



Department for  
Business, Energy  
& Industrial Strategy

# Local Restrictions Support Grants (Open) – Frequently Asked Questions (FAQ)



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If you have any enquiries regarding this document/publication, to us at:

[enquiries@beis.gov.uk](mailto:enquiries@beis.gov.uk)

Department of Business, Energy and Industrial Strategy

1 Victoria Street

London

SW1H 0ET

Telephone: 020 7215 5000

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# About this document

1. The Local Restrictions Support Grant (Open) was announced on 22 October 2020 to support businesses in England in Local Authorities that have been designated as Local Covid Alert Level 'High' (LCAL 2) or 'Very High' (LCAL 3). This grant funding will support businesses that are still open, but severely impacted by local restrictions introduced in these areas by Her Majesty's Government to prevent the spread of Covid-19. Guidance on the fund has been published on GOV.UK.
2. This document is aimed at Local Authorities to provide answers to Frequently Asked Questions regarding the criteria and management of the fund.
3. For further information on business support, please see [www.gov.uk/coronavirus/business-support](http://www.gov.uk/coronavirus/business-support)

## General

### **4. What is the purpose of this funding?**

This funding is being made available to support businesses in Local Authorities that have been adversely impacted by local restrictions under LCAL High and LCAL Very High to prevent the spread of Covid-19.

### **5. How much funding will be provided to Local Authorities?**

Each eligible Local Authority will be issued with a fixed funding allocation that will be calculated by Government using Valuation Office Agency (VOA) data on the number of hospitality, accommodation and leisure businesses in that Local Authority geography, plus a 5% top-up.

### **6. How much funding should be provided to businesses?**

Government has announced the following funding tiers as a guide for Local Authorities. We would anticipate that Local Authorities provide grant funding under the following tiers, unless there is a local economic need to deviate:

- Grants of £934 per 28-day period for businesses occupying hereditaments with a rateable value of exactly £15,000 or under on the date of the commencement of the local restrictions.
- Grants of £1,400 per 28-day period for businesses occupying hereditaments with a rateable value over £15,000 and less than £51,000 on the date of the commencement of the local restrictions.
- Grants of £2,100 per 28-day period for businesses occupying hereditaments with a rateable value of exactly £51,000 or above on the date of the commencement of the local restrictions.

This funding is equivalent to 70% of the grants provided to legally closed businesses in LCAL Very High areas via LRSG (Closed) and to closed businesses when national restrictions apply via LRSG (Closed) Addendum. This allocation will not be

supplemented. Local Authorities can exercise their discretion and alter the amount of funding offered to a business if they feel they have good reason to do so.

**7. When should Local Authorities pay out the grants to businesses?**

Local Authorities can determine the payment schedule and timings for these grants to businesses. However, we strongly encourage Local Authorities to do all they can to make payments to businesses as quickly as possible in order to help businesses in need. Where areas are in LCAL High or LCAL Very High restrictions for multiple months, we recommend a rolling 28-day payment schedule to businesses, in line with the schedule of payments to Local Authorities.

**8. How long will this scheme last for?**

Local Restrictions Support Grant (Open) funding will be provided to Local Authorities on a rolling 28-day basis for as long as LCAL High or Very High restrictions apply, in line with the grant offer letter sent to Local Authorities (using a grant under Section 31 of the Local Government Act 2003).

**9. Will the Local Restrictions Support Grant (Open) be backdated?**

Local Authorities will receive payments for any 28-day periods in which LCAL High or Very High restrictions have applied from 1 August 2020.

**10. Is this scheme UK-wide?**

This grant funding scheme is only for English Local Authorities affected by local restrictions. However, The Chancellor announced on 5 November 2020 an increase in the upfront guarantee of funding for the devolved administrations from £14 billion to £16 billion. This uplift will continue to support workers, business and individuals in Scotland, Wales and Northern Ireland. The Barnett formula will apply in the usual way to any additional funding provided to departments in relation to this intervention.

**11. Are these grants subject to tax?**

Grant income received by a business is taxable, therefore the Local Restrictions Support Grant (Open) will be subject to tax. Only businesses that make an overall profit once grant income is included will be subject to tax.

