

# NOTTINGHAM CITY COUNCIL – Omicron Business Grants Policy

## - Guidance Notes and Checklist

### 1. INTRODUCTION

The Covid-19 pandemic is unprecedented and has had an immediate and significant impact on Nottingham City Councils economy. The Government has now provided guidance and funding for a number of grants, which the Council is administering, covering different time periods and different business sectors. This grant is to support Hospitality Leisure and Accommodation businesses impacted by Omicron restrictions since December 2021.

Time Period	Name of fund (and allocation)	Description
1 December 2021 onwards	<b>Omicron Grant</b>	Support for hospitality, accommodation, leisure, businesses impacted by restrictions, with a rates account. Grants to support from January 2022

<b>Omicron Grants</b>	<p>The Omicron Grant scheme is for businesses on the ratings list only</p> <p>The Omicron Grant is a one-off grant.</p> <p>The Omicron Grant will support support hospitality, accommodation, leisure premises with one-off grants of up to £6,000.</p> <ul style="list-style-type: none"> <li>• The following thresholds apply for these businesses: <ul style="list-style-type: none"> <li>a. Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £15,000 or under on 1 April 2021 will receive a payment of <b>£2,700</b>.</li> <li>b. Businesses occupying hereditaments appearing on the local rating list with a rateable value over £15,000 and less than £51,000 on 1 April 2021 will receive a payment of <b>£4,000</b>.</li> <li>c. Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £51,000 or over on 1 April 2021 will receive a payment of <b>£6,000</b>.</li> </ul> </li> </ul>
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**Note:** We reserve the right to modify and/or withdraw each grant award and its associated conditions, particularly to ensure that public money is spent well. This may be in response to changes in national legislation, local economic and health conditions and changes in funding circumstances.

### c) ELIGIBILITY CRITERIA FOR Restart Grants

An eligible business must be able to demonstrate that the business:

- I. Is small or micro business as defined in Section 33 Part 2 of the Small Business, Enterprise and Employment Act 2015 and the Companies Act 2006.

- II. Was trading on or before 1 December 2021 i.e. continuing to trade with a view to making a profit or surplus (not a dormant company). This will ensure the grant is targeted at businesses whose owners/directors have demonstrated that they believe the business remains viable after restrictions end.
- III. Is not subject to enforcement action by the Police or a Regulatory Authority for an order for non-compliance with Covid-19 regulations or food hygiene standards.
- IV. Is State Aid compliant.

### **3. BUSINESSES THAT ARE EXCLUDED FROM ALL COVID GRANTS**

A business will be excluded from applying for a grant if, on the date it makes the application it:

- is dissolved or about to be dissolved
- is insolvent or if insolvency action had been instigated against it (including any petition or where a striking off notice has been made)
- is dormant as of the 1 October 2020, ie. not trading but not insolvent
- has ceased trading or has closed without being required to do so as part of Government and local restrictions

Businesses that have been subject to environmental health or planning enforcement prosecution since 1 December 2021 will be excluded from all discretionary grants.

Exclusions to the Omicron Grant:-

- Businesses that are not within the ratings system will not be eligible to receive funding under this scheme.
- Businesses that have already received grant payments that equal the maximum permitted subsidy allowances will not be eligible to receive funding.
- Businesses that are in administration, insolvent or where a striking-off notice has been made, are not eligible for funding under this scheme.
- The definition of a non-essential retail business excludes: food retailers, including food markets, supermarkets, convenience stores, corners shops, off licences, breweries, pharmacies, chemists, newsagents, animal rescue centres and boarding facilities, building merchants, petrol stations, vehicle repair and MOT services, bicycle shops, taxi and vehicle hire businesses, education providers including tutoring services, banks, building societies and other financial providers, post offices, funeral directors, laundrettes and dry cleaners, medical practices, veterinary surgeries and pet shops, agricultural supply shops, garden centres, storage and distribution facilities, wholesalers, employment agencies and businesses, office buildings, automatic car washes and mobility support shops.
- The definition of hospitality excludes: food kiosks and businesses whose main service is takeaway.
- The definition of leisure excludes: all retail businesses, coach tour operators, tour operators and telescopes.
- The definition of accommodation excludes private dwellings, education accommodation, residential homes, care homes, residential family centres and beach huts.
- The definition of gym and sports excludes: home gyms, home exercise studios, home sports courts and home sports grounds.
- The definition of personal care excludes: businesses that only provide personal care goods, rather than services; businesses used solely as training centres for staff, apprentices and others; businesses providing dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services which incorporate personal

care services, treatments required by those with disabilities and services relating to mental health.

