



COVID-19 national lockdowns & tiered measures Extended 'closed for business' grant scheme Policy & appeals process

Version 11

Closing dates 31 March 2021 (November & January lockdown payments) & 31 May (extended spring lockdown payments)

Version	11
Date	26 February 2021
Amend notes v4	Reference to market traders, businesses with no premises, sports clubs, dog groomers, performing arts venues/businesses, businesses that support events/festivals, non-rated properties, and updated State Aid.
Amend notes v5	Reference to maternity leave and sickness for sole traders and takeaway businesses.
Amend notes v6	Mixed properties – essential and non-essential/closed and open
Amend notes v7 & v8	This scheme was initially designed for the November 2020 lockdown but has been extended to reflect tiered measures and the further national lockdown in January 2021. Changes have been made throughout the document, but key changes include: <ul style="list-style-type: none">• Grant amounts (see page 6)• COVID Business Rescue Fund for home-based or mobile businesses who have claimed SEISS or furloughed themselves (see Appendix 1).
Amend notes v9	<ul style="list-style-type: none">• Clarification re market traders not based in South Derbyshire (see Section 8).• Evidence of loss for food kiosks (see Section 9).• Evidence for non-rated businesses of fixed costs / evidence for new non-rated businesses of business activity (see Section 10).• Clarification on rent a chair hairdressers (see Section 11).
Amends notes v10	<ul style="list-style-type: none">• Non-compliant businesses (see Section 29).
Amend notes v11	<ul style="list-style-type: none">• Application closing dates (see above)• Grant levels for extended spring lockdown (see Section 6).

The Government guidance on which this document is based has been subject to ongoing change and, as such, this document may also be subject to change. The District Council is not liable if any of the changes affect the eligibility of any business for any of the COVID-19 grants.

1. About the 'closed for business' grants

The government announced a range of financial support for businesses affected by the autumn and winter lockdowns/tiered measures of 2020/2021.

The grants do not need to be paid back and are designed to help businesses cope with the continued impact of COVID-19.

The grants are funded by Government and are being distributed in South Derbyshire by South Derbyshire District Council.

This document outlines the 'closed for business' grants available to businesses that have been legally required to close under national lockdowns and tiered measures.

The funding streams that support these grants are:

- **The Local Restrictions Support Grant (Closed) Addendum** November lockdown payments to closed rated businesses.
- **Local Restrictions Support Grant (Closed)** Bi-weekly payments in December to closed rated businesses
- **The Local Restrictions Support Grant (Closed) Addendum: 5 January onwards** Six-week payment up until 15 February 2021 to closed rated businesses.
- **The Closed Businesses Lockdown Payment** One off payment to closed rated businesses in January 2021.
- **Additional Restrictions Grant (ARG)** All payments to all unrated businesses under this scheme.

The Council is also administering the following grant schemes for businesses:

- **'Open for business' grants** – for businesses that are not legally required to close but whose turnover has been significantly affected by the pandemic.
- **'Still closed for business' grants** – for businesses that have not been able to open again since the first lockdown in March 2020 (for example nightclubs and sexual entertainment establishments)

To view the policy for the 'closed for business' grant scheme, visit www.southderbyshire.gov.uk/businessgrants

2. Eligible businesses

These grants differ from the grants awarded by government in the spring/summer 2020, in that businesses can claim whether they are rated or unrated, and there are no upper limits on rateable values of businesses that can claim.

Rated business premises

To claim a 'closed for business' grant, business owners with a **rated business premises** must:

- Be based in South Derbyshire.
- Be required to **legally close*** by Government guidelines (see section 3 for more details).
- **If applying for funding from November 2020 onwards**, the business must have been trading on 4 November 2020.
- **In the case of a new business/new closure type, applying for funding from 31 December 2020 onwards**, the business must have been trading on 30 December 2020.