**12. How will Local Authorities know when they become eligible for this grant?**

Guidance on local restrictions is published on GOV.UK setting out the extent of restrictions.

**13. Will funding be available if a Local Authority imposes its own restrictions on businesses in the area?**

This funding is only available for localised restrictions imposed by Central Government. These are legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care uses powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by Covid-19 and commonly as part of a wider set of measures.

Where Local Authorities have used powers to impose local restrictions themselves, this funding scheme will not be available.

**14. Are there any conditions attached to this grant funding?**

Recipients of grant funding must comply with all the scheme conditions, including State aid requirements and the provision of information to the Local Authority to support monitoring and assurance. By accepting the grant, each recipient confirms that they are eligible for the scheme. If a Local Authority subsequently finds that this self-declaration is incorrect, it will be able to take action and the business would be liable for clawback.

**15. Is there a deadline for spending the Local Restrictions Support Grant?**

The Local Restrictions Support Grant will apply only for financial year FY 2020-21. Funds should be paid out to businesses by Local Authorities as soon as possible.

**16. How long does this scheme run for?**

The Local Restrictions Support Grant (Open) runs until April 2021, with a review point in January 2021.

**17. Can funding from the LRSG (Open) Grant be used as a top-up grant for a business that is also eligible for a LRSG (Closed) Grant?**

Yes, Local Authorities can use funds from the LRSG (Open) Grant to pay top-up grants to businesses eligible under the LRSG (Closed). However, as businesses required to close will also be receiving support under the Local Restrictions Support Grant (Closed), Local Authorities may wish to focus on other businesses when allocating this fund.

**18. How does this scheme differ from the Additional Restrictions Grant, which is also discretionary?**

The Local Restrictions Support Grant (Open) is intended to support businesses that have not been forced to close by local or national restrictions but are still severely impacted by LCAL High and LCAL Very High restrictions. It is largely intended for businesses in hospitality, leisure and accommodation sectors. The scheme applies only to Local Authorities that have entered LCAL High or LCAL Very High. The funding allocation is based on the number of hospitality, accommodation and leisure businesses within a Local Authority, and will be issued to Local Authorities in 28-day payment cycles.

The Additional Restrictions Grant is intended for business support activities, including discretionary grants and wider business support measures. The grant funding will be made available to Local Authorities at the point that national restrictions are imposed, or at the point the Local Authority enters LCAL Very High restrictions. The funding allocation amounts to £20 per head in each eligible Local Authority when the relevant restrictions were imposed and is a one-off lump-sum payment.

# Eligibility

## **19. Which businesses are eligible for the Local Restrictions Support Grant (Open)?**

We are asking Local Authorities to prioritise hospitality, hotel, bed & breakfast and leisure businesses. Indicative grant funding bands have been provided to demonstrate how the allocation was calculated but may also be used by Local Authorities as a guide for distributing funds. However, this fund is discretionary and Local Authorities may choose to prioritise businesses that are particularly important to their local economies or that have suffered disproportionately under local restrictions.

Businesses that were established prior to the introduction of LCAL High or LCAL Very High restrictions within their relevant Local Authority area are eligible. Businesses established after the introduction of LCAL High or LCAL Very High (where an area moves straight to this tier from LCAL Medium) restrictions in their Local Authority or which are insolvent, or where a striking-off notice has been made, are not eligible for funding under this scheme.

In taking decisions on the appropriate level of grant, Local Authorities may want to take into account the level of fixed costs faced by the business in question, the number of employees, whether they are unable to trade online and the consequent scale of coronavirus losses.

## **20. How are Local Authorities expected to identify businesses within their area?**

Local Authorities may want to run some form of application process in order to capture all eligible businesses and undertake pre-payment checks. Local Authorities must use their discretion in identifying the right business to receive this funding, based on their application process. Local Authorities should also ensure that payments are compliant with State aid rules.

SCAT codes and property descriptions could assist Local Authorities to identify businesses who might be eligible. The SCAT codes and property descriptions can give an initial grouping, then we would encourage Local Authorities to use their local knowledge and existing records to assess which businesses they wish to support.

