

EXECUTIVE MEMBER FOR ENVIRONMENT, FINANCE AND GOVERNANCE

Date:	Thursday 13th January, 2022
Time:	10.30 am
Venue:	Council Chamber

AGENDA

1. Covid-19 Business Financial Support - Covid Additional Relief Fund (CARF) and Omicron Hospitality and Leisure Fund 3 - 24

To follow

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Wednesday 5 January 2022

MEMBERSHIP

Councillors B Cooper (Chair), ,

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Susie Blood, 01642 729645, susie_blood@middlesbrough.gov.uk

This page is intentionally left blank

Report of:	Director of Finance – Ian Wright Executive Member for Environment, Finance & Governance – Councillor Barrie Cooper
Submitted to:	Single Executive – 13 January 2022
Subject:	COVID-19 Business Financial Support – Covid Additional Relief Fund (CARF) and Omicron Hospitality and Leisure Grant Scheme.

Summary

Proposed decision(s)
<p>That the Executive Member for Environment, Finance & Governance approves the following:-</p> <ul style="list-style-type: none"> The policy which is designed to reduce Business Rates liabilities to the extent permitted by Covid-19 Additional Relief Fund (CARF) funding provided by central government. That delegated authority be provided to the Section 151 Officer to agree any future modifications to the Covid 19 Additional Relief Fund policy. <p>And notes the following:</p> <ul style="list-style-type: none"> The Omicron Hospitality and Leisure Grant Scheme in response to the business support announcement by Central Government on 21 December 2021.

Report for:	Key decision:	Confidential:	Is the report urgent? ¹
Decision	Yes - over the financial threshold (£150,000) and affects more than two wards	No	Yes

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
Business owners and sole traders will be supported in response to recent Central Government COVID-19 initiatives.	The reliefs and grants provided will support businesses in meeting payment obligations, releasing funds to support	The two schemes will provide additional financial support through rate relief and grants to businesses that have been impacted by

¹ Remove for non-Executive reports

	the recovery of the business and the local economy.	the pandemic.
--	---	---------------

Ward(s) affected
All wards

What is the purpose of this report?

1. To seek approval for the proposed terms of the Council's policy required to allow central government CARF funding to be applied to reduce local business ratepayer bills for 2021-2022.
2. To note the additional support provided through the Omicron Hospitality and Leisure Grant Scheme.

Why does this report require a Member decision?

3. The Council needs to adopt a scheme to grant Covid-19 Additional Relief under section 47 of the Local Government Finance Act 1988, as amended.
4. The Omicron Hospitality and Leisure Grant scheme is an instruction from Central Government and whilst the scheme does not require member approval it is requested that the Executive Member note the additional support that can be provided to some Middlesbrough businesses.

Report Background

Covid-19 Additional Relief Fund

5. On 25 March 2021 the Government announced a new COVID-19 Additional Relief Fund (CARF) of £1.5billion to support business ratepayers adversely affected by the pandemic. Due to legislative delays Local Authorities were only notified on 15 December 2021. Middlesbrough's confirmed allocation is £2,753,444.
6. Government funding allocations have been calculated by reference to the rateable value and classifications of certain sections of the Rating List and Office for National Statistics (ONS) data setting out the corresponding average economic impacts of COVID-19.
7. The Government is asking local authorities to administer the financial support to local business ratepayers by reducing the business rates bills for their 2021/22 liabilities, using powers that exist to award discretionary rate relief.
8. The parameters of the Fund include business ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact.
9. The scheme does not include:-
 - Those who are or would have been eligible for the Extended Retail Discount or Nursery Discount;
 - Hereditaments for a period when they are unoccupied;

- The Council to itself or parish councils.
10. Grant compensation is to be provided to local authorities for the resulting loss in business rates income provided conditions set out in Guidance are met, including through New Burdens funding for the additional work involved.
 11. Providing discretionary relief to ratepayers may have subsidy implications for some businesses. Any relief provided by local authorities under the CARF Scheme will need to comply with the UK's domestic and international subsidy control obligations.
 12. Local authorities have been given discretion over the design of a local policy setting out their eligibility criteria and subsequent award levels for the application of this relief. Middlesbrough's proposed policy is attached as Appendix 1, which reflects the elements used for the Government's funding allocation set out in paragraph 4.

