

INVEST IN NORTH LINCOLNSHIRE

North Lincolnshire – Business Sustainability Grant

Guidance Document and Eligible Activities and Investment Levels

Introduction

North Lincolnshire has been allocated funds through the UK Shared Prosperity Fund (UKSPF) as part of the Levelling Up agenda. The fund will target where there is a need to create and build pride in place, support the business sector, and increase life chances through personal development and training to access employment. The fund will invest in three investment priorities: communities and place, support for local businesses, and people and skills.

North Lincolnshire Council is committed to delivering a clean, green economic future for the authority and the region and is looking to support our crucial economy to move towards this goal. We have launched our own commitment to a Green Future through our Green Futures plan and we are looking to ensure our businesses are able to join the journey and achieve a Net Zero economy by 2040. We recognise that the economic climate is a challenging one and support towards decarbonisation and de-risking investment needs to be made to achieve our collective goals which is the aim of this grant scheme.

The Business Sustainability Grants prime objective is to support businesses in reducing their energy related overheads whilst also seeking to reduce the regions CO2 emissions as a direct result. This will allow businesses to increase their profit margins, protect employment for residents of North Lincolnshire and our localised economy. Its aim is to support those businesses seeking to invest within the region; in technologies, products and services that will directly reduce their energy consumption, reducing their overheads and CO2 emissions by offering financial incentives directly to support and promote these investments. This grant scheme is designed to allow businesses to invest in the short term for their longer-term sustainability and support the UK government to achieve a Net Zero economy by 2040.

The fund is split between two distinct streams, covering capital investment and revenue costs. The revenue strand will enable businesses to access independent expert advice in understanding their own energy costs, assess/undertake feasibility studies into possible solutions and costs associated with installing equipment/technologies. The capital element of the grant will cover the investment in products/machinery deemed to help support the reduction in CO2 emissions.

Eligible Businesses

- Businesses must be based within the North Lincolnshire region, with the proposed investment being made inside the region.
- Businesses must have been trading for a minimum of 12 months and be able to produce a full year's annual accounts as evidence.
- Businesses must have a UK based bank account that is in the name (or trading name) of the entity applying for the funding.

- Businesses must not be considered an undertaking in difficulty (please see section below for reference).

Eligible Activities

Subject to UK Subsidy Allowance Rules (influenced by company size/status and location), investment from the Business Sustainability Grant can be used to contribute to one or more of the following activities:

- Energy production infrastructure – solar PV, biomass boilers etc.
- Energy Efficient Products – LED lighting and associated energy saving technologies.
- Building Improvements – Replacement boilers to more efficient or heat source pumps, improving insulation etc.
- Business Consultancy Services – this can include planning consultant, energy consultants

Typical projects could be:

- Installation of LED lights throughout the business property
- Installation of solar panels on roofs for generation on behalf of the business
- Replacement of inefficient boiler to a modern, hydrogen ready boiler
- Feasibility study into where a business could look to invest to reduce their CO2 emissions.

If projects require planning permission, this must be in place *prior to the submission* of any grant application. Failure to adhere to planning legislation will result in applications being declined.

Improvements cannot be made to residential properties, even those with businesses registered at the address. Only properties which sit on the Business Rates register are eligible for funding.

It will be the responsibility of the Applicant to ensure that they are able to evidence the improvement/reduction in energy consumption to North Lincolnshire Council following successful application and prior to being able to draw down any funding.

Any equipment purchased utilising the grant scheme must be retained by the business for no less than 48 months after the closure of the grant scheme (31st of March 2023). Any disposal of investments, without the prior written consent of North Lincolnshire Council, could result in part or all the grant funds being clawed back under the scheme.

Specific Ineligible activity

- Investment in sectors included within the EC Sectoral Restrictions
- Expenditure on the purchase of transport equipment (movable assets) and for the acquisition of road freight transport vehicles
- The Business Sustainability Grant cannot be used to support undertakings or firms in difficulty
- Applications for projects in the defence sector are ineligible for assistance.
- Projects by schools or colleges

- Projects involving the manufacture of tobacco related products, companies involved in gambling activities, or those sectors deemed to cause potential reputational damage to the UK Government and/or North Lincolnshire Council.

Investment Levels

The minimum grant level that can be applied for is £500. The maximum grant level is £5,000.

All investments must have been made (left the applicants bank account) no later than the **28th of March 2023**. Investment amounts are exclusive of VAT, VAT is not claimable as part of the overall project.