Businesses will need to notify their Local Authority if they no longer meet the eligibility criteria for additional grants at any point in any 28-day period (for example, if they become insolvent).

## **21. What evidence is required pre-payment to establish whether or not a business is 'severely impacted'?**

Local Authorities must assess applications properly, taking into account all relevant information. Local Authorities may wish to ask for further documentary evidence (e.g. a bank statement) as part of the original application process or if, having read the statement, they feel further questions need to be answered. As this fund is discretionary, Local Authorities are free to choose which businesses to prioritise based on their importance to their local economies, though it is recommended that leisure, hospitality and accommodation businesses are prioritised.

**22. Will an application form template be supplied?**

It is for Local Authorities to distribute an application form that meets its priorities when considering how best to distribute this discretionary fund.

**23. Will businesses need to reapply for rolling payments after each 28-day payment cycle, or will they continue to be paid without reapplying?**

Local Authorities can determine the payment schedule and timings for these grants to businesses. As this is a discretionary grant scheme, Local Authorities may choose to pay the same businesses every 28 days, or to prioritise different businesses with each 28-day cycle. In either case, Local Authorities have the freedom to determine the precise eligibility criteria for these grants.

**24. Can businesses with multiple properties claim multiple grants?**

As this is a discretionary grant scheme, Local Authorities may award multiple grants to businesses with multiple premises, so long as this is deemed appropriate and the business remains within State aid limits.

**25. If an area moves from LCAL High to LCAL Very High restrictions can businesses still receive LRSO (Open) funding?**

Yes, Local Authorities under LCAL Very High restrictions will continue to receive LRSO (Open) funding for businesses that are severely impacted, but not required to close, as well as LRSO (Closed) funding for businesses required to close.

**26. Will areas that jump from LCAL Medium to LCAL Very High restrictions be eligible for LRSO (Open) grants?**

Yes, Local Authorities that move straight to LCAL Very High restrictions will receive LRSO (Open) funding for businesses that are severely impacted but not required to close, as well as LRSO (Closed) funding for businesses required to close.

**27. Are businesses operating a take-away or click-and-collect service treated as open or closed?**

Businesses that have been required to close but are operating a take-away or click-and-collect service will qualify for grants under the Local Restrictions Support Grant (Closed). Businesses that were previously operating take-away or click-and-collect services only will not be required to close, as their main business will not be affected by local or national restrictions. If those businesses wish to apply for a grant, they can do so either through the Local Restrictions Support Grant (Open) if the business is in a Local Authority subject to LCAL High or LCAL Very High restrictions, or the Additional Restrictions Grant if the business is subject to LCAL Very High or national restrictions.

**28. Are charity shops able to claim grant funding under the Local Restrictions Support Grant (Open) scope?**

Yes, local independent charity shops in areas with LCAL High or LCAL Very High restrictions that are not required to close but which are impacted are able to apply for grants through the Local Restrictions Support Grant (Open), although national charity shop chains may already have reached State aid limits.



**29. Are sole traders and self-employed businesses able to claim grant funding under the Local Restrictions Support Grant (Open) scope?**

Yes, as this grant scheme is discretionary, sole traders and self-employed businesses are eligible to receive grant funding, so long as they are not insolvent, under a bankruptcy order, or subject to a striking-off notice.

**30. Can social clubs and private member clubs receive LSRG (Open) grant funding?**

Yes, as this grant scheme is discretionary, social clubs, private member clubs and similar institutions are eligible to receive grant funding, so long as they are not insolvent, under a bankruptcy order, or subject to a striking-off notice.

**31. Can the Local Restrictions Support Grant (Open) be used to support supply chain businesses that support leisure and hospitality?**

Yes, as this grant scheme is discretionary, Local Authorities have the freedom to support any business, including those that support the leisure, hospitality and accommodation sectors.

**32. Will Parish councils be eligible for this fund?**

Yes, Town and Parish councils are eligible if they meet all the scheme criteria (the precepting authority exclusion does not apply to this fund). Each application must be assessed on its individual facts.

## Grant recipients

**33. Can businesses that are eligible but do not want or need funding opt out?**

A business may decline the grant.