Un-rated business premises or mobile/home-based businesses

To claim a 'closed for business' grant, business owners without a rated-premises must:

- **If applying for funding from November 2020 onwards**, the business must be able to demonstrate that it was actively trading from a property or space within a shared business space/market stall (see Section 8), with a trading address in South Derbyshire, used wholly or mainly for business purposes on 4 November 2020. To demonstrate active trading, you must be able to evidence ongoing business commitments established prior to the 4 November, such as being able to provide evidence of a commercial lease/ongoing business costs.
- **In the case of a new business/business that has only been affected by December's Tier 4 and January 2021's lockdown (that is applying for funding from 31 December 2020 onwards)**, the business must be able to demonstrate that it was actively trading from a property or space within a shared business space/market stall (see Section 8), with a trading address in South Derbyshire used wholly or mainly for business purposes on 30 December 2020. To demonstrate active trading, you must be able to evidence ongoing business commitments established prior to the 30 December, such as being able to provide evidence of a commercial lease/ongoing business costs.
- Be a self-employed individual/limited company **working from home or mobile** that:
 - Is not eligible for the Government's Self-Employment Income Support Scheme (SEIS)**.
 - Has not furloughed themselves as an owner/director of a limited company**.
 - If applying for funding from November onwards, the business must have been trading on 4 November 2020.
 - In the case of a new business, applying for funding from 31 December onwards, the business must have been trading on 30 December 2020.

**If you run a business such as a restaurant, pub, bar or nightclub, or a non-essential retail outlet and you are offering a take-away or click and collect service during the lockdown, you are still considered 'Closed for business' for the purposes of these grants and can apply under the 'Closed for business' grant scheme. Take-away businesses are considered closed for the purposes of the grant, as they are closed to walk-in trade.*

*** Home-based/mobile workers who are eligible for SEISS or been furloughed may be eligible under the Council's **COVID Business Rescue Fund** which awards one-off grants of up to £1,500 to businesses (on a first-come-first-served basis). If businesses are not successful in their open/closed claim, they may be considered under this fund and will not be required to apply again (see Appendix 1).*

3. What businesses are legally required to close?

Under the new national lockdown measures, the following **businesses premises** providing in-person services are **legally required to close**:

- Non-essential retail premises.
- Hospitality premises (restaurants, pubs, bars, social clubs, cafes canteens etc).
- Accommodation premises (hotels, hostels, bed and breakfast accommodation, holiday apartments etc).
- Personal care facilities and close contact services.
- Entertainment premises (bowling alleys etc).
- Leisure premises (leisure centres, gyms etc).
- Other premises (community centres, places of worship or burial).

If you **don't have a business premises** (for example you work from home/mobile), unless you provide in person services that are banned under the government restrictions (for example mobile personal services such as tattooing or beauty services), it is unlikely you will be viewed as being legally closed under this policy. Businesses that have **chosen to close**, because trade is not sufficient/staffing levels are not adequate due to COVID, will not be considered closed under this policy. These businesses may be eligible to apply for an 'Open for business' grant. Visit www.southderbyshire.gov.uk/businessgrants to find out more.

Where premises have mixed uses, and only part is subject to national closure, the business's main activity will determine whether they are eligible for the open or closed scheme (for example a deli that can remain open (as it is considered essential retail), but previously had a few bar seats that people could sit at prior to COVID which it has taken out of service would be considered under the Open scheme), as the deli is its primary business.

**If you run a business such as a restaurant, pub, bar or nightclub, or a non-essential retail outlet and you are offering a take-away or click and collect service during the lockdown, you are still considered 'Closed for business' for the purposes of these grants and can apply under the 'Closed for business' grant scheme. Take-away businesses are considered closed for the purposes of the grant, as they are closed to walk-in trade.*

The [Government website](#) for full details on which businesses have to close and which can remain open.

4. Exclusions

Business premises that are not eligible for a 'Closed for business' grant include:

- Businesses that provide services (rather than goods) - such as accountants, solicitors, and estate agents - are not required to close. These businesses should take steps to ensure they are COVID-19 secure including, where possible, providing services remotely or virtually*.
- Businesses that have chosen to close but are not legally required to do so*.
- Businesses that can remain open, but whose trade will be affected by the lockdown*.
- Car parks and parking spaces.
- Premises occupied for personal use only.
- Vacant premises.
- Businesses that as of 4 November 2020 (for November payments) or 4 January 2020 (for January payments) were in liquidation or dissolved, or where a striking-off notice has been made.
- Sickness and maternity leave - where a sole trader was not physically trading in the run up to the second lockdown (for example due to sickness or maternity leave), but whose business was still active nonetheless, a grant will not be payable unless they can evidence they have had to pay ongoing fixed costs in relation to the business (not including paying themselves a salary), so for example rent, rates, machinery hire costs etc) during the second national lockdown.
- Any business that applies after the grant scheme expiry date (TBC).
- Businesses such as self-employed individuals with no fixed premises costs that are eligible for the Government's Self Employment Income Support (SEIS) scheme, including homeworkers/home-offices/mobile workers. Equally owners/directors of limited companies with no fixed premises costs that have furloughed themselves**.

