

URGENT DELEGATED DECISION

Date: 17 June 2020

Request to the Head of Paid Service to exercise delegated authority as per Responsibility of Functions in Part IV, page 28 of the Constitution.

“to determine any matter within the referred or delegated powers and duties of a committee / sub committee / board / working which is so urgent that a decision must be made before the next meeting of that committee / sub-committee / board / working group is due to be held.”

Limits on delegation: -

- Before making a decision using this delegated power, The Head of Paid Service shall consult with and take cognisance of the views of the Chairman (or in his absence the VC) of the relevant Committee / Sub-Committee etc; and
- Any decision taken by the Head of Paid Service under this delegated power shall be reported to Members within five working days of the decision taken.
- During the COVID-19 Pandemic we have also committed to consult with the Leader of the Opposition on such

Usual Decision Maker: -

This decision would have been taken by Prosperous Communities Committee / Corporate Policy and Resources Committee.

This decision needs to be made and implementation commence, before these Committees are due to meet.

The decision is in response to changing Governance guidance and announcements relating to the easing of lockdown measures and economic recovery phases

Call-in does not apply.

Background

The background to this decision is as detailed in the report titled **“Local Authority Discretionary Grants Fund - Revision”** which is appended to this decision.

Reason for Urgency and Rationale for use of urgent Delegated Decision

In light of the current COVID 19 situation, and in response to changing Governance announcements and packages to support business affected by the COVID-19 Lockdown measures.

The UK government, in support of businesses affected by the covid-19 lockdown measures, has created a Local Authority Discretionary Grants Fund, West Lindsey's share has been confirmed as a minimum allocation of £927,500

The Local Authority Discretionary Grants Fund is an additional fund and is aimed at small businesses who were not eligible for the Small Business Grant Fund or the Retail, Leisure and Hospitality Fund and who are struggling to survive due to the Coronavirus shutdown but are unable to access other grant funding.

A urgent decision was taken on [29 May](#) to allow for the Local Authority Discretionary Grants Fund Policy to be approved in order that businesses could begin to apply for the funding as a matter of urgency.

Having been in operation for just over two weeks, a further urgent decision is required to amend the criteria, ensuring that any funding available is disseminated amongst the local business community where needed as swiftly as possible rather than being unspent and returned to Government

The full rationale for the decision, the amendments to the scheme and the revised criteria is contained within the report which is appended.

Financial Detail and Implications

DD/4/21/TJB

Full financial details and implications are contained within the appended report.

Notes of Consultation Relevant to the Decision

There was common consensus that as this was a discretionary Fund flexibility and ensuring businesses could be supported was paramount.

Having heard how the changes would capture some business currently excluded, or would offer greater help to those already deemed eligible, ensuring more of the funding was allocated as opposed being returned to Central Government was fully supported. Take up levels were shared and individual cases were shared by way of example of the types of issues some businesses were facing.

Through the consultation meeting, assurance was sought and received that on-going publicity of the scheme would be undertaken and the process would be as simple as possible for applicants.

It was also re-affirmed that those business not eligible were being captured. In referencing up take of eligible village halls the Assistant Director of Planning and Regeneration

undertook to share with the two Group Leaders **those village halls, eligible, but who had not yet approached the Council for assistance.**

Decision

That the proposed revision to the West Lindsey District Council Local Authority Discretionary Grants Fund Policy be approved.

Namely : -

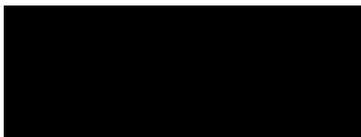
- 1) Category 1: raise the level of funding to £25,000 (in line with the scheme 1 Retail, Leisure and Hospitality fund for larger premises)**
- 2) Category 2: raise the rateable value limit from £20,000 to £49,999. Grant level remains at £10,000.**
- 3) Category 3: raise the rent, mortgage or rateable value limit from £15,000 to £51,000 and increase the grant level to £5,000.**

The Full Amended Policy is also attached to this decision.



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Ian Knowles
Head of Paid Service

As the Chairman of the Corporate Policy and Resources Committee I have been fully consulted on this matter



.....
Leader of the Council

As the Chairman of the Prosperous Communities Committee I have been fully consulted on this matter



.....
Chairman of the Prosperous Communities Committee

As the Leader of the Opposition I have been fully consulted on this matter



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Leader of the Opposition.

Date all Members were notified of the decision: 19 June 2020



**Head of Paid Service
Delegated Decision**

DATE TBC

Subject: Local Authority Discretionary Grants Fund - Revision

Report by:	Ian Knowles
Contact Officer:	Sally Grindrod-Smith Assistant Director Planning and Regeneration 01427 676637 sally.grindrod-smith@west-lindsey.gov.uk
Purpose / Summary:	To set out a revision to the West Lindsey District Council Local Authority Discretionary Grants Fund Policy.

RECOMMENDATION(S):

- 1. That the proposed revision to the West Lindsey District Council Local Authority Discretionary Grants Fund Policy is approved.**

IMPLICATIONS

Legal: Local authorities are responsible for the delivery of grants to eligible businesses. Section 1 of the Localism Act 2011 provides all local authorities with the views to make these payments.