**34. What happens where there is more than one liable party per property? Do they get a grant each, or are they expected to share?**

Each hereditament will have only registered ratepayer who will take receipt of the grant. Where grants are paid to businesses that do not appear on the ratings list, it will be at the Local Authority's discretion to determine who should receive a grant.

**35. How should grants be administered where a business is in administration or liquidation as of the first day of LCAL 2 or LCAL 3 restrictions in a Local Authority?**

These grants have been created to provide support to active businesses. Businesses will need to confirm they are not in liquidation in order to receive the grant. Some businesses that fail the undertaking in difficulty test on 31 December 2019 are also ineligible for payments under the COVID-19 Temporary Framework for UK Authorities.

**36. How does this funding work with shared space/serviced offices, where tenants are not the rate payers?**

Eligibility for this grant scheme is not determined by whether a business pays business rates. Local Authorities will be able to provide grants to businesses not on the rating list that have been severely impacted by local restrictions.

**37. Do businesses have to demonstrate fixed property costs to qualify for the grant?**

Eligibility for this grant scheme is not determined by whether a business occupies a property or pays property costs. Local Authorities will be able to provide grants to any business that has been severely impacted by local restrictions.

**38. Is there a date by which a business needs to have been trading in order to be eligible to receive grants under this scheme?**

The business must have been trading the day before restrictions came into force.

## Introduction of national restrictions

**39. How is this scheme impacted if national restrictions are introduced?**

In the event of renewed widespread national lockdown restrictions being imposed, the Local Restrictions Support Grant (Open) will cease to apply, as relevant businesses will be in scope to receive funding from the Additional Restrictions Grant. Any LRSG (Open) payments due to be made between national restrictions being announced and then coming into force, will be calculated pro-rata. Pro-rata payments will also be made for any backdated amounts calculated.

To ease the burden of distributing grants to businesses, Local Authorities may wish to bundle pro-rata payments covering short periods with the payments covering 28 days made under the Local Restrictions Support Grant (Closed) Addendum, but payments should be reported and accounted for separately.

Please see **Local Restrictions Support Grant (Closed) Addendum FAQs** for further information.

**40. What happens when national restrictions are lifted?**

Where national restrictions are lifted, it is anticipated that Local Authorities could be subject to LCAL High or LCAL Very High restrictions. At this point, Local Authorities would be eligible to receive support through the Local Restrictions Support Grant (Open) if they entered LCAL High and both LRSG (Open) and LRSG Closed if they entered LCAL Very High.

**41. If national restrictions ended, could payments be made to the same businesses that were previously paid or would a new application process be required?**

Local Authorities can determine the payment schedule and timings for grants to businesses. As this is a discretionary grant scheme, Local Authorities may choose to pay the same businesses following national restrictions as were paid prior to national

restrictions. Alternatively, they may prioritise different businesses. In either case, Local Authorities have the freedom to determine the precise eligibility criteria and application process for these grants.

## Payment

### **42. What is the process for Local Authorities receiving the funding and payments being made?**

Funding will be provided to Local Authorities via a Section 31 payment accompanied by a Grant Offer Letter. Grant funding will be issued to Local Authorities in 28-day payment cycles. Funding will be payable for restrictions that commenced on or after 1 August 2020 and prior to 5 November 2020.

Local Authorities that have experienced LCAL High type restrictions for any period since 1 August 2020 will receive a backdated single payment based on the number of 28-day payment periods triggered. This will be clarified in each Local Authority's grant offer letter. Further payments will be made for each successive 28-day payment period that is triggered if an area is in LCAL High or LCAL Very High once national restrictions have been lifted.

For example, a Local Authority entering LCAL High-type restrictions on 5 August 2020 (and remaining under those restrictions) would receive, as a lump-sum payment, allocations for every 28 days payable on 5 August 2020, 2 September 2020, 30 September 2020 and 28 October 2020.

### **43. When will Local Authorities receive the agreed funding from Government?**

Local Authorities will receive initial LRSG (Open) payments on or around 13 November 2020. This allocation will cover any support they were eligible to receive between 1 August 2020 and 4 November 2020. Future payments will be made as quickly as possible after a Local Authority becomes eligible for LRSG (Open) support.

