

Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Councillor Bethia Thomas, Cabinet Member for Community Engagement
Key decision?	Yes
Date of decision (same as date form signed)	01/02/22
Name and job title of officer requesting the decision	Nick King, Principal Economic Development Lead
Officer contact details	Email: nick.king@southandvale.gov.uk
Decision	<ol style="list-style-type: none"> 1. To approve amendments to the Vale of White Horse District Council Additional Restrictions Grant (ARG) scheme – Winter 2021 to account for Omicron updates 2. To delegate the authority to award grants to the Head of Development and Corporate Landlord, in consultation with the Head of Finance.
Reasons for decision	<p>On 31 October 2020, the Government announced the introduction of additional support for Local Authorities under national and Local Covid Alert Level 3 restrictions. This support was in the form of the Additional Restrictions Grant (ARG) scheme which began in financial year 2020/21 and can be used across 2020/21 and 2021/22. Please refer to the ICMD decisions dated 13 November 2020, 20 January 2021, 13 May 2021, and 1 November 2021 for details of previous ARG grant rounds in Vale of White Horse.</p> <p>To date, over £3.9 million of the total £5,009,447 ARG grant funding has been distributed to more than 800 grant recipients during the three rounds of the ARG.</p> <p>A further round of ARG funding, known as the Winter Support Grant (WSG), was launched by Economic Development in November 2021. The WSG was aimed at distributing remaining ARG funding ahead of the Government deadline of 31 March 2022. Administration of funds under this scheme was planned as the main activity for Economic Development in Q1 2022.</p> <p>In response to the Omicron variant, on 21 December 2021 Government announced that further funding would be made available to local authorities via the ARG scheme. Under</p>

this top-up, Vale of White Horse were allocated an additional £261,996 of ARG funding. This top-up can only be used as direct business grants. There was no extension offered to the 31 March 2022 deadline for full defrayal of funds through the scheme, beyond this date, remaining funds are subject to recovery by Government.

To enable Economic Development to administer funds within the challenging deadline, it is proposed that this top-up amount is combined with remaining ARG funding (that was to be allocated through the WSG), and the WSG scheme is reopened to distribute funds through a Start-Up grant, and a Sector Hardship grant with extended sector eligibility to account for businesses affected by the Omicron variant.

Business types that are highlighted in bold below will be added to previous WSG criterion (that includes those businesses not in bold). Eligible applications for either round of the WSG will receive a share of funding in the form of grant of up to £15,000. The final amount offered will be based on the final number of eligible applications divided by the amount of ARG funding available:

*Local Authorities are encouraged to support businesses from all sectors that may 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*

Taken from Paragraph 28 of the ARG Guidance for Local Authorities.

Hardship Grant

Grants will be offered to eligible businesses in the following sectors only: 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 within the above industries (including caterers, events, hair, beauty and wedding related businesses), gyms.

	<p>This means that the council is supporting businesses that may have been severely impacted by extended restrictions, as per Paragraph 28 of the Guidance for Local Authorities</p> <p>Start-Up Grant Grants will be offered to eligible businesses that commenced trading between 1 April 2021 and 1 November 2021. These businesses were ineligible for the Restart Grant (scheme was open 1 April 2021 to 30 June 2021) and the council's Additional Restriction Grant scheme (Round 3 closed 30 March 2021 and a top-up grant was offered to recipients in June 2021). This means that the council is supporting businesses that may not have received other grant funding, as per Paragraph 28 of the Guidance for Local Authorities.</p> <p>Local businesses will need to complete an application form confirming their eligibility. Eligible applications will receive a grant of up to £15,000, based on the final number of eligible applications and the amount of ARG funding available.</p> <p>Grant recipients will be sent an acceptance letter that must be signed and returned before payment is made.</p>
<p>Alternative options rejected</p>	<p><i>Offering a top-up grant to previous ARG recipients.</i> This option would be efficient to administer and ensure that the remaining funding is distributed before the 31 March 2022 deadline. However, it would prevent businesses which have not previously applied from applying and receiving funding and as such will not target those businesses affected by the Omicron situation.</p> <p><i>Defrayal through the business rates system</i> This option would be efficient to administer and ensure that the remaining funding is distributed before the 31 March 2022 deadline. However, it would go against the Government's latest ARG guidance that encourages Local Authorities to use funding to support those businesses unable to access mandatory grant schemes.</p>
<p>Legal implications</p>	<p>Grant recipients will be required to sign and return a GDPR compliant letter of acceptance including the terms on which the council is offering the grant funding and the requisite Subsidy Control Declaration before the funds are released to minimise risk of funds being provided in error or as a result of fraud.</p>
<p>Financial implications</p>	<p>There will be no financial implications for the council. The grant payments are fully funded by government, and grant payments will not exceed the government funding provided. Clause 21 of the government guidance states 'we are committed to meeting the New Burdens costs to Local</p>