The investment ratio that will be considered as part of the appraisal process and is governed by UK Subsidy Allowance Rules which may require a higher contribution by applicants to ensure compliance. Please see table below for examples of eligibility in relation to intervention rates permissible depending on the size of the business:

Capital Grants

Category	Headcount*	Turnover*	Or	Balance Sheet Total*	Maximum Intervention Rate Permissible
Large	Over 250	In Excess of £43.5 million per annum		More than £37 Million	20%
Medium	Fewer than 250	Not exceeding £43.5mil		Not exceeding £37 mil	30%
Small	Fewer than 50	Not exceeding £8.6mil		Not exceeding £8.6mil	40%
Micro	Fewer than 10	Not exceeding £1.7 mil		Not exceeding £1.7 mil	40%

Revenue Grants

Category	Headcount*	Turnover*	Or	Balance Sheet Total*	Maximum Intervention Rate Permissible
Large	Over 250	In Excess of £43.5 million per annum		More than £37 Million	30%
Medium	Fewer than 250	Not exceeding £43.5mil		Not exceeding £37 mil	40%
Small	Fewer than 50	Not exceeding £8.6mil		Not exceeding £8.6mil	50%

Micro	Fewer than 10	Not exceeding £1.7 mil		Not exceeding £1.7 mil	50%
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****This figure will include all associated group companies. If you are unsure, please contact a member of the team to discuss.***

The Investment made by the fund must be maintained in the region for a period of up to 5 years (up to 3 years for SMEs) after its completion.

Application Process

All applications must be made utilising the online portal on the Invest in North Lincolnshire Website. No applications will be considered outside of this portal.

Applicants will be required to ensure they provide the following evidence as part of their application process, failure to do so could result in delays and/or applications being declined by North Lincolnshire Council:

- Completed Application Form (this will be an electronic form hosted on Invest In North Lincolnshire Website)
- Three Years of Full Audited Accounts to include Profit & Loss, Balance Sheet & Associated notes (if a business cannot provide this then the business can provide two year forecasted P&L and cashflow)
- Copy of Quote from Supplier (we recommend businesses obtain 3 quotes but given the spend value one will be sufficient to be compliant with procurement regulations)
- Copy of Bank Statement to ensure compliance with regulations.
- If the business is not a limited company than evidence of their Unique Tax Reference details.
- State Aid declaration

The grants will be subject to an application window starting at 11am on the 8th February 2023 and closing at 5pm on the 22nd of February 2023. Applications submitted after the close date will not be considered during this application window.

Approval Process

Subject to volume on applications North Lincolnshire Council intends to undertake the below process in regards reviewing and assessing those applications that come forward.

- 23rd of February 2023 – Initial assessment of applications to ensure they are compliant with the scheme.
- 24th of February to 1st of March 2023 – Due diligence to be undertaken on all applicants to ensure not considered an undertaking in difficulty or there is any adverse
- 2nd of March 2023 – UK Shared Prosperity Fund Panel will meet to review all the applicants and award grants to those successful.
- 3rd of March 2023 – All applicants will be informed of the outcome of their application.

All successful awards will be posted onto the Invest in Website detailing the business name and total award. Applicants who are unsuccessful will be offered the opportunity to obtain feedback and apply for any future rounds but there will be no right for appeal following the decision-making panel's decision.

UK Subsidy Control Regime Regulations

The UK subsidy control regime began on 4 January 2023. It enables public authorities, including devolved administrations and local authorities, to give subsidies that are tailored to their local needs, and that drive economic growth while minimising distortion to UK competition and protecting our international obligations.

A subsidy is where a public authority provides support to an enterprise that gives them an economic advantage, meaning equivalent support could not have been obtained on commercial terms. This could include, for example, a cash payment, a loan with interest below the market rate or the free use of equipment or office space.

Subsidies should be given in the public interest, to address a market failure or equity concern. For example, a subsidy could incentivise businesses to do research and development that increases economic productivity and wider prosperity, to increase the use of low-carbon technology, or to extend access to cultural or educational amenities.

Public authorities must first establish whether the support (known in the Act as 'financial assistance') falls into the category of subsidy. As the proposed grant is financial assistance given directly from public resources by a public authority the proposed grants would therefore be considered subsidy.

*The value of the proposed grants is such that those applicants applying are expected to fall into the financial subsidy exemption of Minimum Financial Assistance. **Minimal financial assistance (MFA)** allows public authorities to award low-value subsidies (up to £315,000) without the need to comply with most of the subsidy control requirements.*

MFA subsidies are exempt from the substantive subsidy control requirements, meaning that subsidies given as MFA will not need to be assessed against the subsidy control principles or energy and environment principles.

