to bring together local stakeholders, including members of the community who have provided informal food banks, to develop a local food action plan to help address the causes of food poverty, which will report back to the Health Policy and Scrutiny Committee. • Building on work throughout the pandemic, makes the focus of the Community Hubs Strategy to facilitate the setting up of 'community kitchens' in buildings such as community centres, council-run centres and school kitchens that are out of use during school holidays, so they can be used by the community to provide good quality, nutritional food for residents in need. 	

- | | |
|--|--|
| | <ul style="list-style-type: none"> • Surveys informal food bank providers to get a clear picture of the amount of informal food bank use in York. |
|--|--|

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.		
	Gaps in data or knowledge	Action to deal with this	
	Both of these proposals seek to put in place activities and resources to address in gaps in knowledge about complex welfare benefits issues and about food insufficiency and associated solutions	No further action. If the proposals are not supported then there is a risk that we will operate without detailed information and solutions which will then have a detrimental effect on some our residents who are suffering from the impacts of poverty and hunger.	

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.			
	Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	Medium (M) Low (L)

Age	The recommendations in this report will bring positive support and outcomes for this group with added benefits of addressing social isolation in relation to food activity and provision.	Positive (+)	High (H) impacts if the decisions were not supported
Disability	The recommendations in this report will bring positive support and outcomes for this group who may have complex needs in relation to welfare benefits and food	Positive (+)	As above
Gender	n/a		
Gender Reassignment	n/a		
Marriage and civil partnership	n/a		
Pregnancy and maternity	n/a		
Race	The recommendations in this report will bring positive support and outcomes for this group who may have complex needs in relation to welfare benefits and food The pandemic is known to have greater impacts on BAME communities.	Positive (+)	High
Religion and belief	n/a		
Sexual orientation	n/a		
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		

Carer	Yes if living in poverty and little access to support	Positive (+)	High
Low income groups	Yes	Positive (+)	High
Veterans, Armed Forces Community	Yes if living in poverty	Positive (+)	High
Other			
Impact on human rights:			
List any human rights impacted.	None		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a **POSITIVE** impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a **NEGATIVE** impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a **NEUTRAL** effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
<p>The recommendations will have positive impacts as the purpose is to provide support both financial and food support and solutions for some of our most vulnerable residents. Community development activities and co-production activities will ensure residents and partners are involved in generating solutions.</p>	

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
<p>- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</p>	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal.	<p>The proposal on the Welfare Benefits Unit will continue to supply support needed at this critical time.</p> <p>The Community Involvement Officer will enhance involvement of communities in the solutions to meet the priorities outlined in the report.</p>

Step 7 – Summary of agreed actions resulting from the assessment

7.1	What action, by whom, will be undertaken as a result of the impact assessment.		
Impact/issue	Action to be taken	Person responsible	Timescale
N/a			

Step 8 - Monitor, review and improve

8. 1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	All related activity will reported through the Financial Inclusion Steering Group and mid-year and outturn financial inclusion report to the Executive Portfolio Holders



**Decision Session - Executive Member for
Finance & Performance**

14 February 2022

Report of the Director Customer & Communities

Omicron Business Support Grants

Summary

1. This report provides the Executive Member for Finance & Performance in consultation with the Executive Member for Economy & Strategic Planning with the new Omicron business grants schemes for approval. The report also includes the officer decisions on the Covid Additional Relief Fund (CARF) and the new Omicron Additional Restrictions Grant (ARG) made on 21 January and 2 February respectively for ratification.

Recommendations

2. The Executive Member is asked to:
 - a) Note the adoption of the Government's Omicron Hospitality & Leisure Grant (OHLG) made at Executive on 13 January 2022 Paragraph 6 – 10 and Annex A.
 - b) Ratify the Officer Decision of 2 February in delivering the new Omicron ARG scheme Paragraph 11 – 14 and Annex B & C.
 - c) Ratify the Officer Decision of 21 January in delivering the new CARF scheme Paragraph 16 – 20 and Annex D & E.
 - d) Approve the delegation of any future changes resulting from government guidance in relation to all schemes in this report to the Chief Finance Officer (s151), Director of Economy & Place and Director of Customer & Communities in consultation with the Executive Member for Finance and Performance.

Reason: To provide financial support to the city's businesses during the ongoing covid-19 pandemic and the impact of the Omicron Variant.

Background

3. On 21 December 2021 the Government announced three new support grants for business linked to the recent rise in the Omicron variant and its financial effect on local businesses:

- Omicron Hospitality & Leisure Grant (OHLG)
- A third allocation of Additional Restrictions Grant (ARG)
- A Cultural Recovery Fund (CRF)

4. This was in addition to the Covid Additional Relief Fund announced in March 2021 by Central Government and delivered on 15 December 2021. The funding for each scheme is:

OHLG - £4,248,270 (To be spent by 31 March 2022)

ARG - £300,786 (To be spent by 31 March 2022)

CRF - By application to Arts Council England

CARF - £4,859,345 (Relief must be applied to the 2021/22 accounts by 30 September 2022)

5. The following paragraphs provide details of the schemes for the above grants.

Omicron Hospitality and Leisure

6. The full details of the grant are set out at Annex A of this report. The Government has set the rules for both the qualifying criteria and level of payment. There is no latitude or discretion other than deciding if a business meets the qualifying criteria which is the decision of the Business Rates team based upon the Government guidance (Annex A).

7. The Government has provided funding through Section 31 grant of £4.2m which is 90% of the expected demand based upon our business rate base. The scheme closes on 18 March 2022 with all payments having to have been made by 31 March 2022. Qualifying businesses must have been trading and have been on the business rates base as at the 30 December 2021.

8. The level of grant is set by Government and is based on rateable value as set out in table A below:

Table A

Rateable Value	£0 - £15k	£15 - £51k	>£51k
Value of Grant	£2.7k	£4k	£6k

9. All qualifying businesses have been identified from the base and have been written to (email) to apply for the grant. The application form is on the council's website and includes a declaration that they have read the Government's Privacy Notice and the subsidy rules that were provided by hyperlink in the invitation email. Any business not contacted who think they may qualify can complete the online application form and will be considered.
10. All applications are put through pre and post payment checking for fraud purposes using the various fraud tools including Spotlight and Experian.

Additional Restrictions Grant (ARG)

11. The Government has provided this funding to make direct grant payments only, to businesses who are suffering financial hardship arising from the Omicron variant:

“Local Authorities are encouraged to support businesses from all sectors that may have been severely impacted by restrictions, or by the Omicron variant, including those outside of the business rates system. These may include, but are not limited to: hospitality, accommodation, leisure, personal care, the travel and tourism sector, including group travel, travel agents and tour operators, coach operators, wedding industries, nightclubs, theatres, events industries, wholesalers, English language schools, breweries, freelance and mobile businesses (including caterers, events, hair, beauty and wedding related businesses), gyms, and other businesses that may have not received other grant funding. There is no restriction on the number of grants a business may receive, subject to subsidy limits”

12. The council has throughout the pandemic sought to support as many York businesses as possible through its ARG funding. This has included those businesses that have met the qualifying criteria whether they have a rateable value or not. Further grant funding has been paid to York as it had met the government criteria in spending its first two ARG payments supporting York businesses.

The third top up of ARG is much lower than previous grant payments and any payment has to be meaningful as set out in paragraph 15 below. The scheme seeks to provide as much support as it can to York business within the funding it has been allocated.

13. The grant must be spent by the 31 March 2022. All awards are subject to tax and subsidy rules and proper fraud checks must be undertaken. Unlike OHLG a business does not have to have been trading on 30 December 2021 or be on the business rates base. The Government's guidance is attached at Annex B and the council scheme at Annex C.
14. In summary the council scheme (Annex C) will see the council approach businesses in the sectors that have already received ARG funding to invite new applications meeting with the following conditions:
 - a. Businesses must demonstrate that they have seen reduced income of at least 30% on normal trading during the current Omicron wave (December 2021 onwards)
 - b. Businesses may not receive more than the agreed subsidy limits (for most businesses, maximum total grant = £335k over a rolling 3 year period).
15. Grant funding will be paid at the following levels:
 - c. Businesses not in premises with a rateable value: one-off grant of £1,500
 - d. Businesses in premises with RV below £15k but not eligible for OHLG: one-off grant of £2,667
 - e. Businesses in premises with RV between £15k and £51k but not eligible for OHLG: one-off grant of £4,000
 - f. Businesses in premises with RV above £51k but not eligible for OHLG: one-off grant of £6,000.

Cultural Recovery Fund

16. The Government has made available £30 million of further funding through the Culture Recovery Fund, enabling more cultural organisations in England to apply for support to recover from the effects of the Omicron variant during the winter months. Applications for support are made by organisations directly to Arts Council England. All the information is set out on the link below:

<https://www.artscouncil.org.uk/CRFgrants>

Covid Additional Relief Fund CARF

17. The purpose of this fund is to support those businesses affected by the pandemic but that are ineligible for existing support linked to business rates. The fund compensates through business rate relief not grant in respect of the 2021/22 financial year. The council is funded through Section 31 grants for awards based upon its statutory returns.
18. This scheme is aimed at businesses who must have a rateable value but have not received any support in relation to covid-19. Some but not all of the businesses may have applied for a reduction in their rateable value (RV) to the VOA (Valuation Office Agency). The Government believe that the support can be better provide at a local level to all qualifying businesses than through temporary changes in RV.
19. All reliefs will need to have been applied by 30 September 2022. Each relief will require manual intervention by the council's Business Rates team.
20. Each authority must develop its own scheme and the guidance provided states councils should:
 - a. *not award relief to ratepayers who for the same period of the relief either are or would have been eligible for the Extended Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS),*
 - b. *not award relief to a hereditament for a period when it is unoccupied (other than hereditaments which have become closed temporarily due to the government's advice on COVID-19, which should be treated as occupied for the purposes of this relief), and*
 - c. *direct our support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact.*
21. The full government guidance is set out at Annex D and the scheme adopted by York at Annex E.

Consultation

22. The OHLG scheme approved at Executive on 13 January was prescribed by central government. The CARF scheme is again limited to those businesses meeting the government's criteria as set out in its guidance and the relief must specifically support these businesses. The third top up ARG support payment has more latitude but requires to be spent by 31 March 2022. On this basis the scheme incorporates the ARG knowledge gained since 2020 in developing the scheme.

Options

23. This report is ratifying the officer decisions delegated at Executive on 13 January 2022 and made on the 21 January (CARF) and 2 February (ARG).

Analysis

24. The OHLG scheme is prescribed by Government and was adopted by Executive on 13 January 2022. The CARF scheme was similar to OHLG in that the Government set out the qualifying criteria. It differs from previous Covid business support schemes in that it is not a financial grant but instead a business rate relief. In terms of awarding the relief this is based on the liability each business had for business rates so the relief can be distributed fairly. The ARG scheme has to be a financial payment direct to the qualifying business. The awards are based on the rates set out in the OHLG scheme and this is the approach been taken by neighbouring local authorities. There are a large number of businesses who may qualify which will mean it is possible that not all businesses who apply will receive support.

Council Plan

25. Ratifying the decisions in this report allows the council to deliver business support schemes in line with the council plan to deliver well paid jobs and an inclusive economy.

Implications

- 26.

Financial

The costs of all schemes are met in full by central government

Human Resources (HR)

There are no HR implications.

Equalities

This report will impact on all communities equally.

Legal

No implications

Crime and Disorder, Information Technology and Property

No implications

Risk Management

27. The key risks associated with the schemes are in relation to ensuring they are properly targeted to the businesses requiring support and that the money or relief is given within the prescribed deadlines set by central government. The schemes themselves along with the early officer decisions provide the risk mitigation in ensuring the schemes are delivered within the prescribed time scales. The risk is therefore low however the risk of a higher demand than grant available for the third ARG top up is high and cannot be mitigated.

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Specialist Implications

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Wards Affected:

All

For further information please contact the author of the report

Background Papers:

[http://modgov.york.gov.uk/ieListDocuments.aspx?CId=733&MId=12799
&Ver=4](http://modgov.york.gov.uk/ieListDocuments.aspx?CId=733&MId=12799&Ver=4)

Annexes

Annex A – Omicron Hospitality & Leisure Government Scheme

Annex B – ARG Third Top Up Government Guidance

Annex C – ARG Third Top Up Scheme

Annex D – CARF Government Guidance

Annex E – CARF Scheme

Abbreviations used in this report:

ARG - Additional Restrictions Grant

CARF - Covid Additional Relief Fund

OHLG - Omicron Hospitality & Leisure Grant



Department for
Business, Energy
& Industrial Strategy

Omicron Hospitality and Leisure Grant

Guidance for Local Authorities



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The Guidance

1. This guidance is intended to support Local Authorities in administering the Omicron Hospitality and Leisure Grant to support businesses.
2. This support was announced on 21 December 2021. This guidance applies to England only from 21 December 2021. It is not retrospective.
3. This guidance is issued by the Secretary of State for Business, Energy and Industrial Strategy (BEIS) to Local Authorities in England.
4. Local Authority enquiries on this measure should be addressed to businessgrantfunds@beis.gov.uk. Businesses seeking information should refer to the Government's business support website: <https://www.businesssupport.gov.uk/>

Introduction

5. On 21 December 2021, Government announced the introduction of grant support for hospitality and leisure businesses in England. See announcement here: <https://www.gov.uk/government/news/1-billion-in-support-for-businesses-most-impacted-by-omicron-across-the-uk>.
6. The scheme provides support to hospitality, leisure and accommodation businesses, in recognition that the rise of the Omicron variant means that some businesses are likely to struggle over the coming weeks.
7. This support will take the form of a one-off grant funding scheme. Funding to be made available in Financial Year 2021-2022 and can be used in Financial Year 21/22 only. The scheme is called the Omicron Hospitality and Leisure Grant and is administered by business rate billing authorities in England.
8. This document provides guidance to Local Authorities about the operation and delivery of the Omicron Hospitality and Leisure Grant scheme.
9. Funding will be made available to all Local Authorities from January 2022. The scheme will close for applications on 28 February 2022 and all final payments must be made and dispersed to recipients by 31 March 2022.
10. Under the Omicron Hospitality and Leisure Grant scheme, Local Authorities will receive funding to be allocated in one-off grants to businesses. Grants of up to £6,000 will be paid to hospitality, leisure and accommodation businesses in England.

How much funding will be provided to businesses?

11. The Omicron Hospitality and Leisure Grant scheme is for businesses on the Valuation Office Agency (VOA) ratings list only.
12. The Omicron Hospitality and Leisure Grant is a one-off grant.
13. The Omicron Hospitality and Leisure Grant will support hospitality, leisure and accommodation business premises with one-off grants of up to £6,000. The following thresholds apply for these businesses:
14. Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £15,000 or under on 30 December 2021 will receive a payment of £2,667.
15. 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.
16. Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £51,000 or over on 30 December 2021 will receive a payment of £6,000.
17. Any changes to the rating list (rateable value or to the hereditament) after 30 December 2021 should be ignored for the purposes of eligibility. Local Authorities are not required to adjust, pay or recover grants where the rating list is subsequently amended retrospectively to 30 December 2021. In cases where it was factually clear to the Local Authority on 30 December 2021 that the rating list was inaccurate on that date, Local Authorities may withhold the grant and/or award the grant based on their 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. In all cases, including those where the rating list is deemed inaccurate, all grant payments must be disbursed from the Local Authority by 31 March 2022.
18. Businesses will be eligible for this support from 30 December 2021 and Local Authorities must not make payments to businesses before this date. Subject to subsidy allowance conditions, businesses will be entitled to receive a grant for each eligible hereditament. So, some businesses may receive more than one grant where they have more than one eligible hereditament.

Who will receive this funding?

General eligibility

19. Where a grant is issued, the business that according to the billing authority's records was the ratepayer in respect of the hereditament on 30 December 2021 is eligible to receive the grant. Where a Local Authority has reason to believe that the information that they hold about the ratepayer is inaccurate they may

withhold or recover the grant and take reasonable steps to identify the correct ratepayer. Local Authorities should make clear to recipients that the grant is for the ratepayer and may be liable for recovery if the recipient was not the ratepayer on the eligible day.

20. The primary principle of the Omicron Hospitality and Leisure Grant scheme is to support businesses that offer in-person services, where the main service and activity takes place in a fixed rate-paying premises, in the hospitality, leisure and accommodation sectors.
21. Annex A gives a list of businesses that fall into scope for hospitality, leisure and accommodation. This list is indicative of the types of businesses but is not exhaustive. Local Authorities will have to use their local knowledge and the definitions and criteria set out below to assist in making a decision on eligibility of a business for this scheme.
22. Businesses will only be eligible where their main service falls within hospitality, leisure or accommodation. If a business operates services that could be considered hospitality or leisure, and also fall into another category, the main service can be determined by assessing which category constitutes 50% or more of their overall income. The main service principle will determine whether a business receives funding. Businesses will need to declare which is their main service. Local Authorities will need to exercise their reasonable judgement to determine whether or not a business is eligible for grants and be satisfied that they have taken reasonable and practicable steps to pay eligible businesses.
23. It is understood that in some cases it may not be materially clear whether a business falls into one of the eligible categories, so decisions on the eligibility of these businesses will be at the Local Authorities' discretion.
24. Businesses must have been trading on 30 December 2021 to be eligible to receive funding under this scheme.
25. For the purposes of this grant scheme, a business is considered to be trading if it is engaged in business activity. This should be interpreted as carrying on a trade or profession, or buying and selling goods or services in order to generate turnover. Fully constituted businesses in liquidation, dissolved, struck off or subject to a striking-off notice are not eligible under these conditions. To help further, some trading indicators are included below that can help assess what can be defined as trading for the purposes of the grant schemes. Indicators that a business is trading are:
 - The business continues to trade, including online, via delivery services etc.
 - The business is not in liquidation, dissolved, struck off or subject to a striking-off notice or under notice
 - The business is engaged in business activity; managing accounts, preparing for reopening, planning and implementing COVID-safe measures

This list of indicators is not exhaustive and Local Authorities must use their discretion to determine if a business is trading.

26. Local Authorities will need to run an application process for all applicants for the grant and must be satisfied that businesses that have previously received related grants meet the eligibility criteria for the Omicron Hospitality and Leisure Grant. As a minimum, Local Authorities must hold the following information on all applicants:

- a. Name of business
- b. Business Trading Address including postcode
- c. Unique identifier (preferably Company Reference Number (CRN)) if applicable. If not applicable, VAT Registration Number, Self-Assessment/Partnership Number, National Insurance Number, Unique Taxpayer Reference, Registered Charity Number will also be acceptable)
- d. High level SIC Code
- e. Nature of Business
- f. Date business established
- g. Number of employees
- h. Business rate account number
- i. Cumulative total of previous funding received under all COVID-19 business grants schemes

27. Local Authorities should make clear to applicants that this data may be shared with BEIS. The BEIS privacy notice, setting out how BEIS will handle personal data across all COVID-19 business grant schemes, can be found here: <https://www.gov.uk/government/publications/covid-19-grant-schemes-privacy-notice/covid-19-grant-schemes-privacy-notice>.