#### 4. APPLICANT'S RESPONSIBILITIES

Businesses are responsible for providing true and accurate information and applicants are asked to note that:

- a) The business for which the application is made must be currently experiencing financial hardship as a result of the COVID-19 crisis and must have an evident need for financial relief under the terms and conditions of the grant.
- b) Providing wrong or misleading information is a criminal offence and any such information may be used against applicants in any subsequent criminal investigation. The information provided on the online application form may be made available to other departments/agencies for the purposes of preventing or detecting crime.
- c) Any grant received by a business must be declared to HM Revenue & Customs (HMRC) as appropriate as part of the tax return for the business. For further information, you can contact HMRC's Coronavirus (COVID-19) helpline.
- d) Any grant received by the business will be used only for the purpose intended ie. to help alleviate the financial pressure of the recipient business and to the exclusion of any other individual or third-party gain.
- e) The applicant will be asked to certify that the information provided on behalf of the business is true and correct to the best of the applicant's knowledge and belief, and should it be subsequently determined that the grant was awarded on the basis of wrong or misleading information, or paid in error, the grant will be subject to recovery in full.
- f) The applicant understands that an officer of the Council, including Planning, Environmental Health, Public Health and/or Trading Standards, may undertake spot checks of the business. If there is non-compliance with regulatory requirements, the grant, or any portion of the grant, will be repayable by the business.
- g) The applicant understands that the information provided on the online form will be made available to other government departments and their agencies for the purpose of detecting and preventing crime.
- h) The applicant understands that if the Council approves the application, the terms and conditions shall be enforceable on the basis of the Terms and Conditions of the grant scheme

#### 5. THE GRANT PROCESS

It is anticipated that the grant funding available will not satisfy the combined amount of funding requested by applicants. Therefore the following application process has been adopted:

- a) Applications **can only be made online**. Therefore, before you apply there are some steps that you will need to take. Please read the eligibility criteria and checklist first to find out if you are eligible to apply.
- b) A 'grant application window' will open **on 1 January 2022 or soon thereafter** and will close **on 28 Feb 2022** (subject to funds being available). Payment will be made from before end March 2022 for eligible businesses.
- c) During this window the Council will only accept fully completed online applications and the required evidence to support each application. An application made during the 'grant application window' **does not guarantee** approval for payment.
- d) On receipt of the online application and evidence, the Council will send an email to acknowledge receipt and a **Unique Reference Number (URN)** will be allocated to the application.

- e) If the application is not accompanied by all necessary supporting evidence, the Council will email the applicant to advise that information is missing. The application will not be processed until this evidence is received, ie. the onus is on the applicant to provide the evidence in a timely manner. If the applicant does not respond within 3 working days of email from the Council your application will be withdrawn. No further contact will be made.
- f) Unsuccessful applicants will be advised of the outcome of an application by email. There is no right to appeal a decision.
- g) Successful applicants will be notified by email and payments will be made by BACS (payments usually takes three working days to arrive in accounts).
- h) The Council will prioritise consideration of grant applications when received and will not respond to canvassing.
- i) Canvassing any officer responsible for the execution of this grant's process or elected individual will render the applicant disqualified from this process.
- j) If the scheme is extended beyond 28 days applicants will have to advise the Council of any change of circumstances. Payment periods will be extended in accordance with changes in legislation to extend schemes and limited to further Government Funding.

## 6. EVIDENCE AND CHECKLIST

The Council is relying on businesses to be honest and open and to present evidence of need and eligibility as requested in the application form. If you provide false or inaccurate information then the Council will take appropriate action. If a business believes that it is eligible to apply for the grant the following **Eligibility Checklist** may be used to help gather evidence.