*These businesses may be eligible to apply for an 'Open for business' grant. Visit www.southderbyshire.gov.uk/businessgrants to find out more.

** *Home-based/mobile workers who are eligible for SEISS or been furloughed may be eligible under the Council's **COVID Business Rescue Fund** which awards one-off grants of up to £1,500 to businesses (on a first-come-first-served basis). If businesses are not successful in their open/closed claim, they may be considered under this fund and will not be required to apply again (see **Appendix 1**).*

5. About the grant amounts

The following funding is available to businesses that have to **legally close under government guidance**:

November lockdown payments and Tier 3 bi-weekly payments (for closed retail, hospitality and leisure businesses only)

Rateable value of your business premises	National lockdown (5 November to 2 December)	Two-week extension amounts - for retail, hospitality and leisure businesses that had to remain closed under Tier 3 measures (3 to 30 December 2020*)
£15,000 or less, or no rateable value*	£1,334	£667
Over £15,000 and less than £51,000	£2,000	£1,000
£51,000 or above	£3,000	£1,500

Tier 4 and January lockdown payments**

Rateable value	Tier 4 pro-rata bi-weekly payment (31 December – 4 January)	LRSB Closed Addendum payment (from 5 Jan – 15 February). This replaces the bi-weekly payments	Closed business lockdown payment – one-off	Total
Below £15,000 or not rated*	£238.21	£2,001	£4,000	£6,239.21
£15,001 - £50,999	£357.14	£3,000	£6,000	£9,357.14
£51,000+	£535.71	£4,500	£9,000	£14,035.71

Extended spring lockdown (16 February - 31 March 2021)

Rateable value	Extended spring lockdown payment – 16 February – 31 March (44-day period)
Below £15,000 or not rated*	£2,096
£15,001 - £50,999	£3,143
£51,000+	£4,714

* If your business is not rated, whilst we will endeavour to make the complete set of grant payments detailed above, as we have only been provided with a limited pot of funding for non-rated businesses (through the Additional Restrictions Grant - ARG) this may not be possible, and funding will be awarded on a first-come, first-served basis (see section 6).

** Any business that was set up after 4 November and began trading prior to the 30 December, will be eligible for funding from 31 December 2020 onwards.

6. About grants for non-rated businesses

If you do not have a business premises and/or don't pay business rates, your application will be considered under the discretionary element of the closed scheme, which is funded through the Additional Restrictions Grant (ARG) Funding.

Whilst the Council will aim to award a grant to all businesses that are required to close, where a business is not rated, **there is no guarantee that a grant will be awarded in all circumstances and grant levels may differ from stated amounts (see section 5), depending on demand. Timescales for release of funds to non-rated businesses may also be longer to allow us to assess demand.**

This is because the pot of funding the Government has awarded to the Council for discretionary applications (non-rated and those businesses that able to open, but whose trade has been affected) is limited. If the Council is oversubscribed with grant claims from non-rated businesses, the grant levels for non-rated businesses may change or alter and a first-come-first-served grant allocation method may be adopted.

Where adequate funding is available, non-rated businesses with premises that are legally required to close (for example businesses that are located in salon) will receive the same grant level as businesses with an RV of £15,000 or less.

Where adequate funding is available, self-employed individuals, who are legally unable to operate under Government guidance, have no fixed premises costs, are not eligible for the Government's Self Employment Income Support (SEIS) scheme (including homeworkers/home-offices/mobile workers) and have not furloughed themselves, will receive a grant. That said, the grant level they receive may be lower than those awarded for non-rated businesses with premises.

7. About children's nurseries

Children's nurseries are not eligible to apply for a 'Closed for business' grant as they are able to remain open during the second national lockdown. If such a business' trade has been severely impacted by the second lockdown, they may be eligible to apply for an 'Open for business' grant. Visit www.southderbyshire.gov.uk/businessgrants to find out more.

8. About non-essential market traders

Non-essential market traders (for example clothing or accessories etc) can apply for a closed grant as they have not been able to trade.