Omicron Hospitality and Leisure Grant

13. On 21 December 2021, Government announced the introduction of grant support for hospitality and leisure businesses in England, in recognition that the rise of the Omicron variant means that some businesses are likely to struggle over the coming weeks.
14. This support will take the form of a one-off grant to be paid to local authorities from January 2022, and can be used in Financial Year 21/22 only. Middlesbrough's allocation is yet to be confirmed.
15. The Government is asking local authorities to administer the financial support to local businesses in the form of one-off grants of up to £6,000. The scheme will close for applications on 28 February 2022 and all final payments must be made and dispersed to recipients by 31 March 2022.
16. The following thresholds for awards are as follows:-
 - Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £15,000 or under on 30 December 2021 will receive a payment of £2,667.
 - Businesses occupying hereditaments appearing on the local rating list with a rateable value over £15,000 and less than £51,000 on 30 December 2021 will receive a payment of £4,000.
 - Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £51,000 or over on 30 December 2021 will receive a payment of £6,000.
17. The primary principle of the scheme is to support businesses that offer in-person services, where the main service and activity takes place in a fixed rate-paying premises, in the hospitality, leisure and accommodation sectors; and Central Government has provided Local Authorities with guidance outlining the type of business that they could consider to fall into scope in terms of allocating grant payments. However Local Authorities are expected to use their local knowledge to assist in making a decision on eligibility of a business for this scheme.

18. Businesses must have been trading on 30 December 2021 to be eligible to receive funding under this scheme. A business is considered to be trading if it is engaged in business activity. This should be interpreted as carrying on a trade or profession, or buying and selling goods or services in order to generate turnover.
19. Business that have previously received related grants are eligible for the Omicron Hospitality and Leisure Grant as long as they meet the Grant criteria.
20. An online application process will be made available on the Council website to invite applications from eligible businesses. The grant will be promoted as appropriate through a range of relevant platforms including the Council's social media channels, website, press and business networks.

What decision(s) are being asked for?

That the Executive Member for Environment, Finance & Governance approves the following:-

- The policy which is designed to reduce Business Rates liabilities to the extent permitted by Covid-19 Additional Relief Fund (CARF) funding provided by central government.
- That delegated authority be provided to the Section 151 Officer to agree any future modifications to the Covid 19 Additional Relief Fund policy.

And notes the following:

- The Omicron Hospitality and Leisure Grant Scheme in response to the business support announcement by Central Government on 21 December 2021.

Why is this being recommended?

21. The short interval between announcement of the two schemes by government and the passing of legislation means that administration-heavy options available to the Council are limited, because the COVID-19 Business Financial Support – Covid Additional Relief Fund needs to be applied against rates liabilities for the current billing year and the grants must be paid by 31 March 2022. The proposed policy allows for a logical and efficient approach to the distribution of the available funds, so that the relief and grants are administered before billing commences for 2022-23 business rates that is undertaken in early March.
22. Delegating authority as set out will also ensure that the exercise can be completed in a timely manner, to best effect for ratepayers, without the need for a further decision by Executive.

Other potential decisions and why these have not been recommended

23. An alternative CARF option would be to exclude publicly-funded bodies completely from the relief, however these bodies have been included in the scope of the Government guidance because they have also been affected by the pandemic, and excluding them would disproportionately advantage other ratepayers who would then benefit from a greater share of the relief available. It remains open to public bodies to decline the relief, should they consider they have not been sufficiently affected by Covid-19 or they have been able to adequately adapt.

24. A further alternative CARF option is to exclude those ratepayers whose liability has ended or have ceased occupation, however again this cohort are included in the government scope for being affected by the pandemic and the financial effect from their continuing inclusion is minimal in terms of the individual shares.
25. For the Omicron Hospitality and Leisure Grant Scheme, Central Government are providing funding to all Councils with an expectation that this funding will be distributed in line with government guidance and on that basis no other options have been considered.