	<p>authorities for this scheme. A New Burdens Assessment will be completed, and funding then provided to authorities’</p> <p>Delivery and administration of the grant will require 4.5 FTE from the Economic Development team until 30 April 2022. The Finance Team will be required to process the grant payments and risk/assurance checks.</p> <p>The grant has to be defrayed by 31 March 2022, there are post-grant assurance reports that need to be completed in 2022/23 with most reports being completed in April 2022. It is unclear if these staffing costs can be recovered through the New Burdens Assessment.</p>
<p>Other implications</p>	<p>There is a reputational risk should the council not open the Omicron round as soon as practical and make grant payments thereafter. The Government is demanding Local Authorities distribute funding as soon as possible and is publishing league tables to encourage quick payments.</p> <p>Para 24 of the Guidance for Local Authorities states: ‘<i>Funds that have not been distributed by Local Authorities by 31 March 2022 will be subject to recovery. For the avoidance of doubt, Local Authorities need to manage their application and payment process to achieve all spend by 31 March 2022 as payments after this date will not be allowed in any circumstances.</i>’ The grant round needs to open no later than 1 February to allow sufficient time to process applications and make payments before the 31 March 2022 deadline.</p>
<p>Background papers considered</p>	<p>Department for Business, Energy & Industrial Strategy <i>Additional Restrictions Grant Guidance for Local Authorities (updated 30 December 2021)</i></p> <p>Cabinet Office, <i>COVID-19 Response - Spring 2021: Roadmap out of Lockdown</i></p> <p>South and Vale Business Support – Autumn “<i>State of Business Survey</i>” September 2021 (The survey conducted in September 2021 asked local businesses about the support needed over winter. The majority of businesses reported a need for help to find new customers/marketing, and cash flow. Businesses reported grants of between £3,000 to £15,000 would be needed and most useful)</p>
<p>Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</p>	<p>Nil</p>

List consultees		Name	Outcome	Date
	Ward councillors	NA		
	Legal	Pat Connell	Approved with suggested changes (implemented above)	28/02/22
	Finance	Kathy Merritt	Approved	27/02/22
	Human resources	NA		
	Sustainability	NA		
	Diversity and equality	Lynne Mitchell	Approved	27/02/22
	Communications	Emma East	Approved	27/02/22
	Senior Management Team	All	Approved	31/01/22
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	Yes, Cllr Nathan Boyd, 01/02/22			
Has this been discussed by Cabinet members?	Y – Bethia Thomas – 28/01/22			
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature _____ Councillor Bethia Thomas _____ Date _____ 1 February 2022 _____			

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: 1 February 2022	Time: 10:52
Date published to all councillors	Date: 1 February 2022	
Call-in deadline	Not applicable as the Scrutiny Committee Chair has waived call-in on this decision.	

Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must hand-sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.
Tel. 01235 422520 or extension 2520.
Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet portfolio holder for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:

- (a) to incur expenditure, make savings or to receive income of more than £75,000;**

- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
 - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
 - Changes to the household waste collection policy (affects all households in the district)
 - Reviewing a housing strategy (could have a significant impact on residents in many wards)
 - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
 - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.