

FORM 2

NOTICE OF DECISION OF CABINET MEMBER

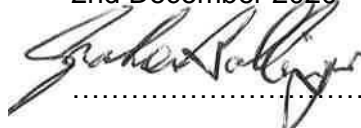
Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Local Authority Additional Restrictions Grants (ARG) Fund	To decide the Wyre Forest District Council's scheme for the Local Authority Additional Restrictions Grants (ARG) Fund for businesses affected by COVID-19.	To provide support to businesses affected by the recent national lockdown and the move to Tier 2 restrictions.	2nd December 2020

I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated: 2nd December 2020

Signed: 

Councillor Graham Ballinger
Leader of the Council

WYRE FOREST DISTRICT COUNCIL

Strong Leader Report

LOCAL AUTHORITY DISCRETIONARY GRANTS FUND – SECOND REVISIONS TO SCHEME

OPEN	
DIRECTOR:	Chief Executive
CONTACT OFFICER:	Ostap Paparega, Head of NWedR
DATE:	27 November 2020
APPENDICES:	Appendix 1: Additional Restrictions Grant scheme for Wyre Forest (November 2020)

1. PURPOSE OF REPORT

- 1.1 To decide the Wyre Forest District Council's scheme for the Local Authority Additional Restrictions Grants (ARG) Fund for businesses affected by the COVID-19.

2. RECOMMENDATION

- 2.1 The Leader is asked to **APPROVE** the scheme set out in Appendix 1.

3. BACKGROUND

- 3.1 On 31 October 2020, the Government announced the introduction of additional support for local authorities under national and Local Covid Alert Level (LCAL) 3 restrictions. This support takes the form of a funding scheme in the financial year 2020-2021 and can be used across the financial years 20/21 and 21/22. The scheme is called the Additional Restrictions Grant (ARG) and is administered by business rate billing authorities in England.
- 3.2 Local authorities can use this funding for business support activities. It is envisaged that this will primarily take the form of discretionary grants, but local authorities (LAs) could also use this funding for wider business support activities.
- 3.3 If local authorities use ARG for direct business support grants, the same conditions of grant apply as for the Local Restrictions Support Grant (Closed), however local authorities will have the discretion to alter the amount of funding offered to individual businesses and the frequency of payment.
- 3.4 Local authorities can determine how much funding to provide to businesses from the ARG funding provided and exactly which businesses to target.
- 3.5 Local authorities are encouraged to develop discretionary grant schemes to help those businesses which – while not legally forced to close – are nonetheless severely impacted by the restrictions put in place to control the spread of Covid-19.

This could include – for example – businesses which supply the retail, hospitality, and leisure sectors, or businesses in the events sector.

- 3.6 Local authorities may also choose to help businesses outside the business rates system, which are effectively forced to close – for example market traders.
- 3.7 Local authorities could use ARG funding to provide additional support to larger local businesses which are important to the local economy, on top of the funding provided to those businesses via the LRSG (Closed) scheme, with due reference to State Aid.
- 3.8 In taking decisions on the appropriate level of grant, local authorities may want to take into account the level of fixed costs faced by the business in question, the number of employees, whether they are unable to trade online and the consequent scale of coronavirus losses.
- 3.9 The grant amounts given to individual businesses will be subject to state aid limits.

4. KEY ISSUES

- 4.1 The council's previous discretionary grant was designed to support those businesses that had fixed property costs but did not appear on the business rates list i.e. in shared spaces; bed & breakfast establishments that paid council tax rather than business rates; some retail & hospitality businesses that were excluded from the Retail & Hospitality grants (with an RV over £51k); and businesses that were in the supply chain for retail, hospitality and leisure sector. There is some logic to support many of these businesses again where they are forced to close due to the restrictions in place from 2/11/20 and are not eligible to receive support from the Local Restrictions Support Grant (LRSG).
- 4.2 There are a number of businesses that were impacted by the first lockdown and have never been able to reopen. These include those in the events sector. Businesses in the tourism sector have also been disproportionately impacted by the restrictions in place. Venues such as theatres, nightclubs and concert halls have not traded since March 2020, but the impact of this is much wider and has significantly affected the businesses that provide services to this sector. Activities such as travel agencies and small scale tour operators have also seen demand significantly reduced. Some of these businesses will benefit from the Local Restrictions Support Grant; however, many will not, as they aren't specifically required to close in the current restrictions.
- 4.3 The proposal to support these businesses is to offer a grant of up to £5,000. This will take the form of a "top-up" for those businesses in receipt of the Local Restrictions Support Grant and a single grant of £5,000 for those businesses that aren't. This amount is set quite low as it is difficult to assess how many applications we are likely to receive. As before, if budgets allow, we could make a second payment to these businesses to increase the support provided.