(N.B.) Where there are legal implications the report MUST be seen by the MO

Financial : DD/4/21/TJB

The revision can be made within the original financial approvals.

The UK government, in support of businesses affected by the covid-19 lockdown measures, has created a Local Authority Discretionary Grants Fund, West Lindsey's share has been confirmed as a minimum allocation of £927,500.

The Government has requested that we utilise unallocated funds from the Small Business Rate and Retail Hospitality and Leisure Business Support Scheme rather than issuing additional grant funds, our current remaining balance being circa £3m.

A New Burdens Grant is expected to support the administration of the grants and a record will be retained to capture the number of officer hours utilised and other associated costs.

Staffing : There are staffing implications of the delivery of this grant. It has been agreed by Management Team that staff from across service areas will come together to deliver this fund, as they did with the Small Business Grant Fund and Retail Leisure and Hospitality Fund. It is anticipated that this is a short term redeployment requirement will be kept under review.

Equality and Diversity including Human Rights : Accessibility of the scheme has been considered and with experience of delivery of the first grant scheme we anticipate that support may be needed from some businesses to access and complete the application. In order to provide this support we have two members of the team ready to deal with telephone questions, queries and requests for support and one member of the team who will specifically monitor the 'Growth' email in box.

Data Protection Implications: The management of sensitive data through this process has been considered through the application process. Data will not be used for purposes other than the delivery of this grant and the application form addresses our data protection policy.

Climate Related Risks and Opportunities: None

Section 17 Crime and Disorder Considerations: It has been evidenced that schemes such as these could be abused by fraudulent claims. The Council will introduce an appropriate level of due diligence prior to any payments being made. Any identified cases of Fraud will be reported to the Action Fraud Team for investigation and recourse.

Health Implications: Experience in administering the first scheme raised a significant well-being issue for the team delivering the grant. The issue was two-fold, firstly many ineligible businesses were very unhappy, often angry, aggressive and rude to team members on the phone. This was compounded by significant volumes of calls and emails which overwhelmed our capacity. Secondly, businesses were often in distress, making provision of signposting a challenge to the team.

It is anticipated that similar challenges may occur with this grant fund. In order to support our team we have devised clear roles around answering of phones and mail box queries. We have made the guidance and process as explicit and clear for applicants as possible. We will be realistic with our customers around response times should it be required. We will meet regularly as a team, likely to be daily, to deal with difficult cases together and provide support. It is worth noting that there has been no break from administering the first scheme to the launch of the new scheme and this could further compound our well-being challenge. This will be kept under regular review and is a concern that is shared across the regional geography and has been raised with colleagues in BEIS.

In terms of support to businesses, we have established a safeguarding procedure with our safeguarding lead should there be any issues we feel require further action. We will also have clear signposting to further advice and guidance through Business Lincolnshire Growth Hub.

Title and Location of any Background Papers used in the preparation of this report :

[West Lindsey District Council Local Authority Discretionary Grants Fund Policy version 2.](#)

Risk Assessment :

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

Introduction

1. The Head of Paid Service took an urgent decision to approve the West Lindsey District Council Discretionary Grant Fund Policy on 29th May 2020.
2. The Discretionary Grant Fund Scheme went live on 1st June 2020. To date there have been 99 applications, if all applications were eligible, 37% of funds would be defrayed.
3. An initial closing and review date of 12th June was proposed and has now passed. Demand for the scheme has not been as significant as initially anticipated. This picture is replicated across the region with applications of a similar level being reported, albeit with the exception of East Lindsey.
4. If the funds are not granted to businesses in West Lindsey, it is likely that the money will be returned to central Government.
5. Given a lower level of demand from businesses requiring support than initially anticipated, there is an opportunity to review the scope of the fund to increase the scope of eligibility and the level of support being provided.

Proposed Policy Amendment

6. Government guidance on eligibility for the scheme remains, and therefore the proposed amendments are set in this context.
7. Proposed amendments
 - 1) Category 1: raise the level of funding to £25,000 (in line with the scheme 1 Retail, Leisure and Hospitality fund for larger premises)
 - 2) Category 2: raise the rateable value limit from £20,000 to £49,999. Grant level remains at £10,000.
 - 3) Category 3: raise the rent, mortgage or rateable value limit from £15,000 to £51,000 and increase the grant level to £5,000.
8. The proposed amendments will enable a number of businesses deemed ineligible for both scheme one and the discretionary fund to be deemed eligible subject to meeting the wider eligibility criteria.
9. The increased grant level for businesses in categories one and three is reflective of the loss of income evidenced in the 99 applications received to date.
10. It is difficult to quantify the number of businesses that this expanded scope will apply to due to the range of eligibility criteria in place. The scheme will continue to be managed on a first come first served basis.

11. At present BEIS have not published a scheme closure date so we will continue with further communications and marketing to ensure as many businesses as possible receive grant support.