Impact(s) of recommended decision(s)

Legal

26. Section 47 of the Local Government Finance Act 1988 was amended by the Localism Act 2011, which is now seen as a route by which government can change business rates rules without amending legislation. The decision will comply with the requirement to allow the change to take effect.

Financial

27. The decision involves only incidental cost to the Council in the form of the administration of the schemes, some if not all of which is likely to be offset by New Burdens Funding from Central Government.
28. The cost of the Omicron Grant Scheme has been provided for by funding made available from Central Government. Claims can only be paid against the funding allocation. Once the funds have been committed/spent, there will be no further support provided.

Policy Framework

29. The decision is not one that is reserved to full Council and has no consequences for the Policy Framework.

Equality and Diversity

30. The CARF policy has been subject to an initial Impact Assessment (IA), which accompanies this report (see Appendix 2). This identifies that a full IA is not necessary.

Risk

31. The following risks are considered to be affected by this report:

Risk No	Risk Description	Impact of Report
O8-101	Businesses close as a consequence of COVID-19 pandemic.	The application of the two schemes will have a positive impact on this risk through the provision of vital financial support for businesses affected by Covid-19 which may reduce the number of businesses forced to close as a consequence of the pandemic.
O8-075	Reduction in Council Tax Collection	The two schemes are likely to have a mixed impact on the Resident and Business Support

		service. Awarding grants and rates relief to eligible local businesses will improve collection levels for business rates, however it is also likely to create a strain on collection resource levels. The associated New Burdens funding will help to mitigate the impact on resource levels being insufficient to meet the demands of the service.
08-091	Failure to achieve full reimbursement from government for costs incurred responding to COVID-19 to date and risks of further costs being incurred as a result of local outbreaks.	The Government has provided written confirmation that additional New Burdens funding will be provided for the administration of the two schemes, and therefore it is anticipated that the schemes will have positive effect on this risk.
O1-050	A continuing national decline in the retailing environment has the potential to manifest further in Middlesbrough's town centre. The withdrawal of major retail brands has the potential to damage Middlesbrough's local economy in terms of business growth / turnover; employment opportunities for Middlesbrough residents; and, the appeal of Middlesbrough as an investor / visitor attraction.	The application of the schemes will have a positive impact on this risk through the provision of vital financial support for businesses affected by Covid-19 who are paying their business rates, which may reduce the number of retail businesses withdrawing from Middlesbrough.

Actions to be taken to implement the decision(s)

32. Once adopted, the CARF policy will be administered by the Resident and Business Support service within the Finance directorate, to directly award applicable levels of rates relief to all eligible businesses for their 2021-22 liabilities.

33. Once agreed, the Omicron Hospitality and Leisure Grant Scheme will be administered by the Resident and Business Support service.

Appendices

- Appendix 1 – Middlesbrough Council CARF policy
- Appendix 2 – Initial Impact Assessment of the CARF policy

Background papers

Body	Report title	Date
Department for Levelling Up, Housing and Communities	COVID-19 Additional Relief Fund (CARF): Local Authority Guidance	December 2021
Department for Levelling Up, Housing and Communities	Omicron Hospitality and Leisure Grant Guidance for Local Authorities	December 2021

Contact: Janette Savage, Head of Resident and Business Support
Email: Janette_Savage@middlesbrough.gov.uk

This page is intentionally left blank

Policy for the granting of COVID-19 Additional Relief Fund Discretionary Non-Domestic Rate Relief

Contents

1.0	Purpose of the Policy.....	3
2.0	Discretionary Relief – Legislative Background.....	4
	Introduction.....	4
3.0	Eligibility for discretionary relief under the COVID-19 Additional Relief Fund (CARF) scheme	4
4.0	Discretionary Relief to be awarded under the COVID-19 Additional Relief Fund.....	5
5.0	Basis for Award Amount.....	6
6.0	Subsidy Control.....	7
7.0	Effect on the Council’s Finances.....	8
8.0	Administration of Discretionary Relief	8
	Applications and Evidence.....	8
	Granting of relief	8
	Variation of a decision.....	9
9.0	Scheme of Delegation.....	10
10.0	Review.....	10
11.0	Reporting changes in circumstances	10
12.0	Fraud.....	100

