



# UK Government Coronavirus update

All of the key coronavirus news and guidance in one weekly legal update

Issue 3, 17 April 2020

**Expanded Retail Discount 2020-21 is declared not to constitute "State aid"**: It has been announced that the "Expanded Retail Discount" initiative shall be awarded on a 'no aid' basis, following discussions with the European Commission, which is good news for larger retailers who had been concerned that the new business rates relief measure announced to mitigate the impact of the Coronavirus lockdown may have been subject to a €800,000 cap.

**The Chancellor announces funding for public services**: The Chancellor announced earlier this week that it has, since 11 March, committed £14.5 billion of expenditure to the NHS and local authorities, covering a range of matters including [£1.6 billion of new funding for English local authorities](#) distributed using the Adults Social Care Relative Needs Formula and the 2013/14 Settlement Funding Assessment for overall relative needs. These figures are in addition to the £12.3 billion grant funding allocated to allow local authorities to administer [the Small Business Grants Fund and the Retail, Hospitality and Leisure Grant Fund](#) (a breakdown of that grant funding allocation can be found at this [link](#)). The announcement comes further to the Coronavirus Act 2020's financial provision (see our legal insight [here](#)) which allows for Parliament to provide money to pay any expenditure incurred by a public authority in the making of payments, or the giving of financial assistance (whether directly or indirectly), as a result of COVID-19, including expenditure incurred before or after the passing of the Act. [Two additional measures were announced on 16 April 2020](#) by Robert Jenrick MP: the deferral for 3 months of business rates payments due to central government by councils, totalling £2.6 billion, and the advance of the next quarter's social care grant payments, worth £850 million for children and adults, which is now to be paid to councils up front in April.

**Advice to local authorities on prioritising waste collections**: The Department for Environment, Food and Rural Affairs has issued non-statutory guidance to help local authorities and other waste collectors prioritise their waste collection services during the coronavirus pandemic. English local authorities are encouraged to maintain waste collection services as much as possible. The guidance sets out that residual waste collections should be maintained, and maintenance of dry recyclables collections should also be aimed for.

**Government issues COVID-19 social care action plan**: On 15 April 2020, the government [announced](#) that all care home residents and social care staff with coronavirus (COVID-19) symptoms will be tested, and that all patients discharged from hospital are to be tested before going into care homes as a matter of course. The measures are outlined further in the social care action plan, which sets out how the government intends to support local authorities and the providers of care. For our latest legal insight relating to staffing care homes, please see [here](#).

**The Planning Inspectorate provides an update** on how they are working through the coronavirus pandemic, including exploring options for digital events using telephone or video conferencing and trialling 'virtual site visits'.

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**Government updates its guidance on the Coronavirus Job Retention Scheme (CJRS)**, on 15 April 2020, to state that the eligibility date has been extended to 19 March 2020. [Recent guidance](#) also confirms that workers on public sector contracts should not be furloughed in the first instance and public sector bodies are directed towards the CCS guidance in the vast majority of cases. In a small number of cases, for example where organisations are not primarily funded by the government and whose staff cannot be redeployed to assist the coronavirus response, it may be appropriate to claim under the CJRS. For further detail on the CJRS, the legal framework is set out in the Chancellor's [Treasury Direction under the Coronavirus Act 2020](#).

**Government issues PPN 03/20 to increase the use of procurement cards:** In order to maintain cash flow to suppliers, the government has issued guidance to organisations requiring them to engage with their procurement card provider to increase the single transaction limit and the monthly limit on spending with procurement cards for key card holders. In addition, by 30 April, organisations should ensure enough staff have the authority to use these cards and open all relevant categories of spend to enable wider use. The PPN applies to all central Government departments, their executive agencies and non-departmental public bodies, and it is noted that other public sector contracting authorities may also wish to apply the approach set out.

**The Ministry of Housing, Communities and Local Government sends a letter to local authority chief executives** in order to explain two sets of regulations made under the Coronavirus Act 2020. The first (as outlined in Issue 2 of our coronavirus legal updates) enables all local authority meetings before 7 May 2021 to be held remotely and removes the requirement for the annual meeting this year, and the second (as outlined below) postpones until 6 May 2021 local by-elections and other polls, either scheduled or which would otherwise arise before that date. For information on buying remote conferencing software, please see the CCS advice [here](#).

## Latest legislation

**The Statutory Sick Pay (General) (Coronavirus Amendment) (No. 3) Regulations 2020:** These regulations came into force on 16<sup>th</sup> April 2020 and amend the Statutory Sick Pay (General) Regulations 1982 so that a new category of persons are deemed incapable of work, to include persons defined in guidance issued by Public Health England, the Scottish Ministers or Public Health Wales as being extremely vulnerable and at very high risk of severe illness from coronavirus because of an underlying health condition, and who have been advised, in accordance with that guidance, to follow rigorously shielding measures.

**The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020:**

These Regulations came into force on 7<sup>th</sup> April 2020 and postpone the days on which certain by-elections and local referendums are to be held during the period from 16<sup>th</sup> March 2020 to 5<sup>th</sup> May 2021.

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## **The Town and Country Planning (General Permitted Development) (Coronavirus)**

**(England) (Amendment) Order 2020:** This Order came into force on 9<sup>th</sup> April 2020 and amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) to allow local authorities and certain health service bodies to carry out development for the purposes of preventing, reducing, controlling or mitigating the effects or taking other action in connection with an event or situation which threatens serious damage to human welfare in a place in the UK. The Order will enable development for use before 31 December 2020 including, but not limited to, the change of use of existing premises; erection of temporary buildings, structures, plant and machinery; vehicle parking and storage space. There is no application process, but the developer must notify the local planning authority as soon as practicable after commencing development, by e-mail or in writing.

## **The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (Wales) Order 2020:**

This Order came into force on 10<sup>th</sup> April 2020 and amends the Town and Country Planning (General Permitted Development) Order 1995 to permit certain development in Wales for the purposes of preventing, controlling or mitigating the effects of, or taking other action in connection with a public health emergency in the United Kingdom. The development must be temporary. It also must be undertaken by or on behalf of an NHS body and the local planning authority must be notified as soon as practicable after the development commences.

**[View more insights on our COVID-19 Hub](#)**



**Please contact us if you have any questions relating to the impact coronavirus may have on your organisation:**



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