28. Local Authorities are required to undertake pre-payment checks prior to the award of a grant and the application process should enable Local Authorities to carry out the required pre-grant fraud checks, as well as collecting the minimum data required for reporting, as set out in Annex B.

Hospitality

29. For the purposes of this scheme, a hospitality business can be defined as a business whose main function is to provide a venue for the consumption and sale of food and drink.

30. Local Authorities may use the following criteria to assess whether a business is eligible for a grant under this threshold:

- Businesses offering in-person food and drink services to the general public.
- Businesses that provide food and/or drink to be consumed on the premises, including outdoors.

31. For these purposes, the definition of a hospitality business should exclude: food kiosks and businesses whose main service (generating 50% or more of income) is a takeaway (not applicable to those that have adapted to offer takeaways during periods of restrictions, in alignment with previous COVID-19 business grant schemes). Annex A provides an indicative list of the types of businesses that can be supported under this scheme.

Leisure

32. For the purposes of this scheme, a leisure business can be defined as a business that provides opportunities, experiences and facilities, in particular for culture, recreation, entertainment, celebratory events and days and nights out.

33. Local Authorities may use the following criteria to assess whether a business is eligible for a grant under this threshold:

- Businesses that may provide in-person intangible experiences in addition to goods.
- Businesses that may rely on seasonal labour.
- Businesses that may assume particular public safety responsibilities.
- Businesses that may operate with irregular hours through day, night and weekends.

34. For these purposes, the definition of a leisure business should exclude: all retail businesses, coach tour operators, and tour operators. Annex A provides an indicative list of the types of businesses that can be supported under this scheme.

Accommodation

35. For the purposes of this scheme, an accommodation business can be defined as a business whose main lodging provision is used for holiday, travel or other purposes.

36. Local Authorities may use the following criteria to assess whether a business is eligible for a grant under this threshold:

- Businesses that provide accommodation for 'away from home' stays for work or leisure purposes.
- Businesses that provide accommodation for short-term leisure and holiday purposes.

37. For these purposes, the definition of an accommodation business should exclude: private dwellings, education accommodation, residential homes, care homes, residential family centres and beach huts. Annex A provides an indicative list of the types of businesses that can be supported under this scheme.

Exclusions to Omicron Hospitality and Leisure Grant funding

38. The proposed exclusions in the list at paragraphs 31, 34 and 37, are not intended to be exhaustive and it will be for Local Authorities to determine those cases where eligibility is unclear. Billing authorities will have a good understanding of the premises in their areas and will be readily able to form a view on eligibility in the majority of cases.
39. Businesses that are not within the ratings system will not be eligible to receive funding under this scheme.
40. Businesses that have already received grant payments that equal the maximum permitted subsidy allowances will not be eligible to receive funding.
41. Businesses that are in administration, insolvent or where a striking-off notice has been made, are not eligible for funding under this scheme.

How will the grant be provided?

42. In line with the eligibility criteria set out in this guidance, Central Government will fully reimburse Local Authorities, in line with this guidance and the grant offer letter sent to Local Authorities, for the cost of the grant (using a grant under section 31 of the Local Government Act 2003).
43. This funding will be a one-off lump sum payment. Local Authorities will be responsible for delivering the funding to eligible businesses.
44. Local Authorities will receive 90% of the estimated grant funding based on an initial Government estimate. When this threshold of funding has been spent, Government will top up funding to Local Authorities if required. To ensure efficiency and a smooth funding delivery process, unnecessary underspend should be avoided where possible. Undispersed funds must be returned to BEIS.
45. Local Authorities, subject to local eligibility, will receive funding to meet the cost of payments to businesses within the business rates system based on the number of eligible hereditaments.
46. Local Authorities are business rate billing authorities in England. They are responsible for making payments to businesses and will receive funding from Government.
47. As part of their application process for the scheme, all businesses will be required to self-certify that they meet all eligibility criteria. Local Authorities must verify the evidence provided as part of pre-payment checks. Evidence of completed checks must be retained by Local Authorities.
48. We are committed to meeting the New Burdens costs to Local Authorities for this scheme. A New Burdens assessment will be completed, and funding then provided to authorities.

49. It is expected that Local Authorities will provide local businesses with grant funding as soon as possible from 30 December 2021.
50. The application closure date for this scheme is 28 February 2022. Grants cannot be awarded or offers issued after this date. All final payments must be made and dispersed to recipients by 31 March 2022.
51. All monies must be fully defrayed from the Local Authority bank account by 31 March 2022. Any monies paid after this date will not be reimbursed under this scheme and the Local Authority will be liable for this amount.
52. The Local Authority must email or write to the business, stating that by accepting the grant payment, the business confirms that they are eligible for the grant scheme.

Will grants be subject to tax?

53. Grant income received by a business is taxable. The Omicron Hospitality and Leisure Grant will need to be included as income in the tax return of the business.
54. Only businesses that make an overall profit once grant income is included will be subject to tax.
55. Payments made to businesses before 5 April 2022 will fall into the 2021/22 tax year. Unincorporated businesses will be taxed when they receive the grant income.

Managing the risk of fraud and payments in error

56. The Government will not accept deliberate manipulation and fraud. Any business caught falsifying their records to gain additional grant money will face prosecution and any funding issued will be recovered, as may any grants paid in error.
57. Local Authorities must continue to ensure the safe administration of grants and that appropriate measures are put in place to mitigate against the increased risks of both fraud and payment error. In this respect, grant administrators should supplement existing controls with digital tools to support efficient, appropriate and accurate grants awards.
58. For the avoidance of doubt, Local Authorities are required to undertake pre-payment checks for all Omicron Hospitality and Leisure Grant payments. These checks are required to be undertaken before any payments are issued to businesses and Local Authorities should retain evidence of such. This requirement is not limited to new applicants and should look at both the company and the company's bank account.

Company check

59. The Government Grants Management Function have waived the annual fee and made their digital due-diligence tool, Spotlight, available to Local Authorities to support the administration of COVID-19 business grants until 31 March 2022. Use of Spotlight (or an equivalent tool) for enhanced checks to support pre-award due diligence is required. Evidence of Spotlight checks undertaken needs to be retained by Local Authorities for audit purposes.
60. Spotlight complements existing pre-award due-diligence checks and highlights areas of risk to inform grant-making decisions, through fundamental (basic) due diligence checks. In particular, Spotlight can quickly and easily flag where organisations have recently become inactive to support authorities review the ongoing viability of recipients prior to making awards.
61. Spotlight can also provide enhanced due diligence, through a paid-for service, and grant administrators are encouraged to consider the benefits of enhanced due diligence. Local Authorities should discuss their digital tool requirements with the Government Grants Management Function at: spotlight-localauthority@cabinetoffice.gov.uk

Bank account check

62. Grant payments should only be made to UK bank accounts.
63. The Government Counter Fraud Function has worked in partnership with Experian to introduce two new complementary products to assist public bodies in addressing residual fraud risks when dispersing funds for the COVID-19 financial support schemes by addressing their residual fraud risks. These tools will allow Local Authorities to:
- a. verify the bank accounts of companies in receipt of these business grants; and
 - b. provide insight into whether the company was trading at the relevant date for these grants.
64. These tools are available via the National Fraud Initiative (NFI) and can be used for both pre- and post-payment checks. They apply to both registered companies (at Companies House) and unregistered companies such as sole traders. For further information and to access the tools, please email helpdesk@nfi.gov.uk
65. Local Authorities can utilise the following tools (or equivalent) to undertake the required company and bank account pre-payment checks: Companies House, Experian (either directly or NFI tool), NAFN, Mint, Cifas, TransUnion “call” validate tool, Equifax Equip “report” tool, Spotlight, rent/mortgage statement or lease agreement, utility bills, building and content insurance premiums.
66. The Bank Account Verification Tool is widely available to Local Authorities, and we would recommend use of the tool to mitigate the risk of business impersonation fraud.

Pre- and post-event assurance

67. All Local Authorities are required to follow this guidance and conduct activity to provide assurance that all grants have been paid out in line with the eligibility and subsidy allowance conditions for these schemes.
68. The general principle applies that Local Authorities are responsible and accountable for the lawful use of funds under Section 151 of the Local Government Act 1972. The Section 151 Officer within the Local Authority is required to exercise their duties in line with the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance, ensuring their oversight of the proper administration of financial affairs within the Local Authority, including these grants.
69. Any undispersed funding or funds outside the scope of the scheme criteria will need to be returned to BEIS in full within 30 days of the completion of the reconciliation exercise.
70. Local Authorities must be satisfied that all subsidy allowance conditions have been fully complied with when making grant payments. LAs are recommended to seek their own advice on subsidy control compliance. LAs should assure themselves in respect of awards made and retain appropriate evidence in support.
71. To deliver the assurance requirement, Local Authorities must have pre- and post-payment assurance processes in place for this grant scheme to assure all grants issued and must retain evidence of such. Local Authorities must ensure these processes are in place as soon as possible. The process must cover the minimum two pre-payment checks (company and bank account) for grants to be paid, but also the post-payment assurance checking regime that the Local Authority will introduce to identify irregular payments. The Spotlight tool includes the functionality to add schemes pre- or post-award.
72. Assurance Guidance is issued by the Secretary of State for Business, Energy and Industrial Strategy to Local Authorities in England and applies to assurance on all Covid-19 Business Support Grant schemes. Local Authorities should operate in line with the published Assurance Guidance V4 [\[link\]](#)
73. Where checks discover that payments have been made in error or have been claimed as a result of fraud, any initial recovery action will need to be undertaken by the Local Authority who should operate in line with the published Debt Recovery Guidance V4, which can be found here [\[link\]](#)

Monitoring and reporting requirements

74. Local Authorities must retain necessary data and BEIS will undertake regular data collection exercises with the input of Local Authorities. This reporting enables accurate monitoring, evaluation, and assurance of business support

grant payments. LAs should retain evidence of all grant awards made, payments issued and assurance steps undertaken.

75. Further details on data collection requirements are outlined in Annex B.
76. To assist in fraud prevention and recovery Local Authorities are required to include the name of the grant (OHLG) and Local Authority code as part of the payment reference when making a payment to a business.
77. If Local Authorities detect *any* fraud that is attempted or actual, whether it is local, or organised, large scale, systematic or crosses Local Authority boundaries then they must report it in real time to the dedicated inbox at NAFN National Anti-Fraud Network (intel@nafn.gov.uk). This is so Government can build up a full picture of what is going on and get vital information and alerts back to Local Authorities in real time, this also feeds into the wider intelligence network on counter fraud within Grants.
78. If a case is categorised as organised, large scale, systematic or crosses Local Authority boundaries by NAFN, they will pass the case to NATIS who investigate serious and organised fraud on behalf of BEIS.
79. Local Authorities may be contacted for further information to assist with lines of enquiry being pursued.
80. NATIS may determine that the case is not something they could pursue and will return it to the Local Authority making the original referral. In these cases, the LA should try and secure repayment from the debtor through all reasonable and practicable steps.
81. Where a Local Authority is taking the lead in investigating fraudulent activity where the attempted or suspected fraud is local (rather than organised, large scale, systematic or crosses Local Authority boundaries), they are expected to instigate the recovery of the grant themselves. If a referral is made to NAFN for consideration of investigation, where the Local Authority does not have the resources to investigate, then any attempts that have been made to recover funds, should be included in the referral to NAFN. Local Authorities may wish to pursue referral of the case to local police, however this is at their discretion.
82. A referral should still be made to NAFN where a Local Authority is investigating a suspected or actual fraud to enable NAFN/NATIS to interrogate their systems to identify any links to other cases and to identify possible links to organised crime groups.

COVID-19 Business Grant Subsidy Allowance

83. The EU State aid rules no longer apply to subsidies granted in the UK following the end of the transition period, which ended on 31 December 2020. This does not impact the limited circumstances in which State aid rules still apply under the Withdrawal Agreement, specifically Article 10 of the Northern Ireland Protocol. However, in the vast majority of cases this will not apply. The United Kingdom

remains bound by its international commitments, including subsidy obligations set out in the Trade and Cooperation Agreement (TCA) with the EU. BEIS Guidance for public authorities explaining the subsidies chapter of the TCA, World Trade Organisation rules on subsidies, and other international commitments can be found here: <https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities>.

COVID-19 business grants subsidy allowances provided on the basis of the TCA

84. The below scheme rules should be applied to applicants at the level of economic actor, which is defined as an entity or a group of entities constituting a single economic entity regardless of its legal status, that is engaged in an economic activity by offering goods or services on a market.
85. There are three subsidy allowances for the COVID-19 Business Grant Schemes set out below: Small Amounts of Financial Assistance Allowance, the COVID-19 Business Grant Allowance and the COVID-19 Business Grant Special Allowance. For grants that could be in scope of the Northern Ireland Protocol, please see paragraphs 92 to 94 below.
86. We have concluded that the COVID-19 Business Grant Allowance and the COVID-19 Business Grant Special Allowance are compatible with the principles set out in Article 366 of the TCA and are targeted, proportionate, and effective in order to remedy difficulties caused by the COVID-19 pandemic for the purposes of Article 364(3). These two allowances constitute subsidy schemes for the purposes of Article 373(4) of the TCA and the transparency requirements at Article 369 of the TCA. Local Authorities will still need to consider their own transparency obligations in relation to individual award (see paragraph 92 below).

Small Amounts of Financial Assistance Allowance

87. Grants may be paid in accordance with Article 364(4) of the TCA, which enables an applicant to receive up to a maximum level of subsidy without engaging Chapter 3 of the TCA. This allowance is up to 325,000 Special Drawing Rights, to a single economic actor over a rolling period of three fiscal years (the “**Relevant Period**”), which is the equivalent of £335,000 as at 2 March 2021¹. When calculating the amount of subsidy an applicant has received under Article 364(4) of the TCA in a Relevant Period, a local authority should have regard to any subsidy given under Article 364(4) and any subsidy given under Commission Regulation (EU) No 1407/2013 (the **De Minimis Regulation**). An applicant may elect not to receive grants under the Small Amounts of Financial Assistance Allowance and instead receive grants only using the below allowances available under this scheme.

¹ The Special Drawing Right calculator here can be used to calculate the exchange rate on the day the subsidy is awarded: https://coinmill.com/SDR_calculator.html

COVID-19 Business Grant Allowance

88. Where the Small Amounts of Financial Assistance Allowance has been reached or an applicant has elected not to receive a grant under this allowance, grants may be paid in compliance with the Principles set out in Article 366 of the TCA and in compliance with Article 364(3) of the TCA under the COVID-19 Business Grant Allowance (subsidies granted on a temporary basis to respond to a national or global economic emergency). For the purposes of the COVID-19 Business Grant Schemes, this allowance is £1,900,000 per single economic actor. This allowance includes any grants previously received under other COVID-19 Business Grant Schemes using the COVID-19 Business Grant Allowance and any State aid previously received under Section 3.1 of the European Commission's Temporary Framework across any other UK scheme. This may be combined with the Small Amounts of Financial Assistance Allowance to equal £2,235,000 (subject to the exact amount applicable under the Small Amounts of Financial Assistance Allowance using the Special Drawing Right calculator, and any other support an applicant has received under the Small Amounts of Financial Assistance Allowance in the Relevant Period).

COVID-19 Business Grant Special Allowance

89. Where an applicant has reached its limit under the Small Amounts of Financial Assistance Allowance and COVID-19 Business Grant Allowance, it may be able to access a further allowance of funding under the COVID-19 Business Grant Schemes of up to £10,000,000 per single economic actor, provided the following conditions are met:

- a. The Special Allowance covers only the applicant's uncovered fixed costs incurred during the period between 1 March 2020 and the date of application, including such costs incurred in any part of that period ('eligible period');
- b. Applicants must demonstrate a decline in turnover during the eligible period of at least 30% compared to the same period in 2019. The calculation of losses will be based on audited accounts or official statutory accounts filed at Companies House, or approved accounts submitted to HMRC which includes information on the applicant's profit and loss;
- c. 'Uncovered fixed costs' means fixed costs not otherwise covered by profit, insurance or other subsidies;
- d. The grant payment must not exceed 70% of the applicant's uncovered fixed costs, except for micro and small enterprises (for the purposes of this scheme defined as less than 50 employees and less than £9,000,000 of annual turnover and/or annual balance sheet), where the grant payment must not exceed 90% of the uncovered fixed costs;

- e. Grant payments under this allowance must not exceed £10,000,000 per single economic actor. This allowance includes any subsidies previously received in accordance with Section 3.12 of the European Commission's Temporary Framework or previously received under the COVID-19 Business Grant Schemes using this COVID-19 Business Grant Special Allowance; all figures used must be gross, that is, before any deduction of tax or other charge;
 - f. Grants provided under this allowance shall not be cumulated with other subsidies for the same costs.
90. An applicant must be able to provide the necessary documentation to demonstrate it is eligible for funding under this COVID-19 Business Grant Special Allowance. Local Authorities must first verify that an applicant can meet all the criteria set out under this allowance before providing further funding under this allowance.
91. Grants provided in excess of the Small Amounts of Financial Assistance Allowance may not be granted to applicants that were defined as an 'undertaking in difficulty' (as defined in Annex C below) on 31 December 2019. In derogation to the above, grants can be granted to micro or small enterprises (as defined above) that were already in difficulty on 31 December 2019 provided that they are not subject to collective insolvency proceedings.
92. Local Authorities must ensure the remaining applicable provisions of the subsidies chapter of the TCA are complied with. In particular, the transparency obligations under Article 369. The transparency database can be found at <https://manageuksubsidies.beis.gov.uk/>. All schemes and individual awards over £500,000 must be uploaded within six months of being granted. Any ad hoc awards of at least 325,000 Special Drawing Rights over three years to an individual beneficiary must also be uploaded within six months of being granted. For access to and any further questions on the database, please contact the BEIS subsidy control team at subsidycontrol@beis.gov.uk.
93. For the avoidance of doubt, grants under the Small Amounts of Financial Assistance Allowance, the COVID-19 Business Grant Allowance and the COVID-19 Business Grant Special Allowance may be combined for a potential total allowance of £12,235,000 (taking into account all grants previously received under the COVID-19 business grants schemes and subject to the exact amount applicable under the Small Amounts of Financial Assistance Allowance using the Special Drawing Right calculator and the three fiscal year period applicable to the Small Amounts of Financial Assistance Allowance).

Article 10 of the Northern Ireland Protocol

94. Grants in scope of Article 10 of the Northern Ireland Protocol remain subject to EU State aid rules², following the end of the Transition Period which ended on 31 December 2020. Article 10 provides that EU State aid rules will continue to apply to the UK in respect of measures which affect trade in goods and electricity between Northern Ireland and the European Union.
95. In assessing whether Article 10 may apply, Local Authorities are directed to Section 7 of the technical BEIS Guidance which covers the practical application of Article 10. Local Authorities applying Article 10 must follow Section 7 of the technical BEIS Guidance.
96. Where a Local Authority grant falls within scope of Article 10 of the Northern Ireland Protocol, then a Local Authority cannot rely on the Small Amounts of Financial Assistance Allowance. Instead, a Local Authority must see if the grant can be awarded under the De Minimis Regulation which allows for up to 200,000 euros of subsidy to be given to an undertaking in a rolling three year fiscal period. If a grant falls within scope of the Northern Ireland Protocol and the De Minimis Regulation cannot be relied upon, then the Local Authority will need to satisfy itself there is another legal route to award the grant in compliance with EU State aid Rules. For example, the grants may be given under the European Commission's Temporary Framework³.

