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### EXECUTIVE DECISION RECORD

<b>A1</b> Service Area	Revenues, Benefits & Customer Contacts
<b>A2</b> Title	Additional Restrictions Grant (Omicron) 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 010222</a>
<b>A5</b> Leader	Please print name: Cllr R Faulkner Please sign name: <a href="#">Approval by email 010222</a>
<b>A6</b> Date of Decision	

### 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 ✓

<p><b>B1</b> What is the Decision?</p>	<p>To approve the recommendation shown in paragraph B2 due to a review of the Council's Additional Restrictions Grant scheme following the receipt of additional funding in August 2021 and January 2022, the latter in recognition of the impact of the Omicron variant.</p>
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<p><b>B2</b> What are the reasons for the Decision?</p>	<p>The Government announced the Additional Restrictions Grant (ARG) scheme on 31 October 2020 to enable Local Authorities to provide support to businesses severely impacted by the national and local pandemic restrictions.</p> <p>The Council's scheme was initially implemented in November 2020 and since then has undergone reviews in February 2021, April 2021, May 2021 and July 2021 with approved changes applied accordingly.</p> <p>The funding received from the Government prior to 1 August 2021 totalled £3,458,861.00 and was fully expended by the Council, no monies being returned to the Government.</p> <p>Additional funds were received in August 2021 totalling £894,692.00 of which £250,000.00 was paid to Staffordshire County Council and a further £15,000.00 was paid to two businesses under criteria adopted within the terms of the last ARG review conducted July 2021. £629,692.00 of this funding remains unspent.</p> <p>The Government announced a further extension to the ARG scheme on 21 December 2021 to enable local authorities to support businesses severely impacted by coronavirus restrictions and the rise of the Omicron variant.</p> <p>As part of this package, additional funding totalling £205,823.37 was provided by the Government in January 2022 in support of the latest scheme. This has increased the unspent allocation to £835,513.37.</p> <p>£100,000.00 of the residual funds from August 2021 will be allocated to the Additional Restrictions Grant for Business Springboard Boost. This will leave £529,692.00 from the August tranche plus £205,823.37 (totalling £735,513.37) to fund the Council's Additional Restrictions (Omicron) scheme.</p> <p>The third top up provided in January 2022 must be used for the sole purpose of providing business support grants and must not fund wider business support measures.</p> <p>Guidance for the scheme was issued on 30 December 2021 and identified which types of businesses local authorities are expected to support and basic criteria successful applicants have to meet.</p>
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Approximately 350 businesses have been identified for potential support under this scheme as they are not eligible for payments under the Omicron Hospitality and Leisure Grant scheme or have received payments under previous ARG schemes adapted by ESBC or have submitted an Expression of Interest.

As unspent funding currently totals £735,513.37 for the ARG (Omicron) scheme, a flat rate payment will be made to successful applicants totalling £2,000. Where funding remains unspent, periodic reviews will be conducted for the purpose of determining new and/or amended qualifying criteria and the amount payable may be reconsidered. In any event, no business shall receive payments exceeding £2,667, this equal to the minimum amount payable under the Omicron Hospitality and Leisure Grant scheme.

Applicants who have received ARG payments from ESBC up to and including 31 July 2021 (subject to all other qualifying criteria being met) may receive an ARG (Omicron) payment. All subsequent applications received from a successful applicant under the ARG (Omicron) scheme will be refused.

Businesses may claim provided they meet all 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 COVID-safe measures

The ARG (Omicron) scheme is restricted to businesses that are located within the ESBC boundary or must predominantly trade from and/or obtain the majority of their income from within ESBC.

Eligible businesses include those where the main business activity is:

One defined as within hospitality, leisure and accommodation business sectors which are not assessed for business rates

The provision of services or supplies to the hospitality, leisure or accommodation business sectors whether liable for business rates or not

One defined as within the gyms and sports plus personal care business sectors whether liable for business rates or not

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

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/nights out

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

Gyms & Sports: a gym & sport business can be defined as a commercial or non-profit establishment where physical exercise or training is conducted on an individual basis or group basis, using exercise equipment or open floor space with or without instruction, or where individual and group sporting, athletic and physical activities are participated in competitively or recreationally.

Personal care: a personal care business can be defined as a business which provides a service, treatment or activity for the purposes of personal beauty, hair, grooming, body care and aesthetics, and wellbeing.

