

	<b>Delegated Decision to be made by Chief Executive under emergency decision making powers</b>
	<b>Report from the Strategic Director of Customer and Digital Services</b>
<b>Local Restrictions Support Grant 2020 and Test and Trace Support Payment</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	Two Appendix 1: Local Restrictions Support Grant: guidance for Local Authorities, September 2020 Appendix 2: Draft Discretionary Scheme Local Restrictions Support & DHSC-Track and Trace-Self Isolation Payments
<b>Background Papers:</b>	None
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## 1.0 Purpose of the Report

- 1.1 On 9 September<sup>1</sup> the Government announced its intention to provide financial support to businesses in the event of a local lockdown. On 28 September, the Department for Business, Energy and Industrial Strategy (BEIS) published its guidance for local authorities, attached as appendix one. The purpose of the report is to set out proposals relating to the implementation of the support.

<sup>1</sup> <https://www.gov.uk/government/news/ministers-announce-new-grants-for-businesses-affected-by-local-lockdowns>

- 1.2 In addition to this, The Government announced that, from 28 September in England, there would be a new legal duty on all those who test positive for COVID-19 or are identified by NHS Test and Trace as a close contact, requiring them to self-isolate.
- 1.3 Residents who test positive for coronavirus or have been in close contact with someone who has tested positive, may be entitled to a new Test and Trace Support Payment of £500. This is for residents on lower incomes who cannot work from home and have lost income as a result. Self-isolation is a legal duty for all those who test positive for COVID-19 or are identified by NHS Test and Trace as a close contact since 28 September 2020.<sup>2</sup>

## **2.0 Recommendation(s)**

- 2.1 That the Chief Executive, using emergency powers, approves the implementation of the Localised Restrictions Support Grant for mandatory grants as set out in paragraphs 3.1 to 3.4.
- 2.2 That the Chief Executive, using emergency powers, shall approve the draft discretionary grant scheme in principle and delegate final approval to the Strategic Director of Customer and Digital Services who will finalise the policy in liaison with senior managers and in consultation with the Cabinet and chair of the relevant scrutiny committee.
- 2.3 That the Chief Executive, using emergency powers, approves the implementation of the discretionary self-isolation payments as set in paragraph 3.5

## **3.0 Detail**

### ***Local Restrictions Support Grant***

- 3.1 Localised restrictions are legally binding restrictions imposed on specific areas. This is where the Secretary of State for Health and Social Care requires the closure of businesses 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.
- 3.2 The Council is responsible for making the grant payments and will be reimbursed via section 31 of the Local Government Act 2003.
- 3.3 There are two types of grants to be paid:
  - i. Funding to meet the cost of payments to businesses within the business rates system based on an assessment of the number of eligible business hereditaments. Eligible businesses who are within the relevant Local Authority area covered by localised restrictions will receive a grant of up to £1,500 for each eligible hereditament (ratable property) and for each three-week period that the restrictions are imposed as a result of the use of Government powers

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<sup>2</sup> <https://www.gov.uk/government/news/new-package-to-support-and-enforce-self-isolation>

- ii. An additional 5% is available as discretionary grant funding to support businesses which are closed but are not in the business rating system as well as businesses that may not be required to close but which are severely affected, e.g. because of closure of their suppliers or the customers they supply to. Local Authorities may use their discretion to provide grants of any value up to and including £1,500. A draft discretionary scheme is set out as appendix 2.

3.4 The mandatory scheme will be administered using the Council's existing service provider for business rates. The discretionary scheme will be administered in-house as described in appendix 2.

### ***Test and Trace Support Payment***

3.5 To be eligible for the Test and Trace Support Payment, an individual must:

- have been asked to self-isolate and been provided with an 8 digit number by NHS Test and Trace either because they've tested positive for coronavirus or have recently been in close contact with someone who has tested positive;
- be employed or self-employed;
- be unable to work from home and will lose income as a result; and
- be currently receiving Universal Credit, Working Tax Credit, income-based Employment and Support Allowance, income-based Jobseeker's Allowance, Income Support, Housing Benefit

3.6 In addition, **the discretionary payment for Test and Trace** is for people:

- who are not currently receiving Universal Credit, Working Tax Credit, income-based Employment and Support Allowance, income-based Jobseeker's Allowance, Income Support, Housing Benefit and/or Pension Credit; and
- who are on low incomes and will face financial hardship as a result of not being able to work while they are self-isolating.