1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to define the basis on which relief will be provided under the Council's COVID-19 Additional Relief Fund (CARF) scheme.
- 1.2 Central Government has allocated the authority with funding to assist those ratepayers whose businesses have been (and continue to be) affected by the pandemic but that are ineligible for existing support linked to business rates.
- 1.3 The Government has not changed the legislation relating to the business rates reliefs. Instead, the Government will, in line with the eligibility criteria set out in this policy, reimburse local authorities where relief is granted using discretionary relief powers under section 47 of the Local Government Finance Act 1988.
- 1.4 Whilst funding is provided by Central Government, it is for the Council to decide its own local scheme and determine in each individual case whether to grant this particular relief.
- 1.5 Relief under the CARF scheme will only be available to reduce chargeable amounts in respect of the 2021/22 financial year.
- 1.6 This document outlines the following areas:
 - Details of the criteria for receiving Discretionary Reliefs under the COVID-19 Additional Relief Fund (CARF) scheme;
 - The Council's policy for the granting the relief;
 - General guidance on granting and administering the reliefs and awards;
 - Subsidy Controls applicable; and
 - The Council's Scheme of Delegation.
- 1.7 Where ratepayers apply for relief they will be granted (or not granted) relief under the COVID-19 Additional Relief Fund (CARF) scheme in line with the following policy.

2.0 Discretionary Relief – Legislative Background

Introduction

- 2.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to ‘top’ up cases where ratepayers already receive mandatory relief.
- 2.2 Over recent years and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 2.3 The range of bodies, which are eligible for discretionary rate relief, is wide and not all of the criteria laid down by the legislation will be applicable in each case.
- 2.4 The Council will expect all businesses to provide such information and evidence as required in order to determine whether relief should be awarded.
- 2.5 There is no statutory appeal process or Tribunal against any decision made by the Council although, as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 2.6 The decision to grant or not to grant discretionary relief is a matter purely for the Council.

3.0 Eligibility for discretionary relief under the COVID-19 Additional Relief Fund (CARF) scheme

- 3.1 Whilst the Council has determined its own scheme, the Department for Levelling Up, Housing and Communities has stated that, in order for the Council to receive the allocated funding, it must:
 - (a) **not** award relief to ratepayers who for the same period of the relief either are or would have been eligible for the Expanded Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS);
 - (b) **not** award relief to a hereditament for a period when it is unoccupied (other than hereditaments which have become closed temporarily due to the government’s advice on COVID-19, which should be treated as occupied for the purposes of this relief); and
 - (c) direct their support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact.

- 3.2 In line with section 47(8A) of the Local Government Finance Act 1988, the Council must not grant any relief to itself or to either local or precepting authorities.
- 3.3 The relief will be applied after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, excluding those where the Council has provided relief using its wider discretionary relief powers introduced by the Localism Act 2011, which are not funded by section 31 grants.
- 3.4 Where any reduction or remission is granted to a ratepayer under section 49 Local Government Finance Act 1988 (where hardship is proven to the Council), then there will be no requirement to grant CARF Discretionary Rate Relief for that amount.

4.0 Discretionary Relief to be awarded under the COVID-19 Additional Relief Fund.

- 4.1 Over the past few years, a number of initiatives (such as the COVID-19 Additional Relief Fund) have been introduced by Central Government but without specific legislative changes.
- 4.2 The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximise any grants receivable.
- 4.3 In view of this, the Council has decided that where a ratepayer meets **all** of the relevant criteria, relief will be applied to the 2021/22 liability **after** any other reliefs and reductions have been applied.
- 4.4 The criteria for the COVID-19 Additional Relief Fund are as follows:
- (a) the ratepayer is **not** eligible (or would be eligible) for the Expanded Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS);
 - (b) the hereditament is deemed by the Council to be occupied;
 - (c) the ratepayer confirms that they have been adversely affected by the pandemic and have been unable to adequately adapt to that impact;
 - (d) the ratepayer is able to confirm that they are outside Subsidy Control limits as defined within section 6; and
 - (e) the hereditament is not excluded under the section 5 below.
- 4.5 The government funding allocation has been calculated by reference to the rateable value and Valuation Office Agency (VOA) classifications of certain sections of the Rating List and Office for National Statistics (ONS) data setting out the corresponding average economic impacts of COVID-19. Awards from the funding

will therefore be based on the same elements and applied to all accounts deemed eligible by the Council.