We expect market traders to apply to the local authority where their business premises (for example a storage unit) is based, or if they do not have a business premises, where their home is based. We will not as standard accept applications from market traders who live outside of the district.

That said, if a market trader can evidence that their home local authority has refused a grant to them based on the fact that they do not trade in their local authority area full time, we may consider them under our COVID Rescue Fund. To claim a grant under this scheme, market traders will be requested to evidence that their home local authority has refused a grant to them.

Irregular or event traders based outside the district will not be considered for a grant from South Derbyshire District Council.

9. About mobile catering units/food kiosks

Because there are a range of food kiosks (or mobile catering units with a regular/fixed pitch) across the district – some that have had to close as they rely on outside seating to support their trade, and others that have been able to remain open, and equally because restaurants/cafes who have had to close are still able to carry out takeaway trading activity, we have determined that we will assess food kiosk applications as closed.

That said, because we recognise that some food kiosks businesses may not have been affected by the lockdowns/COVID, we will expect traders to provide evidence that their trade has dropped by at least 20% (in line with the open for business grant scheme). Should a trader not be able to provide this evidence, or where trade has not dropped, a grant will not be payable.

10. About home-based/mobile businesses

To guard against fraud, we will expect all home/mobile-based businesses to provide evidence of fixed costs and trading – this will be requested post application.

This will include evidence (such as bank statements) to show that they are having to make ongoing payments to support their business. In the case of businesses that have not been able to operate since last March, we will consider historic transactions (for example if a business did not renew its public liability insurance but has a history of making such payments).

Where recently established home/mobile businesses are concerned, we will also expect them to evidence that they set up/were trading prior to the November 2020 lockdown (e.g. proof of cancellations) and that they have invested in the business (for example bought stock or supplies to support their activity). Where such evidence cannot be provided, a grant will not be payable.

11. About rent a chair hairdressers/beauticians

Rent a chair hairdressers/beauticians can apply for a closed grant as they have not been able to trade. We expect such hairdressers to apply to the local authority where their rent-a-chair is based.

That said, we recognise that some hairdressers may rent a chair for a couple of days a week in one local authority area, and then carry out mobile hairdressing for the rest of the week. In this instance, we will expect hairdressers to apply to the local authority where they work the majority of the time.

To guard against fraud, where we assess an application for a hairdresser that works in two authority areas, we will require the hairdresser to provide details of the authority they are not claiming a grant from, so that we can notify that authority that we are assessing/potentially awarding a claim, so that a grant is not awarded by both councils.

12. About dog groomers

The government has confirmed that dog grooming salons may remain open if they are carrying out work that is deemed essential - for example a matter of welfare for the animal.

When operating, dog groomers must follow a set of rules to minimise contact between the pet owner and the groomer and social distancing should also be followed at all times. Dog grooming should only be done by appointment, and groomers are not allowed to visit an infected or self-isolating household. All equipment must be disinfected between uses.

As such, dog grooming salons/dog groomers will be considered open throughout the second lock-down and will not be eligible for a 'closed for business' grant. Such businesses however may be eligible to apply for an 'open for business' grant if their trade has been impacted.

13. About kennels and catteries

Kennels and catteries are not eligible to apply for a 'Closed for business' grant as they are able to remain open during the second national lockdown. If such a business' trade has been severely impacted by the second lockdown, they may be eligible to apply for an 'Open for business' grant. **Visit www.southderbyshire.gov.uk/businessgrants to find out more.**

14. About charities

Charities that have been required to close (for example charity shops) are able to apply under the 'Closed for business' scheme. If such a charity has not been required legally to close, but whose trade has been severely impacted by the second lockdown, it may be eligible to apply for an 'Open for business' grant. **Visit www.southderbyshire.gov.uk/businessgrants to find out more.**

15. About performing arts businesses

Performing arts businesses and venues should refer to the government guidance in relation to performing arts: <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/performing-arts>

- Venues supporting amateur activity only must close and are eligible to apply for a 'closed for business' grant.
- Under this guidance, venues or businesses supporting performing arts professionals (for example music and dance studios) to rehearse, train and perform (for broadcast or recording purposes only) may continue to operate to support professional related activity only and may be eligible to apply for an 'open for business' grant if their business has been impacted.
- Venues supporting a mix of professional and amateur activity must close to all amateur activity but may continue to support the range of professional activity (as detailed above) and may be eligible for an 'open for business' grant if their business has been impacted.