3.7 Brent intends to use similar criteria to our Council tax support scheme 2020/2021, whereby an individual:

- Had an average gross earned income (either through employment or self-employment) of less than £250 a week gross in the five weeks prior to self-isolating
- Not have more than £500 average joint gross weekly earned income when applicant's and partner's joint earned income is combined.
- Have less than £6000 capital
- Experience extreme financial hardship as a result of being unable to work during the period of self-isolation.
- Be unable to access support to meet their needs by other means, such as from another household member (Please see appendix 3 at the end of document for further details).

## **4.0 Financial Implications**

- 4.1 The financial implications are set out throughout this report, however in summary all mandatory grants will be reimbursed by government.
- 4.2 The discretionary grant scheme is limited to 5% of the amount spent on the mandatory scheme. The scheme utilisation will be limited to that amount. The relevant amount cannot be known until government announce the scope of any lockdown restrictions, as this will determine the total cost and subsequently the value of the 5%.
- 4.2 The discretionary track and trace payment will be limited dependant on the funding received from DHSC.

## **5.0 Legal Implications**

### ***Local Restrictions Support Grant***

- 5.1 The trigger for business payments is only when a local restriction is imposed upon Brent pursuant to Part 2A of the Public Health (Control of Diseases) Act 1984. A Regulation will be issued with the applicable lock down provisions
- 5.2 The guidance states that the Council will administer two schemes – a) business within the business rates system - which complies with the criteria specified by central government and b) a discretionary scheme to support businesses which are closed but are not in the business rating system, as well as business that may not be required to close but are severely affected. For the discretionary element we are required to set out the scope and provide clear guidance (an application form is suggested) on the approach with the caveat that we can use our discretion to award grants of any value up to and including £1,500.
- 5.3 Pursuant to Part 3 of the Constitution, para 9.7 of the Responsibility for Functions the Finance Director, can exercise the powers set out in para 9 of the table in para 9.5 which provides that Chief Officers can “make grants or give financial assistance to organisations. b) Provided that where the grant or other financial assistance involves the distribution of funds received from a third party the grant or other financial assistance complies with the financial conditions under which the funds have been received”. The Chief Executive can agree the eligibility criteria of the discretionary scheme under her urgency powers. In this case the Chief Executive is to agree these measures under emergency powers.

### ***Test and Trace Support Payment***

- 5.5 There are no legal implications.

## **6.0 Equality Implications**

- 6.1 The public sector equality duty requires public bodies to pay due regard to the need to:-
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
  - advance equality of opportunity between people who share a protected characteristic and those who do not;
  - foster good relations between people who share a protected characteristic and those who do not

6.2 The Equality Act 2010 and the Public Sector Equality Duty (outlined above) cover the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.

6.3 There are not thought to be any direct equalities implications arising from the report at this stage. Indeed the schemes will provide help to small businesses and to individuals affected. Those businesses awarded relief will be asked to advise us if they fail to meet the State Aid criteria.

## **7.0 Consultation with Ward Members and Stakeholders**

7.1 Schemes referred to in this report have come as part of the government's urgent response to the Covid-19 pandemic. As such there has been no consultation but briefings will be provided for all Members through the normal Council channels. In addition to this, the Council will promote both schemes through its website, newsletters and social media..

## **8.0 Human Resources/Property Implications (if appropriate)**

8.1 None

## **9.0 List of Appendices:**

Appendix 1 Local Restrictions Support Grant: guidance for Local Authorities, September 2020

Appendix 2 Draft Discretionary Scheme

**Report sign off:**

**STRATEGIC DIRECTOR NAME**

Strategic Director of. Peter Gadsdon