- 4.5 Broad SIC codes will be used to identify potential businesses but the individual applicants should be required to provide evidence that they are predominantly within the events or retail, hospitality and leisure supply chains. The scheme should also require applicants to demonstrate that they have significantly reduced turnover.
- 4.6 The ARG scheme set out in this report proposes the award of a one-off grant to eligible businesses. Eligible businesses will have until 18 December 2020 to submit an online grant application.
- 4.7 The ARG scheme in Appendix 1 sets out the full details.
- 4.8 Wyre Forest District Council officers held discussions with colleagues from other local authorities in the county on the design of the ARG scheme and areas of possible policy alignment, but taking into account the specific needs and characteristics of the respective local economies.

5. FINANCIAL IMPLICATIONS

- 5.1 Under the Additional Restrictions Grant (ARG), local authorities receive a one-off lump sum payment amounting to £20 per head in each eligible local authority when LCAL 3 or widespread national restrictions are imposed. This equates to £2,026,000 for Wyre Forest.
- 5.2 Once a local authority exits national or LCAL 3 restrictions they will not receive additional funding under this grant scheme, if the local authority then re-enters national or LCAL 3 restrictions.
- 5.3 Government will issue local authorities funding, in line with the guidance published in November 2020 and the grant offer letter sent to Local Authorities, for the cost of the Additional Restrictions Grant (using a grant under section 31 of the Local Government Act 2003). Local authorities will be responsible for delivering the funding.
- 5.4 The proposals set out in this report are designed to use up to £1,000,000 of the £2,026,000 in the form of one-off business grants payable to eligible businesses to address the impact of the national lockdown imposed on 5 November 2020.
- 5.6 The remaining budget will be retained for another scheme in the event of future lockdowns or to fund measures that assist the local economic recovery.
- 5.7 If the total amount of grants awarded under this round is less than the £1,000,000 allocated, then the remaining funding will be allocated under future rounds of business grants or to fund measures that assist the local economic recovery.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The Council is a Category 1 responder under the Civil Contingencies Act 2004. The powers upon which the Council will rely in deploying the local authority discretionary

grants fund (which the Government will pay under section 31 of the Local Government Act 2003) include section 1 of the Localism Act 2011, the general power of competence, and sections 111 and 137 of the Local Government Act 1972.

7. EQUALITY IMPACT NEEDS ASSESSMENT

7.1 An impact needs assessment is not required as the grant fund is for businesses, rather than individuals in a personal capacity.

8. RISK MANAGEMENT

8.1 The main risks now are perceived to be:

a) presentational: to ensure that the scheme is promoted in a way that maximises take up by Wyre Forest businesses;

b) fraud risk: rigorous assessment checks will continue to be undertaken to root out doubtful claims and to refer evidence of attempted fraud to the police.

The proposals in this report seek to mitigate these risks.

9. CONCLUSION

9.1 The Leader is invited to approve the scheme for the Additional Restrictions Grants set out in Appendix 1.

10. CONSULTEES

10.1 Cabinet

10.2 Corporate Leadership Team

11. BACKGROUND PAPERS

11.1 Guidance from BEIS (November 2020) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935130/additional-restrictions-grant.pdf

APPENDIX 1



WYRE FOREST DISTRICT COUNCIL

ADDITIONAL RESTRICTIONS GRANT (ARG) SCHEME



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Definitions

The following definitions are used within this document:

'Additional Restrictions Grant (ARG)' means the additional funding provided by Government. Funding will be made available to eligible Local Authorities at the point that national restrictions are imposed or at the point the Local Authority first entered LCAL 3 local restrictions;

'COVID-19' (coronavirus); means the infectious disease caused by the most recently discovered severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)

'Department for Business, Energy & Industrial Strategy (BEIS)'; means the Government department responsible for the scheme and guidance;

'Effective date'; means, for eligibility of the grant, the date of the local restrictions or the date of widespread national restrictions. For the purpose of this scheme the date cannot be before 14 October 2020;

'Hereditament(s); means the assessment defined within Section 64 of the Local Government Finance Act 1988;

'Local Covid Alert Level' (LCAL) means the level of alert determined by Government and Local Authorities for the area. LCALs have three Tiers. Tier 1 (Medium): Tier 2 (High) and Tier 3 (Very High). For the purposes of these schemes the definitions used are LCAL1, LCAL2 and LCAL3.