Theatres, concert halls and entertainment venues must close to the public and are eligible to apply for a 'closed for business' grant.

16. About businesses that support outside/touring events and festivals

Businesses that support outside/touring events and festivals (unless they fall into one of the legally closed categories – such as close personal services) may still be able to operate outside of these settings during tiered measures. As such, such businesses (unless they own a premise that has been legally required be closed to the public) will be considered as ‘open’. We do recognise that such businesses will be likely to have had their trade severely impacted by the ongoing measures, and as such they will be able to apply under the ‘open for business’ grant scheme. As part of the application process they will be required to specify how the lockdown has impacted their trade.

Find out about the ‘open for business’ grants scheme at www.southderbyshire.gov.uk/businessgrants

17. About sports clubs

Sports clubs with premises that have been required to close, whether privately owned or owned by a council/local authority (see section below) are able to apply under the ‘Closed for business’ scheme. Sports clubs without premises are not able to apply for a ‘closed for business’ grant.

18. About council/authority facilities

Where a council/local authority (such as a parish council) runs a facility, such as a bowling green or venue for hire (village hall/assembly rooms for example), and these are required to close, they will be eligible to claim a grant under the ‘Closed for business’ grant scheme.

19. About rating list changes

Any changes to the rating list (rateable value or to the hereditament) after the first full day of localised restrictions and business closures regulations came into force (5 November 2020), including changes which have been backdated to this date, will be ignored for the purposes of eligibility. This means if your rateable value goes up or down after the date of closure, any grant you receive will not be increased/decreased based on ratings changes.

If a business is not rated at the point of application, but has previously been reported to the Valuation Office Agency (prior to 5 December 2020), it will be added to Council’s rates database with a value of £0 and the lowest value RV grant will be awarded if the claim is successful. Should the property be later valued at a higher RV, grants already paid will not be topped up to the higher level, however future grants (for example if the lockdown is extended/new tiers are introduced) may be paid at the appropriate level.

20. About newly formed businesses that have not yet opened

Whilst the grants are designed to support businesses that were trading prior to a national lockdown/tiered measures, we recognise that there are businesses in our district that were in occupation of a premises and were planning their opening during the autumn/winter period, and as such their projected income will have been affected by the Coronavirus restrictions. Whilst we cannot guarantee we will be able to support such businesses, we would encourage them to email business.grants@southderbyshire.gov.uk outlining their circumstances and we will consider such cases on an individual basis through the Council’s COVID Business Rescue Fund (see Appendix 1).

21. About claiming a grant

In order to process grant claims as quickly as possible, there are two grant claim processes, and a businesses' circumstances will determine which grant claim process they need to follow:

Simple declaration

A business can complete a simple declaration if it:

- Is legally required to close as a result of the lockdown/tiered measures.
- Was trading up until 4 November 2020 before the second lockdown came into force.
- Claimed a business grant from South Derbyshire District Council during the first lockdown (either discretionary or non-discretionary), and
- All business details are the same as when the first grant was awarded (including your bank account details).

To submit a simple declaration, visit

www.southderbyshire.gov.uk/businessgrants and fill in the declaration form.

Businesses do not need to provide any additional evidence to claim a grant via a simple declaration, however if the Council has any queries, it will request further information. Unless this information is submitted, a grant claim will not be considered valid, and no grant will be paid by the Council. As part of the form businesses will be asked to clarify whether they are likely to exceed the relevant State Aid levels. If a business has received near to the relevant State Aid limit, they will be asked to submit a written State Aid Declaration. Unless this information is submitted, a grant claim will not be considered valid, and no grant will be paid by the Council.

Before applying, please read our COVID-19 business grant privacy notice at

www.southderbyshire.gov.uk/businessgrants

Full application

A business must complete a full application if it:

- Is legally required to close as a result of the lockdown/tiered measures.
- Was trading up until 4 November 2020 before the second lockdown came into force, or if applying for funding from 31 December 2020, was trading up until 30 December 2020 when the tier 4 measures came into place.
- Did not claim a business grant from South Derbyshire District Council during the first lockdown, or
- Claimed a grant during the first lockdown, but significant business details have changed – such as ownership or bank account details.

To submit a full application form, visit

www.southderbyshire.gov.uk/businessgrants and fill in the full application form.