- 4.6 A contingency from the allocation will be retained of £150,000 to provide for situations where an award of relief might be justifiable outside of the set determined in accordance with section 4.5 above, on an application basis, and for variations in award increasing relief determined in accordance with section 4.5 above.
- 4.7 The maximum individual relief will be capped at £250,000.
- 4.8 Ratepayers with a history of using minimum periods of occupation to achieve avoidance of rates through further periods of empty relief, and for efficiency of administration, those where the amount of relief on a bill would be less than £10 are to be excluded from receiving relief.
- 4.9 Further relief may be awarded to recipients at the direction of the Section 151 officer, as outlined in the scheme of delegation in section 9 of this policy, if funding remains available following awards from the contingency and any variations or revocations have been applied.
- 4.10 The total amount of relief available will be limited to the funded amount.

5.0 Basis for Award Amount

- 5.1 A full explanation of the government's methodology for calculating funding is set out in published guidance:

[COVID-19 Additional Relief Fund \(CARF\): local authority guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/covid-19-additional-relief-fund-carf-local-authority-guidance)

- 5.2 By way of illustration, an award might be calculated as follows:

- A hereditament with a VOA Special Category Code of 096 (Factories Workshops and Warehouses) is mapped to ONS Standard Industrial Code C, which has an Average Gross Value Added (GVA) Reduction of -9%.
- If the chargeable amount is £30,720 for the 2021/22 rates liability, and there is no disqualifying discount applicable, the basic reduction at -9% can be calculated as £2,764.80.
- However, this amount is then adjusted to take account of the ratio of the sum of all such eligible reductions to the total funding amount to be allocated. The total to be allocated will be net of the contingency and capped award amounts: £2,753,444 - £150,000 - £250,000 = £2,353,444.
- If the total of eligible awards is £1,113,765.77 then multiplying £2,764.80 by the ratio factor of approximately 2.113 would mean relief of £5,842.16 could be applied.

6.0 Subsidy Control

- 6.1 The Council's COVID-19 Additional Relief Fund (CARF) scheme is subject to the subsidies chapter within the UK-EU Trade and Cooperation Agreement (TCA). However, exemption exists for subsidies under the value of approximately £2,243,000 per economic actor (broadly speaking, for example, a holding company and its subsidiaries).
- 6.2 This allowance comprises 325,000 Special Drawing Rights (at current exchange rates about £343,000) for Small Amounts of Financial Assistance and a further £1,900,000 for COVID-19 Additional Relief Fund Allowance.
- 6.3 Therefore, to be eligible the ratepayer must not have received or be due to receive subsidy under Additional Relief Fund Allowance over the period 2019/20 to 2021/22 more than £2,243,000 from schemes which fell within the Small Amounts of Financial Assistance or COVID-19 related allowances.
- 6.4 Any COVID-19 business grants a ratepayer has received from local government generally and the 2019/20 Retail Relief should count towards this limit, but the ratepayer should not count any Extended Retail Discount they have received since 1 April 2020.
- 6.5 Ratepayers awarded relief without having applied will be required to notify the Council if subsidy limits mean that they are ineligible for the award, or if thresholds are reached that mean the Council is required to declare the relief on the BEIS (government) transparency database that is maintained to meet obligations under Article 369 of the Trade and Cooperation Agreement (TCA).
- 6.6 Ratepayers applying for relief will need to include details of EU State Aid and subsidy received or due by or to the relevant economic actor so that eligibility can be assessed and declaration made, if appropriate.
- 6.7 A ratepayer is not eligible for CARF if the relevant economic actor has exceeded the £2,243,000 allowance, unless it can be evidenced that they:
- (a) Intend to use the support to fund uncovered fixed costs (costs not covered by profits or insurance etc) during the period of COVID-19. Economic actors may claim for up to 70% of their uncovered costs (although this 70% limit does not apply to small businesses with less than 50 employees and less than £9 million turnover where the limit is instead 90%); and
 - (b) Have shown a decline in turnover of at least 30% within the April 2020 to March 2021 period, compared to the same 2019 to 2020 period.
- 6.8 The maximum uncovered fixed costs subsidy permitted through the COVID-19 Additional Relief Fund Further Allowance for each actor is £10 million, and CARF eligibility will be restricted accordingly.