Other business types that may be eligible include:

Retailers or wholesalers where the business predominantly supplies the Hospitality, Leisure and Accommodation business sectors.

Taxi/private hire drivers where the applicant resides within ESBC, is solely licensed by ESBC with a requirement that the licence holder predominantly plies their trade within ESBC

In all cases, details of the main trade must be provided and evidence provide if requested to do so.

All applicants are required to demonstrate and provide evidence that:

They are licenced to trade or occupy a property located within ESBC

The property to which the application relates is occupied and traded from by the business

Where businesses are not liable for business rates, they are based at residential premises or occupy shared business accommodation

Businesses are excluded from the scheme and are not eligible to receive funding under the ARG (Omicron) scheme where they:

Fail to meet any of the qualifying criteria detailed above

Have already received grant payments that equal or exceed the current maximum permitted subsidy allowances

Are in administration, insolvent or where a striking-off notice has been made.

Are eligible for or entitled to a payment under the Omicron Hospitality and Leisure Grant scheme

Have not been negatively impacted by the Omicron variant

Are claiming or have received ARG payment(s) from at least one other local authority following the Government's announcements of 21 December to provide extra funding to councils due to Omicron

Are food establishments whose predominant trade is takeaway

Are education accommodation, residential homes, care homes, residential family centres, beach huts

Are home gyms, home exercise studios, home sports courts and home sports grounds

Are businesses used solely as training centres for staff, apprentices and others; businesses providing dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services which incorporate personal care services, treatments required by those with disabilities and services relating to mental health

Retailers (essential and non-essential) and Wholesalers unless the business predominantly supplies the Hospitality, Leisure and Accommodation business sectors

Taxi/private hire drivers unless the applicant resides within ESBC, is solely licensed by ESBC with a requirement that the licence holder predominantly plies their trade within ESBC

Racecourse bookmakers who are able to trade from race courses throughout the country

Where requests are made that monies are paid into a single bank account which is common to more than one business, only a single payment will be made unless it can be proven that the businesses are registered as separately entities (e.g. different VAT Registrations, Unique Tax References, etc.)

The final date by which determinations must be made and funds released to successful applicants is 31

	<p>March 2022. In order to determine the outcome of applications by the 31 March 2022, the formal closure date to receive applications shall be the 18 March 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>In relation to previous ARG schemes adopted by ESBC, all past schemes are revoked and no further grant payments be made under the terms adopted by previous versions of the ARG scheme.</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>Data obtained in the exercise of administering or assessing applications must be retained for sharing with the Government and be provided when requested or required to do so.</p> <p>It is recommended that the principles detailed above are adopted.</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

<p><b>B5</b> What are the financial implications?</p>	<p>The Additional Restrictions 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>Funds were received in August 2021 totalling £894,692.00 of which £250,000 was paid to Staffordshire County Council and a further £15,000 was paid to two businesses under criteria adopted under the terms of the last ARG review conducted July 2021. £629,692.00 of this funding remains unspent of which £100,000.00 will be allocated to the Additional Restrictions Grant for Business Springboard Boost thus reducing the available monies for the ARG (Omicron) scheme to £529,692.00. This sum has been supplemented by additional funding provided in January 2022 totalling £205,823.37.</p> <p>Any unspent monies must be returned to BEIS following the closure of the scheme.</p>
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Revenue	2021/22 £s	£s
Omicron Hospitality and Leisure Grant funding received pre 1 July 2021 Plus top-up funds from ESBC		3,458,861.00 <u>772.05</u> 3,459,633.05
Additional funds received from BEIS August 2021		894,692.00
Additional funds received from BEIS January 2022		<u>205,823.37</u>
Total Funds for ARG scheme		4,560,148.42
Less ARG payments made to 31 July 2021	3,459,633.05	
Staffordshire County Council 19 Oct 2021	250,000.00	
New Business Fund	15,000.00	
Less Funding for ARG (BSB) scheme	<u>100,000.00</u>	<u>3,824,633.05</u>
<b>Total unspent funding</b>		<b><u>735,515.37</u></b>

<p>The finance section has been approved by the following member of the Financial Management Unit:</p>	<p>Please print name: Lisa Turner</p> <p>Please sign name: <a href="#">Approval by email 310122</a></p>
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### Policy Framework

<p><b>B6</b> Is the Decision wholly in accordance with the Council's policy framework?</p>	<p>Yes</p>
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<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 010222</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)