As part of the full application form, businesses will be required to supply three months of bank statements (September, October & November 2020, or in the case of new businesses claiming from January onwards, the latest available statements) showing their business name/address and sort code/account number. This helps to demonstrate that your business is genuine and ensures we can pay the grant into the correct account. Unless this information is submitted, a grant claim will not be considered valid, and no grant will be paid by the Council.

As part of the form businesses will be asked to clarify whether they are likely to exceed the relevant State Aid levels. If a business has received near to the relevant State Aid limit, they will be asked to submit a written State Aid Declaration. Unless this information is submitted, a grant claim will not be considered valid, and no grant will be paid by the Council. Before applying, please read our COVID-19 business grant privacy notice at www.southderbyshire.gov.uk/businessgrants

If you will struggle to complete an online form, please call our customer services team on 01283 595795 to discuss how to apply. Our team is on hand Mondays, Tuesdays and Thursdays between 8.45am and 5pm, Wednesdays between 9.30am and 5pm, and Fridays between 8.45am and 4.30pm.

There is currently no deadline date provided by government for rated businesses claiming a grant. As soon as the government publishes a deadline this policy will be updated. Unrated businesses will be awarded funding on a first come first served basis, and when the funding is exhausted no further grants will be available.

22. How to submit supporting evidence

Our online form can accept a maximum of 10MB uploads in total.

If evidence cannot be uploaded online (because its file size is too large), it can be emailed to business.grants@southderbyshire.gov.uk.

The Council strongly recommends businesses email evidence via a free Egress account at www.egress.com (see instructions below). This will secure your email end-to-end. Businesses should quote their application reference in the email subject, so it can be matched up to their case.

How to set up a free Egress account

To set up an account, click on 'sign-up' in the top right hand of the screen (in the blue bar). Then enter your name, your email and provide the answer to two personal questions (this is in case you forget your password and can later retrieve it) and copy the security code. You will then receive an activation code to your email which you will need to copy and paste into the next screen. Once you have done this you will reach your personal Egress dashboard. To send us the email, click on 'New secure email' under Web Access in the left-hand column. This will open up an email window for you to send us the information.

If evidence cannot be uploaded online/emailed (because it is too large or businesses do not have an electronic copy) it can be posted to: **Business Grants Team, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH**. We recommend businesses send documents to us by recorded delivery. Businesses should quote their application reference on the envelope, so it can be matched up to their case. We also recommend businesses do not supply original documents as we cannot guarantee we will be able to return them due to the volume of applications we may receive.

Any business that needs assistance completing the form can request it from customer services by calling 01283 595795.

23. About State Aid

Businesses that are eligible for Small Business Rate Relief or Rural Rate Relief can only accept a grant if in receiving it, the total State Aid the business will have received in the past three financial years will not exceed €200,000.

Businesses that are eligible for the Expanded Retail Discount Scheme* can only accept a grant if in receiving it, the total State Aid the business will have received in the past three financial years will not exceed €800,000.

State Aid includes but is not limited to Supporting Small Business Relief (this is not the same as Small Business Relief), Retail Relief, Supporting Pub Relief, shop front grants and any other grants issued to you stating they are given under State Aid.

The grants awarded under the first national lock-down need to be considered as State Aid for the purposes of this grant, as well as any Self Employment Income Support grant received.

Find out more at www.gov.uk/state-aid

*For clarity, the Government has confirmed that the Expanded Retail Relief for 2020/2021 and the Nursery Discount for 2020/2021 are not considered State Aid.

Any business in receipt of State Aid must submit a signed State Aid Declaration letter and their grant claim will not be processed until the letter is provided. The letter is available online at: www.southderbyshire.gov.uk/businessgrants. It is also at Appendix 1.

State aid applies to these schemes, and all recipients are required to comply with the maximum permitted funding under the relevant State aid rules – EUR 200,000 over three years under the De Minimis Regulation, or EUR 800,000 under the COVID-19 Temporary Framework for UK Authorities (lower thresholds apply to agriculture, fisheries and aquaculture business). The De Minimis aid and the Temporary Framework can be combined to bring the aid per company to up to €1 million. Any business that has reached the limits of payments permissible under the De Minimis and the UK Covid-19 Temporary State Aid Framework will not be able to receive further grant funding.

