

Cabinet Agenda

Friday, 14 January 2022 at 6.00 pm

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Omicron Hospitality and Leisure Grant Policy

1. Purpose of the Scheme and background

- 1.1 On 21 December 2021, the Government announced the introduction of grant support for hospitality and leisure businesses, in recognition that the rise of the Omicron variant means that some businesses are likely to struggle over the coming weeks. The Council, as the Business Rates Billing Authority, is responsible for payment of these Grants.
- 1.2 The purpose of this document is to determine the eligibility criteria to be met in order for a payment to be made from the Omicron Hospitality and Leisure Grant scheme.
- 1.3 Grants under this scheme are one-off payments and must be paid before 31 March 2022.

2. Funding

- 2.1 Funding has been made available to all local authorities with Hastings Borough Council receiving £1,254,096.
- 2.2 Under the Omicron Hospitality and Leisure Grant scheme, grants of up to £6,000 will be paid to hospitality, leisure and accommodation businesses.

3. Eligibility Criteria

- 3.1 For the purposes of this scheme the Council has determined that the following eligibility criteria must be met in order to receive an Omicron Hospitality and Leisure Grant:
 - a) the Omicron Hospitality and Leisure Grant scheme is for businesses on the Valuation Office Agency (VOA) ratings list only.
 - b) the business/business owner, according to Hastings Borough Council's records, was the ratepayer on 30 December 2021
 - c) the business should offer in-person services where their main service and activity takes place in a fixed rate-paying premises in the hospitality, leisure and accommodation sectors.
 - d) The business must have been trading on 30 December 2021.
 - e) The business must not be in liquidation, dissolved, struck off or subject to a striking-off notice or under notice.

4. Definition - Hospitality

- 4.1 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. Examples are:
 - Public houses
 - Restaurants
 - Wine bars
 - Cafes

The above list is not exhaustive but indicative of the types of businesses that can be supported under this scheme

4.2 The following are excluded from the above definition:

- Food kiosks
- Takeaways (unless the business has adapted to offer takeaways during periods of restrictions)

Definition – Leisure

4.3 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. Examples are:

- Cinemas
- Night clubs
- Museums
- Theatres
- Amusement arcades
- Scout huts

The above list is not exhaustive but indicative of the types of businesses that can be supported under this scheme.

4.4 The following are excluded from the above definition:

- All retail businesses
- Coach tour operators

Definition - Accommodation

4.5 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. Examples are:

- Hotels
- Guest houses
- Boarding houses
- B&Bs
- Holiday homes

The above list is not exhaustive but indicative of the types of businesses that can be supported under this scheme.

4.6 The following are excluded from the above definition:

- Private dwellings
- Education accommodation
- Residential homes
- Care homes
- Beach huts

5.0 Award Levels

5.1 The table below sets out the amount to be awarded for the different Rateable Value groups.

5.2 The grants will be paid as one-off payments.

Omicron Hospitality, Leisure and Accommodation Grants	Grant Level
1. For businesses with a Rateable Value of exactly £15k or under	£2,667
2. For businesses with a Rateable Value over £15k and less than £51k	£4,000
3. For businesses with a Rateable Value of exactly £51k or over	£6,000

6.0 How do I claim the grant?

6.1 Full details of who is eligible and how to make a claim are available on the Council's website:

<https://www.hastings.gov.uk/my-council/covid19/businesses/lrsg/>

6.2 The scheme will close for applications on 14 February 2022.

6.3 NB - Where any business misrepresents information or contrives to take advantage of the scheme, the Council will look to recover any grant paid and take appropriate legal action. Likewise, if any applicant is found to have falsified records in order to obtain a grant.

7.0 How will grants be paid to Businesses?

7.1 In all cases, businesses will be required to confirm that they are eligible to receive the grants. This includes circumstances where the Council already has bank details for the business and are in a position to send out funding immediately.

7.2 The Council reserves the right to request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.

7.3 All grants awarded will be paid by bank transfer to the nominated account provided in the application.

8.0 Subsidy Allowance (formerly EU State Aid)

8.1 The new domestic subsidy allowance for the COVID-19 business support grants took effect on 4 March 2021. Applications made prior to that date are subject to the previous rules.

8.2 This scheme is covered by three subsidy allowances which are set out below.

8.3 Small Amounts of Financial Assistance Allowance means you are allowed up to £335,000 (subject to exchange rates) over any period of three years.

8.4 You are then allowed up to £1,900,000 COVID-19 Business Grant Allowance if you have reached your limits under the Small Amounts of Financial Assistance Allowance.

8.5 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 a number of detailed conditions are met. Under certain conditions, grants under these three allowances can be combined for a potential total allowance of up to £12,235,000 (subject to exchange rates).

8.6 Businesses seeking information should refer to the Government's business support website:<https://www.businesssupport.gov.uk/>

9.0 Scheme of Delegation

9.1 The Council has approved this scheme.

9.2 Officers of the Council will administer the scheme, and the Section 151 Officer is authorised to make technical scheme amendments to ensure it meets the criteria set by the Council and in line with government guidance.

10.0 Notification of Decisions

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

10.2 All decisions made by the Council shall be notified to the applicant either in writing or by email. A decision shall be made as soon as practicable after an application is received.

Review of Decisions

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

11.1 All such requests must be made in writing to the Council within 14 days of the Council's decision, and should state the reasons why the applicant is aggrieved with the decision of the Council. New information may be submitted at this stage to support the applicant's appeal.

11.2 The application will be reconsidered by a senior officer, as soon as practicable, and the applicant informed in writing or by email of the decision.

12.0 Complaints

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

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

13.1 The Council has been informed by government that all payments under the scheme are taxable.

13.2 The Council does not accept any responsibility in relation to an applicant's tax liabilities and all applicants should make their own enquiries to establish any tax position.

13.3 All applicants should note that the Council is required to inform her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

14.0 Managing the risk of fraud

14.1 Neither the Council, nor government, will accept deliberate manipulation of the schemes or fraud. Any applicant caught falsifying information to gain grant money or failing to declare entitlement to any of the specified grants will face prosecution and any funding issued will be recovered from them.

15.0 Recovery of amounts incorrectly paid

15.1 If it is established that **any** award has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by an applicant or their representative(s), the Council will look to recover the amount in full.

16.0 Data Protection and use of data

- 16.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.
- 16.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant will be passed to the relevant government departments and HMRC.

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