### ELIGIBILITY CHECKLIST

Information	Evidence	Comment
Applicant details	Submit information on the online application form	Your contact name and number(s).
Payment details	Your business bank account number and sort code (only provide bank account details where a BACS payment can be accepted).  A copy of a business bank statement, clearly showing the bank account holder's name, sort code and account number and business address.	
Supporting evidence	Business Rates Account	Business rates account and applicant details to match
	Sector	Check list consistent with government guidance
	Business information – number of employees	For MHCLG/DLUCH reporting

## 7. HOW WE WILL USE YOUR INFORMATION

We will use your information to assess your application for financial support. We will confirm information about you and your account from credit referencing agencies to confirm account validity and your identity. If you provide false or inaccurate information, we will record this. If you would like full details on how we use your information, please refer to our privacy policy.

## **8. TAX**

Grant income received by a business is taxable, therefore funding paid under the grant and will be subject to tax. Only businesses which make an overall profit once grant income is included will be subject to tax.

- Grant income received by a business is taxable. The Restart Grant will need to be included as income in the tax return of the business.
- Only businesses that make an overall profit once grant income is included will be subject to tax.

## **9. RIGHT TO UPDATE THIS POLICY**

The Council reserves the right to update, change or withdraw this policy without notification or prior warning in the event that the government updates or changes its guidance to us or in the event of an error, omission, or unallocated funds

## **10. APPEALS**

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

## **11. ELIGIBLE BUSINESSES BY CATEGORY**

Support type Types of businesses

### Hospitality

Food courts

Public houses/pub restaurants

Restaurants

Roadside restaurants

Wine bars

Cafes

### Leisure

Bingo halls

Bowling alleys

Casinos and gambling clubs

Cinemas

Ice rinks

Museums and art galleries

Roller skating rinks

Stately homes & historic houses

Theatres

Zoos & safari parks

Amusement parks

Pleasure piers

Pavilions

Conference centres

Exhibition centres including for use as  
banquet halls and other events

Wedding venues

Events venues

Heritage railways

Public halls

Night clubs & discotheques

Hostess bars

Sexual entertainment venues

Shisha bars, waterpipe consumption venues

Arenas

Concert halls

Go kart rinks

Model villages

Tourist attractions

Aquaria

Miniature railways

Theme parks

Amusement arcades including adult gaming centres

Animal attractions at farms

Wildlife centres  
Botanical gardens  
Circus  
Visitor attractions at film studios  
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 & boarding houses  
Hostels  
Hotels  
Lodges  
Holiday apartments, cottages or bungalows  
Campsites  
Boarding houses  
Canal boats or other vessels  
B&Bs  
Catered holiday homes  
Holiday homes

#### Personal care

Spas, sauna and steam rooms  
Hairdressing salons  
Tanning salons  
Nail salons  
Massage centres, massage treatments  
Tattoo and piercing studios  
Holistic therapy (reflexology, massage, acupuncture)  
Barbers, groomers  
Beauty salons  
Beauticians, aesthetics  
Other non-surgical treatments

#### Gyms & sport

Dance schools and centres  
Dance studios  
Gymnasia/fitness suites  
Cricket centres  
Ski centres  
Sports and leisure centres  
Outdoor sports centres  
Outdoor adventure centres  
Squash courts

Tennis centres  
Sports courts  
Swimming pools  
Shooting and archery venues  
Driving ranges  
Water sport centres  
Golf courses

### **13. EXCLUDED BUSINESSES:**

For these purposes, the definition of a non-essential retail business should exclude: food retailers, including food markets, supermarkets, convenience, stores, corners shops, off licences, breweries, pharmacies, chemists, newsagents, animal rescue centres and boarding facilities, building merchants, petrol stations, vehicle repair and MOT services, bicycle shops, taxi and vehicle hire businesses, education providers including tutoring services, banks, building societies and other financial providers, post offices, funeral directors, laundrettes and dry cleaners, medical practices, veterinary surgeries and pet shops, agricultural supply shops, garden centres, storage and distribution facilities, wholesalers, employment agencies and businesses, office buildings, automatic car washes and mobility support shops.

### **14. “STATE AID”/New COVID business grant subsidy allowance – check you are eligible.**

Please review latest government guidance in relation to replacement to previous “state aid” regulations, to ensure your business remains compliant.

<https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities>