



## URGENT DELEGATED DECISION

Date: 27 January 2022

**Request to the Head of Paid Service to exercise delegated authority as per Responsibility of Functions in Part IV, page 28 of the Constitution.**

**“to determine any matter within the referred or delegated powers and duties of a Committee / Sub Committee / Board / Working Group which is so urgent that a decision must be made before the next meeting of that Committee / Sub-Committee / Board / Working Group is due to be held.”**

Limits on delegation: -

- Before making a decision using this delegated power, the Head of Paid Service shall consult with and take cognisance of the views of the Chairman (or in his absence the VC) of the relevant Committee / Sub-Committee etc; and
- Any decision taken by the Head of Paid Service under this delegated power shall be reported to Members within five working days of the decision being taken.
- During the COVID-19 Pandemic we have also committed to consult with the Leader of the Opposition on such decisions.\*

*\* The Leader of the Opposition was unavailable for the meeting, but was provided with all relevant documentation*

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**Usual Decision Maker: -**

This decision would have been taken by Prosperous Communities Committee / Corporate Policy and Resources Committee.

This decision needs to be made and implementation commence, before these Committees are due to meet.

The decision is in response to the Authority receiving additional Government funding, to support businesses being effected by the rise of the Omicron variant, and to ensure the continued support for those business still being effected by the Pandemic with a requirement to spend all funding by 31 March 2022

Call-in does not apply.

## **Background**

The background to this decision is as detailed in the report titled “**Additional Restrictions Grant Proposal – January 2022** ” which is appended to this decision.

## **Reason for Urgency and Rationale for use of urgent Delegated Decision**

In response to the COVID 19 pandemic and the impact on business due to national lockdowns the Discretionary/Additional Restrictions Grant (ARG) funding was awarded from the Government to support businesses severely impacted by coronavirus restrictions when most needed.

Government announced on the 21 December 2021 a further top up allocation to the ARG for Local Authorities to support businesses that were being effected by the rise of the new Omicron variant. West Lindsey District Council had been awarded a third top up of £161,097.59. The requirement to allocate and spend all grant monies by 31 March 2022 remained.

The funding criteria was largely the same as previous Additional Restrictions payments however, the third allocation could only be used for awarding direct discretionary grant payments and not wider business support activity. Government Guidance issued on 30 December was broad and it would not be possible to support all sectors given the limited funding available to the Local Authority.

As such the report outlined proposals for the introduction of a new ARG Omicron Impact Grant (ARGOI) - intended for identified sector specific businesses, significantly impacted by the Omicron variant through reduced footfall and spend, which were not eligible for the Omicron Hospitality and Leisure Mandatory Grant. Applications would need to be made by 28 February in order to ensure payments were issued before the deadline for spend.

The scheme proposed aimed to follow Government Guidance and mirrored the approach previously taken with other ARG schemes introduced by the District Council.

Qualifying criteria and eligible business sectors were set in section 3 of the report, with ineligibility status detailed in Section 4 and payment levels detailed in section 5.

The final proposal of the report was that any remaining funding (third allocation) should be used to top up the mandatory Omicron Hospitality and Leisure Grants received by eligible pubs. The value of the grant would depend on take up of the ARGOI but would be approximately £1000 per eligible business, based on current estimates and intelligence.

The full rationale for the decision is contained within the report which is appended.

## **Financial Detail and Implications**

**Financial : DD/11/22/JA**

Full financial details and implications are contained within the appended report.

## Notes of Consultation Relevant to the Decision

Members noted wherever possible a uniformed approach to the third grant was being adopted across Lincolnshire.

Members welcomed the nimble delivery given the timescales involved and welcomed the uniformity.

It was acknowledged that it was a small pot for potentially a large number of eligible businesses. Officers concurred and outlined the number of businesses they believed could be assisted if the suggested criteria was applied. Business intelligence gained through the pandemic had been used to target sectors evidence suggested had been affected to a greater degree.

Further re-assurance was offered that those businesses considered eligible and which the Authority was already aware of, would be contacted direct.

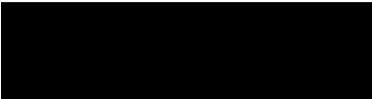
Acknowledging concerns at National Government level regarding the Treasury's approach to fraud associated with business grants / benefits during the pandemic, Officers again offered reassurance that due diligence was undertaken, all guidance was followed, local knowledge had proved invaluable and as such Officers were of the belief the process was as robust as it could be.

Whilst the continued delivery of grants was a challenge to capacity, it was not an impossible task.

All Members present indicated their support for allocating the additional funding as proposed.

## Decision

- 1) the use of the third Additional Restrictions Grant to award a payment equivalent to the Omicron Hospitality and Leisure Grant to non-rated businesses in the eligible sectors be approved; and
- 2) the use of any remaining funds to award public houses a one-off grant be approved.



.....  
Ian Knowles  
Head of Paid Service

As the Chairman of the Corporate Policy and Resources Committee I have been fully consulted on this matter



.....  
Anne Welburn  
Chairman of Corporate Policy and Resources

As the Chairman of the Prosperous Communities Committee and Leader of the Council I have been fully consulted on this matter



.....  
Owen Bierley  
Leader of the Council / Chairman of the Prosperous Communities Committee

Date all Members were notified of the decision: 2 February 2022



**Head of Paid Service  
Delegated Decision**

**27/01/22**

**Subject: Additional Restrictions Grant Proposal - January 2022**

Report by:

Sally Grindrod-Smith

Contact Officer:

Wendy Osgodby  
Senior Economic Growth Officer  
Wendy.osgodby@west-lindsey.gov.uk

Purpose / Summary:

To seek approval to use the third Additional Restrictions grant allocation to fund an Omicron Impact Grant (ARGOI) and use the remainder of grant to award one off grants to public houses.

**RECOMMENDATION(S):**

- 1) Approve the use of the third Additional Restrictions Grant to award a payment equivalent to the Omicron Hospitality and Leisure Grant to non-rated businesses in the eligible sectors.
- 2) Approve the use of any remaining funds to award public houses a one-off grant

## IMPLICATIONS

**Legal:** Local authorities are responsible for the delivery of grants to eligible businesses. Section 1 of the Localism Act 2011 provides all local authorities with the views to make these payments.

**(N.B.) Where there are legal implications the report MUST be seen by the MO**

### **Financial :**

**DD/19/22/JA**

WLDC is due to receive a third allocation of ARG (Additional Restrictions Funding) of £161,097.59 which has conditions to be repaid if unspent before year end (31<sup>st</sup> March 2022).

The proposal is to provide grants to eligible businesses detailed in the report, with any residual grant (as of 28<sup>th</sup> February 2022) to be paid out to eligible pubs who have been heavily affected by the Omnicron variant over the festive period

**(N.B.) All committee reports MUST have a Fin Ref**

### **Staffing :**

**(N.B.) Where there are staffing implications the report MUST have a HR Ref**

### **Equality and Diversity including Human Rights :**

*NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).*

**Data Protection Implications:** The management of sensitive data through this process has been considered through the application process. Data will not be used for purposes other than the delivery of this grant and the application form addresses our data protection policy.

### **Climate Related Risks and Opportunities:**

### **Section 17 Crime and Disorder Considerations:**

### **Health Implications:**

**Title and Location of any Background Papers used in the preparation of this report :**

Wherever possible please provide a hyperlink to the background paper/s  
If a document is confidential and not for public viewing it should not be listed.

Restart Guidance for Local Authorities March 2021

Business Support Package for January 2021 Lockdown

Local Restrictions Support Grant (Closed) Guidance for Local Authorities (November 2020)

Local Restrictions Support Grant (Closed) Addendum

Local Restrictions Support Grant (Closed) Addendum FAQ's

Additional Restrictions Grant FAQ's

Omicron Hospitality and Leisure Grant Guidance

Guidance documents can be found at the following link:

<https://www.gov.uk/government/publications/local-restrictions-support-grants-lrsg-and-additional-restrictions-grant-arg-guidance-for-local-authorities>

**Risk Assessment :**

There is a risk that fraudulent claims are submitted.

Mitigations are in place through due diligence of claims processing, submission of relevant documentation, processing all company and charities through the Governments Spotlight system and post payment assurance of bank account details.

This is a risk that the wrong grant and or amounts are issued. This is mitigated by a 2-stage determination process and a 2-stage process and authorisation procedure.

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

Yes

No

## **1. Introduction**

Government announced on the 21<sup>st</sup> December 2021 a further top up allocation to the ARG for Local Authorities to support businesses that were being affected by the rise of the new Omicron virus. Funding can be awarded at Local Authority discretion to support businesses severely impacted by restrictions or by the impact of the Omicron variant.

This funding is in addition to previous Additional Restrictions Grant payments which have been the subject of past papers. The funding criteria is largely the same as previous Additional Restrictions payments however, this payment can only be used for awarding direct discretionary grant payments and not wider business support activity.

West Lindsey Council has been awarded a third top up of £161,097.59.