However, there are two prohibitions that apply to all subsidies including MFA. These are the prohibition on giving subsidies relating to goods for export performance and the prohibition on domestic content. MFA subsidies over £100,000 are also subject to the transparency rules described in Step 6.

MFA is capped at a threshold of £315,000, meaning that no individual recipient can receive more than this amount over the applicable period (3 financial years). MFA subsidies are subject to cumulation rules, under which MFA subsidies cumulate with each other and with other subsidies that fall within the category of 'Minimal or (SPEI) financial assistance'. It also includes any aid given under the EU state aid de minimis regulations and subsidies given as small amounts of financial assistance under the UK–EU Trade and Cooperation Agreement after 31 December 2020 but before this section of the Act comes into force. This prevents enterprises being able to receive many subsidies that are individually of low value, but that cumulatively exceed the £315,000 threshold.

All applicants will be required to inform North Lincolnshire Council of any/all financial assistance they have received in the last 3 financial years (FY20/21, FY21/22 & FY22/23).

*This **will** need to include any grant support received during the COVID-19 pandemic and associated business financial support.*

If any applicant has received above £315,000 of grant support in the last three financial years there application will need to be assessed against the 7 principles of subsidy control. Having exceeded £315,000 will not disqualify any applicant from applying for &/or receiving grant support but the business may be requested to provide additional information.

Failure to declare previous financial aid will be considered an event of default in relation to any offer/payment of support and an applicant may be required to pay back part or all of the funding they have received.

Incentive effect

It is a requirement of UK Subsidy Allowance rules that the Business Sustainability Grant may only be awarded when it produces an incentive effect. The Scheme is considered to have an incentive effect if it enables the beneficiary to carry out activities or projects which would not have been carried out as such in the absence of the aid.

The Support Fund may only be awarded if it has an incentive effect. It shall be considered to have an incentive effect if, before work on the project has begun, the Programme has verified that documentation prepared by the beneficiary establishes one or more of the following criteria:

- Material increase in the size of the project due to the aid.
- A material increase in the scope of the project due to the aid.
- A material increase in the total amount spent by the beneficiary on the project due to the aid.
- A material increase in the speed of completion of the project concerned; or
- That the project would not have been carried out in the North Lincolnshire area in the absence of the aid.

Additionality

The applicant must be able to demonstrate convincingly that without Business Sustainability Grant assistance the project would not be undertaken or with reference to the scale, timing, or location any payment to an applicant will impact the applicant's Project such that one or more of the following will apply:

- A material increase in the size of the project/activity due to the provision of State Funds.
- A material increase in the scope of the project/activity due to the provision of State Funds.
- A material increase in the total amount spent by the beneficiary on the project/activity due to the provision of State Funds.
- A material increase in the speed of completion of the project/activity concerned.
- As regards regional aid, that the project would not have been carried out as such in the location concerned in the absence of the State Funds

Viability

The company undertaking the investment project must be viable and the project must have a good chance of being self-sustaining by the completion of the investment. The funding cannot be used to support companies that are in difficulty.

No prior start

If work on a project has started, then it is ineligible for financial support. An application for investment must be submitted and an offer made before work on the project is started.

“Start of work” means either the start of construction work or the first legally binding commitment to order equipment, excluding preliminary feasibility studies, whichever is earlier.

Publicity Requirements

When requested, the Grant Recipient shall install and maintain at each location where the Project is based or operates such explanatory plaques, billboards or other promotional material indicating the involvement of the Business Sustainability Grant.

No party shall make or permit any of its employees, agents or advisors to make any press or any public announcement or divulge or communicate to any person, any of the terms of this Funding Agreement without the approval of North Lincolnshire Council.

The Grant Recipient agrees to North Lincolnshire Council & the Department for Levelling Up publishing information including the Grant Recipient’s name, address and amounts of grant funding in their respective official publications and websites.

As part of the funding, those successful applicants will be required to pledge under North Lincolnshire Council’s Green Future’s plan.

Provisions relating to fixed assets and major assets

Inventory of the Fixed Assets and Major Assets

Where the project involves the purchase of major or fixed assets, the Grant Recipient must establish and maintain an inventory of all of the grant funded Assets. For each of the Assets the inventory must show the following particulars:

- date of acquisition;
- description of each Asset;
- price paid net of recoverable VAT;
- location of the Asset;
- serial or identification numbers;
- location of the title deeds (where relevant);
- date and proceeds (net of VAT) of any Disposal; and
- the name and address of any person to whom a Disposal is made.