General

97. BEIS may vary the terms of these schemes or suspend or close the schemes with immediate effect, without notice and at any time, and requiring that undispersed funds are returned to BEIS within 30 days.

² This means grants in scope of Article 10 of the Northern Ireland Protocol must comply with the provisions set out in the 4th amendment of the State aid Temporary Framework dated 13 October 2020.

³ The UK Temporary Framework for State aid for COVID-19 responses currently expires on 31 December 2021. A decision on approval of extension of the UK scheme from the Commission is pending at the time of writing.

Annex A – Business categorisation for the purposes of grant funding thresholds

Threshold definitions for the purposes of this scheme are restated below:

- **Hospitality definition:** a business whose main function is to provide a venue for the consumption and sale of food and drink
- **Leisure definition:** a business that provides opportunities, experiences and facilities, in particular for culture, recreation, entertainment, celebratory events, days and nights out, betting and gaming
- **Accommodation definition:** a business whose main lodging provision is used for holiday, travel and other purposes.

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.

Support type	Types of businesses	
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 Indoor riding centres 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 homes

Annex B – Data reporting

1. As part of the Post Payment reporting process, Local Authorities will be required to report to the Department on the grant fund and to adhere to data reporting requirements. This will include reporting to BEIS progress in making payments to eligible rate paying businesses, and detailed information of grants awarded.
2. Local Authorities are required to collect information from businesses receiving these grant payments and will be required to account for how the funding has been spent. Grant recipients should also be advised that they may be contacted for research purposes, and that their data will be shared with BEIS for research and evaluation purposes. The list below sets out the minimum information required from Local Authorities to be reported for the Omicron Hospitality and Leisure Grant:
 - a. Business Rate Payer name
 - b. Hereditament address
 - c. Ratepayer email address
 - d. Size of business the grant relates to
 - e. Sector
 - f. Unique identifier (preferably Company Reference Number)
 - g. Grant awarded
 - h. Amount of grant paid
 - i. Date grant paid
 - j. Grant name
3. Local Authorities will need to ensure they have appropriate data protection arrangements in line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Local Authorities should make clear to applicants that this data may be shared with BEIS. The BEIS privacy notice, setting out how BEIS will handle personal data across all COVID-19 grant schemes, can be found here <https://www.gov.uk/government/publications/covid-19-grant-schemes-privacy-notice/covid-19-grant-schemes-privacy-notice>. Data may be shared with other enforcement agencies for the prevention and detection of crime.
4. Local Authorities are required to complete weekly reports using the Data Management System. Collecting more detailed reports will allow us to maximise use of the data, for example in completing constituency data, and so reduce the requests we make of Local Authorities.
5. Further details of the data submission process, including login details, supporting material, guidance on the data submission timings and process, guidance on the use of the system, example spreadsheets, definition of terms, and applicable training is available to Local Authorities. Local Authorities can contact lagraints.data@beis.gov.uk with any queries.
6. BEIS will consolidate the reports received to support monitoring and evaluation information of the grant. This includes providing high-level performance reports including summaries of the number of businesses supported and total amount spent. We do this for a number of different reasons, including;

- a. Accountability – to provide a clear and transparent basis for why this policy has been implemented, and its progress over time
- b. Efficiency – ensuring that we are maximising the value delivered from this public spending and ensuring opportunities for analysis and learning for the future
- c. Effectiveness – ensuring that policy makes a positive impact and understanding the context of when that happens.

Annex C – Undertaking in difficulty

'Undertaking in difficulty' means an undertaking in respect of which at least one of the following circumstances occurs:

(a) In the case of a limited liability company (other than an SME that has been in existence for less than three years) where more than half of its subscribed share capital has disappeared as a result of accumulated losses. This is the case when deduction of accumulated losses from reserves (and all other elements generally considered as part of the own funds of the company) leads to a negative cumulative amount that exceeds half of the subscribed share capital. For the purposes of this provision, 'share capital' includes, where relevant, any share premium.

(b) In the case of a company where at least some members have unlimited liability for the debt of the company (other than an SME that has been in existence for less than three years) where more than half of its capital as shown in the company accounts has disappeared as a result of accumulated losses.

(c) Where the undertaking is subject to collective insolvency proceedings or fulfils the criteria for being placed in collective insolvency proceedings at the request of its creditors.

(d) Where the undertaking has received rescue aid and has not yet reimbursed the loan or terminated the guarantee or has received restructuring aid and is still subject to a restructuring plan.

(e) In the case of an undertaking that is not an SME, where, for the past two years:

(1) the undertaking's book debt to equity ratio has been greater than 7.5 and

(2) the undertaking's EBITDA interest coverage ratio has been below 1.0.

Annex D – COVID-19 Business Grant Schemes

The COVID-19 business grant schemes are:

- Omicron Hospitality and Leisure Grant
- Additional Restrictions Grant (ARG)
- Restart Grant
- Closed Business Lockdown Payment
- Christmas Support Payment for wet-led pubs (CSP)
- Local Restrictions Support Grant (Closed) Addendum: 5 January onwards
- Local Restrictions Support Grant (Closed) Addendum: Tier 4
- Local Restrictions Support Grant (Closed) Addendum
- Local Restrictions Support Grant (Sector)
- Local Restrictions Support Grant (Closed)
- Local Restrictions Support Grant (Open)
- Local Authority Discretionary Grant Fund
- Retail, Hospitality and Leisure Grant Fund
- Small Business Grant Fund

Scheme specific guidance can be found at

<https://www.gov.uk/government/publications/local-restrictions-support-grants-lrsg-and-additional-restrictions-grant-arg-guidance-for-local-authorities> and
<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-business-support-grant-funding>



Department for
Business, Energy
& Industrial Strategy

Additional Restrictions Grant

Guidance for Local Authorities (updated 30
December 2021)



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The Guidance

1. This guidance is intended to support Local Authorities in administering the Additional Restrictions Grant (ARG) to provide direct business grants and wider business support.
2. Enhanced business support settlements were first provided to areas entering Tier 3 restrictions for the first time from 14 October 2020. With the 31 October 2020 announcement that national restrictions would be reintroduced, the scheme was extended and formalised into the Additional Restrictions Grant to support all Local Authorities or Combined Authorities.
3. This Additional Restrictions Grant guidance was updated on 30 December 2021 and applies until 31 March 2022.
4. This guidance is issued by the Secretary of State for Business, Energy and Industrial Strategy to Local Authorities in England.
5. Local Authority enquiries on this measure should be addressed to businessgrantfunds@beis.gov.uk. Businesses seeking information should refer to the Government's business support website: <https://www.businesssupport.gov.uk/>

Introduction

5. On 31 October 2020, the Government announced the introduction of additional support for Local Authorities under national and Tier 3 restrictions. See announcement: <https://www.gov.uk/government/news/furlough-schemeextended-and-further-economic-support-announced>
6. On 5 January 2021, the Government announced that a further £500 million would be made available for Local Authorities through a top-up to the Additional Restrictions Grant: <https://www.gov.uk/government/news/46-billion-in-new-lockdown-grants-to-support-businesses-and-protect-jobs>
7. On 3 March 2021, the Government announced that a further £425 million would be made available for Local Authorities, through a conditional top-up to the Additional Restrictions Grant from 1 April 2021: <https://www.gov.uk/government/news/budget-2021-sets-path-for-recovery>
8. On 21 December 2021, the Government announced that a further £102 million would be made available for Local Authorities, through a top-up to the Additional Restrictions Grant: <https://www.gov.uk/government/news/1-billion-in-support-for-businesses-most-impacted-by-omicron-across-the-uk>
9. The scheme is called the Additional Restrictions Grant (ARG) and is administered by business rate billing authorities in England.
10. The ARG funding scheme aims to support businesses severely impacted by coronavirus restrictions and the rise of the Omicron variant, when most needed. Funding was first made available in financial year 2020-2021 and can be used across financial years 20/21 and 21/22. However, Local Authorities

are encouraged to distribute funding to businesses which require support as soon as possible.

11. This document provides guidance to Local Authorities about the operation and delivery of the ARG scheme.
12. For the purposes of this guidance, ARG funding will refer to Local Authorities as recipients, acknowledging that funding may be paid to Combined Authorities on behalf of Local Authorities in some limited cases. Combined Authorities will be subject to the same conditions and obligations under this guidance as Local Authorities.
13. Funding was originally made available to eligible Local Authorities at the point the Local Authority first entered Tier 3 restrictions in October 2020. Local Authorities may have accessed additional enhanced business support settlements at this time. These settlements became part of the Additional Restrictions Grant.
14. Areas that agreed this support include: Liverpool City Region, Lancashire, Greater Manchester, South Yorkshire, West Yorkshire, Warrington and Nottinghamshire.
15. Funding was formalised into the Additional Restrictions Grant when national restrictions were announced on 31 October 2020. Under the Additional Restrictions Grant, Local Authorities received an initial one-off lump sum payment amounting to £20 per head in each eligible Local Authority when Tier 3 or widespread national restrictions were imposed, except where agreed otherwise (in areas set out in paragraph 14).
16. Local Authorities received an allocation of the £500 million top-up to the ARG scheme in January 2021, as a result of further national restrictions being imposed. This allocation was based on a per-head calculation.
17. Local Authorities received an allocation of the £425 million top-up announced in the 2021 Budget, which was allocated subject to Local Authorities spending their existing allocations of ARG. For further details on spending existing allocations, please see paragraphs 46 to 54.
18. The second top-up of £425 million of ARG funding was allocated to Local Authorities from 1 April 2021, when conditions of the funding were met. This funding was allocated based on a per-business calculation.
19. The third top-up of £102 million of ARG funding will be allocated to Local Authorities in England from 30 December 2021. This funding will be allocated based on a per-business calculation.
20. Further top-up funding may be allocated at the discretion of Government. Reported data may be used to prioritise those Local Authorities most in need of further payments.
21. With the exception of the third top-up payment, Local Authorities can use ARG funding for business support activities. This may primarily take the form of discretionary grants, but Local Authorities could also use this funding for wider business support activities.

22. On 14 June 2021, the Prime Minister announced that step 4 of the Roadmap out of lockdown was being delayed by a period of up to 4 weeks. This guidance has been updated to take account of that announcement. The deadline for spending the first top-up allocation was extended to 30 July 2021.
23. On 21 December 2021, the Chancellor announced, in response to the rise of the Omicron variant, a £102 million top-up for the Additional Restrictions Grant. This guidance has been updated to take account of that announcement.

How will the grant be provided?

22. Government will issue Local Authorities with funding, in line with the following guidance and the Grant Offer Letter sent to Local Authorities, for the cost of the Additional Restrictions Grant (using a grant under Section 31 of the Local Government Act 2003). Local Authorities will be responsible for delivering the funding.
23. Local Authorities are business rate billing authorities in England. They are responsible for making payments to businesses and will receive funding from Government.
24. Funds that have not been fully defrayed from the Local Authority's bank account by 31 March 2022 will be subject to recovery. For the avoidance of doubt, Local Authorities need to manage their application and payment process to achieve all spend by 31 March 2022, as payments after this date will not be allowed in any circumstances.
25. As part of their application process for the scheme, all businesses will be required to self-certify that they meet all eligibility criteria. In respect of the third top-up, Local Authorities must verify the evidence provided as part of pre-payment checks. Evidence of completed checks must be retained by Local Authorities.
26. We are committed to meeting the New Burdens costs to Local Authorities for this scheme. A New Burdens Assessment will be completed, and funding then provided to Local Authorities subject to HM Treasury approval.
27. Local Authorities should allocate funding through business support grants or through wider business support measures. The third top-up payment should only be allocated to business support grants and should not fund wider business support measures. All funding provided under this scheme should provide direct support to businesses.
28. Local Authorities are encouraged to support businesses from all sectors that may have been severely impacted by restrictions, or by the Omicron variant, including those outside of the business rates system. These may include, but are not limited to: hospitality, accommodation, leisure, personal care, the travel and tourism sector, including group travel, travel agents and tour operators, coach operators, wedding industries, nightclubs, theatres, events industries, wholesalers, English language schools, breweries, freelance and mobile businesses (including caterers, events, hair, beauty and wedding related businesses), gyms, and other businesses that may have not received

other grant funding. There is no restriction on the number of grants a business may receive, subject to subsidy limits.

29. Local Authorities are encouraged to focus their support on:

- In allocating first top-up payment: businesses from all sectors that may have been severely impacted by restrictions but were not eligible for the LRSG and CBLP Grant schemes.
- In allocating the second two top-up payments: businesses from all sectors that may have been severely impacted by restrictions but were not eligible for the Restart Grant scheme, and those sectors that remained closed or were severely impacted by extended restrictions, even if those businesses had already been in receipt of Restart Grants.
- In allocating the third top-up payment: businesses severely impacted by the rise of the Omicron variant, see para 28.

These lists are not directive nor exhaustive, and Local Authorities should continue to issue grants at their discretion, based on local economic needs.

30. In taking decisions on the appropriate level of grant, Local Authorities may want to take into account the level of fixed costs of the business, the number of employees the business has, whether it is unable to trade online and the consequent scale of coronavirus losses.

31. The grant amounts given to individual businesses will be subject to subsidy allowances.

Exclusions to Additional Restrictions Grant funding

31. Businesses that have already received grant payments that equal the maximum permitted levels of subsidy will not be eligible to receive funding.

32. 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.

33. ARG funding should not be used as a wage support mechanism, for capital projects that do not provide direct business support, or to fund projects whereby Local Authorities are the recipients.

Who will receive this funding?

34. Previous guidance for the Additional Restrictions Grant indicated that businesses must have been trading before relevant restrictions were introduced in order to be eligible. This is no longer the case. All businesses that are trading and meet other eligibility criteria may apply to receive funding under this scheme. There is no starting date from which businesses must have been trading in order to qualify for grant funding.

35. For the purposes of this grant scheme, a business is considered to be trading if it is engaged in business activity. This should be interpreted as carrying on a

trade or profession, or buying and selling goods or services in order to generate turnover. Fully constituted businesses in liquidation, dissolved, struck off or subject to a striking-off notice are not eligible under these conditions.

To help further, some trading indicators are included below that can help assess what can be defined as trading for the purposes of the grant schemes. Indicators that a business is trading are:

- The business continues to trade, including online, via click and collect services etc.
- The business is not in liquidation, dissolved, struck off or subject to a striking-off notice or under notice
- The business is engaged in business activity; managing accounts, preparing for reopening, planning and implementing COVID-safe measures

This list of indicators is not exhaustive and Local Authorities must use their discretion to determine if a business is trading.

36. In previous schemes, Local Authorities have been encouraged to utilise an application process. For the avoidance of doubt, applications are now required for all applicants.
37. Local Authorities will need to run a new application process for all applicants and must be satisfied that businesses that have previously received related grants under this scheme continue to meet the eligibility criteria for the ARG if further grants are awarded. As a minimum, Local Authorities must hold the following information on all applicants:
- a. Name of business
 - b. Business Trading Address including postcode
 - c. Unique identifier (preferably Company Reference Number (CRN)) if applicable. If not applicable, VAT Registration Number, Self-Assessment/Partnership Number, National Insurance Number, Unique Taxpayer Reference, Registered Charity Number will also be acceptable)
 - d. High level SIC Code
 - e. Nature of Business
 - f. Date business established
 - g. Number of employees
 - h. Business rate account number (if applicable)
 - i. Cumulative total of previous funding received under all COVID-19 business grants schemes
38. Local Authorities should make clear to applicants that this data may be shared with BEIS. The BEIS privacy notice, setting out how BEIS will handle personal data across all COVID-19 business grant schemes, can be found here <https://www.gov.uk/government/publications/covid-19-grant-schemes-privacy-notice/covid-19-grant-schemes-privacy-notice>.

39. In addition, the application process should also enable Local Authorities to carry out the required pre-grant fraud checks (including unique identifier), as well as the minimum data reporting requirements set out in Annex A.
40. For the initial allocation of ARG, Local Authorities were provided an allocation of £20 per head, unless otherwise negotiated (see paragraph 13).
41. For the first top-up of ARG, Local Authorities were provided with a per-head allocation from the £500 million funding available.
42. For the second top-up of ARG, Local Authorities who met eligibility criteria (see paragraphs 46- 54) were provided with a per-business allocation from the £425 million funding available.
43. For the third top-up of ARG, Local Authorities are eligible for an allocation from the £102 million funding based on a per-business calculation.
44. The Local Authority must write or email to the business, stating that by accepting the grant payment, the business confirms that they are eligible for the grant schemes. This includes where Local Authorities already have bank details for businesses and are in a position to send out funding immediately, or where the Local Authority is sending a cheque to a business.
45. 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 or have maximised subsidy allowances).

Accessing the second-top up

46. Local Authorities had until 30 July 2021 to meet all necessary conditions and prove that they had spent or made a validated attempt to spend 100% of their first two ARG allocations combined.
47. For the avoidance of doubt, spend was defined as all funding defrayed or where there has been a validated attempt to defray the funding. For example, a validated attempt may be where bounce-backs of payments have occurred because businesses have provided the wrong account details.
48. The Local Authority, Combined Authority, Growth Hub, or other third party or intermediary responsible for distributing the grant funding to businesses should have evidence there has been a validated attempt to defray the funding before 30 July 2021. For example, if Local Authorities intend to use the funding for business support activity and have therefore transferred the funding to the relevant Growth Hub or Combined Authority, that organisation must have made a validated attempt to defray the funding to businesses. Transferring funding to an intermediary or third party is not considered spend or a validated attempt.
49. For spend to be considered as a validated attempt, the payment must be in the financial system, meaning the processing of the payment is underway.
50. Below are some examples that would be considered within scope of a 'validated attempt':

- Where a payment has been made to an incorrect bank account and has been rejected; the grant can be classed as a validated attempt as long as a further attempt to pay will be made immediately upon discovering the error
- Where an application has been approved and the payment has been made, but due to a technical error the payment did not process, this can be classed as a validated attempt as long as payment was made on discovery of the error
- Where a payment has been processed, but is on hold by the bank, due to verification checks being undertaken, this can be classed as a validated attempt to make payment
- Where a contract has already been signed to provide a service (prior to the date of this guidance being updated on 15 April 2021) such as for business support activity, even if that funding is not yet spent.

51. Below are some examples that would not be considered in scope of a 'validated attempt':

- If the grant funding application has been received but has not been approved and passed to pay
- If the grant funding application has been received and approved, but not passed to pay
- The grant application being sent to the finance team to process without further action being taken, as per paragraph 49
- Funding allocated but where there is no contract to provide business support after 30 July 2021
- Transferring funds to a different cost code or a third-party account, where no contract has already been signed to provide a service (prior to the date of this guidance being updated on 15 April 2021), such as for business support activity.

52. Local Authorities were asked to provide evidence of their spending and validated attempts to spend their ARG allocations. This should include both:

- a. A screenshot from the Local Authorities' finance system showing 100% of the current cumulative ARG allocation having been spent;
- b. A letter signed by the Finance Director confirming conditions have been met to release the ARG top-up payment.

53. Funding was provided from 1 April 2021 on a per-business basis to ensure that Local Authorities can target funding fairly and directly at business support.

54. Where a Combined Authority received ARG allocations on behalf of Local Authorities, the Combined Authority was required to evidence that they and the constituent Local Authorities met the conditions outlined in paragraphs 46 to 51 in order to access the £425 million top-up.

Will grants be subject to tax?

53. Grant income received by a business is taxable. The Additional Restrictions Grant will need to be included as income in the tax return of the business.

54. Only businesses which make an overall profit once grant income is included will be subject to tax.
55. Payments made to businesses before 5 April 2021 will fall into the 2020/21 tax year. Unincorporated businesses will be taxed when they receive the grant income.

Managing the risk of fraud and payments in error

56. The Government will not accept deliberate manipulation and fraud. Any business caught falsifying their records to gain additional grant money will face prosecution and any funding issued will be recovered, as may any grants paid in error.
57. Local Authorities must continue to ensure the safe administration of grants and that appropriate measures are put in place to mitigate against the increased risks of both fraud and payment error. In this respect, grant administrators should supplement existing controls with digital tools to support efficient, appropriate and accurate grants awards.
58. For the avoidance of doubt, Local Authorities are required to undertake pre-payment checks for all payments. These checks are required to be undertaken before any payments are issued to businesses and Local Authorities should retain evidence of such. This requirement is not limited to new applicants and should look at both the company and the company's bank account.

Company check

59. The Government Grants Management Function have waived the annual fee and made their digital due-diligence tool, Spotlight, available to Local Authorities to support the administration of COVID-19 business grants until 31 March 2022. Use of Spotlight (or an equivalent tool) for enhanced checks to support pre-award due diligence is required. Evidence of Spotlight checks undertaken needs to be retained by Local Authorities for audit purposes.
60. Spotlight complements existing pre-award due-diligence checks and highlights areas of risk to inform grant-making decisions, through fundamental (basic) due diligence checks. In particular, Spotlight can quickly and easily flag where organisations have recently become inactive to support authorities review the ongoing viability of recipients prior to making awards.
61. Spotlight can also provide enhanced due diligence, through a paid-for service, and grant administrators are encouraged to consider the benefits of enhanced due diligence. Local Authorities should discuss their digital tool requirements with the Government Grants Management Function at: spotlight-localauthority@cabinetoffice.gov.uk.

Bank account check

62. Grant payments should only be made to UK bank accounts.
63. The Government Counter Fraud Function has worked in partnership with Experian to introduce two new complementary products to assist public bodies in addressing residual fraud risks when dispersing funds for the COVID-19 financial support

schemes by addressing their residual fraud risks. These tools will allow Local Authorities to:

- (a) verify the bank accounts of companies in receipt of these business grants; and
 - (b) provide insight into whether the company was trading at the relevant date for these grants.
64. These tools are available via the National Fraud Initiative (NFI) and can be used for both pre- and post-payment checks. They apply to both registered companies (at Companies House) and unregistered companies such as sole traders. For further information and to access the tools, please email helpdesk@nfi.gov.uk.
65. Local Authorities can utilise the following tools (or equivalent) to undertake the required company and bank account pre-payment checks: Companies House, Experian (either directly or NFI tool), NAFN, Mint, Cifas, TransUnion “call” validate tool, Equifax Equip “report” tool, Spotlight, rent/mortgage statement or lease agreement, utility bills, building and content insurance premiums.
66. The Bank Account Verification Tool is widely available to Local Authorities, and we would recommend use of the tool to mitigate the risk of business impersonation fraud.

Pre- and post-event assurance

67. All Local Authorities are required to follow this guidance and conduct activity to provide assurance that all grants have been paid out in line with the eligibility and subsidy allowance conditions for these schemes.
68. The general principle applies that Local Authorities are responsible and accountable for the lawful use of funds under Section 151 of the Local Government Act 1972. The Section 151 Officer within the Local Authority is required to exercise their duties in line with the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance, ensuring their oversight of the proper administration of financial affairs within the Local Authority, including these grants.
69. Any undispersed funding or funds outside the scope of the scheme criteria will need to be returned to BEIS in full within 30 days of the completion of the reconciliation exercise.
70. Local Authorities must be satisfied that all subsidy allowance conditions have been fully complied with when making grant payments. LAs are recommended to seek their own advice on subsidy control compliance. LAs should assure themselves in respect of awards made and retain appropriate evidence in support.
71. To deliver the assurance requirement, Local Authorities must have pre- and post-payment assurance processes in place for this grant scheme to assure all grants issued and must retain evidence of such. Local Authorities must ensure these processes are in place as soon as possible. The process must cover the minimum two pre-payment checks (company and bank account) for grants to be paid, but also the post-payment assurance checking regime that the Local Authority will introduce to identify irregular payments. The Spotlight tool includes the functionality to add schemes pre- or post-award.
72. Assurance Guidance is issued by the Secretary of State for Business, Energy and Industrial Strategy to Local Authorities in England and applies to assurance on all

COVID–19 Business Support Grant schemes. Local Authorities should operate in line with the published Assurance Guidance V4 [link].

73. Where checks discover that payments have been made in error or have been claimed as a result of fraud, any initial recovery action will need to be undertaken by the Local Authority who should operate in line with the published Debt Recovery Guidance V4 [link].

Monitoring and reporting requirements

74. Local Authorities must retain necessary data and BEIS will undertake regular data collection exercises with the input of Local Authorities. This reporting enables accurate monitoring, evaluation, and assurance of business support grant payments. LAs should retain evidence of all grant awards made, payments issued and assurance steps undertaken.
75. Further details on data collection requirements are outlined in Annex B.
76. To assist in fraud prevention and recovery Local Authorities are required to include the name of the grant (ARG) and Local Authority code as part of the payment reference when making a payment to a business.
77. If Local Authorities detect *any* fraud that is attempted or actual, whether it is local, or organised, large scale, systematic or crosses Local Authority boundaries then they must report it in real time to the dedicated inbox at NAFN National Anti-Fraud Network (intel@nafn.gov.uk). This is so Government can build up a full picture of what is going on and get vital information and alerts back to Local Authorities in real time, this also feeds into the wider intelligence network on counter fraud within Grants.
78. If a case is categorised as organised, large scale, systematic or crosses Local Authority boundaries by NAFN, they will pass the case to NATIS who investigate serious and organised fraud on behalf of BEIS.
79. Local Authorities may be contacted for further information to assist with lines of enquiry being pursued.
80. NATIS may determine that the case is not something they could pursue and will return it to the Local Authority making the original referral. In these cases, the LA should try and secure repayment from the debtor through all reasonable and practicable steps.
81. Where a Local Authority is taking the lead in investigating fraudulent activity where the attempted or suspected fraud is local (rather than organised, large scale, systematic or crosses Local Authority boundaries), they are expected to instigate the recovery of the grant themselves. If a referral is made to NAFN for consideration of investigation, where the Local Authority does not have the resources to investigate, then any attempts that have been made to recover funds, should be included in the referral to NAFN. Local Authorities may wish to pursue referral of the case to local police, however this is at their discretion.
82. A referral should still be made to NAFN where a Local Authority is investigating a suspected or actual fraud to enable NAFN/NATIS to interrogate their systems to identify any links to other cases and to identify possible links to organised crime groups.

COVID-19 business grant subsidy allowance

83. The EU State aid rules no longer apply to subsidies granted in the UK following the end of the transition period, which ended on 31 December 2020. This does not impact the limited circumstances in which State aid rules still apply under the Withdrawal Agreement, specifically Article 10 of the Northern Ireland Protocol. However, in the vast majority of cases this will not apply. The United Kingdom remains bound by its international commitments, including subsidy obligations set out in the Trade and Cooperation Agreement (TCA) with the EU. BEIS Guidance for public authorities explaining the subsidies chapter of the TCA, World Trade Organisation rules on subsidies, and other international commitments can be found here: <https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities>.

COVID-19 business grants subsidy allowances provided on the basis of the TCA

84. The below scheme rules should be applied to applicants at the level of economic actor, which is defined as an entity or a group of entities constituting a single economic entity regardless of its legal status, that is engaged in an economic activity by offering goods or services on a market.

85. There are three subsidy allowances for the COVID-19 Business Grant Schemes set out below: Small Amounts of Financial Assistance Allowance, the COVID-19 Business Grant Allowance and the COVID-19 Business Grant Special Allowance. For grants in scope of the Northern Ireland Protocol, please see paragraphs 94 to 96 below.

86. We have concluded that the COVID-19 Business Grant Allowance and the COVID-19 Business Grant Special Allowance are compatible with the principles set out in Article 366 of the TCA and are targeted, proportionate, and effective in order to remedy difficulties caused by the COVID-19 pandemic for the purposes of Article 364(3). These two allowances constitute subsidy schemes for the purposes of Article 373(4) of the TCA and the transparency requirements at Article 369 of the TCA. Local Authorities will still need to consider their own transparency obligations in relation to individual award (see paragraph 92 below).

Small Amounts of Financial Assistance Allowance

87. Grants may be paid in accordance with Article 364(4) of the TCA, which enables an applicant to receive up to a maximum level of subsidy without engaging Chapter 3 of the TCA. This allowance is up to 325,000 Special Drawing Rights, to a single economic actor over a rolling period of three fiscal years (the “**Relevant Period**”), which is the equivalent of £335,000 as at 2 March 2021¹. When calculating the amount of subsidy an applicant has received under Article 364(4) of the TCA in a Relevant Period, a local authority should have regard to any subsidy given under Article 364(4) and any subsidy given under Commission Regulation (EU) No 1407/2013 (the **De Minimis Regulation**). An applicant may elect not to receive grants under the Small Amounts of Financial Assistance Allowance and instead receive grants only using the below allowances available under this scheme.

1. ¹ The Special Drawing Right calculator here can be used to calculate the exchange rate on the day the subsidy is awarded: https://coinmill.com/SDR_calculator.html

COVID-19 Business Grant Allowance

88. Where the Small Amounts of Financial Assistance Allowance has been reached or an applicant has elected not to receive a grant under this allowance, grants may be paid in compliance with the Principles set out in Article 366 of the TCA and in compliance with Article 364(3) of the TCA under the COVID-19 Business Grant Allowance (subsidies granted on a temporary basis to respond to a national or global economic emergency). For the purposes of the COVID-19 Business Grant Schemes, this allowance is £1,900,000 per single economic actor. This allowance includes any grants previously received under other COVID-19 Business Grant Schemes using the COVID-19 Business Grant Allowance and any State aid previously received under Section 3.1 of the European Commission's Temporary Framework across any other UK scheme. This may be combined with the Small Amounts of Financial Assistance Allowance to equal £2,235,000 (subject to the exact amount applicable under the Small Amounts of Financial Assistance Allowance using the Special Drawing Right calculator, and any other support an applicant has received under the Small Amounts of Financial Assistance Allowance in the Relevant Period).

COVID-19 Business Grant Special Allowance

89. Where an applicant has reached its limit under the Small Amounts of Financial Assistance Allowance and COVID-19 Business Grant Allowance, it may be able to access a further allowance of funding under the COVID-19 Business Grant Schemes of up to £10,000,000 per single economic actor, provided the following conditions are met:
- a. The Special Allowance covers only the applicant's uncovered fixed costs incurred during the period between 1 March 2020 and the date of application, including such costs incurred in any part of that period ('eligible period');
 - b. Applicants must demonstrate a decline in turnover during the eligible period of at least 30% compared to the same period in 2019. The calculation of losses will be based on audited accounts or official statutory accounts filed at Companies House, or approved accounts submitted to HMRC which includes information on the applicant's profit and loss;
 - c. 'Uncovered fixed costs' means fixed costs not otherwise covered by profit, insurance or other subsidies;
 - d. The grant payment must not exceed 70% of the applicant's uncovered fixed costs, except for micro and small enterprises (for the purposes of this scheme defined as less than 50 employees and less than £9,000,000 of annual turnover and/or annual balance sheet), where the grant payment must not exceed 90% of the uncovered fixed costs;
 - e. Grant payments under this allowance must not exceed £10,000,000 per single economic actor. This allowance includes any subsidies previously received in accordance with Section 3.12 of the European Commission's Temporary Framework or previously received under the COVID-19 Business Grant Schemes using this COVID-19 Business Grant Special Allowance; all figures used must be gross, that is, before any deduction of tax or other charge;

- f. Grants provided under this allowance shall not be cumulated with other subsidies for the same costs.
90. An applicant must be able to provide the necessary documentation to demonstrate it is eligible for funding under this COVID-19 Business Grant Special Allowance. Local Authorities must first verify that an applicant can meet all the criteria set out under this allowance before providing further funding under this allowance.
91. Grants provided in excess of the Small Amounts of Financial Assistance Allowance may not be granted to applicants that were defined as an 'undertaking in difficulty' (as defined in Annex C below) on 31 December 2019. In derogation to the above, grants can be granted to micro or small enterprises (as defined above) that were already in difficulty on 31 December 2019 provided that they are not subject to collective insolvency proceedings.
92. Local Authorities must ensure the remaining applicable provisions of the subsidies chapter of the TCA are complied with. In particular, the transparency obligations under Article 369. The transparency database can be found at <https://manageuksubsidies.beis.gov.uk/>. All schemes and individual awards over £500,000 must be uploaded within six months of being granted. Any ad hoc awards of at least 325,000 Special Drawing Rights over three years to an individual beneficiary must also be uploaded within six months of being granted. For access to and any further questions on the database, please contact the BEIS subsidy control team at subsidycontrol@beis.gov.uk.
93. For the avoidance of doubt, grants under the Small Amounts of Financial Assistance Allowance, the COVID-19 Business Grant Allowance and the COVID-19 Business Grant Special Allowance may be combined for a potential total allowance of £12,235,000 (taking into account all grants previously received under the COVID-19 business grants schemes and subject to the exact amount applicable under the Small Amounts of Financial Assistance Allowance using the Special Drawing Right calculator and the three fiscal year period applicable to the Small Amounts of Financial Assistance Allowance).

Article 10 of the Northern Ireland Protocol

94. Grants in scope of Article 10 of the Northern Ireland Protocol remain subject to EU State aid rules, following the end of the Transition Period which ended on 31 December 2020. Article 10 provides that EU State aid rules will continue to apply to the UK in respect of measures which affect trade in goods and electricity between Northern Ireland and the European Union.
95. In assessing whether Article 10 may apply, Local Authorities are directed to Section 7 of the technical BEIS Guidance which covers the practical application of Article 10. Local Authorities applying Article 10 must follow Section 7 of the technical BEIS Guidance.
96. Where a Local Authority grant falls within scope of Article 10 of the Northern Ireland Protocol, then a Local Authority cannot rely on the Small Amounts of Financial Assistance Allowance. Instead a Local Authority must see if the grant can be awarded under the De Minimis Regulation which allows for up to 200,000 euros of subsidy to be given to an undertaking in a rolling three year fiscal period. If a grant falls within scope of the Northern Ireland Protocol and the De Minimis Regulation cannot be relied upon, then the Local Authority will need to satisfy itself there is another legal route to award the grant in compliance with EU State aid

Rules. For example, the grants may be given under the European Commission's Temporary Framework².

General

97. BEIS may vary the terms of these schemes or suspend or close the schemes with immediate effect, without notice and at any time, and requiring that undispersed funds are returned to BEIS within 30 days.

² The UK Temporary Framework for State aid for COVID-19 responses currently expires on 31 December 2021. A decision on approval of extension of the UK scheme from the Commission is pending at the time of writing.

Annex A – Data reporting

1. As part of the Post Payment reporting process, Local Authorities will be required to report to the Department on the grant fund and to adhere to data reporting requirements. This will include reporting to BEIS progress in making payments to eligible rate paying businesses, and detailed information of grants awarded.
2. Local Authorities are required to collect information from businesses receiving these grant payments and will be required to account for how the funding has been spent. Grant recipients should also be advised that they may be contacted for research purposes, and that their data will be shared with BEIS for research and evaluation purposes. The list below sets out the minimum information requested from Local Authorities to be reported for the Additional Restrictions Grant:
 - a. Business Rate Payer name
 - b. Hereditament address
 - c. Ratepayer email address
 - d. Size of business the grant relates to
 - e. Sector
 - f. Unique identifier (preferably Company Reference Number)
 - g. Grant awarded
 - h. Amount of grant paid
 - i. Date grant paid
 - j. Grant name
3. Local Authorities will need to ensure they have appropriate data protection arrangements in line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Local Authorities should make clear to applicants that this data may be shared with BEIS. The BEIS privacy notice, setting out how BEIS will handle personal data across all COVID-19 grant schemes, can be found here <https://www.gov.uk/government/publications/covid-19-grant-schemes-privacy-notice/covid-19-grant-schemes-privacy-notice>. Data may be shared with other enforcement agencies for the prevention and detection of crime.
4. In requesting detailed information of grants awarded, we will reduce the number of submissions that Local Authorities will be asked to make, for example this data will allow us to report by Parliamentary constituency in addition to Local Authority. Grant data should be submitted using the Data Management System reporting system. Grant data will be requested on a weekly basis.
5. Further details of the data submission process, including login details, supporting material, guidance on the data submission timings and process, guidance on the use of the system, example spreadsheets, definition of terms, and applicable training is available to Local Authorities. Local Authorities can contact lagrants.data@beis.gov.uk with any queries.
6. BEIS will consolidate the reports received to support monitoring and evaluation information of the grant. This includes providing high-level performance reports including summaries of the number of businesses supported and total amount spent. We do this for a number of different reasons, including;
 - a. Accountability – to provide a clear and transparent basis for why this policy has been implemented, and its progress over time

- b. Efficiency – ensuring that we are maximising the value delivered from this public spending and ensuring opportunities for analysis and learning for the future
- c. Effectiveness – ensuring that policy makes a positive impact and understanding the context of when that happens.
- d. Further allocations – we may take into account reported data when determining further top-up payments for Local Authorities.

Annex B – Undertaking in difficulty

'Undertaking in difficulty' means an undertaking in respect of which at least one of the following circumstances occurs:

- (a) In the case of a limited liability company (other than an SME that has been in existence for less than three years) where more than half of its subscribed share capital has disappeared as a result of accumulated losses. This is the case when deduction of accumulated losses from reserves (and all other elements generally considered as part of the own funds of the company) leads to a negative cumulative amount that exceeds half of the subscribed share capital. For the purposes of this provision, 'share capital' includes, where relevant, any share premium.
- (b) In the case of a company where at least some members have unlimited liability for the debt of the company (other than an SME that has been in existence for less than three years) where more than half of its capital as shown in the company accounts has disappeared as a result of accumulated losses.
- (c) Where the undertaking is subject to collective insolvency proceedings or fulfils the criteria for being placed in collective insolvency proceedings at the request of its creditors.
- (d) Where the undertaking has received rescue aid and has not yet reimbursed the loan or terminated the guarantee or has received restructuring aid and is still subject to a restructuring plan.
- (e) In the case of an undertaking that is not an SME, where, for the past two years:
 - (1) the undertaking's book debt to equity ratio has been greater than 7.5 and
 - (2) the undertaking's EBITDA interest coverage ratio has been below 1.0.

Annex C – COVID-19 Business Grant Schemes

The COVID-19 business grant schemes are:

- Omicron Hospitality and Leisure Grant
- Additional Restrictions Grant (ARG)
- Restart Grant
- Closed Business Lockdown Payment
- Christmas Support Payment for wet-led pubs (CSP)
- Local Restrictions Support Grant (Closed) Addendum: 5 January onwards
- Local Restrictions Support Grant (Closed) Addendum: Tier 4
- Local Restrictions Support Grant (Closed) Addendum
- Local Restrictions Support Grant (Sector)
- Local Restrictions Support Grant (Closed)
- Local Restrictions Support Grant (Open)
- Local Authority Discretionary Grant Fund
- Retail, Hospitality and Leisure Grant Fund
- Small Business Grant Fund

Scheme specific guidance can be found at

<https://www.gov.uk/government/publications/local-restrictions-support-grants-lrsg-and-additional-restrictions-grant-arg-guidance-for-local-authorities> and
<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-business-support-grant-funding>

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Additional Restrictions Grant Third Top-up Scheme

Introduction

1. On 21 December 2021, the Government announced that a further £102m would be made available for local authorities through a top-up to the Additional Restrictions Grant (ARG) to support businesses severely impacted by the rise of the Omicron variant. This is in parallel with additional rates-related grants through the Omicron Hospitality and Leisure Grant (OHLG). York's share of the third ARG top up is £300,786.
2. ARG is administered by business rate billing authorities in England, with government guidance stating that the third top-up payment should only be allocated to business support grants and not fund wider business support measures. The Government has suggested a range of business sectors that could be eligible for funding from the third top up. To quote the advice:

These may include, but are not limited to: hospitality, accommodation, leisure, personal care, the travel and tourism sector, including group travel, travel agents and tour operators, coach operators, wedding industries, nightclubs, theatres, events industries, wholesalers, English language schools, breweries, freelance and mobile businesses (including caterers, events, hair, beauty and wedding related businesses), gyms, and other businesses that may have not received other grant funding. There is no restriction on the number of grants a business may receive, subject to subsidy limits.

3. Local authorities are required to receive new applications from businesses, capturing a wide range of information including the cumulative total of previous funding received under all Covid-19 business grant schemes and proof of Omicron impact on trading.
4. The following exclusions apply to ARG funding:
 - a. Businesses that have already received grant payments that equal the maximum permitted levels of subsidy (£335k over a 3 year period with some additional rules) will not be eligible to receive funding
 - b. Businesses that are in administration, insolvent or where a striking-off notice has been made are not eligible for ARG

- c. ARG funding should not be used as a wage support mechanism, for capital projects that do not provide direct business support, or to fund projects whereby Local Authorities are the recipients.

The Scheme

5. The Council will approach businesses in the sectors outlined in paragraph 2 and have already received ARG funding to invite new applications with the following conditions:
 - a. Businesses must demonstrate that they have seen reduced income of at least 30% on normal trading during the current Omicron wave (December 2021 onwards)
 - b. Businesses may not receive more than the agreed subsidy limits (for most businesses, maximum total grant = £335k over a rolling 3 year period).
6. Businesses who have not previously received ARG funding but meet our criteria (para 5) will also be able to apply for funding through our application process.
7. Businesses eligible for the Government's rates-related Omicron Hospitality and Leisure Grant (OHLG) will be deemed ineligible for ARG support and will be directed to that grant scheme.
8. Grant funding will be paid at the following levels:
 - a. Businesses not in premises with a rateable value: one-off grant of £1,500
 - b. Businesses in premises with RV below £15k but not eligible for OHLG: one-off grant of £2,667
 - c. Businesses in premises with RV between £15k and £51k but not eligible for OHLG: one-off grant of £4,000
 - d. Businesses in premises with RV above £51k but not eligible for OHLG: one-off grant of £6,000
9. All spend must take place by 31 March 2022, in accordance with Government guidance.

Roles and Responsibilities

10. The Economic Growth Team will work with the Council's Web Services team to develop the application process through the Council's website.
11. The Economic Growth Team, in conjunction with Communications, will handle communication with the city's business community.
12. The decision on grant awards sits with the Economic Growth Team, based on the information provided through applications.
13. The NNDR Billing team will undertake fraud checks and issue grant payments.

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Department for Levelling Up,
Housing & Communities

COVID-19 Additional Relief Fund (CARF): Local Authority Guidance



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December 2021

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About this guidance

1. This guidance is intended to support local authorities in administering the COVID-19 Additional Relief Fund (CARF). This guidance applies to England only.
2. This guidance sets out the scope of CARF and the criteria which local authorities should have regard to when determining awards from the fund. The guidance does not replace existing legislation.
3. Enquiries on this measure should be addressed to: ndr@communities.gov.uk

Introduction

4. COVID-19 has presented a significant and unprecedented challenge for businesses. Since the start of the pandemic the Government's response to support businesses has been of a similarly unprecedented scale. The Government has provided over £400 billion of direct support to the economy during this financial year and last, which has helped to safeguard jobs, businesses and public services in every region and nation of the UK through the pandemic. The Government's support has included making £16 billion available to provide business rates relief for retail, hospitality and leisure properties, given the direct impact of COVID-19 and the Government's interventions on businesses in these sectors.
5. On 25 March the Government announced a new COVID-19 Additional Relief Fund (CARF) of £1.5 billion. The fund will be available to support those businesses affected by the pandemic but that are ineligible for existing support linked to business rates.
6. The £1.5 billion will be allocated to local authorities based upon the estimated rateable value in each local authority rating list which falls within the scope of the fund, weighted for the Gross Value Added (GVA) impacts of COVID-19 per sector. An explanation of the allocation methodology, categories and definitions is at Annex A to F. Individual local authority allocations are published alongside this guidance.
7. This document provides guidance to authorities about the operation and delivery of the policy.

The COVID-19 Additional Relief Fund (CARF)

How will the relief be provided?

8. The Government is not changing the legislation relating to the business rates reliefs available to properties. Instead, the Government will, in line with the eligibility criteria set out in this guidance, reimburse local authorities where relief is granted using discretionary relief powers under section 47 of the Local Government Finance Act 1988. It will be for individual billing authorities to adopt a local scheme and determine in each individual case whether, having regard to this guidance and their own local scheme, to grant relief under section 47. The relief is available to reduce chargeable amounts in respect of 2021/22.
9. Central government will fully reimburse local authorities for discretionary relief awards which comply with this guidance up to the maximum level of the allocations. Because billing authorities have completed their NNDR1s for 2021/22 already, payments to major precepting authorities will be unaffected by the award of the relief. Therefore, within the year billing authorities only will be provided with “on account” section 31 payments covering the full amount of relief awarded to ensure that their cashflow is not affected.
10. After the end of the year, billing authorities will also be asked to provide outturn data on the actual total cost of providing the relief via the NNDR3 forms for 2021/22. The loss of income resulting from the relief for each billing authority and major precepting authority will be reconciled against the on-account payments made over the course of the year and any difference will be paid or recovered.
11. The Department for Levelling Up, Housing and Communities will undertake a regular DELTA collection exercise. This will be used to monitor implementation progress. Authorities should therefore ensure they put in place arrangements to support this data collection process. Billing authorities should ensure that they are able to monitor and report the take-up of the scheme at Parliamentary constituency level and local authority level, and by the Special Category code of the hereditaments.

Which properties will benefit from relief?

12. Billing authorities will be responsible for designing the discretionary relief schemes that are to operate in their areas. However, in developing and implementing their schemes local authorities must, if they are funding the relief from the section 31 grant:
 - a. not award relief to ratepayers who for the same period of the relief either are or would have been eligible for the Extended Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS),
 - b. not award relief to a hereditament for a period when it is unoccupied (other than hereditaments which have become closed temporarily due to the government's advice on COVID-19, which should be treated as occupied for the purposes of this relief), and
 - c. direct their support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact.

13. In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, billing authorities may not grant the discount to themselves, certain precepting authorities (e.g. a parish or county council) or a functional body, within the meaning of the Greater London Authority Act 1999.

How much relief will be available?

14. It will be for local authorities to determine the level of relief for individual hereditaments.

15. The relief should be applied after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, excluding those where billing authorities have provided relief using their wider discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants. As required in the NNDR3 guidance notes, the former categories of discretionary relief prior to the Localism Act should be applied first in the sequence of discretionary reliefs and, therefore, before any relief provided under the COVID-19 Additional Relief Fund (CARF). Billing authorities may wish to use their discretionary powers to offer further discounts outside this scheme. However, where an authority applies a locally funded relief, this must be applied after CARF.

Recalculation of relief

16. Depending upon how local authorities choose to award CARF, the amount of relief awarded may need to be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value or the hereditament. This change of circumstances could arise during the year in question or during a later year.
17. Under regulations made under section 47 of the Local Government Finance Act 1988 authorities must give at least 12 months' notice of a revocation or variation of a rate relief scheme the effect of which would be to increase rate bills (other than to comply with any international agreement). Such a revocation or variation can only take effect at the end of a financial year but, within these regulations, local authorities may still make decisions which are conditional upon eligibility criteria. If a change in circumstances renders a property ineligible or reduces the value of the award, the relevant bill can be amended in the year to reflect the loss of the relief.
18. Therefore, when making an award for CARF, local authorities should ensure in the conditions of the award that the relief are subject to the property's continuing eligibility.

Subsidy Control

Trade and Co-operation Agreement

19. Providing discretionary relief to ratepayers is likely to amount to a subsidy. Any relief provided by Local Authorities under the CARF Scheme will need to comply with the UK's domestic and international subsidy control obligations (see the [BEIS guidance for public authorities](#) which explains the subsidies chapter of the UK-EU Trade and Cooperation Agreement (TCA), World Trade Organisation rules on subsidies, and other international subsidy control commitments).

Small Amounts of Financial Assistance Allowance

20. To the extent that a Local Authority is seeking to provide relief that falls within the Small Amounts of Financial Assistance Allowance, Article 364 of the TCA allows an economic actor (e.g. a holding company and its subsidiaries) to receive up to 325,000 Special Drawing Rights (£343,000 as at 9 December 2021) in a three-year period (consisting of the current financial year and the two previous financial years). To administer a subsidy under the Small Amounts of Financial Assistance Allowance it is necessary for the Local Authority to establish that the award of subsidy will not result in the economic actor having received more than £343,000 of subsidy under the Small Amounts of Financial Assistance Allowance.

The COVID-19 Additional Relief Fund Allowance

21. Where the Small Amounts of Financial Assistance Allowance has been reached, additional relief may be awarded in compliance with the principles set out in Article 366 of the TCA and in compliance with Article 364.3 of the TCA. For the purposes of this scheme, the COVID-19 Additional Relief Fund Allowance, permits an economic actor to receive additional relief of up to a further £1,900,000 for COVID-19 related losses.
22. This may be combined with the Small Amounts of Financial Assistance Allowance to permit an economic actor to receive up to £2,243,000 from the CARF Scheme (or less if they have already used some of their Small Amounts of Financial Assistance limit or claimed other COVID-19 related subsidies). It should be noted that Extended Retail Discount granted in either 2020/21 or 2021/22 does not count towards these allowances, but BEIS business grants (throughout the 3 years) and any other subsidies claimed under the Small Amounts of Financial Assistance limit (such as the Retail Relief in 2019/20), or under the EU State aid de minimis limit, in the last three years, should be counted.

COVID-19 Additional Relief Fund Further Allowance

23. If an economic actor has reached the £2,243,000 limit set out above, then it may still be able to receive up to a further £10 million as a COVID-19 Additional Relief Fund Further Allowance under the CARF Scheme, if it satisfies the following conditions:
- a. the relief relates to uncovered fixed costs (i.e. costs not covered by profits or insurance etc) during the period of COVID-19 (commencing 1 March 2020). An economic actor may benefit from relief up to 70% of their uncovered costs (although this 90% limit does not apply to small businesses with fewer than 50 employees and less than £9 million turnover), and
 - b. the enterprise has shown a decline in turnover during the eligible period of at least 30% compared to the same period in 2019.
24. Therefore, local authorities will wish to ask ratepayers, on a self-assessment basis, to inform the authority if they are in breach of the above allowances. Where authorities are delivering CARF via applications then this declaration can be requested as part of the application process – sample paragraphs for which are below. As part of awarding the relief, local authorities should ask businesses to keep necessary documentation to evidence this.

Transparency

25. Local Authorities must also ensure the transparency obligations under Article 369 of the TCA are complied with. The transparency database can be found at <https://manageuksubsidies.beis.gov.uk/>
26. If the relief is awarded under the Small Amounts of Financial Assistance Allowance, LAs must ask the recipient whether, when cumulated with any de minimis EU State Aid or Small Amounts of Financial Assistance under the TCA that the business has received in the last three years, the relief will mean that the recipient has received more than 325,000 Special Drawing Rights (approximately £343,000 as at 9 December). If it has, then the relief must be declared on the BEIS transparency database within six months of it being awarded.
27. If the relief is awarded under the COVID-19 Additional Relief Fund Allowance, Local Authorities must ask the recipient whether, when cumulated with any other support received under the allowances, the recipient has received more than £500,000. If it has, then the relief must be declared on the BEIS transparency database within six months of it being made. Awards made under the COVID-19 Additional Relief Fund Further Allowance, which by their nature will be in excess of £500,000, must also be declared on the BEIS transparency database within six months of it being made.
28. For access to and any further questions on the database, please contact the BEIS subsidy control team at subsidycontrol@beis.gov.uk.
29. Where Local Authorities have further questions about subsidy control or any of the above allowance and obligations, they should seek advice from their legal department in the first instance.

Sample paragraph to include in CARF applications.

The CARF scheme is subject to the subsidies chapter within the UK-EU Trade and Cooperation Agreement (TCA). However, for CARF there is an exemption for subsidies under the value of approximately £2,243,000 per economic actor (broadly speaking, for example, a holding company and its subsidiaries). This allowance comprises 325,000 Special Drawing Rights (at current exchange rates about £343,000) for Small Amounts of Financial Assistance and a further £1,900,000 for COVID-19 related subsidy.

Therefore, to be awarded CARF you must not have claimed over the period 2019/20 to 2021/22 more than £2,243,000 from schemes which fell within the Small Amounts of Financial Assistance or COVID-19 related allowances. COVID-19 business grants you have received from local government and the

2019/20 Retail Relief should count towards this limit, but you should not count any Extended Retail Discount you have received since 1 April 2020. Further details of subsidy control can be found at:

<https://www.gov.uk/government/publications/covid-19-additional-relief-fund-carf-local-authority-guidance>

In your application for CARF you must indicate:

if you have not to date received any subsidy which fell within the Small Amounts of Financial Assistance or COVID-19 related allowances, confirm this in your application, or

if you have received other such subsidies, then you should provide the name and total value of those subsidies.

You must not apply for CARF using this form if you have already exceeded the £2,243,000 allowance. However, we will still consider applications for support under the CARF scheme if you have reached this limit provided you can evidence that you:

Intend to use the support to fund uncovered fixed costs (costs not covered by profits for insurance etc) during the period of COVID-19. Economic actors may claim for up to 90% of their uncovered costs (although this 70% limit does not apply to small businesses with less than 50 employees and less than £9 million turnover), and

have shown a decline in turnover of at least 30% within the April 2020 to March 2021 period, compared to the same 2019 to 2020 period.

You may claim up to a further £10 million of additional allowance (on top of the £2,243,000) if you meet the above tests and you have not claimed any other support from the additional allowance up to an aggregate £10 million limit (such as from the COVID-19 business grants).

The Government and [*name of local authority*] will not tolerate any business falsifying their records or providing false evidence to gain this discount, including claiming support above these thresholds. A ratepayer who falsely applies for any relief, or provides false information or makes false representation in order to gain relief may be guilty of fraud under the Fraud Act 2006.

New Burdens

30. The Government recognises that the implementation of this policy will place an additional burden on local authorities. In accordance with the New Burdens doctrine the Government will conduct an assessment of the expected reasonable additional costs associated with the implementation of the policy, working closely with local government in doing so.

Annexes A-F: CARF Allocation methodology, categories and definitions

Annex A: COVID-19 Additional Relief Fund Allocation methodology

Introduction

1. This document sets out the methodology used to calculate each English local authority's allocation of the £1.5bn COVID-19 Additional Relief Fund. Allocations will be paid to the authorities responsible for billing business ratepayers, known as billing authorities, which includes Shire Districts, Unitary Authorities, Metropolitan Districts and London Boroughs.

Proxy for impact of COVID-19

2. The allocation methodology uses the change in Gross Value Added (GVA) as a proxy for the economic impacts of COVID-19 on each business sector. The GVA data used is available here:

<https://www.ons.gov.uk/economy/grossdomesticproductgdp/datasets/monthlygrossdomesticproductbygrossvalueadded>

3. The calculation uses the change in GVA compared to Feb-20 for the period April 2020 to March 2021. This data is split by business sector according to the first level Standard Industrial Classification (SIC), apart from in two cases:
 - a. Category H (Transport and Storage) has been split into two separate categories, given the large variance in Covid-19 impact between the transport and storage sectors. Details of this split are provided in Annex B.
 - b. Category X is used where a property type doesn't fit into a specific business sector (e.g. Offices) but the most common uses are likely fall into SIC categories J, K, L, M or N.
4. The allocation method uses the average of the twelve datapoints. Each month compared to Feb-20 is weighted equally. This data is for the United Kingdom.

SIC Code	Definition	Average GVA Reduction
A	Agriculture, Forestry and Fishing	-13%
B	Mining and Quarrying	-8%

C	Manufacturing	-9%
D	Energy	-1%
E	Water and Waste Management	0%
F	Construction	-14%
G	Wholesale and Retail	-8%
I	Hospitality	-55%
J	Information and Communication	-6%
K	Financial Services	-2%
L	Real Estate Activities	-2%
M	Professional Services	-7%
N	Administrative Services	-21%
O	Public administration	1%
P	Education	-20%
Q	Health	-10%
R	Arts, Entertainment and Recreation	-34%
S	Other Services	-32%
X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services	-6%
Y	Transport	-32%
Z	Storage and Distribution	-1%

Table 1: Average GVA reduction by SIC category

Property stock and COVID-19 impact

- For each local authority's allocation, we use information on the property stock in that area. We use the Valuation Office Agency (VOA) Ratings List as at October 2021.
- The VOA data contains information about the rateable value (RV), location and type of property for all properties liable for business rates. The type of property is determined by its Special Category Code, or SCat code.
- To account for the differing severity of Covid-19 impacts on sectors, we weight the RV of each hereditament by GVA impact. In order to do this, we have worked with the VOA to develop a mapping from SCat codes to SIC codes. This is shown in Annex C.

