



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

Version 4

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

<b>Version</b>	4
<b>Date</b>	26 February 2021
<b>Amend notes v2</b>	<p>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:</p> <ul style="list-style-type: none"><li>• Extension of eligibility criteria (see Section 2).</li><li>• Extension of deadline date for application – 31 March 2021.</li><li>• Grant amounts and funding closure date – funding is available up to 15 February 2021 (see page 7).</li><li>• COVID Business Rescue Fund for home-based or mobile businesses who have claimed SEISS or furloughed themselves (see Appendix 1).</li></ul>
<b>Amend notes v3</b>	<ul style="list-style-type: none"><li>• Evidence for non-rated businesses of fixed costs / evidence for new non-rated businesses of business activity (see Section 9).</li><li>• Clarification re market traders not based in South Derbyshire (see Section 10).</li></ul>
<b>Amend notes v4</b>	<ul style="list-style-type: none"><li>• Application closing dates (see above)</li><li>• Grant levels for extended spring lockdown (see Section 6).</li></ul>

*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 'open 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 'open for business' grants available to businesses that are able to remain open, but whose trade has been severely impacted.**

The funding streams that support these grants are:

- **Additional Restrictions Grant (ARG)** which will support grants to businesses (rated and non-rated) that can remain open during a national lockdown but are severely impacted.
- **Local Authority Restrictions Support Grant (LRS) Open** which will support grants to open businesses outside of a national lockdown (for example during tiered measures).

The Council is also administering the following grant schemes for businesses that are legally required to close under a lockdown/tiered measures:

- **'Closed for business' grants** – for businesses legally required to close.
- **'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](http://www.southderbyshire.gov.uk/businessgrants)

## 2. Eligible businesses

The 'open for business' grant scheme is for businesses that can remain open during tiered or national lockdowns, but for whom trade has been severely affected.

**Businesses eligible for a 'closed for business' grant cannot apply for an 'open for business' grant through this scheme. A business cannot make applications to both schemes.**

### Rated business premises

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

- Be based in South Derbyshire.
- Not be **legally required to close\*** by Government guidelines (see section Appendix 1 for more details).
- Be able to evidence that their business has suffered a significant loss (20% or more) in takings as a result national lockdowns/tiered measures (since November 2020).
- Comply with one or more of the following:
  - Be operating in an affected sector (e.g. retail) but able to stay open as an essential business (e.g. a food deli that is considered essential but also serves lunches to shoppers and office workers, so has seen a significant drop in footfall/takings).
  - Be able to demonstrate that trade has dropped due to an inability to deliver consumer services to customers (that cannot be delivered online) due to social distancing requirements (for example a plumbing, cleaning or electrical service business).
  - Be reliant on businesses/sectors that were required to close under national lockdowns/tiered measures (since November 2020) for at least 50%\* of their trade (for example a cake maker that supplies pubs and restaurants).
  - Be a business that supplies good/services direct to the consumer for at least 50%\* of their trade, and ordinarily welcomes customers onto their premise to order/view goods, but does not have a fixed shop front (e.g. a carpenter that welcomes commissions from the public from a workshop).
  - *\*Or, a combination of both the above two criteria that equals or exceeds 50% of their trade.*
- **If applying for funding from November 2020 onwards**, the business must have been trading 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 having a commercial lease in place.
- **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 have been trading 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 having a commercial lease in place.

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

To claim an 'open for business' grant, business owners **without a rated business premises** must:

- Not be **legally required to close/stop delivering their services\*** by Government guidelines (see section Appendix 1 for more details).
- Be able to evidence that their business has suffered a significant loss (20% or more) in takings as a result national lockdowns/tiered measures (since November 2020).

- **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 10), 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 10), 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.
- Comply with one or more of the following:
  - Be operating in an affected sector (e.g. retail) but able to stay open as an essential business (e.g. a food deli that is considered essential but also serves lunches to shoppers and office workers, so has seen a significant drop in footfall/takings).
  - Be able to demonstrate that trade has dropped due to an inability to deliver consumer services to customers (that cannot be delivered online) due to social distancing requirements (for example a plumbing, cleaning or electrical service business).
  - Be reliant on businesses/sectors that were required to close under national lockdowns/tiered measures (since November 2020) for at least 50%\* of their trade (for example a cake maker that supplies pubs and restaurants).
  - Be a business that supplies good/services direct to the consumer for at least 50%\* of their trade, and ordinarily welcomes customers onto their premise to order/view goods, but does not have a fixed shop front (e.g. a carpenter that welcomes commissions from the public from a workshop).
  - *\*Or, a combination of both the above two criteria that equals or exceeds 50% of their trade.*
- **For home/mobile workers only:** 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 (SEISS)\*\*.
  - Has not furloughed themselves as an owner/director of a limited company\*\*.