'Local lockdown'; means the same as **'Local restrictions';**

'Local rating list'; means the list as defined by Section 41 of the Local Government Finance Act 1988

'Local restrictions'; and **'Localised restrictions'** means legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures;

'Local Restrictions Support Grant Scheme (Closed); means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 9 September 2020 and amended on 9 October 2020 and which is applicable to businesses forced to close under either LCAL3 or where national restrictions are in place;

'Local Restrictions Support Grant Scheme (Closed) Addendum; means the changes made to the Local Restrictions Support Grant Scheme (Closed) due to widespread nationwide restrictions;

'Ratepayer'; means the person who, according to the Council's records, was the ratepayer liable for occupied rates in respect of the hereditament at the date of the local restrictions or widespread national restrictions;

'State Aid Framework'; means the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020; and

'Temporary Framework for State aid'; means the same as the **'State Aid Framework'**. Wyre Forest District Council/Additional Restrictions Grants Scheme (ARG) 04112020

1.0 Purpose of the Scheme and background

1.1 The purpose of this document is to set out eligibility requirements for a payment under the Council's Additional Restrictions Grant Scheme (ARG). The Council, as the Business Rates Billing Authority is responsible for payment of these grants.

1.2 This discretionary grant scheme has been developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy on 31 October 2020, which sets out the basic circumstances whereby an additional restriction grant payment may be made by the Council to a business which has to close or is severely affected due to localised or widespread national restrictions being put in place to manage coronavirus and save lives.

1.3 Whilst the awarding of grants will be at the Council's discretion, the Department for Business, Energy & Industrial Strategy (BEIS) has set down criteria which **must** be met by each business making an application.

1.4 The scheme applies where local restrictions (LCAL3) are put in place **or** where a widespread national lockdown is announced.

1.5 Localised restrictions are legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures.

1.6 National restrictions are nationally binding widespread restrictions imposed by Parliament under legislation. The current national restrictions are made under the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.

1.7 Grants under this scheme will be available for the 2020/21 and 2021/22 financial years only.

1.8 No grant shall be paid for any period where the localised or widespread national restrictions were in place prior to 14 October 2020.

1.9 Where any area enters either a localised restriction (LCAL3) or where a national restriction applies, additional assistance may be given to businesses under the Council's Local Restrictions Support Grants (Closed) Scheme (as amended).

2.0 Funding

2.1 Under the Additional Restrictions Grant Scheme (ARG) provisions, Local Authorities will receive a one-off single sum payment amounting to £20 per head of population in each area when local restrictions (LCAL3) or widespread national restrictions are imposed.

2.2 Once the Council's area is removed from local restrictions (LCAL3) or widespread national restrictions, no additional funding will be received from Government even if either the local restrictions or widespread national restrictions are re-instated.

3.0 Eligibility criteria and awards

3.1 The Council is able to use this funding for business support activities and the Government envisages that this will primarily take the form of direct discretionary grants to businesses although it can be used for wider business support activities.

3.2 If Local Authorities use the Additional Restriction Grant for direct business support grants, Government has stated that the same conditions of grant **must** apply as for the Local Restrictions Support Grant (Closed) scheme.

However, the Council will have the discretion to alter the amount of funding offered to individual businesses and the frequency of payment.

3.3 Government has stated that the Council *may* also consider making grant payments to those businesses which, while not legally forced to close are nonetheless severely impacted by the restrictions put in place to control the spread of Covid-19. Government has also stated that the Council may also wish to assist business which are outside of the rating system and which are effectively forced to close.

Award Levels

3.4 The Council has decided the grant award levels – they are listed in tables Priority 1 and Priority 2 below. **The grants are awarded as a one-off amount to eligible businesses in respect of the national lockdown period between 5 November 2020 to 2 December 2020. Should Wyre Forest be placed in a future national lockdown or Tier 3: Very High Alert local restrictions, the council will review this policy in accordance with the relevant government guidance at the time.**