Excluding small and micro undertakings (fewer than 50 employees and less than EUR 10 million of annual turnover and/or annual balance sheet), a business receiving grant paid under the Temporary Framework must also confirm that they were not an undertaking in difficulty on 31 December 2019. This exemption for small and micro undertakings does not apply if the undertaking is subject to collective insolvency proceedings under national law, has received rescue aid that has not been repaid, or is subject to a restructuring plan under State aid rules.

Grants provided under the Local Restrictions Support Grant scheme can be made under either the De Minimis Regulation (where the relevant conditions are met), or under the COVID-19 Temporary Framework for UK Authorities where for example, the De Minimis threshold has been reached.

24. About processing and fraud checks

All grant claims will be processed through a series of checks, including checks against our business rates database and checks using the Government Spotlight anti-fraud software.

The district council reserves the right to verify/put on hold any claim to enable detailed checks to be carried out.

Any suspected fraud cases will be investigated by our partners Derby City Council Anti-Fraud team.

Any business caught falsifying their records to gain a grant will face prosecution and any funding issued will be subject to claw back.

To find out how we will record, process and store your data, please read our data protection statement at www.southderbyshire.gov.uk/businessdata

25. About multiple premises

The grant will be paid to the rate payer or business owner.

A business that is eligible for Small Business Rates Relief or Rural Rate Relief can only claim one grant (and associated grant extensions) under this scheme.

A business that benefits from Expanded Retail Relief and has multiple rated premises may get multiple grants, but only where each individual property is entitled to the Expanded Retail Relief. Where a business has properties in addition to those that are eligible for Expanded Retail Relief, for example storage or head office space, these additional premises will not be entitled to a grant.

Please note, the grant is subject to tax.

26. About payment of the grants

Businesses that are eligible for a grant(s) will be paid directly into their business bank accounts.

Where a sole trader only has a personal account, they will be asked to confirm that the account underpins their business.

No paperwork will be issued with the grant. If claimants require grant payment documentation they should email business.grants@southderbyshire.gov.uk. Please note the documentation may take some time to provide as we process other grants.

27. Non-eligible businesses

Businesses that complete a form but are not eligible will receive a letter to their business premises to notify them that their claim has not been successful, or to their email if it has been provided.

The letter will detail the appeals process.

28. Declining the grant

Eligible businesses can decline the grant. Should the business later decide to claim the grant and the deadline has passed/the fund has expired, the Council will not be liable to the business for not having claimed the grant.

Any business that will exceed their State Aid de Minimis level by receiving the grant must declare it and not accept the grant. This is the responsibility of the business.

29. Non-compliant closed businesses

Where a business is found to be non-compliant (i.e. is open/trading despite it being illegal to do so), funding may either not be awarded or may be subject to clawback as follows:

Non-compliance between 4 November 2020 and 4 January 2021

- Where a closed business has already been awarded LRSB Closed/ARG funding (for the period 4 November 2020 - 4 January 2021) and is found to be non-compliant, the business may be required to return the LRSB Closed/ARG funding for the full 14 day/bi-weekly period its non-compliance relates to (even if its period of non-compliance was fewer than 14 days):
 - *For non-rated businesses and businesses rated £15,000 and below this would be £667.*
 - *For businesses rated between £10,001 and less than £51,000 this would be £1,000.*
 - *For businesses rated above £51,000 this would be £1,500.*
- Where a closed business has not yet been awarded funding (for the period 4 November 2020 - 4 January 2021), its LRSB/ARG funding may be reduced according to the full 14-day/bi-weekly period its non-compliance relates to, as follows:
 - *For non-rated businesses and businesses rated £15,000 and below this would be £667.*
 - *For businesses rated between £10,001 and less than £51,000 this would be £1,000.*
 - *For businesses rated above £51,000 this would be £1,500.*
- If a business' non-compliance extends for a period of more than 14 days, it may be required to return the LRSB Closed/ARG funding for each full 14 day/bi-weekly period it remains non-compliant (even if its total period of non-compliance is shorter than the corresponding total of 14-day periods).
 - *So, for example, if a business is non-compliant for 15 days – it will be required to payback 28 days of funding, or if a business is non-compliant for 29 days, it will be required to pay back 42 days of funding.*
- If a business that becomes compliant is due sufficient further grant payments under lockdown/tiered measures, the Council may not require the business to return the funds, but may take the amount owed from any future grant payments.
- If a business that becomes compliant is not due sufficient further grant payments/refuses to become compliant, a requirement to pay may be issued. If the funding is not returned within 30 days of this notice, the case will likely be referred to the Department for Business, Energy and Industrial Strategy (BEIS) for collection.