*\*\* 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 2).*

### 3. Exclusions

Business premises that **are not eligible for an ‘open for business’** grant include:

- Business required to close by Government. These businesses may be eligible to apply for a ‘Closed for business’ grant. To find out more visit: [www.southderbyshire.gov.uk/businessgrants](http://www.southderbyshire.gov.uk/businessgrants).
- Car parks and parking spaces.
- Premises occupied for personal use only.
- Vacant premises.
- Businesses that as of 4 November 2020 (for November payments) or 30 December 2020 (for January payments) were in liquidation or dissolved, or where a striking-off notice has been made.
- 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 prove they are liable for ongoing fixed costs in relation to the business (not including paying themselves a salary), so for example rent, rates, machinery hire costs etc) during national lockdowns/tiered measures (since November 2020).
- Any business that applies after the grant scheme expiry date.
- Businesses eligible for the Fisheries Response Fund, Domestic Seafood Supply Scheme, The Zoos Support Fund and the Dairy Hardship Fund.
- Landlords, property developers, doctors, banks, building societies, cashpoints, bureaux de change, short-term loan providers and post office sorting offices.
- Agricultural land and buildings, including fish farms, buildings used for training or welfare of disabled people, buildings registered for public religious worship or church halls.
- Any business that has received a cash grant or partial cash grant passed on by their landlord under one of the Covid-19 schemes, including in the form of a rent-free period.
- Businesses renting premises from companies that are controlled by some or all of the same individuals will not normally be eligible, particularly where one of the businesses has already received a COVID-19 grant.
- Businesses that have received a ‘Closed for business’ grant for the same premises.
- Businesses such as self-employed individuals with no fixed premises costs that are eligible for the Government’s Self Employment Income Support Scheme (SEISS), including homeworkers/home-offices/mobile workers. Equally owners/directors of limited companies with no fixed premises costs that have furloughed themselves\*\*.

*\*\* 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 2).*

## 4. Assessment criteria

Business claims will be assessed against the following criteria, and businesses must be able to demonstrate all of the following to receive a grant:

Criteria	Definition	Evidence
<b>Sector</b>	Be operating in/supplying goods and services to the hospitality/events, non-essential retail, accommodation, entertainment, tourism, personal care, consumer services, travel/leisure or sport sectors. For definitions of sectors please go to the <a href="#">Government website</a> . For businesses supplying closed businesses, more than 50% of revenue must normally come from businesses required to close within the defined sectors.	Declaration Bank statements Orders/bookings
<b>Scale of Coronavirus losses</b>	Be able to provide evidence of a severe reduction in turnover/income of 20% or more, due to lockdowns/tiered measures introduced since 5 November 2020. Businesses that have chosen to close, but not been required to do so, must be able to demonstrate their business has closed as a result of a reduction in business caused by the pandemic – for example cancelled orders or contracts.	Declaration Accounts Bank statements Cancelled orders/bookings
<b>Level of fixed costs</b>	Be able to evidence ongoing fixed costs including rent and (where applicable) rates, premises insurance, utilities and commercial mortgage interest payments. Businesses with a monthly rent or equivalent of less than £100 per calendar month will not be eligible. The relevant property should be wholly or mainly used for the qualifying purposes or broadly similar.  Self-employed individuals working from home/mobile must be able to demonstrate some ongoing business costs (telephone, insurance, marketing costs etc), or in the cases of businesses that haven't been able to trade since March 2021, an historic record of these dating back to prior to the first national lockdown.	Declaration Accounts Bank statements Lease/rental agreement Mortgage payments Utility, insurance, etc bills
<b>Ability to adapt</b>	Be able to demonstrate that the ability of the business to adapt to successfully trade online, work from home, etc is limited. Businesses that are able to continue to trade and can operate their services effectively and have not suffered losses are not eligible.	Declaration
<b>Sole/primary source of income</b>	(For self-employed individuals) Be able to demonstrate the business is their sole or primary source of income (Income from pensions is not included as a source of income).	Declaration Bank statements
<b>Business size*</b>	Micro and small businesses will normally be eligible whether rated or unrated. Medium and larger rated business may also be eligible for a grant subject to local discretion. All are subject to State Aid limits. The definitions below include any linked or partner enterprises.	Declaration Accounts Payroll

\*A micro business satisfies two or more of the following requirements: Turnover not more than £632,000; A balance sheet total of not more than £316,000; A headcount of staff of not more than 10.

\*A small business satisfies two or more of the following requirements: Turnover not more than £10.2million; A balance sheet total of not more than £5.1million; A headcount of staff of less than 50.

\*A medium business satisfies two or more of the following requirements: Turnover not more than £25million; A balance sheet total of not more than £12.5million; A headcount of staff of not more than 250.

\*Anything above the medium criteria is classed as a Large business.

## 5. Deadline for applications

**Applications for funding to cover the November and January lockdowns will close on 31 March 2021. Applications for funding to cover the extended Spring lockdown will close on 31 May 2021.**

If you have applied for/received a grant for the November/January lockdowns, **you do not need to apply again** for extended spring 2021 lockdown.

## 6. About the funding available

The funding available under the 'open for business' scheme closely reflects the funding available under the 'closed for business' scheme but as a standard is 30% lower\*.

### November lockdown payments and Tier 3 bi-weekly payments

Rateable value of your business premises	National lockdown (5 November to 2 December)	Two-week extension amounts (for those that continued to be affected during Tier 3 measures****)
£15,000 or less, or not rated*	£934	£467
Over £15,000 and less than £51,000	£1,400	£700
£51,000 or above	£2,100	£1,050

### Tier 4 and January lockdown payments\*\*\*

Rateable value	Pro-rata Tier 4 bi-weekly payment (31 December – 4 January ****)	Regular lockdown payments (from 5 January – 15 February****)	One-off lockdown payment	Total
Below £15,000 or not rated*	£166.75	£1,400.70	£2,800	£4,367.45
£15,001 - £50,999	£250	£2,100	£4,200	£6,550
£51,000+	£375	£3,150	£6,300	£9,825

### Extended spring lockdown (16 February - 31 March 2021)

Rateable value	Extended spring lockdown payment (44-day period)
Below £15,000 or not rated*	£1,467.20
£15,001 - £50,999	£2,200.10
£51,000+	£3,299.80

**Where funding is available**, non-rated businesses with premises (for example in shared workspace) and self-employed individuals, not eligible for the Government's Self Employment Income Support Scheme (including homeworkers/home-offices/mobile workers) who have not furloughed themselves, will receive the same grant level as an open business with a Rateable Value of £15,000 or less.

\* Where businesses can demonstrate zero income, (for example those in the wedding or events sectors), the Council may award a higher grant amount. This is not guaranteed and is not grounds for an appeal.

\*\* If your business is not rated, whilst we will endeavour to make the complete set of grant payments detailed on the previous page, 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.

\*\*\* Any business that was set up after 4 November, may be eligible for funding from 31 December 2020 onwards only.

\*\*\*\* Regular payments under tiered measures will only be awarded to certain types of business (see Appendix 3)

## 7. About the application process

Apply online at [www.southderbyshire.gov.uk/businessgrants](http://www.southderbyshire.gov.uk/businessgrants)

When using the online form, an item of evidence only needs to be uploaded once, even if being used as evidence to answer several questions. When supplying bank statements please highlight or refer to the items that you are highlighting as evidence (e.g. rent payment).

Applicants will be required to provide information about their business/organisation including business bank details, copies of accounts, bank statements, payroll, tax returns, photo identification (eg. passport/drivers' licence), insurance, your Companies House, Charity Registration, HMRC and VAT numbers and copies of your lease/rental agreement (if applicable) and evidence of payments and evidence that your business/charity has been impacted by the second lockdown.

Bank statements must be provided for September, October and November 2019 and for September, October and November 2020 (or as many as are available if businesses were recently formed) and clearly show the name of the business, together with the account number and sort code.

Businesses supplying the affected sectors will be expected to provide evidence to demonstrate they supply companies that are required to close and that this has had an impact on income. This will include bank statements (showing the customer business name or applicant's name, registered address with income within the last 3 months) and invoices (showing the customer business name, client name, registered address, and value, dated within the last 3 months).

Complete applications will be assessed, and grants awarded, on a first come, first served basis. The processing of each complete application is likely to take some time due to the anticipated number of applications and the level of due diligence and anti-fraud checks.

Where an applicant does not provide all the necessary evidence, their application will not be considered valid and will not be assessed until all the evidence has been provided. If the evidence is provided after the grant pot has been exhausted, the applicant will not be awarded a grant, even if they could have been eligible. Where additional evidence (more than detailed on the online form) is requested, this will not affect an applicant's position in processing order.

## 8. 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](mailto: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 2).

## 9. 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 include evidence (such as bank statements) to show that they are having to make regular 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 the business did not renew its public liability insurance but has a history of 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.

## 10. About essential market traders

Essential market traders (for example food or fruit and veg etc) can apply for an open grant as it is likely that their trade/passing footfall will have dropped significantly.

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.

## 11. About claiming a grant

Apply online at [www.southderbyshire.gov.uk/businessgrants](http://www.southderbyshire.gov.uk/businessgrants)

As part of the full application form, businesses will be required to supply a range of evidence including bank 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.

Businesses will also 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 the required evidence 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](http://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.

**Before applying, please read our COVID-19 business grant privacy notice at [www.southderbyshire.gov.uk/businessgrants](http://www.southderbyshire.gov.uk/businessgrants)**

## 12. 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](mailto:business.grants@southderbyshire.gov.uk).

The Council strongly recommends businesses email evidence via a free Egress account at [www.egress.com](http://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 (e.g. a paper 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.

## 13. About processing and fraud checks

All grant claims will be processed through a series of checks:

- Checks will include but will not be limited to Facebook, Twitter, websites, historic web resources, Companies House, the VOA, the Council's business rates database and other internal databases, and 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/businessgrants](http://www.southderbyshire.gov.uk/businessgrants)

## 14. About payment of the grant

Grants will be paid to the rate payer or business owner 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.

- A business that is eligible for Small Business Rates Relief or Rural Rate Relief can only claim one grant 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.
- Unrated businesses will be eligible to claim one grant per business and not one grant per premises.

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

**Please note, the grant is subject to tax.**

## 15. 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](http://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](http://www.southderbyshire.gov.uk/businessgrants).

State Aid applies to this scheme, 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.

## 16. 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 the Council's rates database with a value of £0 and the lowest 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.

## 17. About charities

Charities with premises that have not been legally required to close, but whose trade has been severely impacted by the second lockdown may apply.

## 18. Rejected claims

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.

## 19. 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 level by receiving the grant must declare it and not accept the grant. This is the responsibility of the business.

## 20. 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](mailto:business.grants@southderbyshire.gov.uk)

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

## 21. Any questions?

Email [business.grants@southderbyshire.gov.uk](mailto:business.grants@southderbyshire.gov.uk)

## 22. 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

### What businesses are legally required to close?

Under the new national lockdown measures, the following **business 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).

These businesses may apply for a 'Closed for business' grant. To find out more visit [www.southderbyshire.gov.uk/businessgrants](http://www.southderbyshire.gov.uk/businessgrants).

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

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 the 'closed for business' policy.

Businesses that have chosen to close, because trade is not sufficient/staffing levels are not adequate due to COVID, will also not be considered closed under this policy.

Where premises have mixed uses and only part is subject to national closure, the business must select either the 'open' or 'closed' scheme, according to which is the main activity.

*\*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.*

## Appendix 2

### 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 will 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](mailto:business.grants@southderbyshire.gov.uk) to seek advice.

## Appendix 3

### Business types eligible for recurring payments under tiered measures

Business type	Tier 3 regular payment	Tier 4 regular payment
Event/wedding-related inc equipment and catering	Yes	Yes
Kennels/catteries	Yes	Yes
Pet grooming	No	Yes
Garages	No	Yes
Hand car wash/detailing	No	Yes
Driving instructors	No	Yes
Hairdresser/beautician	No	Yes
Personal trainers	No	Yes
Retail/market-trader – non-essential	No	Yes
Retail/market-related-essential	No	Yes
Tradespeople	No	Yes

\*subject to individual circumstances