- 6.9 Government and the Council will not tolerate any business falsifying their records or failing to provide the correct information and evidence to allow ineligibility to be identified, including where subsidy thresholds are exceeded.
- 6.10 A ratepayer who falsely applies for any relief or provides false information or makes false representation in order to gain relief may be guilty of fraud under the Fraud Act 2006.

7.0 Effect on the Council's Finances

- 7.1 As Central Government's initiative, funding will be provided through section 31 of the Local Government Act 2003. Funding is dependent on the Council's scheme complying with guidance.
- 7.2 In order to guarantee funding, the Council will ensure that the criteria in this policy are met in full.

8.0 Administration of Discretionary Relief

- 8.1 The following section outlines the procedures followed by officers in granting, amending, or cancelling discretionary relief and reduction. This is essentially laid down by legislation¹

Applications and Evidence

- 8.2 The Council will specify how (and if) applications are to be made and received. This may vary from time to time.
- 8.3 Where appropriate, ratepayers are required to provide such evidence necessary to allow the Council to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect ratepayers claiming relief to facilitate this where necessary.
- 8.4 **The Council will provide this service and provide guidance free of charge. Ratepayers are encouraged to approach the Council direct and NOT pay for such services through third parties. Applications will be accepted from ratepayers only.**

Granting of relief

- 8.5 In all cases, the Council will notify the ratepayer of decisions made.

¹ The Non-Domestic Rating (Discretionary Relief) Regulations 1989

- 8.6 Where CARF relief is awarded, then the following will be notified in writing:
- The amount of relief granted and the date from which it has been granted;
 - That relief has been granted for a specified period, and the date it will end if this is before 31 March 2022.
 - The new chargeable amount;
 - The award is conditional on all scheme eligibility criteria remaining fulfilled and the chargeable amount on which it is based not changing;
 - A requirement that the relief recipient notify the Council if they are unable to agree that they have been adversely affected by the pandemic and have been unable to adequately adapt to that impact, or that their subsidy position needs to be considered, so that the award can be revoked or varied as appropriate; and
 - A requirement that the relief recipient should notify the Council of any change in circumstances that may affect entitlement to relief.
- 8.7 Where relief is not granted, then the following information is provided, again in writing:
- An explanation of the decision within the context of the Council's statutory duty; and
 - An explanation of the appeal rights (see below).
- 8.8 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made or when liability begins whichever is the later. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made. In such cases, the Council *may* backdate its decision. Given the timing of this relief, awards will only be made for the 2021/22 financial year.

Variation of a decision

- 8.9 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount is to be increased due to a change in rate charge or a change in the Council's decision which increases the award – this will apply from a date determined by the Council as appropriate; and
 - Where the amount is to be reduced, this will apply from the date of the decrease in rate charge.
- 8.10 A decision may be revoked at any time and otherwise substituted within six months of the end of the financial year with an award to reflect a revised basis for it.

9.0 Scheme of Delegation

- 9.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003 and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by the Council to Cabinet, Committees, Sub-Committees or Officers.
- 9.2 The Council's scheme of delegation allows for the Head of Resident and Business Support to award, revise or revoke any discretionary relief applications.
- 9.3 The policy for granting relief will be reviewed by the Section 151 Officer as required and in accordance with delegated authority granted to him. At such time, a revised policy will be determined, if appropriate.

10.0 Review

- 10.1 Applications that are refused will, upon request, be reconsidered if additional supporting information is provided within 7 days of the refusal, and such decision will be final.
- 10.2 Once a final decision is made, further recourse will be by Judicial Review, although the Council will endeavour to explain to the ratepayer a decision fully and openly.