Calculation of allocation

- An authority's allocation is calculated by summing RV in each SIC category and weighting it by GVA change. We then sum across each sector to get an authority's total GVA-weighted RV. Each authority's share of the total GVA-weighted RV in England is applied to the £1.5bn funds available to calculate their allocation. This can alternatively be represented as:

$$(1) \quad RV_{i,j}^w = GVA_i * RV_{i,j}$$

Calculate GVA-weighted RV change for sector i and authority j .

$$(2) \quad RV_j^w = \sum_{i=1}^n RV_{i,j}^w$$

Calculate sum of GVA-weighted RV for all sectors $i = 1$ to n , where n is the number of sectors.

$$(3) \quad RV_{Eng}^w = \sum_{j=1}^m RV_j^w$$

Calculate sum of GVA-weighted RV for all authorities $j = 1$ to m , where m is the number of authorities.

$$(4) \quad Allocation_j = \frac{RV_j^w}{RV_{Eng}^w} * 1,500,000,000$$

Calculate authority j 's share of the total GVA-weighted RV and multiply by the total funds available.

9. Where sectors have seen a positive change to their GVA over the relevant period, the sector RV has been given a zero weighting, as opposed to a negative weighting, in order to avoid a detrimental impact on properties within other sectors within that authority. This applies to SIC code O (Public Administration).
10. In accordance with the guidance that local authorities should not award relief to properties that have already been eligible for the Extended Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS), the following property types have been given a zero weighting in the allocation: retail, hospitality, leisure, nurseries, and airports. For the purposes of this allocation, retail, hospitality, leisure and nursery properties are defined in Annex D, and airports are defined in Annex E.
11. In order to ensure consistency with the Central Ratings List and the fact that these industries have been relatively insulated from the adverse impacts of COVID-19, the following sectors have been deemed out of scope of the relief and given a zero weighting: networks supplying utilities and associated properties. These are defined at Annex F.
12. Allocations are rounded to the nearest pound.

Annex B: Split of the Transport and Storage SIC1 Category

Category	SIC2 Components	Description
Transport	49.1-2	Rail transport
	49.3-5	Land transport
	50	Water transport
	51	Air transport
Storage and Distribution	52	Warehousing/transport support activities
	53	Postal and Courier Activities

This split, and subsequent GVA weighting, uses data from:

<https://www.ons.gov.uk/economy/economicoutputandproductivity/output/datasets/indexofservices>

Annex C: Mapping of SIC to Special Category Code

SCat code	Special category description	SIC code	SIC definition
	RETAIL SECTOR		
	Retail - Financial & Professional Services Sub-sector		
021	Banks/Insurance/Building Society Offices and Other A2 Uses	K	Financial Services
	Retail - Shops Sub-sector		
008	Airport Let Outs	G	Wholesale and Retail
024	Betting Offices	X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services
086	Departmental and Walk Round Stores (Large)	G	Wholesale and Retail
097	Factory Shops	G	Wholesale and Retail
098	Farm Shops	G	Wholesale and Retail
106	Convenience Stores	G	Wholesale and Retail
139	Hypermarkets/Superstores (over 2500m ²)	G	Wholesale and Retail
152	Large Food Stores (750 - 2500m ²)	G	Wholesale and Retail
154	Large Shops (750 - 1850m ²)	G	Wholesale and Retail
155	Large Shops (Over 1850m ²)	G	Wholesale and Retail
210	Pharmacies	G	Wholesale and Retail
235	Retail Warehouses and Foodstores	G	Wholesale and Retail
243	Sales Kiosks	G	Wholesale and Retail
249	Shops	G	Wholesale and Retail
251	Showrooms	G	Wholesale and Retail
417	Hairdressing/Beauty Salons	S	Other Services
425	Pharmacies Within/Adjacent to Surgery/Health Centre	Q	Health
429	Post Offices	G	Wholesale and Retail
442	Takeaway Food Outlet (Predominantly Off Premises)	I	Hospitality
504	Kiosks Within/Part of Specialist Property	G	Wholesale and Retail
507	Salons/Clinics Within/Part of Specialist Property	S	Other Services

508	Shops Within/Part of Specialist Property	G	Wholesale and Retail
710	Residual Malls	G	Wholesale and Retail
738	Builders Merchant	G	Wholesale and Retail
011	Amusement Arcades	R	Arts, Entertainment and Recreation
165	Markets (Other Than Livestock)	G	Wholesale and Retail
	OTHER SECTOR		
	Assembly And Leisure Sub-sector		
004	Agricultural Showgrounds (National Scheme)	R	Arts, Entertainment and Recreation
012	Amusement Parks	R	Arts, Entertainment and Recreation
014	Arenas	R	Arts, Entertainment and Recreation
022	Beach Huts	I	Hospitality
025	Bingo Halls (National Scheme)	R	Arts, Entertainment and Recreation
026	Bird Sanctuaries	R	Arts, Entertainment and Recreation
028	Bowling Alleys	R	Arts, Entertainment and Recreation
029	Bowling Centres (Indoor)	R	Arts, Entertainment and Recreation
030	Bowling Greens (Outdoor)	R	Arts, Entertainment and Recreation
047	Caravan Parks (Leisure) (National Scheme)	I	Hospitality
048	Caravan Sites and Pitches (National Scheme)	I	Hospitality
049	Casinos and Gambling Clubs	R	Arts, Entertainment and Recreation
054	Chalet Parks (National Scheme)	I	Hospitality
056	Cinemas (National Scheme)	R	Arts, Entertainment and Recreation
060	Clubhouses	R	Arts, Entertainment and Recreation
061	Clubs and Institutions	R	Arts, Entertainment and Recreation
070	Concert Halls (National Scheme)	R	Arts, Entertainment and Recreation
074	Conference and Exhibition Centres	R	Arts, Entertainment and Recreation
075	Conference Centres in Country Houses	N	Administrative Services
081	Cricket Centres	R	Arts, Entertainment and Recreation

082	Cricket Grounds (County)	R	Arts, Entertainment and Recreation
083	Cricket Grounds/Pitches (Non-County)	R	Arts, Entertainment and Recreation
084	Dance Schools and Centres	R	Arts, Entertainment and Recreation
091	Drive-In Restaurants	I	Hospitality
092	Drive-Thru Restaurants	I	Hospitality
104	Food Courts	I	Hospitality
107	Football Grounds	R	Arts, Entertainment and Recreation
108	Football Pitches	R	Arts, Entertainment and Recreation
109	Football Stadia	R	Arts, Entertainment and Recreation
116	Go Kart Rinks	R	Arts, Entertainment and Recreation
117	Golf Courses	R	Arts, Entertainment and Recreation
118	Golf Driving Ranges	R	Arts, Entertainment and Recreation
121	Greyhound Racetracks	R	Arts, Entertainment and Recreation
125	Health Farms	R	Arts, Entertainment and Recreation
128	Heritage Railways	R	Arts, Entertainment and Recreation
132	Horse Racecourses	R	Arts, Entertainment and Recreation
140	Ice Rinks	R	Arts, Entertainment and Recreation
145	Lakes With Water Sport Facilities	R	Arts, Entertainment and Recreation
164	Marinas (National Scheme)	R	Arts, Entertainment and Recreation
188	Model Villages	R	Arts, Entertainment and Recreation
191	Motor Racetracks	R	Arts, Entertainment and Recreation
195	Museums and Art Galleries (Contractors)	R	Arts, Entertainment and Recreation
196	Museums and Art Galleries (Non-Contractors)	R	Arts, Entertainment and Recreation
199	Night Clubs and Discotheques	R	Arts, Entertainment and Recreation
208	Pavilions	R	Arts, Entertainment and Recreation
213	Pleasure Piers	R	Arts, Entertainment and Recreation

214	Point to Point and Eventing Courses	R	Arts, Entertainment and Recreation
216	Polo Grounds	R	Arts, Entertainment and Recreation
225	Public Halls	R	Arts, Entertainment and Recreation
226	Public Houses/Pub Restaurants (National Scheme)	I	Hospitality
227	Public Houses/Pub Restaurants (Inc. Lodge) (National Scheme)	I	Hospitality
229	Racing Stables (National Scheme)	R	Arts, Entertainment and Recreation
234	Restaurants	I	Hospitality
236	Riding Schools and Livery Stables (National Scheme)	R	Arts, Entertainment and Recreation
237	Rifle and Weapons Ranges	R	Arts, Entertainment and Recreation
238	Roadside Restaurants (National Scheme)	I	Hospitality
239	Roller Skating Rinks	R	Arts, Entertainment and Recreation
240	Royal Palaces	R	Arts, Entertainment and Recreation
241	Rugby League Grounds	R	Arts, Entertainment and Recreation
242	Rugby Union Grounds	R	Arts, Entertainment and Recreation
252	Ski Centres	R	Arts, Entertainment and Recreation
253	Snooker Halls/Clubs	R	Arts, Entertainment and Recreation
254	Speedway Racetracks	R	Arts, Entertainment and Recreation
256	Sporting Rights	R	Arts, Entertainment and Recreation
257	Sports and Leisure Centres (LA) (Dry Only) (National Scheme)	R	Arts, Entertainment and Recreation
258	Sports and Leisure Centres (LA) (Wet and Dry) (National Scheme)	R	Arts, Entertainment and Recreation
259	Sports and Leisure Centres (Private)(Dry Only)	R	Arts, Entertainment and Recreation
260	Sports and Leisure Centres (Private)(Wet and Dry)	R	Arts, Entertainment and Recreation
261	Sports Grounds	R	Arts, Entertainment and Recreation
262	Sports Stadia	R	Arts, Entertainment and Recreation

263	Squash Courts	R	Arts, Entertainment and Recreation
264	Stables and Loose Boxes	R	Arts, Entertainment and Recreation
265	Stately Homes and Historic Houses (National Scheme)	R	Arts, Entertainment and Recreation
272	Swimming Pools (Local Authority)	R	Arts, Entertainment and Recreation
273	Swimming Pools (Private)	R	Arts, Entertainment and Recreation
277	Tennis Centres	R	Arts, Entertainment and Recreation
278	Tennis Courts/Clubs	R	Arts, Entertainment and Recreation
279	Theatres (National Scheme)	R	Arts, Entertainment and Recreation
280	Theme Parks	R	Arts, Entertainment and Recreation
283	Totalisators On Horse Racecourses	R	Arts, Entertainment and Recreation
284	Tourist Attractions	R	Arts, Entertainment and Recreation
293	Village Halls Scout Huts Cadet Huts etc	R	Arts, Entertainment and Recreation
296	War Games Courses/Misc Ag. Use	R	Arts, Entertainment and Recreation
303	Bars (valued on floorspace)	I	Hospitality
304	Zoos and Safari Parks	R	Arts, Entertainment and Recreation
403	Aquaria	R	Arts, Entertainment and Recreation
405	Boathouses	R	Arts, Entertainment and Recreation
409	Cafes	I	Hospitality
410	Changing Rooms	R	Arts, Entertainment and Recreation
416	Gymnasia/Fitness Suites	R	Arts, Entertainment and Recreation
421	Miniature Railways	R	Arts, Entertainment and Recreation
426	Pitch and Putt/Putting Greens	R	Arts, Entertainment and Recreation
431	Religious Retreats/Study Centres (Residential)	R	Arts, Entertainment and Recreation
500	Cafes/Restaurants Within/Part of Specialist Property	I	Hospitality
503	Gymnasia/Fitness Suites Within/Part of Specialist Property	R	Arts, Entertainment and Recreation

509	Sports and Leisure Centres Within/Part of Specialist Property	R	Arts, Entertainment and Recreation
715	Football Training Grounds	R	Arts, Entertainment and Recreation
739	Soccer Centres	R	Arts, Entertainment and Recreation
993	Leisure Miscellaneous	R	Arts, Entertainment and Recreation
	Education Sub-sector		
065	Colleges of Further Education (National Scheme)	P	Education
085	Day Nurseries/Play Schools	P	Education
159	Local Authority Schools (National Scheme)	P	Education
206	Oxbridge Colleges	P	Education
223	Public and Independent Schools (National Scheme)	P	Education
288	Universities (Excluding Oxbridge) (National Scheme)	P	Education
440	University Occupation Within Hospitals	P	Education
505	Nurseries/Creches Within/Part of Specialist Property	P	Education
995	Educational Miscellaneous	P	Education
	Health Sub-sector		
134	Hospitals and Clinics NHS (National Scheme)	Q	Health
135	Hospitals and Clinics (Private) (National Scheme)	Q	Health
436	Surgeries Clinics Health Centres (Contractors Valuation)	Q	Health
437	Surgeries Clinics Health Centres (Rental Valuation)	Q	Health
	Hotels, Guest & Boarding, Self Catering etc Sub-sector		
062	Coaching Inns	I	Hospitality
077	Country House Hotels	I	Hospitality
099	Field Study Activity and Adventure Centres	R	Arts, Entertainment and Recreation
122	Guest and Boarding Houses	I	Hospitality
130	Holiday Centres	I	Hospitality
131	Holiday Homes (Self Catering)	I	Hospitality
136	Hostels	I	Hospitality
137	Hotels (3 Star and Under)	I	Hospitality
138	Hotels (4 Star and Above) and Chain Op. 3 Star (National Scheme)	I	Hospitality
160	Lodges (National Scheme)	I	Hospitality

281	Timeshare Complexes (National Scheme)	I	Hospitality
722	Serviced Apartments	I	Hospitality
	Non Residential Institutions Sub-sector		
067	Community Day Centres	Q	Health
156	Libraries	O	Public administration
	Other - Offices Sub-sector		
057	Civic and Public Buildings (Local Authority Occupations)	O	Public administration
411	Coastguard Stations	O	Public administration
415	Courts (Rental Valuation)	O	Public administration
414	Courts (Contractors Valuation)	O	Public administration
215	Police Stations	O	Public administration
418	Information/Visitor Centres	N	Administrative Services
506	Offices Within/Part of Specialist Property	X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services
	Other - Other Sub-sector		
001	AA/RAC Service Centres and Boxes	Y	Transport
003	Advertising Right	J	Information and Communication
010	Ambulance Stations	O	Public administration
013	Animal Boarding	I	Hospitality
015	Army Hereditaments	O	Public administration
039	Car Parks (NCP and Multi-Storey)	Y	Transport
040	Car Parks (Surfaced Open)	Y	Transport
041	Car Parks (Unsurfaced Open)	Y	Transport
043	Car Spaces	Y	Transport
053	Cemeteries (National Scheme)	S	Other Services
058	Civic Amenity Sites	E	Water and Waste Management
076	Contractors Huts and Compounds	F	Construction
080	Crematoria (With and Without Cemeteries) (National Scheme)	S	Other Services
100	Film and TV Studios	J	Information and Communication
101	Fire Stations	O	Public administration
102	Fish Farms	A	Agriculture, Forestry and Fishing
111	Funeral Parlours/Chapels Of Rest	S	Other Services
112	Game Farms	R	Arts, Entertainment and Recreation
123	Gypsy Camp Sites (Short Stay)	I	Hospitality
124	Hatcheries/Poultry Farms	A	Agriculture, Forestry and Fishing
141	Interactive Telephone Kiosks	J	Information and Communication

		X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services
143	Kennels and Catteries		
144	Laboratories	M	Professional Services
146	Land Used For Advertising	J	Information and Communication
147	Land Used For Car Boot Sales	G	Wholesale and Retail
150	Landfill Sites	E	Water and Waste Management
189	Moorings (Floating Hereditaments)	I	Hospitality
190	Mortuaries	O	Public administration
197	Navy Hereditaments	O	Public administration
202	Observatories	M	Professional Services
224	Public Conveniences (National Scheme)	O	Public administration
228	Public Telephone Kiosks (National Scheme)	J	Information and Communication
230	RAF Hereditaments	O	Public administration
232	Recording Studios	J	Information and Communication
269	Stud Farms	X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services
270	Studios	R	Arts, Entertainment and Recreation
285	Training Centre (Non Residential)	Q	Health
292	Veterinary Clinics / Animal Clinics	M	Professional Services
294	Vineyards/Wineries	C	Manufacturing
298	Waste Recycling Plants	E	Water and Waste Management
302	Windmills	C	Manufacturing
420	Lifeboat Stations	O	Public administration
424	Pet Grooming Parlours	M	Professional Services
428	Police Training Colleges	P	Education
438	Telescope Sites	O	Public administration
439	University - Ancillary Land or Buildings	P	Education
501	Car Parking Within/Part of Specialist Property	Y	Transport
513	Miscellaneous Within/Part of Specialist Property	X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services
725	Park and Ride Car Parks	Y	Transport
992	Commercial Miscellaneous	X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services

998	Crown Miscellaneous	O	Public administration
		X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services
999	Miscellaneous		
	Other - Retail Sub-sector		
018	ATMs	K	Financial Services
019	Auction Rooms	G	Wholesale and Retail
038	Car Auction Buildings/Sites	G	Wholesale and Retail
042	Car Showrooms	G	Wholesale and Retail
044	Car Supermarkets	G	Wholesale and Retail
045	Car Washes (Stand Alone)	G	Wholesale and Retail
046	Car/Caravan Sales/Display/Hiring Sites	G	Wholesale and Retail
114	Garden Centres	G	Wholesale and Retail
757	Plant Nurseries	G	Wholesale and Retail
133	Hospital Let Outs	G	Wholesale and Retail
193	Motorway Service Area Let Outs	G	Wholesale and Retail
194	Motorway and Major Road Service Areas	G	Wholesale and Retail
209	Petrol Filling Stations (National Scheme)	G	Wholesale and Retail
211	Photographic Booths	G	Wholesale and Retail
250	Showhouses (National Scheme)	G	Wholesale and Retail
266	Station Let Outs	G	Wholesale and Retail
419	Land Used for Display	G	Wholesale and Retail
427	Pitches for Stalls Sales or Promotions	G	Wholesale and Retail
432	Sales Offices	L	Real Estate Activities
	Residential Institutions Sub-sector		
201	Nursing Homes (Inc. Old Peoples Homes)	Q	Health
220	Prison Service Hereditaments	O	Public administration
286	Training Centre (Residential)	X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services
	Storage & Distribution Sub-sector		
119	Grain Silos	Z	Storage and Distribution
120	Granaries and Intervention Stores	Z	Storage and Distribution
157	Liquid Bulk Storage (Incl Petrol and Oil) (National Scheme)	Z	Storage and Distribution
404	Archives	O	Public administration
412	Cold Stores (Contractors Valuation)	Z	Storage and Distribution

