

EXECUTIVE DECISION RECORD

REF No 411.22

A1 Service Area	Revenues, Benefits & Customer Contacts
A2 Title	Additional Restrictions Grant (Omicron) scheme – Revised March 2022
A3 Decision Taken By	Deputy Leader / Chief Officer
A4 Chief Officer	Please print name: Sal Khan Please sign name: Approval by email 180322
A5 Leader	Please print name: Cllr R Faulkner Please sign name: Approval by email 210322
A6 Date of Decision	21 st March 2022

Confidentiality

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

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 ✓

B1 What is the Decision?	To approve the recommended changes shown in paragraph B2 following the implementation of the Council's Additional Restrictions Grant (Omicron) scheme [ARG(O)] on 1 February 2022
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B2 What are the reasons for the Decision?

At the launch of the ARG(O) scheme, allowing for the allocation of £250,000 to Staffordshire County Council (SCC) and a further £100,000 towards the Council's Additional Restrictions Grant for Business Springboard Boost, unspent funds totalled £735,515.37. This included £205,823.37 specifically ring fenced to businesses severely impacted by coronavirus restrictions and the rise of the Omicron variant and must not fund wider business support measures.

However, SCC has returned £155,000 of the £250,000 allocation paid to them thus increasing the available monies to support businesses.

When the scheme was opened, emails were issued to 336 businesses who had submitted an Expression of Interest form and/or received a previous grant payment since the inception of Business Support Grants in March 2020.

As at 10 March 2022, the Council had received 179 applications, allowing for duplicates and resubmissions. 135 applications had been assessed of which 73 (55%) were successful with a further 62 (45%) rejected. The remaining 34 applications are being assessed and it is assumed no more than 20 of those cases will be approved for payment.

The current ARG(O) payment is a fixed rate of £2,000 irrespective as to whether the applicant is assessed for Business Rates or not and the RV of the property occupied. To date, £146,000 in grant payments have been made which leaves unspent funds totalling £744,515.37

Under the existing payment limit of £2,000 per successful application, the Council is likely to pay out a further £50,000 to £60,000 dependent upon the number of applications received before the closure date of 18 March and those finally approved. This will result in an underspend of approximately £685,000 which would have to be returned to the Government.

Recommendations:

The current qualifying criteria will remain the same as detailed within EDR 397.22 [Additional Restrictions Grant (Omicron) scheme January

2022], together with the currently defined business sectors and types to be supported save for one minor change relating to travel agents.

All other conditions within the scheme remain the same, including, though not limited to, the following:

Refusal of requests to make multiple payments to a single bank account

Closing date for applications not later than 18 March 2022

The final date of determination and payment of 31 March 2022

Other than the payment of supplementary funds, no applicant will receive more than one ARG payment

On request by the applicant, the Shared Service Centre Manager/ Revenues Team Leader will review refused applications and their decision will be final. Aggrieved applicants may apply for a Judicial Review.

In recognition of the impact of the Omicron variant upon the travel industry per paragraph 28 of the Additional Restrictions Grant Guidance for Local Authorities issued by BEIS on 20 January 2022, independent travel agents may be included within the ARG(O) scheme.

Inclusion is subject to the proviso the business is located within ESBC and operates from one premises only. Where the business operates outside ESBC and/or trades from more than one property, it will be ineligible to receive funds under this scheme. The amount paid will be as detailed below.

Businesses, having received funding under the Omicron Hospitality and Leisure Grant scheme (OHLG), will receive a supplement of 50% paid via the ARG(O) scheme. The supplementary payment increases the payment per successful applicant as shown in the following table.

Rateable Value	OHLG Rate	Supplement	Aggregate OHLG & ARG(O)
<= £15k	£2,667	£1,333	£4,000
>15k, <51k	£4,000	£2,000	£6,000
>=£51k	£6,000	£3,000	£9,000

As at 10 March, OHLG payment had been paid to 156 applicants. Where the OHLG payment is

supplemented in accordance with the above table, the additional amount paid via the ARG(O) scheme is detailed below and totals £259,966.