Proposed Eligible Businesses and Indicative Grant Allocations

Priority 1 – Businesses with fixed property costs

	Amount	Evidence Collected
Market Trader	£267 for each day's worth of normal market activity in Wyre Forest in a week, subject to maximum payment of £1,334	Company Registration No. / UTR Bank Statement (evidence of trading) Evidence of trading location (rent invoice)
Bed & Breakfast that pays Council Tax rather than business rates	£1,334	Company Registration No. / UTR Bank Statement (evidence of trading) Council Tax Bill / Account No.
Businesses in shared spaced that have been forced to close	£1,334	Company Registration No. / UTR Bank Statement (evidence of trading) Evidence of trading location (rent invoice)
Businesses in the supply chain for the retail, hospitality & leisure sector (minimum 50% of turnover should be from these sectors)	RV up to £15K - £1,334 RV £15,001 - £51k - £2,000 RV £51,001 + - £3,000	Company Registration No. / UTR Business Rates Account No. Bank Statement (evidence of trading) Evidence of being in the supply chain (details of customers, copies of invoices)
Businesses in the events & tourism sectors eligible for the Local Restrictions Support Grant	LRSB topped up to £5,000	Company Registration No. / UTR Business Rates Account No. Bank Statement (evidence of trading)
Businesses in the events sector supply chain ineligible for the Local Restrictions Support Grant	£5,000	Company Registration No. / UTR Business Rates Account No.

(minimum 50% of turnover should be from these sectors)		Bank statement (evidence of trading) Evidence of being in the supply chain (details of customers, copies of invoices)
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Priority 2* – Businesses without fixed property costs

	Amount	Evidence Collected
Businesses that provide mobile personal care services (minimum annual turnover £15,000)	£1,334	Company Registration No. / UTR Bank Statement (evidence of trading) Evidence of trading address Last full year's accounts
Businesses in the events sector supply chain (minimum 50% of turnover should be from these sectors; businesses should have a minimum £15k turnover pa)	£3,000	Company Registration No. / UTR Bank Statement (evidence of trading) Evidence of trading address Evidence of being in the supply chain (details of customers / copies of invoices)
Businesses in the retail, hospitality & leisure sector supply chain (minimum 50% of turnover should be from these sectors; businesses should have a minimum £15k turnover pa)	£1,334	Company Registration No. / UTR Bank Statement (evidence of trading) Evidence of trading address Evidence of being in the supply chain (details of customers / copies of invoices)

*Applications from businesses in Priority 2 will be prioritised based on:

- their importance to the local economy as an employer
- a demonstrable reduction in revenue due to lockdown restrictions
- the impact of the business on the wider economy

Eligibility Criteria

3.5 For the purposes of this scheme the Council has decided that the following eligibility criteria must be met in order to receive an Additional Restriction Grant. Broad SIC codes will be used to identify potential businesses but the individual applicants should be required to provide evidence that they are predominantly within the events or retail, hospitality and leisure supply chains. The scheme should also require applicants to demonstrate that they have significantly reduced turnover.

Eligible SIC Codes for the Retail, Hospitality & Leisure Supply Chain

10.1	Processing & preserving of meat and productions of meat products
10.2	Processing and preserving of fruit and vegetables
10.3	Processing and preserving of fruit and vegetables
10.4	Manufacture of vegetable and animal oils and fats
10.5	Manufacture of vegetable and animal oils and fats
10.6	Manufacture of grain mill products, starches and starch products
10.7	Manufacture of bakery and farinaceous products
10.8	Manufacture of other food products

11.0	Manufacture of beverages
46.3	Wholesale of food, beverages and tobacco
73.1	Advertising
74.2	Photographic Activities

Eligible SIC Codes for the Events Sector or Tourism Sector

79	Travel agency, tour operator and other reservation services and related activities
82.3	Organisation of conventions and trade shows
90.01	Performing arts
93.11	Operation of sports facilities

Eligible SIC Codes for the Events Sector Supply Chain

56.2	Event catering and other food service activities
59.11/2	Video production activities
73.1	Advertising
74.2	Photographic activities
77.39	Renting and leasing of other machinery, equipment and tangible goods n.e.c.

3.6 The SIC codes list is not exhaustive and the Council may consider other businesses related to the SIC code where it can be clearly demonstrated that they support the events, tourism, retail or hospitality sectors as a principal part of their business

Excluded businesses – both local and national restrictions

3.7 The following businesses will **not** be eligible for an award:

- (a) Businesses in areas outside the scope of the localised restrictions, as defined by Government and not subject to a widespread national restriction;
- (b) Businesses that have chosen to close but not been required to, will not be eligible;
- (c) Businesses which have already received grant payments that equal the maximum levels of State aid permitted under the de minimis and the COVID-19 Temporary State Aid Framework; and
- (d) Businesses that were in administration, are insolvent or where a striking-off notice has been made at the date of the local restriction or widespread national restriction.

The Effective Date

3.8 The effective date for eligibility is the date of the widespread national or local restrictions (LCAL3). Businesses **must** have been trading on the first full day of national or LCAL3 restrictions to be eligible to receive grant support. For the purposes of this round of ARG funding, the effective day is 5 November 2020. Future effective dates will be determined by / linked to future announcements on national or local restrictions.