Non-compliance between 5 January 2021 and 15 February 2021

- Where a closed business has already been awarded LRSB Closed/ARG funding (for the period 5 January 2021 - 15 February 2021) and is later found to be non-compliant, the business may be required to return the LRSB Closed/ARG funding for the full 42 day period its non-compliance relates to (even if its period of non-compliance was only one day):
 - *For non-rated businesses and businesses rated £15,000 and below this would be £2,001*
 - *For businesses rated between £10,001 and less than £51,000 this would be £3,000.*
 - *For businesses rated above £51,000 this would be £4,500.*
- If a business that becomes compliant is due sufficient further grant payments under lockdown/tiered measures, the Council may not require the business to return the funds, but may take the amount owed from any future grant payments.
- If a business that becomes compliant is not due sufficient further grant payments/refuses to become compliant, a requirement to pay may be issued. If the funding is not returned within 30 days of this notice, the case may be referred to the Department for Business, Energy and Industrial Strategy (BEIS) for collection.
- Where a closed business has not yet been awarded funding (between 5 January and 15 February), it may not be awarded any LRSB Closed Funding between 5 January and 15 February 2021.

Closed Business Lockdown Payment

- Where a business has received the one-off Closed Business Lockdown Payment, it may not be required to pay this back, provided it can demonstrate that it has since achieved and is maintained compliance since its first offence. Whereas business has not yet been paid the Closed Business Lockdown Payment, it may not be awarded this until it can demonstrate compliance.
- Where a business continually demonstrates non-compliance/refuses to become compliant, the Council reserves the right to claw back all funding granted to that business since November 2020. Any non-payments will be referred to the Department for Business, Energy and Industrial Strategy (BEIS) for collection.

The above clawback of funding is entirely separate to any fixed penalty notices/fines that may be issued as a result of a business operating in a non-compliant manner.

30. Appeals process

Businesses can appeal the decision made by the authority in relation to grants.

All appeals must be made in writing and sent to: Business Grants Appeals, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH or emailed to business.grants@southderbyshire.gov.uk

Appeals will be considered by the Strategic Director of Corporate Resources. The decision made at appeal will be final.

31. Any questions?

Email business.grants@southderbyshire.gov.uk

32. Changes to this document

The Government guidance on which this document is based has been subject to ongoing change and, as such, this document may also be subject to change. All major changes will be subject to approval by the council's Strategic Director for Corporate Resources, Finance & Corporate Services and will be noted on the front of this document against a relevant version number.

The District Council is not liable if any of the changes affect the eligibility of any business for any of the COVID-19 grants, and in the case of appeals, the version of the guidance in place at the time the appeal is considered will be considered the correct version.

ENDS

Appendix 1

COVID Business Rescue Fund Grant Scheme

Businesses cannot apply directly to the COVID Business Rescue Fund.

The funding is available to businesses who have applied for, but are not eligible for, a 'closed for business' or 'open for business' grant.

Examples include home/mobile businesses who have claimed SEISS or furloughed themselves, or new businesses that had not yet opened, but hoped to open during a lockdown or tiered measures. Other cases may be considered for a COVID Business Rescue Fund grant on a case-by-case basis.

How are grants awarded?

If a business is not successful in its open/closed claim, their case may be considered for the COVID Business Rescue Fund.

All awards are discretionary and will be funded through the Additional Restrictions Grant Scheme and will be available on a first-come-first-served basis. Once the funding is exhausted no further funding will be available, regardless of eligibility.

What grants are on offer?

As standard, a grant of £1,500 will be awarded for the November & January lockdowns to successful claimants. A further £1,500 grant may also be awarded to cover the extended spring and any future lockdown periods.

The Council reserves the right to alter the grant award depending on the individual circumstances of a business and this is at the discretion of the Council.

Regular payments are not available through the COVID Business Rescue Fund Grant Scheme.

Whilst the Council will not accept direct applications to the COVID Business Rescue Fund, it would encourage any business that was told it was not eligible for either the open or closed schemes prior to 25 January 2021, and who did not apply as a result, to email business.grants@southderbyshire.gov.uk to seek advice.