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### EXECUTIVE DECISION RECORD

<b>A1</b> Service Area	Revenues, Benefits & Customer Contacts
<b>A2</b> Title	Omicron Hospitality and Leisure Grant scheme January 2022
<b>A3</b> Decision Taken By	Deputy Leader / Chief Officer
<b>A4</b> Chief Officer	Please print name: Sal Khan  Please sign name: <a href="#">Approval by email 140122</a>
<b>A5</b> Leader	Please print name: Cllr R Faulkner  Please sign name: <a href="#">Approval by email 160122</a>
<b>A6</b> Date of Decision	16 <sup>th</sup> January 2022

### Confidentiality

<b>A7</b> Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?	No
<b>A7.1</b> If yes, please state relevant paragraph from Schedule 12A LGA 1972.	NA

### Scrutiny

**A8** Which Scrutiny Committee should this decision be submitted to? (Please tick as appropriate) )

Scrutiny (Audit & Value for Money Council Services) Committee ✓

Scrutiny (Community Regeneration, Environment and Health and Well Being)

Committee ✓

<b>B1</b> What is the Decision?	To approve the criteria of the Council's Omicron Hospitality and Leisure Grant scheme.
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**B2** What are the reasons for the Decision?

The Government announced the Omicron Hospitality and Leisure Grant scheme on 21<sup>st</sup> December 2021 to enable local authorities to support hospitality, leisure and accommodation businesses in recognition that the rise of the Omicron variant means that some businesses are likely to struggle over the coming weeks.

The primary principle of the Omicron Hospitality and Leisure Grant scheme is to support businesses that offer in-person services, where the main service and activity takes place in a fixed rate-paying premises in the hospitality, leisure and accommodation sectors.

Guidance for the scheme was issued on 30<sup>th</sup> December 2021 and identified which types of businesses local authorities are expected to support, and the criteria successful applicants have to meet.

BEIS may vary the terms of these schemes or suspend or close the schemes with immediate effect, without notice and at any time, and requiring that undispersed funds are returned to BEIS within 30 days.

Where changes are introduced by BEIS, the assessment process and/or qualifying criteria will be amended from those described below to reflect such variations.

The support will take the form of a single one-off payment for businesses trading from hereditaments that are assessed for business rates (i.e. there is an entry in the Rating Lists).

If the hereditament is not assessed for business rates or the applicant is not liable for business rates or the applicant is not trading from the hereditament on the 30<sup>th</sup> December 2021, the business will not be eligible for the Omicron Hospitality and Leisure Grant.

Businesses that do not operate within the defined business sectors will not be eligible for a grant payment (e.g. Personal Care, Gym & Sports plus ALL Retail establishments or whose trade is mainly takeaway)

The amount paid will depend on the rateable value (RV) of the hereditament as detailed below:

RV Range	Grant Amount
RV £15,000 and under	£2,667.00
RV £15,001 to £50,999	£4,000.00

RV £51,000 and over

£6,000.00

Any changes to the Rating List after 30<sup>th</sup> December 2021 must be ignored for the purpose of eligibility.

Businesses may receive more than one grant where they have more than one eligible hereditament.

Business sector types that may qualify include:

Hospitality: a hospitality business can be defined as a business whose main function is to provide a venue for the consumption and sale of food and drink

For these purposes, the definition of a hospitality business will exclude food kiosks and businesses whose main service is a takeaway

Leisure: a leisure business can be defined as a business that provides opportunities, experiences and facilities, in particular for culture, recreation, entertainment, celebratory events and days and nights out

For these purposes, the definition of a leisure business will exclude all retail businesses, coach tour operators, and tour operators

Accommodation: an accommodation business can be defined as a business whose main lodging provision is used for holiday, travel or other purposes.

For these purposes, the definition of an accommodation business will exclude private dwellings, education accommodation, residential homes, care homes, residential family centres and beach huts

Business may claim provided they meet the above qualifying criteria and must be trading which is defined as:

The business continues to trade, including online, via delivery services etc.

The business is not in liquidation, dissolved, struck off or subject to a striking off notice or under notice

The business is engaged in business activity; managing accounts, preparing for reopening, planning and implementing

If a business operates services that could be considered hospitality, leisure or accommodation and also fall into another ineligible category, the main service can be determined by assessing which category constitutes 50% or more of their overall income. The main service principle will determine whether a business receives funding or not.

	<p>Businesses are excluded from the scheme where they:</p> <ul style="list-style-type: none"> <li>Fail to meet any of the qualifying criteria detailed above or</li> <li>Have already received grant payments that equal or exceed the maximum permitted subsidy allowances or</li> <li>Are in administration, insolvent or where a striking-off notice has been made.</li> </ul> <p>The final date by which determinations must be made and funds released to successful applicants are the 28<sup>th</sup> February 2022 and 31<sup>st</sup> March 2022 respectively. In order to determine the outcome of applications by the 28<sup>th</sup> February 2022, the formal closure date to receive applications shall be the 21<sup>st</sup> February 2022.</p> <p>There is no right of appeal against the Council's decision to refuse a grant other than via Judicial Review. However, it has been agreed that where an applicant disagrees with the Council's decision to refuse a grant, a review of that decision will be conducted by the Shared Service Centre Manager/ Revenues Team Leader. Their decision will be final.</p> <p>Any businesses falsifying their records to gain Grant money or committing any other fraudulent acts will face prosecution and any funding awarded will be subject to recovery and become immediately repayable in full to BEIS.</p> <p>Local Authorities will receive 90% of the estimated grant funding based on an initial Government estimate. This initial allocation for East Staffordshire amounts to £1,158,075.00. When this threshold has been spent, Government will top up funding if required.</p> <p>Data obtained in the exercise or administering or assessing applications must be retained for sharing with the Government and be provided when requested or required to do so.</p>
<p><b>B3</b> What are the contributions to Corporate Priorities?</p>	<p>As the funding will support businesses it contributes to the priorities 'Community Regeneration' and 'Value for Money Council Services'</p>
<p><b>B4</b> What are the Human Rights considerations?</p>	<p>There are no Human Rights issues arising from this decision.</p>