This can be a Project Specific Asset Register or identified on the company's Corporate Asset Register. "Major Asset" means an Asset which is not a Fixed Asset but has a value as at the date of this Funding Agreement (or date of acquisition if the acquisition is funded by this Grant) of at least £2,000.00 or £1,000 for IT equipment. "Fixed Asset" means any asset that consists of land and/or buildings, plant, machinery or other thing that is, or is to be, fixed to any land and which is to be acquired, developed, enhanced, constructed and/or installed as part of the Project.

Disposals of the Assets

The Grant Recipient must not dispose of any interest in any Asset without the prior written consent of the Board for the period of three years from the end of the programme (March 2026). If the Board agrees consent to the Disposal, such consent may be subject to satisfaction of certain preconditions.

All Disposals must be for a consideration which is the best that can reasonably be obtained in the open market, on an arms length basis, on normal market terms, at the time of such Disposal.

Where the Grant Recipient disposes of any interest in any Asset without the prior written consent of the Board, then the proceeds of the Disposal (limited to the total amount paid by the Board to the Grant Recipient under this Funding Agreement) shall be immediately payable to the Board and may be recovered as a contractual debt if not paid within 20 Working Days of the date on which the proceeds of the Disposal are received.

Events of default and rights reserved for breach of the funding agreement.

Events of Default

An Event of Default is the occurrence, in the absolute discretion of the Board, of any of the following:

- a) the Grant Recipient fails to comply with any of the Standard Conditions or the Project Specific Conditions;
- b) the Project Activities are not commenced by the date which is 3 months after the Start Date;
- c) Completion of the Project Activities has not been achieved by the Anticipated Completion Date;
- d) a Material Change is made to the Project without the prior written approval of the Authority;
- e) the Grant Recipient Disposes of any Asset purchased through the Grant monies without the prior written consent of the Authority;
- f) the Grant Recipient no longer has the financial resource to carry out and complete the Project;
- g) a lack of progress towards achieving the Targets provides reasonable grounds for the Authority to question the future benefits to be derived from the Project or to doubt whether the Project will be (or will continue to be) effective or good value for money;

- h) the Commission or the European Court of Justice or the European Court of First Instance requires any Grant paid to be recovered by reason of a breach of state aid legislation;
- i) any financial irregularities are identified in connection with the Project (and the Grant Recipient acknowledges that it is the duty of the Authority to report financial irregularities to the Department for Communities and Local Government and Department for Business Energy and Industrial Strategy), or the Commission otherwise requires the Authority to recover any of Grant paid under the Funding Agreement;
- j) any information given or representation made in the Application or in any correspondence, report or other document submitted to the Authority under this Funding Agreement is found to be incorrect or incomplete to an extent which the Authority considers to be material;
- k) any report or certificate made by the Grant Recipient's auditor or reporting accountant is unsatisfactory (where, for example, the report or certificate refers to a fundamental uncertainty or disagreement, or contains a material qualification, or states that the auditor or accountant is unable to form an opinion about any item, or reports that any amount is not correctly stated in the accounts or records examined);
- l) there is any fraud or any other illegal activity on the part of the Grant Recipient;
- m) there is a Material Change in the Ownership, Control and Nature of Business of the Grant Recipient within the period beginning on the date of this document and ending three years after the final job output has been achieved;
- n) the Grant Recipient is, or is adjudicated or found to be, insolvent or stops or suspends payment of its debts or is (or is deemed to be) unable to or admits inability to pay its debts as they fall due or proposes or enters into any composition or other arrangement for the benefit of its creditors generally or proceedings are commenced in relation to the Grant Recipient under any law regulation or procedure relating to reconstruction or adjustment of debts;
- o) the Grant Recipient is in Material Breach of this Agreement, other than as listed above.

Rights reserved for the Authority in relation to an Event of Default

Where an Event of Default has occurred the Authority may by written notice to the Grant Recipient take any one or more of the following steps:

- suspend the payment of Grant for such period as the Authority shall determine;
- vary the maximum sum in which case the payment of Grant shall thereafter be made in accordance with the variation notified to the Grant Recipient; or
- cease to make payments of Grant to the Grant Recipient under this Funding Agreement and (in addition) require the Grant Recipient to repay to the Authority the whole or any part of the amount of Grant previously paid to the Grant Recipient.

Good Faith and Cooperation

The Grant Recipient covenants with the Authority that:

- it shall at all times act with the utmost good faith towards the Authority and will at all times co-operate with the Authority;
- it will comply with all the Authority's reasonable requirements in relation to the Project from time to time; and
- it will not do anything which will put the Authority in breach of any of its obligations in relation to the UK SPF programme.