11.0 Reporting changes in circumstances

- 11.1 Where any award is granted to a ratepayer, the Council will require any changes in circumstances which may affect the relief, to be reported as soon as possible or in any event within 21 days of the change. This will be important where the change would result in the amount of the award being reduced or cancelled e.g. where the premises becomes unoccupied or is used for a purpose other than that determined by the Council as eligible for relief.

12.0 Fraud

- 12.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecution will be considered under the Fraud Act 2006.

Template for Impact Assessment Level 1: Initial screening assessment

Subject of assessment:	COVID-19 Additional Relief Fund (CARF) policy			
Coverage:	Crosscutting			
This is a decision relating to:	<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input type="checkbox"/>	Revision of an existing approach:	<input checked="" type="checkbox"/>
It is driven by:	Legislation:	<input checked="" type="checkbox"/>	Local or corporate requirements:	<input type="checkbox"/>
Description:	<p>Key aims, objectives and activities</p> <p>To assess the impact of proceeding with the adoption of the CARF policy.</p> <p>Statutory drivers</p> <p>The Council needs to adopt a scheme to grant relief under section 47 of the Local Government Finance Act 1988, as amended</p> <p>Differences from any previous approach</p> <p>Current and previous COVID-19 rates relief schemes have been targeted at businesses within the Hospitality, Retail and Leisure sectors. The new CARF scheme makes wider relief provision for additional business ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact, within a locally-devised policy.</p> <p>Key stakeholders and intended beneficiaries (internal and external as appropriate)</p> <p>The key stakeholders are: the Council and local business ratepayers.</p> <p>Intended outcomes.</p> <p>To seek approval for the policy set out to reduce Business Rates liabilities to the extent permitted by Covid-19 Additional Relief Fund funding provided by central government; and for delegation to the Section 151 Officer of authority to make minor amendments to the policy and to decide the terms of which any second, supplementary awards are to be made.</p>			
Live date:	The Executive Member for Environment, Finance and Governance will consider the CARF policy on 13th January 2022.			
Lifespan:	To be applied to 2021-22 business rates liabilities.			
Date of next review:	April 2022			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
Human Rights Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The CARF scheme is provided by central government to apply relief for business ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact. The Government funding allocations have been calculated by reference to the rateable value and classifications of certain sections of the Rating List and ONS data setting out the corresponding average economic impacts of COVID-19. The local policy eligibility criteria and award levels are based on the same elements. In addition, a contingency fund is in place to provide for situations where an award of relief might be justifiable outside of the eligibility criteria.</p> <p>In light of the above, it is not considered that the report will have an adverse impact on individuals in terms of human rights.</p>
Equality Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The CARF scheme is provided by central government to apply relief for business ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact. The Government funding allocations have been calculated by reference to the rateable value and classifications of certain sections of the Rating List and ONS data setting out the corresponding average economic impacts of COVID-19. The local policy eligibility criteria and award levels are based on the same elements. In addition, a contingency fund is in place to provide for situations where an award of relief might be justifiable outside of the eligibility criteria.</p> <p>In light of the above, it is not considered that the report will have an adverse impact on different groups or individuals in terms of equality.</p>

* Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.

Screening questions	Response			Evidence
Community cohesion Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?	☒	☐	☐	<p>The CARF scheme is provided by central government to apply relief for business ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact. The Government funding allocations have been calculated by reference to the rateable value and classifications of certain sections of the Rating List and ONS data setting out the corresponding average economic impacts of COVID-19. The local policy eligibility criteria and award levels are based on the same elements. In addition, a contingency fund is in place to provide for situations where an award of relief might be justifiable outside of the eligibility criteria.</p> <p>In light of the above, it is not considered that the report will have an adverse impact on relationships between different groups, communities of interest or neighbourhoods within the town.</p>
Next steps: ➡ If the answer to all of the above screening questions is No then the process is completed. ➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.				

Assessment completed by:	Nicola Mearns	Head of Service:	Janette Savage
Date:	30.12.21	Date:	04.01.22

This page is intentionally left blank