### Financial Implications

<b>B5</b> What are the financial implication-ns?	<p>Omicron Hospitality and Leisure Grant scheme is fully funded by the Government under Section 31 of the Local Government Finance Act 2003. It is estimated between 335 and 400 business may be supported</p> <p>The initial funding allocated amounts to £1,158,075, although this is subject to top-up should this threshold of funding be spent. Any unspent monies must be returned to BEIS.</p>
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<b>Revenue</b>	<b>2021/22</b>
Omicron Hospitality and Leisure Grant funding as at 7 <sup>th</sup> January 2022	£1,158,075.00

The finance section has been approved by the following member of the Financial Management Unit:	<p>Please print name: Lisa Turner</p> <p>Please sign name: <a href="#">Approval by email 140122</a></p>
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### Policy Framework

<b>B6</b> Is the Decision wholly in accordance with the Council's policy framework?	Yes
<b>B6.1</b> If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
<b>B6.2</b> Has it got the appropriate approvals under those provisions?	NA
<b>B7</b> Is the Decision wholly in accordance with the Council's budget?	Yes
<b>B7.1</b> If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
<b>B7.2</b> Has it got the appropriate approvals under those provisions?	NA

## Equalities Implications

<b>B8</b> What are the Equalities implications:
<b>B8.1</b> Positive (Opportunities/Benefits): The Council is able to support businesses in East Staffordshire that are compatible with the national scheme and are suffering from the Covid-19 Omicron variant.
<b>B8.2</b> Negative (Threats): <b>N/A</b>
<b>B8.3</b> The subject of this decision is not a policy, strategy, function or service that is new or being revised
<b>B8.4</b> <b>N/A</b>

## Risk Assessment

<b>B9</b> What are the Risk Assessment implications:
<b>B9.1</b> Positive (Opportunities/Benefits): The impact to business ratepayers and the Council is low, as the scheme is fully funded by the Government. Access to further funding will support local businesses.
<b>B9.2</b> Negative (Threats): With any grants scheme there is the potential risk of fraud. The Council has put in place a robust range of processes and procedures in order to minimise the risk of fraud
<b>B9.3</b> The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

## Legal Considerations

<b>B10</b> What are the Legal Considerations:
<b>B10.1</b> These are contained in the main body of the Report.
<b>B10.2</b> Establishing a Review Process for appeals against a refusal of a grant will make the process fairer, and reduce the risk of a legal challenge.

<p>This section has been approved by the following member of the Legal Team:</p>	<p>Please print name: Glen McCusker – Interim Solicitor</p> <p>Please sign name: <a href="#">Approval by email 140122</a></p>



## Sustainability Implications

<b>B11</b> What are the Sustainability implications:
<b>B11.1</b> The proposal [would/would not] result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures). The positive/negative impacts are set out below (please refer to guidance notes).
<b>B11.2</b> Positive (Opportunities/Benefits): <b>N/A</b>
<b>B11.3</b> Negative (Threats): <b>N/A</b>

## Health & Safety Implications

<b>B12</b> What are the Health & Safety implications:
<b>B12.1</b> A Risk Assessment has not been carried out and entered into Harriet for all significant hazards and risks because there are no significant hazards or risks arising from this decision.
<b>B12.2</b> The significant hazards and risks have been identified in the Harriett Risk Assessment numbered [ ]. Any financial implications to mitigate against these hazards and risks are considered above.]
<b>B12.3</b> [Control measures and an action plan have been identified for any significant hazards and risks identified in the risk assessment.
<b>B12.3.1</b> Positive (Benefits) <b>N/A</b>
<b>B12.3.2</b> Negative (Threats) <b>N/A</b>

## Key Decision

<b>B13</b> Is this a Key Decision?	No
<p><b>Note: A Key Executive Decision is one where:</b></p> <ol style="list-style-type: none"> <li><b>1. REVENUE – Any contract or proposal with an annual payment or saving of more than £100,000</b></li> <li><b>2. CAPITAL – Any capital project with a value in excess of £150,000</b></li> <li><b>3. A decision which significantly affects communities living or working in an area comprising two or more wards.</b></li> </ol>	
<b>B13.1</b> If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?	<b>NA</b>
<b>B13.2</b> If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?	<b>NA</b>

**NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.**

Please send the original signed document to [andrea.davies@eaststaffsbc.gov.uk](mailto:andrea.davies@eaststaffsbc.gov.uk)