

	<b>Chief Executive Urgency Powers</b>
	<b>Report from the Strategic Director of Customer and Digital Services</b>
<b>National Non Domestic Rates: Hospitality and Leisure Grants 2021/22 and Additional Restrictions Grant</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>	Appendix 1 - NNDR Discretionary Scheme Business Grants 2021/22: businesses affected by Omicron Covid variant
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b>	Peter Cosgrove Head of Revenue and Debt Email: <a href="mailto:peter.cosgrove@brent.gov.uk">peter.cosgrove@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 The powers to grant local discounts in respect of non-domestic rates are contained within section 47 of the Local Government Finance 1988 as amended by section 69 of the Localism Act 2011. To award discounts under this provision any discount scheme requires Cabinet approval or exceptionally approval by the Chief Executive on grounds of urgency in accordance with paragraphs 9.3.2 and 9.3.3 of Part 3 the Constitution of the Council.
- 1.2 This report sets out a discretionary scheme to deal with:
- Grants in 2021/22 for businesses affected by the Omicron variant of Covid-19, and
  - proposes an approach regarding additional ARG funding that may be provided to the Council

- 1.3 The government announcement included grants to support hospitality businesses affected by the Covid Omicron variant. This was announced by government 21 December 2021. This is a new grant scheme and is targeted at hospitality and leisure businesses. There is a clear and urgent requirement for the Council to put in place a scheme to ensure grants can be made as quickly as possible. The proposed scheme is at appendix 1.
- 1.4 The government also announced an additional £102m nationally for the Additional Restrictions Grant (ARG). The grant allocation to the Council is yet to be announced. The Council has in place an existing scheme and the additional funding will be used to top-up payments already made to businesses affected by the pandemic. The ARG scheme has been reviewed since in its inception and was updated most recently on 17 November 2021 [Decision - Additional Restrictions Grant: Amendment Three \(brent.gov.uk\)](https://www.brent.gov.uk/decision-additional-restrictions-grant-amendment-three). In view of possibility of additional funding it is proposed to continue to make further top up payments to recipients of version one and version two of the scheme as agreed on 17 November and to also, subject to sufficient funding, reopen version two to businesses that started trading between 11 April 2021 and 31 December 2021. No change is proposed to the policy.
- 1.5 The pre-payment assurance plan used previously will be updated to reflect the requirements here.

## **2.0 Recommendation(s)**

- 2.1 That the Chief Executive approves the NNDR Discretionary Scheme for Business Grants 2021/22: businesses affected by Omicron, as set out in appendix 1 of this report and pursuant to the Council's powers under section 47 of the Local Government Finance Act 1988 as amended.
- 2.2 That the Chief Executive authorises the Director of Finance to implement the scheme as set out in appendix 1.
- 2.3 That the Chief Executive approves the reopening of the Additional Restrictions Grant (ARG) scheme to businesses that started trading between 11 April 2021 and 31 December 2021, subject to funding being available, and that top-up payments continue as agreed previously on 17 November 2021.

- 2.4 It be noted that the council will be reimbursed by the government in due course in respect of the aforementioned grants and relief schemes.

### **3.0 Detail**

#### **National Non Domestic Rates: Hospitality and Leisure Grants 2021/22**

- 3.1 Recipients must be solvent businesses, and ratepayers in the hospitality and leisure sector. For example, a pub; hotel; restaurant; bar; cinema; or amusement park. Grants are per premises and the amount paid is varied by rateable value (RV) of each eligible premises, in three bands: £0-15k; £15-51k; and over £51k. The grants below are indicative pending finalised amounts from government.

Rateable value	£0-15k	£15-51k	over £51k
Grant	£2,667	£4,000	£6,000

- 3.2 The government proposes to reimburse the Council in respect of these grants. The government guidance is at appendix 2.
- 3.3 Given that it is sometime since these businesses received earlier grants during 2020/21 and Restart in 2021 the grants will be made on the basis of a simple online application form that businesses will be required to complete.
- 3.4 The government will provide new burdens funding to recompense the council for expenditure relating to these grants.