Rateable Value	Payments Made	Supplement	Total of Additional ARG(O)
<= £15k	102	£1,333	£135,966
>15k, <51k	38	£2,000	£76,000
>=£51k	16	£3,000	£48,000
	156		£259,966

In respect of ARG(O) applicants who have received payments, the amount paid is to be increased from the flat rate of £2,000 to that suggested for the OHLG supplemented rate and within the RV bands provided. Where a business is not liable to pay Business Rates, the amount paid is equal to the payment made to businesses in the lowest RV band of the revised supplemented rates for the OHLG scheme. In this regard, the extra supplementary payments which could be made are detailed below, totalling £161,000.

Rateable Value	Payments Made	Supplement	Total of Additional ARG(O)
<= £15k & Not Liable	67	£2,000	£135,966
>15k, <51k	5	£4,000	£20,000
>=£51k	1	£7,000	£7,000
	73		£161,000

All the supplementary payments total £420,966 and reduces the unspent ARG funding to £323,549.37

At 10 March 2022, there were 24 OHLG and 34 ARG(O) applications awaiting assessment. Assuming the enhanced rates are applied, it is estimated up to 35 applicants will be successful and the value of the payments may total approximately £180,000. Should this occur, £143,549.37 will remain unspent which may support another 30 businesses dependent upon the RV of the property for which a successful claim is made.

Where necessary, the rate of payments may be reviewed and increased to reduce the amount needing repayment to the Government in respect of unpaid funds. The review should take place no later than 28 March 2022.

B3 What are the contributions to Corporate Priorities?	This decision contributes towards the Community Regeneration priority.
B4 What are the Human Rights considerations?	There are no Human Rights issues arising from this decision.

Financial Implications

B5 What are the financial implications?	<p>The Additional Restrictions Grant scheme is fully funded by the Government under Section 31 of the Local Government Finance Act 2003. 229 businesses have been supported date and should the supplementary payments made, approximately 65 other businesses may be funded.</p> <p>Funds were received in August 2021 totalling £894,692 of which £250,000 was paid to Staffordshire County Council though £155,000 has been returned. A further £15,000 was paid to two businesses under criteria adopted under the terms of the last ARG review conducted July 2021. The nett funds from August then totalled £784,692 of which £100,000.00 was allocated to the Additional Restrictions Grant for Business Springboard Boost thus reducing the available monies for the ARG (Omicron) scheme to £684,692.00. This sum has been supplemented by additional funding provided in January 2022 totalling £205,823.37.</p> <p>The sum available to support the current ARG scheme totalled £890,515.37 of which £146,000.00 has been paid to date leaving a residual sum of £744,515.37 to be allocated as outlines in Section B2 above.</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		3,458,861.00
Plus top-up funds from ESBC		<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>
		735,515.37
Plus Staffordshire County Council Returned		<u>155,000.00</u>
		890,515.37
Less ARG(O) Payments Made at 10 March 2022		<u>146,000.00</u>
Total unspent funding to be allocated in line with Section B2 above.		<u>744,515.37</u>

The finance section has been approved by the following member of the Financial Management Unit:	Please print name: Lisa Turner
	Please sign name: Approval by email 183022

Policy Framework

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

Equalities Implications

B8 What are the Equalities implications:
B8.1 Positive (Opportunities/Benefits):
B8.2 Negative (Threats):
B8.3 The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required
B8.4 [The equality impact assessment identified the following actions to be carried out:]

Risk Assessment

B9 What are the Risk Assessment implications:
B9.1 Positive (Opportunities/Benefits):
B9.2 Negative (Threats):
B9.3 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

B10 What are the Legal Considerations:
B10.1 These are contained in the main body of the Report.
B10.2 A review process for appeals against a refusal of a grant exists within the scheme though aggrieved parties may pursue the matter via the Council's Comments, Compliments and Complaints procedure, lodging a complaint with the Local Government Ombudsman or via Judicial Review

This section has been approved by the following member of the Legal Team:

Please print name: Glen McCusker – Interim Solicitor

Please sign name: [Approval by email 150322](#)

Sustainability Implications

B11 What are the Sustainability implications:
B11.1 The proposal 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).
B11.2 Positive (Opportunities/Benefits):
B11.3 Negative (Threats):

Health & Safety Implications

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

Key Decision

B13 Is this a Key Decision? No

Note: A Key Executive Decision is one where:

1. **REVENUE** – Any contract or proposal with an annual payment or saving of more than £100,000
2. **CAPITAL** – Any capital project with a value in excess of £150,000
3. A decision which significantly affects communities living or working in an area comprising two or more wards.

B13.1 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?	NA
B13.2 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?	NA

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