### **44. Are payments pro-rata?**

Grant funding will be issued to Local Authorities in 28-day payment cycles. Funding will be payable for restrictions beginning 1 August 2020. Local Authorities will receive a lump sum for 28 days from the first day that LCAL High or LCAL Very High restrictions are imposed, whichever is the earlier. The last period of payment before the start of national restrictions on 5 November will be pro-rata (e.g. if this period lasts 4 days, the Local Authority would receive a 4 day pro-rata allocation).

If the Local Authority were to drop to LCAL Medium before a 28-day payment period ended, it would not be required to return any funds.

### **45. Will Local Authorities be able to claim additional funds under the Local Restrictions Support Grant (Open) if the allocation is not sufficient?**

No. The allocation for this discretionary fund is calculated by Government and the Local Authority will need to manage its allocation.

**46. Will New Burdens payments be provided for this funding?**

We are committed to meeting the New Burdens costs to Local Authorities for this scheme. A New Burdens Assessment will be completed, and funding will then be provided to Local Authorities.

**47. Can Local Authorities use funding remaining from previous Covid-19 grant schemes to award these grants?**

While awaiting payment of the funding for the Local Restrictions Support Grant (Open), Local Authorities may use remaining funding from previous grants to cover costs. The remaining funding from previous grants must be returned through each respective grant's reconciliation process.

**48. What is the appeals process for businesses under this scheme?**

There is no appeals procedure. It is up to Local Authorities to apply the guidance as they see fit.

**49. If a business ceases trading before a 28-day period of LCAL High or LCAL Very High restrictions has elapsed, will it need to pay a proportion back?**

No, as long as the business is not in liquidation or dissolved or is subject to a striking off notice when the grant is awarded, and otherwise meets all applicable conditions (including not being an undertaking in difficulty on 31 December 2019), it will be entitled to retain its grant funding if it subsequently ceases trading.

## Fraud

**50. What should a Local Authority do if it detects or suspects fraud through this scheme?**

If Local Authorities detect fraud (successful, rather than attempted), or if they suspect fraud (attempted, as well as actual) that is organised, large scale systematic, or which crosses Local Authority boundaries, they must report it in real time. We recommend Local Authorities report it simultaneously to the dedicated inboxes at the National Anti Fraud Network ([intel@nafn.gov.uk](mailto:intel@nafn.gov.uk)) and the National Investigation Service ([report@natis.pnn.police.uk](mailto:report@natis.pnn.police.uk)). Local Authorities may be contacted for further information to assist with lines of enquiry being pursued.

**51. If a payment subsequently turns out to have been made due to fraud or error, will Government expect the council to meet the cost?**

The Government will not accept deliberate manipulation and fraud – and any business caught falsifying its records to gain additional grant money will face prosecution and any funding issued will be subject to claw back, as may any grants paid in error. We will provide further guidance on payment assurance, including financial accountability.

# State aid

## **52. Do State aid rules apply to business grants provided under this scheme?**

Yes. State aid applies to these schemes, and all recipients are required to comply with the maximum permitted funding under the relevant State aid rules – EUR 200,000 over three years under the De Minimis Regulation, or EUR 800,000 under the COVID-19 Temporary Framework for UK Authorities (lower thresholds apply to agriculture, fisheries and aquaculture business). The De Minimis aid and the Temporary Framework can be combined to bring the aid per company to up to €1 million. Any business that has reached the limits of payments permissible under the De Minimis and the UK Covid-19 Temporary State Aid Framework will not be able to receive further grant funding.

Excluding small and micro undertakings (less than 50 employees and less than EUR 10 million of annual turnover and/or annual balance sheet), a business receiving grant paid under the Temporary Framework must also confirm that they were not an undertaking in difficulty on 31 December 2019. This exemption for small and micro undertakings does not apply if the undertaking is subject to collective insolvency proceedings under national law, has received rescue aid that has not been repaid, or is subject to a restructuring plan under State aid rules.

Grants provided under the Local Restrictions Support Grant scheme can be made under either the De Minimis Regulation (where the relevant conditions are met), or under the COVID-19 Temporary Framework for UK Authorities, where for example, the De Minimis threshold has been reached. Local Authorities must ensure all relevant State aid law requirements are complied with, including any relevant reporting requirements to the EU Commission under State aid rules.