413	Cold Stores (Rental Valuation)	Z	Storage and Distribution
	Transport Sub-sector		
005	Air Ports (Minor) (National Scheme)	Y	Transport
006	Air Strips (National Scheme)	Y	Transport
036	Bus Stations	Y	Transport
059	Civil Airports	Y	Transport
089	Docks and Harbours (Non-Statutory)	Y	Transport
126	Heliports	Y	Transport
161	Lorry Parks	Y	Transport
231	Railways and Tramways (Non Leisure)	Y	Transport
282	Tolls (Ferries Roads and Bridges)	Y	Transport
287	Truck Stops	G	Wholesale and Retail
712	Rail Freight Depots	Y	Transport
714	Rail Maintenance Depots	Y	Transport
737	Ferry Terminal	Y	Transport
	Utilities Sub-sector		
066	Communication Stations (National Scheme)	J	Information and Communication
088	District Heating Undertakings and Networks	D	Energy
090	Domestic Fuel Installations	O	Public administration
094	Electricity Undertakings (Non-Statutory)	D	Energy
115	Gas Processing Plants	D	Energy
149	Landfill Gas Generator Sites	D	Energy
219	Power Generators	D	Energy
246	Sewage Works (National Scheme)	E	Water and Waste Management
275	Telecommunications Cable Networks (National Scheme)	J	Information and Communication
276	Telecommunications Switching Centres	J	Information and Communication
300	Water Undertakings (Non-Statutory)	E	Water and Waste Management
726	Telecommunications Large Broadcast Sites	J	Information and Communication
729	Renewable Generators – Mixed Technologies	D	Energy
733	Battery Storage	D	Energy
741	Independent Gas Transporter	D	Energy
742	Independent Distribution Network Operator	D	Energy
743	Renewable Power Generator - Photovoltaic	D	Energy

744	Renewable Power Generator - Wind	D	Energy
745	Renewable Power Generator - Other	D	Energy
746	Renewable Power Generator - Hydro	D	Energy
747	Fossil Fuel Power Station	D	Energy
748	Nuclear Power Station	D	Energy
	OFFICE SECTOR		
	Offices Sub-sector		
203	Offices (Inc Computer Centres)	X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services
204	Offices (Headquarters/Institutional)	X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services
	INDUSTRY SECTOR		
	General Industrial Sub-sector		
105	Food Processing Centres	C	Manufacturing
110	Foundries	C	Manufacturing
289	Vehicle Repair Workshops and Garages	G	Wholesale and Retail
408	Business Units	X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services
512	Workshops Within/Part of Specialist Property	C	Manufacturing
096	Factories Workshops and Warehouses (Incl Bakeries and Dairies)	C	Manufacturing
153	Large Industrials (Over 20 000m ²)	C	Manufacturing
192	Motor Vehicle Works	C	Manufacturing
198	Newspaper Printing Works (National Scheme)	C	Manufacturing
207	Paper Mills	C	Manufacturing
	Industry - Storage & Distribution Sub-sector		
034	Bullion/Money Stores (National Scheme)	Z	Storage and Distribution
129	High Tech Warehouses	Z	Storage and Distribution
148	Land Used For Storage	Z	Storage and Distribution
151	Large Distribution Warehouses	Z	Storage and Distribution
217	Post Office Sorting Centres	Z	Storage and Distribution
267	Storage Depots	Z	Storage and Distribution
268	Stores	Z	Storage and Distribution

301	Wholesale Warehouses	G	Wholesale and Retail
510	Stores Within/Part of Specialist Property	Z	Storage and Distribution
511	Warehouses Within/Part of Specialist Property	Z	Storage and Distribution
721	Self Storage Facility	Z	Storage and Distribution
	Industry Other Sub-sector		
068	Computer Centres (Non-Purpose Built)	N	Administrative Services
069	Computer Centres (Purpose Built)	N	Administrative Services
007	Aircraft Works With Airfields	C	Manufacturing
009	Aluminium Smelting Works	C	Manufacturing
016	Artificial Fibre Works	C	Manufacturing
017	Asphalt Plants	C	Manufacturing
020	Baling Plant	C	Manufacturing
023	Beet Sugar Factories	C	Manufacturing
027	Boat Yards	C	Manufacturing
031	Breweries (National Scheme)	C	Manufacturing
032	Brickworks (Traditional) Clay Tile/Pipe Works	C	Manufacturing
033	Bulk Cement Storage Depots	C	Manufacturing
037	Cable Head End Buildings	J	Information and Communication
050	Cattle Breeding Centres	A	Agriculture, Forestry and Fishing
051	Cement Tile Works	C	Manufacturing
052	Cement Works	C	Manufacturing
055	Chemical Works	C	Manufacturing
063	Coking and Carbonising Plants	C	Manufacturing
071	Concrete Batching Plants	C	Manufacturing
072	Concrete Block Works	C	Manufacturing
073	Concrete Product Works	C	Manufacturing
079	Creameries	C	Manufacturing
087	Distilleries	C	Manufacturing
093	Effluent Minewater Treatment Plant and Premises	E	Water and Waste Management
095	Exhaust and Tyre Centres	G	Wholesale and Retail
103	Flour Mills (National Scheme)	C	Manufacturing
113	Garages (Transport and Commercial)	Y	Transport
127	Hereditals Used For Primary Treatment/Processing Of Minerals	B	Mining and Quarrying
142	Iron and/or Steel Works	C	Manufacturing
158	Livestock Markets (National Scheme)	C	Manufacturing
162	Maltings - Non Trad	C	Manufacturing
163	Maltings - Trad	C	Manufacturing
166	Mechanised Handling Depots	Z	Storage and Distribution

167	Mineral Producing Hereditament - Blockstone	B	Mining and Quarrying
168	Mineral Producing Hereditament - Brine	B	Mining and Quarrying
169	Mineral Producing Hereditament - Chalk	B	Mining and Quarrying
170	Mineral Producing Hereditament - China Clay	B	Mining and Quarrying
171	Mineral Producing Hereditament - Clay	B	Mining and Quarrying
172	Mineral Producing Hereditament - Coal	B	Mining and Quarrying
173	Mineral Producing Hereditament - Fluorspar	B	Mining and Quarrying
174	Mineral Producing Hereditament - Gas	B	Mining and Quarrying
175	Mineral Producing Hereditament - Hardrock	B	Mining and Quarrying
176	Mineral Producing Hereditament - Inert	E	Water and Waste Management
177	Mineral Producing Hereditament - Oil	B	Mining and Quarrying
178	Mineral Producing Hereditament - Other Mineral Category	B	Mining and Quarrying
179	Mineral Producing Hereditament - Putrescible	E	Water and Waste Management
180	Mineral Producing Hereditament - Sand and Gravel	B	Mining and Quarrying
181	Mineral Producing Hereditament - Shale Burnt	B	Mining and Quarrying
182	Mineral Producing Hereditament - Shale Unburnt	B	Mining and Quarrying
183	Mineral Producing Hereditament - Slate	B	Mining and Quarrying
184	Mineral Producing Hereditament With Batching Plant	B	Mining and Quarrying
186	Mineral Producing Hereditament With Tunnel Kiln	B	Mining and Quarrying
187	MOD Hereditaments	O	Public administration
200	Nuclear Establishments	E	Water and Waste Management
205	Oil Refineries	C	Manufacturing
212	Pipelines	Y	Transport
218	Potteries	C	Manufacturing
221	Properties Involving Extraction Of Materials For Profit	B	Mining and Quarrying
222	Provender Mills (National Scheme)	C	Manufacturing
233	Refuse Destructor Plants/Disposal Sites	E	Water and Waste Management

244	Scrap Metal/Breakers Yard	E	Water and Waste Management
245	Sea Dredged Aggregate Processing Plants and Depots	B	Mining and Quarrying
247	Ship Building Yards	C	Manufacturing
248	Ship Repair Yards	C	Manufacturing
255	Spoil Heap Workings	B	Mining and Quarrying
274	Tanneries	C	Manufacturing
290	Vehicle Testing Centres (With Test Tracks)	C	Manufacturing
291	Vehicle Testing Centres (Without Test Tracks)	O	Public administration
295	Wafer Fabrications (National Scheme)	C	Manufacturing
297	Waste Incinerator Plants	E	Water and Waste Management
299	Waste Transfer Stations	E	Water and Waste Management
400	Abattoirs and Slaughter Houses (Contractors Valuation)	C	Manufacturing
401	Abattoirs and Slaughter Houses (Rental Valuation)	C	Manufacturing
402	Agricultural Research Centres	M	Professional Services
406	Bus Garages (Contractors Valuation)	Y	Transport
407	Bus Garages (Rental Valuation)	Y	Transport
422	Pack Houses	A	Agriculture, Forestry and Fishing
423	Peat Fields	B	Mining and Quarrying
430	Pumping Mines	B	Mining and Quarrying
433	Statutory Docks and Harbours (Formula)	Y	Transport
434	Statutory Docks and Harbours (Non-Formula Prescribed)	Y	Transport
435	Statutory Docks and Harbours (Other)	Y	Transport
441	Weighbridges	Y	Transport
502	Garages Within/Part of Specialist Property	Y	Transport
994	Industrial Miscellaneous	C	Manufacturing
997	Minerals Miscellaneous	B	Mining and Quarrying

Annex D: Definition of Retail, Hospitality and Leisure properties

SCat Code	Special category description
4	Agricultural Showgrounds (National Scheme)
8	Airport Let Outs
11	Amusement Arcades
12	Amusement Parks
14	Arenas
19	Auction Rooms
22	Beach Huts
24	Betting Offices
25	Bingo Halls (National Scheme)
26	Bird Sanctuaries
28	Bowling Alleys
29	Bowling Centres (Indoor)
30	Bowling Greens (Outdoor)
38	Car Auction Buildings/Sites
42	Car Showrooms
44	Car Supermarkets
45	Car Washes (Stand Alone)
46	Car/Caravan Sales/Display/Hiring Sites
47	Caravan Parks (Leisure) (National Scheme)
48	Caravan Sites and Pitches (National Scheme)
49	Casinos and Gambling Clubs
54	Chalet Parks (National Scheme)
56	Cinemas (National Scheme)
60	Clubhouses
61	Clubs and Institutions
62	Coaching Inns
70	Concert Halls (National Scheme)
74	Conference and Exhibition Centres
75	Conference Centres in Country Houses
77	Country House Hotels
81	Cricket Centres
82	Cricket Grounds (County)
83	Cricket Grounds/Pitches (Non-County)
84	Dance Schools and Centres
85	Day Nurseries/Play Schools
86	Departmental and Walk Round Stores (Large)
91	Drive-In Restaurants
92	Drive-Thru Restaurants
97	Factory Shops
98	Farm Shops
99	Field Study Activity and Adventure Centres

104	Food Courts
106	Convenience Stores
107	Football Grounds
108	Football Pitches
109	Football Stadia
114	Garden Centres
116	Go Kart Rinks
117	Golf Courses
118	Golf Driving Ranges
121	Greyhound Racetracks
122	Guest and Boarding Houses
125	Health Farms
128	Heritage Railways
130	Holiday Centres
131	Holiday Homes (Self Catering)
132	Horse Racecourses
136	Hostels
137	Hotels (3 Star and Under)
138	Hotels (4 Star and Above) and Chain Op. 3 Star (National Scheme)
139	Hypermarkets/Superstores (over 2500m ²)
140	Ice Rinks
145	Lakes With Water Sport Facilities
152	Large Food Stores (750 - 2500m ²)
154	Large Shops (750 - 1850m ²)
155	Large Shops (Over 1850m ²)
160	Lodges (National Scheme)
164	Marinas (National Scheme)
165	Markets (Other Than Livestock)
188	Model Villages
191	Motor Racetracks
195	Museums and Art Galleries (Contractors)
196	Museums and Art Galleries (Non-Contractors)
199	Night Clubs and Discotheques
208	Pavilions
209	Petrol Filling Stations (National Scheme)
210	Pharmacies
211	Photographic Booths
213	Pleasure Piers
214	Point to Point and Eventing Courses
216	Polo Grounds
225	Public Halls
226	Public Houses/Pub Restaurants (National Scheme)
227	Public Houses/Pub Restaurants (Inc. Lodge) (National Scheme)
229	Racing Stables (National Scheme)
234	Restaurants
235	Retail Warehouses and Foodstores

236	Riding Schools and Livery Stables (National Scheme)
237	Rifle and Weapons Ranges
238	Roadside Restaurants (National Scheme)
239	Roller Skating Rinks
240	Royal Palaces
241	Rugby League Grounds
242	Rugby Union Grounds
243	Sales Kiosks
249	Shops
250	Showhouses (National Scheme)
251	Showrooms
252	Ski Centres
253	Snooker Halls/Clubs
254	Speedway Racetracks
256	Sporting Rights
257	Sports and Leisure Centres (LA) (Dry Only) (National Scheme)
258	Sports and Leisure Centres (LA) (Wet and Dry) (National Scheme)
259	Sports and Leisure Centres (Private)(Dry Only)
260	Sports and Leisure Centres (Private)(Wet and Dry)
261	Sports Grounds
262	Sports Stadia
263	Squash Courts
264	Stables and Loose Boxes
265	Stately Homes and Historic Houses (National Scheme)
266	Station Let Outs
272	Swimming Pools (Local Authority)
273	Swimming Pools (Private)
277	Tennis Centres
278	Tennis Courts/Clubs
279	Theatres (National Scheme)
280	Theme Parks
281	Timeshare Complexes (National Scheme)
283	Totalisators On Horse Racecourses
284	Tourist Attractions
293	Village Halls Scout Huts Cadet Huts etc
296	War Games Courses/Misc Ag. Use
303	Bars (valued on floorspace)
304	Zoos and Safari Parks
403	Aquaria
405	Boathouses
409	Cafes
410	Changing Rooms
416	Gymnasia/Fitness Suites
417	Hairdressing/Beauty Salons
421	Miniature Railways
425	Pharmacies Within/Adjacent to Surgery/Health Centre

426	Pitch and Putt/Putting Greens
431	Religious Retreats/Study Centres (Residential)
432	Sales Offices
442	Takeaway Food Outlet (Predominantly Off Premises)
500	Cafes/Restaurants Within/Part of Specialist Property
503	Gymnasia/Fitness Suites Within/Part of Specialist Property
504	Kiosks Within/Part of Specialist Property
505	Nurseries/Creches Within/Part of Specialist Property
507	Salons/Clinics Within/Part of Specialist Property
508	Shops Within/Part of Specialist Property
509	Sports and Leisure Centres Within/Part of Specialist Property
710	Residual Malls
722	Serviced Apartments
738	Builders Merchant
739	Soccer Centres
757	Plant Nurseries
993	Leisure Miscellaneous

Annex E: Definition of airports

SCat code	Special category description
005	Air Ports (Minor) (National Scheme)
059	Civil Airports

Annex F: Definition of network supplying utilities and associated properties

SCat code	Special category description
094	Electricity Undertakings (Non-Statutory)
115	Gas Processing Plants
212	Pipelines
275	Telecommunications Cable Networks (National Scheme)
276	Telecommunications Switching Centres
300	Water Undertakings (Non-Statutory)
726	Telecommunications Large Broadcast Sites
729	Renewable Generators – Mixed Technologies
741	Independent Gas Transporter
742	Independent Distribution Network Operator
743	Renewable Power Generator - Photovoltaic
744	Renewable Power Generator - Wind
745	Renewable Power Generator - Other
746	Renewable Power Generator - Hydro
747	Fossil Fuel Power Station
748	Nuclear Power Station

Covid Additional Relief Scheme - CARF

Introduction

1. On 25 March the Government announced a new COVID-19 Additional Relief Fund (CARF) of £1.5 billion. The fund will be available to support those businesses adversely affected by the pandemic but that are ineligible for existing support linked to business rates.
2. The Government is not changing the legislation relating to the business rates reliefs available to properties. Instead, the Government will, in line with the eligibility criteria, reimburse local authorities where relief is granted using discretionary relief powers under section 47 of the Local Government Finance Act 1988. It will be for the council to adopt a local scheme and determine in each individual case whether, having regard to this guidance and their own local scheme, to grant relief under section 47. The relief is available to reduce chargeable amounts in respect of 2021/22.
3. The Council (billing authority) will be responsible for designing the discretionary relief schemes that is to operate in our area. However, in developing and implementing our scheme we must, if we are funding from the section 31 grant (Not our own budgets):
 - a. not award relief to ratepayers who for the same period of the relief either are or would have been eligible for the Extended Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS),
 - b. not award relief to a hereditament for a period when it is unoccupied (other than hereditaments which have become closed temporarily due to the government's advice on COVID-19, which should be treated as occupied for the purposes of this relief), and
 - c. direct their support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact.
4. In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, the council may not grant the discount to itself, certain precepting authorities (e.g. a parish

council) or a functional body, within the meaning of the Greater London Authority Act 1999.

The Scheme

5. The council has taken a cut of the NNDR Base to identify those businesses that meet the criteria as set out at paragraph 3 and points a to c.
6. This cut has been further split into up to £51k RV and above £51k RV. The purpose of this is to identify the smaller local businesses which mainly fall into £51k and under.
7. The council's Economic Growth Team will check both lists and let NNDR Billing know if any business should be removed from the £51k and under cut or add any from the over £51k cut. This decision will be taken based on local knowledge and the criteria set out at paragraph 3.
8. The business must have a business rate account and have been trading on 31st December 2021.
9. The council's NNDR billing team will then award 90% of the S47 relief available to these businesses holding back 10% in contingency.
10. The awards will be made on net liability not RV as some of the under £51k businesses will be receiving other non-covid support such as Small Business Rate Relief (SBRR).
11. The NNDR Billing team will issue any refund after the relief has been applied if requested.
12. The full value of the relief does not need to be spent by 31st March 2022 but must be applied to the 2021/22 year. The last date of any possible award is 30th September 2022.

13. Only 90% of the initial funding will be awarded in the first tranche. The reason for this is that the Government funding is a finite amount and 10% will be held in contingency to deal with any unforeseen claims or appeals arising from deploying the scheme.
14. The scheme will ask the identified businesses to make a declaration of eligibility in that by accepting CARF they are confirming that they meet the 3 criteria below and that they have had the opportunity to confirm their ineligibility. All the identified qualifying businesses will be contacted by letter in the first instance. The letter will set out clearly the three opt out options:
 - The business does not qualify under the Subsidy Control Rules.
 - The business has not been adversely affected by Covid.
 - The business does not wish to receive the business rate relief.
15. The letter will provide an email address for the business to respond too in respect of the above criteria.
16. The business categories within the CARF scheme as set out by Central Government have all seen a reduction in their Gross Value Added (GVA). These businesses have all been adversely affected by covid and have received no Government support to date. Only the businesses in these categories are supported by the scheme.
17. Businesses must opt out of the scheme by 31st March 2022 and any business who believe they meet the qualifying criteria but have not been awarded a relief must make an application to the council by this date.

Roles and Responsibilities

18. The decision on the awards rests with the Economic Growth Team based on the information provided from the NNDR billing team. This includes any queries that arise for implementing the scheme.
19. The application of relief any refund and all returns rest with the NNDR Billing Team.

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**Decision Session – Executive Member for
Finance and Performance****14 February 2022**

Report of the Director of Economy, Regeneration and Housing

Application for Community Right to Bid under the Localism Act 2011**Summary**

1. This report details an application to list Holgate Allotments, York as an Asset of Community Value (ACV), for consideration by the Council. The application has been received from Holgate Allotment Association.