Who can receive the grant?

3.9 In **all** cases, Government has stated that the person who will receive the grant will be the person who, according to the Council's records, was the ratepayer in respect of the hereditament at the effective date.

3.10 Where the Council has reason to believe that the information it holds about the ratepayer at the effective date it does not accord with the person making the claim in 3.8 above, it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer.

3.11 Where, it is subsequently determined that the records held by the Council are correct and it is not the person making the claim in 3.8 above, the Council reserves the right to recover any grant incorrectly paid.

3.12 Where any business misrepresents information or contrives to take advantage of the scheme, the Council will look to recover any grant paid and take appropriate legal action. Likewise, if any ratepayer is found to have falsified records in order to obtain a grant.

3.13 Where there is no entry in the rating list for the business, the Council will have discretion to determine who should receive the grant.

4.0 How will grants be provided to businesses?

4.1 The Council is fully aware of the importance of these grants to assist businesses and support the local community and economy. The Council's Additional Restrictions Grant (ARG) scheme together with the Local Restrictions Support Grant (Closed) will offer a lifeline to businesses who are struggling to survive during to the COVID-19 crisis.

4.2 Details of how to obtain grants are available on the Council's website - [https://www.wyreforestdc.gov.uk/community-wellbeing-and-environment/coronavirus-\(covid-19\)/business-support-local-restrictions-support-grant.aspx](https://www.wyreforestdc.gov.uk/community-wellbeing-and-environment/coronavirus-(covid-19)/business-support-local-restrictions-support-grant.aspx)

4.3 In all cases, businesses will be required to confirm that they are eligible to receive the grants. This includes circumstances where the Council already has bank details for the business and is in a position to send out funding immediately. Businesses are under an obligation to notify the Council should they no longer meet the eligibility criteria for any additional grants.

4.4 The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.

4.5 An application for an Additional Restriction Grant is deemed to have been made when a duly completed application form is received via the Council's online procedure.

4.6 All monies paid under this scheme will be funded by Government and paid to the Council under S31 of the Local Government Act 2003.

5.0 EU State Aid requirements

5.1 Any grant is given as aid under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020. This means that businesses receiving support under these provisions can receive up to €800,000 in aid over three years (being the current and the previous two years).

5.2 Any grant awarded is required to comply with the EU law on State Aid. This will involve the applicant declaring to the Council if they have received any other de minimis State aid or aid provided under the EU Commission COVID-19 Temporary Framework.

5.3 If the applicant has not received any other de minimis State aid, they are not required to make that declaration to the Council or to complete any declaration statement.

6.0 Scheme of Delegation

6.1 The Cabinet has approved this scheme.

6.2 Officers of the Council will administer the scheme and the Section151 Officer is authorised to make technical scheme amendments to ensure it meets the criteria set by the Council and, in line with Government guidance.

7.0 Notification of Decisions

7.1 Applications will be considered on behalf of the Council by the North Worcestershire Economic Development and Regeneration service (NWedR).

7.2 All decisions made by the Council shall be notified to the applicant either in writing or by email. A decision shall be made as soon as practicable after an application is received.

8.0 Reviews of Decisions

8.1 The Council will operate an internal review process and will accept an applicant's request for a review of its decision.

8.2 All such requests must be made in writing to the Council within 14 days of the Council's decision and should state the reasons why the applicant is aggrieved with the decision of the Council. New information may be submitted at this stage to support the applicant's request for a review.

8.3 The applicant will be informed in writing or by email of the decision, as soon as practicable.

9.0 Complaints

9.1 The Council's 'Complaints Procedure' (available on the Council's website) will be applied in the event of any complaint received about this scheme.

10.0 Taxation and the provision of information to Her Majesty's Revenues and Customs (HMRC)

10.1 The Council has been informed by Government that all payments under the scheme are taxable.

10.2 The Council does not accept any responsibility in relation to an applicant's tax liabilities and all applicants should make their own enquiries to establish any tax position.

10.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

11.0 Managing the risk of fraud

11.1 Neither the Council nor Government will accept deliberate manipulation of the schemes or fraud. Any applicant caught falsifying information to gain grant money or failing to declare entitlement to any of the specified grants will face prosecution and any funding issued will be recovered from them.

11.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.

12.0 Recovery of amounts incorrectly paid

12.1 If it is established that **any** award has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by an applicant or their representative(s), the Council will look to recover the amount in full.

13.0 Data Protection and use of data

13.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.