## **53. What checks are councils expected to make regarding State aid?**

Businesses will be required to confirm that they comply with the scheme conditions, for example that they did not fall within the definition of an undertaking in difficulty on 31 December 2019 (excluding small and micro businesses), and have not received more than the maximum permitted funding for State aid. Local Authorities will write to businesses to ask for confirmation of this. Annex B of the Guidance provides a sample letter for Local Authorities to send to grant recipients.

## **54. What does it mean to be an Undertaking in Difficulty?**

An 'undertaking in difficulty' is defined as an undertaking in which at least one of the following circumstances occurs:

- a. In the case of a limited liability company (other than an SME that has been in existence for less than three years), where more than half of its subscribed share capital has disappeared as a result of accumulated losses. This is the case when deduction of accumulated losses from reserves (and all other elements generally considered as part of the own funds of the company) leads to a negative cumulative amount that exceeds half of the subscribed share capital.
- b. In the case of a company where at least some members have unlimited liability for the debt of the company (other than an SME that has been in existence for less than three years), where more than half of its capital as shown in the company accounts has disappeared as a result of accumulated losses.

- c. Where the undertaking is subject to collective insolvency proceedings or fulfils the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors.
- d. Where the undertaking has received rescue aid and has not yet reimbursed the loan or terminated the guarantee or has received restructuring aid and is still subject to a restructuring plan.
- e. In the case of an undertaking that is not an SME, where, for the past two years:
  - i. The undertaking's book debt to equity ratio has been greater than 7.5; and
  - ii. The undertaking's earnings before interest, tax, depreciation and amortisation (EBITDA) interest coverage ratio has been below 1.0.

This test only applies to payments made under the Temporary Framework, but excludes small and micro businesses (fewer than 50 employees and less than EUR 10 million of annual turnover and/or annual balance sheet). This exemption for small and micro undertakings does not apply if the undertaking is subject to collective insolvency proceedings under national law, has received rescue aid that has not been repaid, or is subject to a restructuring plan under State aid rules.

**55. Are there any plans to increase the State aid limit from 800,000 Euros, in line with the change in EU State Aid rules on 13 October that allowed an increase to 3m Euros an undertaking?**

On 13 October 2020 the European Commission (CION) announced further amendments to its State aid Temporary Framework - introducing a new measure enabling further support to companies facing a decline in turnover during the eligible period of at least 30% compared to the same period of 2019 due to the coronavirus outbreak. The support can be provided for up to 70% (90% in case of micro and small companies) of the beneficiaries' fixed costs that are not covered by their revenues or other specified sources, up to a maximum amount of EUR 3 million per undertaking. The aid under this measure cannot be cumulated with other aid for the same eligible costs and is subject to further conditions set out in the Temporary Framework. The U.K. Government has notified the CION of its intention to use the new provision and must await approval from the CION to do so. The Covid-19 Temporary Framework for UK Public Authorities will need to be amended before aid under this new measure may be provided. All Local Restrictions Support Grants guidance documents will be updated to reflect the new provisions if and when they are applied to the LRSR schemes once the U.K. Government has approval. See announcement: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_1872](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1872)

## Assurance / reporting

**56. What are the expectations for reporting back to central government? Could not returning all details risk grant repayments?**

Local Authorities will be required to report to BEIS on the fund. Reports will cover the number of businesses eligible for the scheme, the number of actual payments per restriction period and any issues encountered in implementing the scheme. Please refer to Annex A of the Guidance for full details of Post-Payment Reporting. The return will be completed using the DELTA reporting system. DELTA returns serve two main purposes:

- a. Local Authorities continue to have enough cash to pay grants to businesses;

- b. There is a huge amount of interest (including ministerial) in the performance of this scheme. We will be reporting this information to ministers on a regular basis.

**57. Will Local Authorities be expected to provide returns on a constituent basis?**

Local Authorities should organise their reporting such that returns on a constituency basis can be provided if required.

**58. When will LAs receive the Risk Assessment/Assurance Plan templates?**

Further advice on assurance will be provided shortly.