Recommendations

2. The Executive Member is asked to consider the officer recommendation to:

Approve the renewal of the listing of Holgate Allotments, York, as an Asset of Community Value (ACV) for the reasons outlined within this report.

Reason: To ensure the Council meets its legislative requirements of the Localism Act 2011 and promotes community access to community facilities.

Background

3. The application has been received, for a decision by the Executive Member in the Council's statutory capacity as an Asset of Community Value (ACV) listing authority.
4. The freehold of the site is owned by City of York Council and leased to York Allotments Charitable Incorporated Organisation (CIO), who in turn sublet to Holgate Allotments Association. The site was previously entered on the Council's list of ACV property on 29 June 2015 following an earlier ACV nomination received on 7 May 2015.

As pursuant to Section 87(3) of the Localism Act 2011 land/property must be removed from the ACV list after 5 years from date of listing. This application is a request to re-add the site onto the Council's AVC list (for a further period of 5 years).

5. The purpose behind these provisions is to ensure that property (land and building) assets which are currently used to the benefit of the local communities are not disposed of without the local community being given a fair opportunity to bid for these assets when they are put on the open market. This right is not simply to accommodate 'public assets' but also private assets, the test is whether such assets are viewed as 'assets of community value'. These assets therefore could be currently owned by the public, private or voluntary sector.
6. The definition of 'land of community value' is set out in section 88 of the Localism Act 2011. To be considered as an asset of community value the land or property must satisfy either of the following criteria:
 - a. 88(1) an actual current non-ancillary use of the building or other land furthers the well-being or social interests of the community and whether it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social well-being or social interests of the local community

OR

- b. 88(2) there is a time in the recent past when an actual non-ancillary use of the building or other land furthered the social well-being or social interests of the local community and it is realistic to think that there is a time within the next 5 years when there could be non-ancillary use (whether or not the same use as before) that would further the social well-being or social interests of the local community
7. There is no exhaustive list of what is considered to be an asset of community value but cultural, recreational and sporting interests are included. Excluded specifically are residential type properties (such as hotels, housing in multiple occupation and residential caravan sites) and operational land of statutory undertakers.

The process

8. The regulations set out how potential assets can be listed which in brief are as follows:

- **Nomination** – this can be by a voluntary or community body with a local connection. This includes parish councils, neighbourhood forums, charities, community interest groups but excludes public or local authorities (except parish councils).
- **Consideration** – the local authority have 8 weeks to make the decision. Under the Council's procedures the Executive member is the decision maker. If the nomination is successful the asset details are entered onto the 'Community Value list' – see further details in the report – and also the local land charges register. If unsuccessful then the details are entered onto an 'unsuccessful nominations' list for a period of 5 years to prevent repeat nominations. The owner can request a review of the decision which must be completed within 8 weeks and the owner can further appeal within 28 days of the review outcome to a Tribunal. Neither the Localism Act nor the ACV Regulations give the nominating organisation any right to appeal a decision of the local authority that the nominated property is not an asset of community value/does not satisfy the necessary S.88 criteria referred to above.
- **Disposal of assets on the list** – if a building or piece of land which is on the list is going to be sold with vacant possession then the owner of the asset needs to give notice to the local authority. There is then a 6 week moratorium period for any community group to express interest in writing and if they do, then a 6 month period is provided for that group to prepare its bid. After that period the owner can market the property and any bid from the community group will be considered with bids from other interested parties. There is no guarantee that the offer from the community group will be successful as the owner of the asset will dispose of the property in accordance with its own criteria for disposal. There are a number of exceptions contained within the legislation that mean that this moratorium period does not apply and the owner does not need to give notice of its intention to sell. This includes when there is a legally enforceable requirement, which pre-dates the listing, to sell to a specific party.
- **Compensation** – the presence of the land or building asset on the community value list may result in additional expenditure or a loss to the owner and therefore the owner can apply for compensation from the local authority. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

Holgate Allotments

9. The freehold of Holgate Allotments is owned by City of York Council. The nomination is being made by Holgate Allotment Association (HAA) who have confirmed their status as occupier in their application. Legal Services have confirmed that a nomination must be considered by the Council if the nominator is someone who meets the eligibility criteria specified in the relevant legislation and if the nomination form includes the information specified in Regulation 6 of the ACV Regulations 2012. Holgate Allotment Association is an eligible organisation and the application is valid.
10. In accordance with the regulations to notify the owner (CYC) Dave Meigh, Operations Manager – Public Realm has been consulted. He has confirmed he has no objection to the nomination.
11. City of York Council own the freehold to various allotment sites in York. The sites are leased out to York Allotments CIO (YACIO) pursuant to a lease granted on 9 April 2021. The term is a period of 7 years from the date of the lease at a peppercorn rent. YACIO sublet Holgate Allotments to Holgate Allotments Association.
12. YACIO have been informed of the nomination. A response received from Tony Chalcraft, Chair YACIO Trustees, confirms that Holgate Allotment Association's nomination is fully supported by the trustees of YACIO. Comments in his response include that Holgate Allotments is one of the largest and longest established sites in the city. It is fully tenanted with a long waiting list. He states that HAA has undergone several projects to improve the site and encourage a sense of community including the Carriage Garden. He emphasises that the site provides a green space in an otherwise urban area and that its environmental value is enhanced by Holgate Beck which forms the Eastern Boundary.
13. Holgate Allotment Association (HAA) state in their nomination that Holgate Allotments were originally established to provide growing space for the people occupying the high-density terraced housing in the nearby area. Additionally, St Paul's C of E Primary School occupies a plot, this being the only green space available to its pupils. Plots are also occupied by York Mind and Ecotherapy at St Nicks. The site is also accessible for those using mobility scooters. The demand for plots continues to be high, with a typical waiting list in excess of ten in number. HAA state the allotments are considered to

have a positive impact on both physical and mental health with plot holders able to increase their activity levels, have access to a peaceful outdoor environment, meet and socialise with other plot holders, and engage in an activity that is a recognised form of stress relief.

14. The HAA have developed a community plot, the Carriage Garden which includes a pond and decking area based around a restored Great Northern Railway wagon providing a community space for tenants. The awarding of a National Lottery Community Fund grant is enabling the development of two unlettable allotment plots into a community orchard and an apiary benefitting plot holders and the local community with a place to meet and socialise. The plan includes a series of accessible raised beds.
15. HAA state there is a mix of long and short term tenants ensuring that those new to the area or with a new interest has a reasonable chance to get a plot. The association has increased community involvement in the site through open days, apple pressing days and fetes. Holgate Allotments provide protection and an ideal habitat for wildlife including hedgehogs, voles, newts and bats (many of which are on the Red List of Conservation) in what is a heavily urbanised area. Holgate Allotments provides a means to fulfil CYC's key priorities listed in its "Vision for Holgate"; *increase community involvement, increase access to healthy lifestyle choices and to help your money go further.*
16. Impact statements from Richard Knowles, St Paul's C of E Primary Head Teacher, Dr Toni Bunnell, plot holder and Wildlife Biologist, and Dan Brittan, Self Help and Group Manager for York Mind have stated their support for the nomination.

Analysis

17. If the decision is to approve the ACV nomination application then the owner of the property has a statutory right to request a review of that decision by submitting a review request to the Council within 8 weeks of the decision date. (If the decision is to reject the ACV nomination application, the legislation does not give the nominating group any right to appeal that request though they could potentially seek a judicial review of the decision by submitting a J.R. claim to the High Court).

Options & Recommendation

18. The application to renew the listing of Holgate Allotments as an Asset of Community Value can either be accepted or rejected. There are no other options as it is considered that sufficient information has been provided to make a decision. Based on the information provided it is recommended to renew the listing of the ACV for this property.

Council Plan

19. A Council that listens to residents through working with communities and partners.

Implications

20. Financial

Compensation may be payable by the Council to the owner of any property which is listed. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

21. Human Resources (HR) – none

22. Equalities, Crime and Disorder and IT - none

23. Legal – Advice and comments have been sought from Legal Services and incorporated within this report.

24. Property – All property issues included in the report

25. Other – none

Risk Management

26. There are no significant risks to these applications.

Contact Details

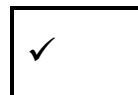
Author responsible for the report:

Tim Bradley
Asset Manager
Asset and Property Management
Tel No. 01904 553355
tim.bradley@york.gov.uk

Chief Officer responsible for the report:

Tracey Carter
Director of Economy, Regeneration and
Housing
Tel. No. 01904 553419

**Report
Approved**



3/02/2022

Wards Affected: Holgate

For further information please contact the author of the report

Annexes

Annex 1 – Holgate Allotments, York – Application to add to the list of assets of community value.

Annex 2 – Site Plan

Annex 3 – Response from the Chair YACIO Trustees

Annex 4 – Current list of assets of community value

Abbreviations used in the report

ACV - Assets of Community Value

CIO – Charitable Incorporated Organisation

HAA – Holgate Allotments Association

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ASSETS OF COMMUNITY VALUE NOMINATION FORM

If you need assistance completing this form, then please refer to the guidance document which can be downloaded from the website www.york.gov.uk/assetsofcommunityvalue or alternatively call 01904 553360.

Section 1

About the property to be nominated

Name of Property:	HOLGATE ALLOTMENTS
Address of Property:	ASHTON LANE, HOLGATE ROAD, YORK
Postcode:	YO24 4LX

Property Owner's Name:	YORK CITY COUNCIL
Address:	WEST OFFICES, STATION RISE, YORK,
Postcode:	YO1 6GA
Telephone Number:	01904 551550
Current Occupier's Name:	Allotment tenants

Section 2

About your community organisation

Name of Organisation:	HOLGATE ALLOTMENT ASSOCIATION
Title:	MS
First Name:	HELEN
Surname:	BUTT
Position in Organisation:	SECRETARY
Email Address:	haa-secretary@outlook.com
Address:	27 UPPER ST PAUL'S TERRACE YORK
Postcode:	YO24 4BP
Telephone Number:	07592 977658

Organisation type:

Click in field for options

UNINCORPORATED COMMUNITY GROUP

Organisation size

How many members do you have?

79

Section 3**Supporting information for nomination**

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible.

SEE STATEMENT ATTACHED

Section 4**Boundary of Property**

What do you consider to be the boundary of the property? Please give as much detail/be as descriptive as possible. Please include a plan.

Holgate Allotments is accessed via Ashton Lane directly opposite The Fox on Holgate Road. The site is bounded to the east by Holgate Beck, to the west by the Railway Institute Bowling Club and residential housing, and to the south by Our Lady Queen of Martyrs RC Primary School. A carpark, which is part of the site, lies to the north and is bounded by residential housing situated between the site and Holgate Road.

SEE ATTACHED MAP AND SITE PLAN

Section 5**Attachment checklist**

- Copy of group constitution (if you are a constituted group)
- Name and home address of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)

Section 6**Declaration**

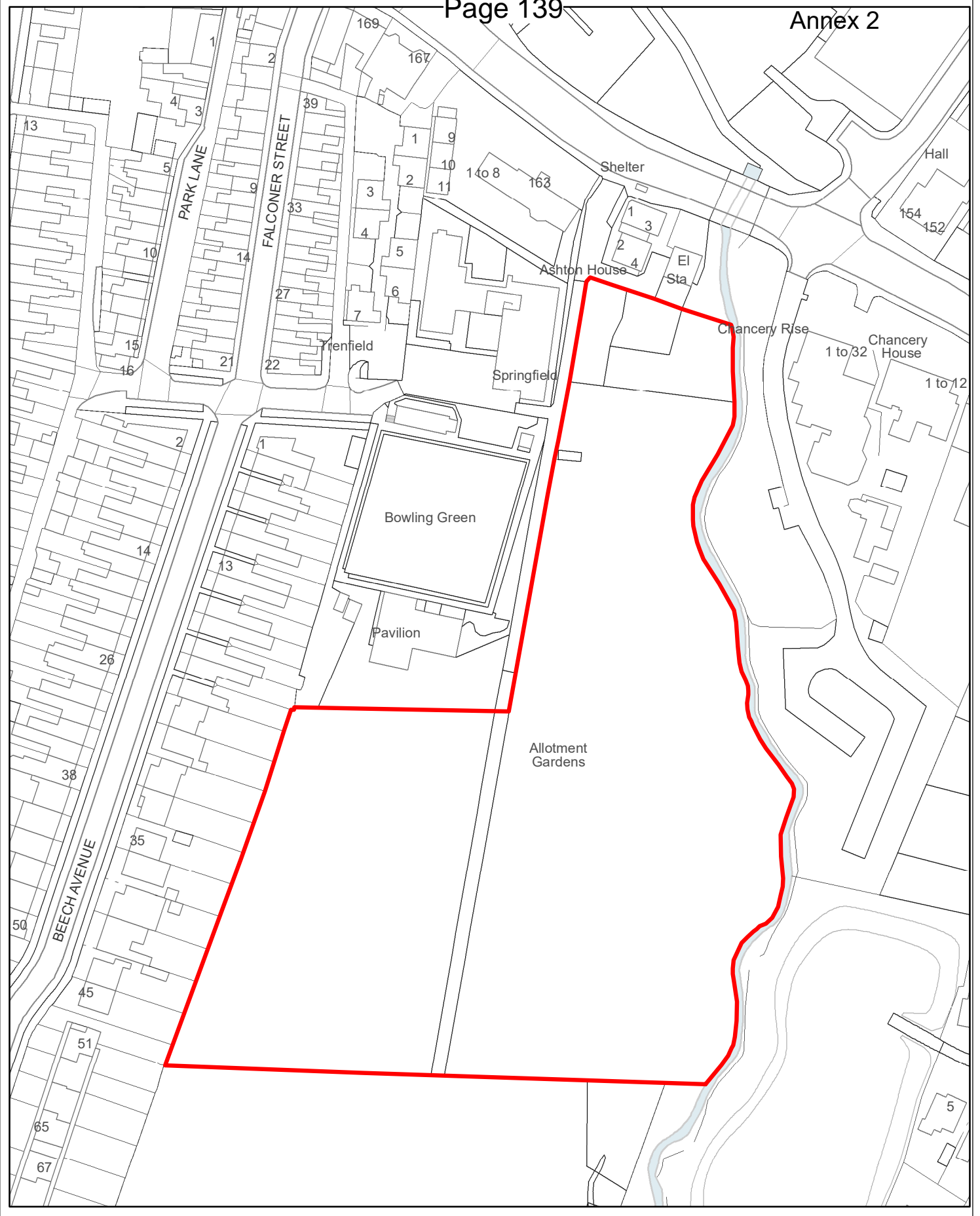
I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed: Helen Butt

Dated: 08/01/2022

Please e-mail your completed form to property.services@york.gov.uk or post to:

Asset and Property Management
City of York Council
West Offices
Station Rise
York
YO1 6GA



Asset & Property Management

Holgate Road Allotments



SCALE 1:1,250

DRAWN BY: KLM

DATE: 2/03/2020

Originating Group:

Asset & Property Management

Drawing No.

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From: Tony Chalcraft
Sent: 20 January 2022 20:19
To: Lockwood, Nicola
Cc: York Allotments
Subject: Assets of Community Value Nomination - Holgate Allotments Your Ref 00033/NL

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Ms Lockwood

Thank you for seeking York Allotments Charitable Incorporated Organisation's (YACIO) view on the nomination of Holgate Allotments as an Asset of Community Value.

As the lease of the allotments from City of York Council YACIO strongly supports the nomination. The allotment site is one of the largest and longest established sites in the city. The site is fully tenanted with a long waiting list. Tenants include a number of community organisations as the nomination has highlighted. In recent years Holgate Allotment Association has undertaken several projects to improve the site and encourage a sense of community including the Carriage Garden. A further project to establish a communal area with an orchard and apiary is in development. The site also provides a green space in an otherwise urban area. It's environmental value is enhanced by Holgate Beck which forms the site's eastern boundary.

Holgate Allotments is one of YACIO's key sites. It deserves to be safeguarded and cherished. The nomination has YACIO's full support.

*Tony Chalcraft
Chair YACIO Trustees*

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Annex 4 - Current list of Assets of Community Value

1. The Golden Ball Public House, 2 Cromwell Road, York, YO16 6DU - approved 6th March 2014. Renewed 15th July 2019.
2. New Earswick and District Bowls Club, Huntington Road, York, YO32 9PX – approved 6th November 2014. Renewed 24th July 2020.
3. Holgate Allotments, Ashton Lane, Holgate, York, YO24 4LX – approved 29th June 2015.
4. The Derwent Arms, 29 Osbaldwick Village, Osbaldwick, YO10 3NP – approved 14th March 2016.
5. The Minster Inn, 24 Marygate, York, YO30 7BH – approved 11th July 2016.
6. The Jubilee Hotel, Balfour Street, York, YO26 4YU. – approved 11th July 2016. Renewed 14th June 2021.
7. The Wenlock Arms Public House, 73 Main Street, Wheldrake, YO19 6AA – approved 11th July 2016.
8. Costcutter Shop, 58 Main Street, Wheldrake, York, YO19 6AB – approved 11th July 2016.
9. Wheldrake Woods (owned by the Forestry Commission), Broad Highway, Wheldrake, YO19 – approved 11th July 2016.
10. The Blacksmiths Arms, Naburn York, YO19 4PN – approved 12th September 2016.
11. Holgate Community Garden and Play Park, Upper St Paul's Terrace, York, YO24 4BS. – approved 12th September 2016
12. White Rose House, 79 Main Street, Wheldrake, York, YO19 6AA – approved 29th September 2016.
13. The Grey Horse Public House, Main Street, Elvington, York, YO41 4AA – approved 19th December 2016.
14. The Deramore Arms Public House, Main Street, Heslington, York, YO10 5EA. – approved 13th March 2017.
15. The Carlton Tavern Public House, 104 Acomb Road, York, YO24 4HA – approved 10th April 2017.
16. The Royal Oak Public House, 1 Main Street, Copmanthorpe, York, YO23 3ST. – approved 12th June 2017.
17. The Blue Bell Public House, 53 Fossgate, York, YO1 9TF. – approved 17th October 2017.

18. The Old Ebor Public House, 2 Drake Street, York, YO23 1EQ. – approved 17th October 2017.
19. New Earswick Swimming Pool, Hawthorne Terrace, New Earswick, YO32 4TZ. - approved 12th March 2018.
20. Strensall Library, 19 The Village, Strensall, York, YO32 5XS. – approved 9th April 2018.
21. The Lord Collingwood Public House, The Green, Upper Poppleton, York, YO26 6DP. – approved 14th May 2018.
22. The Garrison Church of St Wilfrid, St Wilfrid's Road, Strensall, York, YO32 5SJ. – approved 17th September 2018.
23. Hurst Hall Community Centre, Border Road, Strensall Camp, York, B757RL. – approved 15th July 2019.
24. The Lord Nelson Public House, 9 Main Street. Nether Poppleton , York, YO26 6HS. – approved 16th September 2019.
25. The Blacksmiths Arms Public House, Shipton Road, Skelton, York, YO30 1YJ. – approved 16th September 2019.
26. The car park at rear of the former Murton Arms Public House, Main Street, Murton, York, YO19 5UQ. – approved 24th July 2020.