#### **Additional Restrictions Grant additional funding**

- 3.5 The Council will use the additional funding provided by the government to continue to pay top-up grants to ARG recipients. The ARG Policy has been reviewed twice since its inception most recently 17 November 2021 as set out in this weblink: [Decision - Additional Restrictions Grant: Amendment Three \(brent.gov.uk\)](https://www.brent.gov.uk/decision-additional-restrictions-grant-amendment-three).
- 3.6 Top up payments will continue to be made utilising the additional funding. This is the quickest and most efficient way to get funding to businesses in need as quickly as possible. In addition ARG will be reopened to new businesses that started trading since April 2021, subject to funds being

available, new applications will be considered from businesses that opened between 11 April 2021 and 31 December 2021. The Policy itself is not changed.

#### **4.0 Financial Implications**

- 4.1 The financial implications are set out throughout this report, however in summary all grants and reliefs provided to eligible businesses will be reimbursed by government.

#### **5.0 Legal Implications**

- 5.1 Local authorities have powers to grant local discounts in respect of non-domestic rates pursuant to section 47 of the Local Government Finance 1988 as amended by section 69 of the Localism Act 2011.
- 5.2 A billing local authority in England, when making a decision under section 47(3) of the Local Government Finance Act 1988 (as amended) above, must have regard to any relevant guidance issued by the Secretary of State. The decision maker is referred to the Guidance documents that have been provided by the Secretary of State which are referred and appended to this report.
- 5.3 In relation to grants in the 2021/22 financial year for businesses affected by Omicron variant of Covid-19, it has been confirmed by the government in one of its factsheets that all grants will be subject to the subsidy control allowances and the subsidy control policy will be published as part of the scheme guidance in due course.
- 5.4 As set out in paragraph 9.3.2 of Part 3 of the Council's Constitution, exceptionally and notwithstanding anything in the Council's Constitution, the chief executive shall be authorised to exercise either executive or non-executive functions where the matter is urgent unless the matter is prescribed by law. If the chief executive acts in such circumstances and makes urgent decisions in this regard, the chief executive shall notify, as appropriate, the Leader or Deputy Leader of the Council, the Lead Member with portfolio responsibility for the matter to which the decision relates and the Leader of the principal opposition group of any such action. This is pursuant to paragraph 9.3.3 of Part 3 of the Council's Constitution.

## **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 equality implications arising from the report at this stage. Indeed the schemes will provide help to small businesses with needed financial support. Those who are likely to be entitled to these grants will have their grants awarded dependent on a new or in the case of ARG updated application. Those businesses awarded grants will be asked to advise us if they fail to meet the State Aid criteria through the application process.

## **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 as guidance has been issued by the government on how this scheme should be operated, and the government expects local authorities to implement it using its section 47 powers.

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

8.1 8.1 None

### **Relevant documents:**

- Omicron Business Grants: Public fact sheet [Grant support - OFF-SEN Econ Support Term Sheet template FINAL.docx \(publishing.service.gov.uk\)](#)

- Government announcement [£1 billion in support for businesses most impacted by Omicron across the UK - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/1-billion-in-support-for-businesses-most-impacted-by-omicron-across-the-uk)
- ARG Guidance December 2021 and Omicron Hospitality and Leisure Grant Guidance : [COVID-19 business grant funding schemes: guidance for local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/covid-19-business-grant-funding-schemes-guidance-for-local-authorities)

Report sign off:

**PETER GADSDON**

Strategic Director of Customer and Digital Services

## **APPENDIX 1**

### **NNDR Discretionary Scheme**

#### **Business Grants 2021/22: businesses affected by Omicron Covid variant**

##### **National Non Domestic Rates: Hospitality and Leisure Grants 2021/22**

- i. Recipients must be solvent businesses, and ratepayers in the hospitality and leisure sector. For example, a pub; hotel; restaurant; bar; cinema; or amusement park. Grants are per premises and the amount paid is varied by rateable value (RV) of each eligible premises, in three bands: £0-15k; £15-51k; and over £51k.
- ii. The government propose to reimburse the Council.
- iii. The exact method of payment for grants to be paid will be decided on the information available and be either through the Business rates system or from the Council's financial system, Oracle Fiancials.
- iv. Given that is sometime since these businesses received earlier grants during 2020/21 and Restart in 2021 the grants will be made on the basis of a simple online application form that businesses will be required to complete.
- v. The pre-payment assurance plan used previously will be updated to reflect the requirements here.