## **2. Guidance**

The guidance issued to the Council by Government on 30<sup>th</sup> December 2021 states:

*Local Authorities are encouraged to support businesses from all sectors that have been severely impacted by restrictions or by the Omicron variant, including those outside of the business rates system. These may include but are not limited to; hospitality, accommodation, leisure, personal care, the travel and tourism sector, including group travel, travel agents and tour operators, coach operators, wedding industries, nightclubs, theatres, events industries, wholesalers, English language schools, breweries, freelance and mobile businesses (including caterers, events, hair beauty and wedding related businesses), gyms and other businesses that may have not received other grant funding. There is no restriction on the number of grants a business may receive, subject to subsidy limits.*

The above guidance covers many sectors and is very broad, it would not be possible to support all the above sectors with the limited funding available. The scheme proposed below aims to follow government guidance and mirror the approach we have taken with previous ARG schemes.

## **3. ARG Omicron Impact Grant (ARGOI)**

It is proposed the third Additional Restriction grant award is used to fund an ARG Omicron Impact Grant (ARGOI). This grant is intended for identified sector specific businesses (see below) significantly impacted by the Omicron variant through reduced footfall and spend, which are not eligible for the Omicron Hospitality and Leisure Grant.

A business (property) must meet all the qualifying criteria that are set out below to be eligible to receive the grant funding:

- Be fully operational (trading) on 30<sup>th</sup> December 2021 (businesses that are in administration, insolvent or where a striking-off notice has been made are ineligible for this grant)



- Be able to provide evidence of significant impact as a result of the Omicron variant on footfall and income (e.g. cancelled or reduced bookings), and be able to provide additional evidence of significant impact on request
- Has not benefitted from an OHLG payment (including those businesses that were eligible but have not made an application)

Eligible businesses will fall into one of the following categories:

- Non-rated Hospitality, Leisure and Accommodation businesses including:

Support type	Types of businesses	
Hospitality	Food courts Public houses/pub restaurants Restaurants	Roadside restaurants Wine bars Cafés
Leisure	Casinos and gambling clubs Cinemas Museums and art galleries Stately homes & historic houses Theatres Zoos & safari parks Amusement parks Wedding venues Events venues Night clubs & discotheques	Arenas Concert halls Tourist attractions Theme parks Amusement arcades Soft play centres or areas Indoor riding centres Clubs & institutions Village halls & scout huts, cadet huts, etc.
Accommodation	Caravan parks Caravan sites and pitches Chalet parks Coaching inns Country house hotels Guest houses Hostels Hotels Lodge	Holiday apartments, Cottages or bungalows Campsites Boarding houses Canal boats or other vessels B&Bs Catered holiday homes Holiday homes

- Travel Consultants, Travel Agents and Tour Operators (rated and non-rated)
- Kennels and Catteries (rated and non-rated).

Businesses must demonstrate that they have not exceeded COVID-19 Business Grant Subsidy allowances via self-deceleration having reviewed the appropriate Government guidance. As a reference point, please go to: [Additional Restrictions Grant: guidance for Local Authorities \(updated 30 December 2021\) \(publishing.service.gov.uk\)](#) (Pages 14 to 16 - paragraphs 83 to 93) and [Complying with the UK's international obligations on subsidy control: guidance for public authorities - GOV.UK \(www.gov.uk\) \(opens new tab\)](#).

#### 4. Ineligibility

This grant is not intended for businesses:

- that do not satisfy all the eligibility criteria set-out in the above

- that do not operate in the sectors identified in above (e.g. retailers, personal care service providers, gyms etc.)
- that are in liquidation or dissolved or subject to a striking off notice, or are defined as an undertaking in difficulty on 31 December 2019, (See appendix 1);
- that have exceeded COVID-19 Business Grant Subsidy allowances via self-deceleration having reviewed the appropriate Government guidance; and;
- Businesses eligible for the Omicron Hospitality and Leisure Grant.

## **5. How much funding will be provided to businesses?**

The eligible business rate payer appearing on the local rating list with a rateable value, annual lease, rent or mortgage costs over £51,000 will receive £6000

The eligible business rate payer appearing on the local rating list with a rateable value, annual lease, rent or mortgage costs over £15,000 and less than £51,000 will receive £4000

The eligible business rate payer appearing on the local rating list with a rateable value of under £15,000 or business with annual lease, rent or mortgage costs of between £4,001 - £15,000 will receive £2667

Business with annual lease, rent or mortgage costs between £500- £4000 will receive a payment of £1334.

Business with annual lease, rent or mortgage costs below £500 do not qualify.

## **6. Remaining Additional Restrictions Funding**

As all the Additional Restrictions Grant funding must be allocated by the 28<sup>th</sup> February 2022, it is proposed that all remaining funding (third allocation) be used to top up the mandatory Omicron Hospitality and Leisure Grants received by eligible pubs, thereby acknowledging the huge impact the Omicron Variant has had on this industry during the festive period. The value of the grant will depend on take up of the ARGOI but will be approx. £1000 per eligible business, very similar to the award they received last Christmas.