About this guidance

1. This guidance is intended to set out to businesses operating in West Lindsey District the criteria which West Lindsey District Council will use when administering the Local Authority Discretionary Grants Fund.
2. All information relating to this fund will be published on the West Lindsey District Council website at the following link <https://www.west-lindsey.gov.uk/coronavirus/coronavirus-support-for-businesses/>
3. Any enquiries about the guidance should be directed to growth@west-lindsey.gov.uk

Introduction

4. In response to the Coronavirus, Covid-19, the government provided support for small businesses and business in the retail, hospitality and leisure sectors through the Small Business Grant Fund and the Retail, Leisure and Hospitality Grant Fund.
5. West Lindsey District Council provided rapid grant support to over 1434 businesses totalling in excess of £16.09 million in response to the pandemic.
6. This additional fund is aimed at small businesses who were not eligible for the Small Business Grant Fund or the Retail, Leisure and Hospitality Fund and who are struggling to survive due to the Coronavirus shutdown but are unable to access other grant funding.

How will the grants be provided?

7. West Lindsey District Council is responsible for delivering the grants to eligible businesses.
8. The total funding available through the Local Authority Discretionary Grants Fund in West Lindsey is £927,500. This has been set by the government allocation.
9. Eligible businesses will be paid by bank transfer.
10. Once the funds are fully committed the scheme will be closed.

Who will benefit from the Local Authority Discretionary Grants Fund?

11. A business must meet all of the criteria in points 12 to 20 below in order to be eligible to receive the grant funding.
12. This grant funding is for businesses that are not eligible for other support schemes. Businesses which have received cash grants from any central government COVID-19 related scheme are ineligible for funding from the Discretionary Grants Fund. Such schemes include but are not limited to:
 - Small Business Grant Fund
 - Retail, Hospitality and Leisure Grant
 - The Fisheries Response Fund
 - Domestic Seafood Supply Scheme
 - The Zoos Support Fund
 - The Dairy Hardship Fund
13. Only businesses which were trading on 11th March 2020 are eligible for this scheme.
14. Companies that are in administration, are insolvent or where a striking-off notice has been made are not eligible for funding under this scheme.
15. Small and micro businesses, as defined in Section 33 Part 2 of the Small Business, Enterprise and Employment Act 2015 and the Companies Act 2006.
16. Businesses with 'relatively' high ongoing fixed business related costs
17. Businesses which can demonstrate that they have suffered a 'significant' fall in income due to the Covid-19 crisis.
18. Businesses must demonstrate that they meet the State Aid requirements.
19. Relatively high fixed business costs for the purpose of this scheme are defined as mortgage, rent, unmitigated rates), equipment (lease, HP, capital repayments) and insurance combined accounting for more than 30% of business turnover prior to Covid19.
20. A significant fall in income for the purposes of this scheme is defined as a 30% or more reduction in cumulative business turnover, either compared to same period last year or compared to projections **if** the business does not have a trading history.

21. Businesses who have applied for the Coronavirus Job retention Scheme are eligible to apply for this scheme.
22. Businesses who have received Self Employment Income Support are eligible to apply for this scheme.

West Lindsey District Council Discretion

23. In order to maximise the economic impact of the Discretionary Business Grant Fund, **only** businesses in the following three categories, in addition to the above criteria are considered to be eligible for grant funding.
24. Category One: Businesses in Retail, Hospitality and Leisure (see glossary for definition) that were registered for business rates and in occupation of the same premises on 11th March 2020 with a rateable value between £51,250 and £79,500.
25. Category Two: Businesses which are registered for business rates and in occupation of the same premises on 11th March 2020 with a rateable value of between £15,001 and £49,999.
26. Category Three: Businesses which on 11th March 2020 occupied a premises, or part of a premises, with a rateable value or annual rent or annual mortgage payment below £51,000.
27. For categories one and two, the business rates account will be deemed final as of 11th March 2020. Any application where the applicant informed business rates of a change of premises or made an application to register the premises after 11th March 2020, regardless of the reason for the change, will be deemed ineligible.
28. Businesses are only able to claim one grant under the Local Authority Discretionary Grants scheme regardless of how many properties they may occupy.
29. The decision of the Council is final and there is no recourse to appeal.

How much funding will be provided to businesses?

30. Although we would like to support all local businesses, the amount of funding is limited and the scheme is designed to support those who were ineligible for the Small Business Grant Fund or Retail, Leisure and Hospitality Fund.
31. In order to support as many businesses as possible, but still maintaining a level of grant that will have significant impact on the businesses ability to recover, the grant levels are set as follows:
32. Category One businesses in the Retail, Leisure and Hospitality sector, which as of 11th March 2020 were registered for business rates at the occupied premises and are still occupying the premises, with a rateable value of £51,250 to £79,500 will receive £25,000 of grant.
33. Category Two businesses, which as of 11th March 2020 were registered for business rates at the occupied premises and are still occupying the premises, and have a rateable value of £15,001 to £20,000 will receive £10,000 of grant.
34. Category Three businesses which as of 11th March 2020 occupied and are still occupying, a property, or part of a property with a rateable value, annual rent or annual mortgage of less than £15,000 will receive £5,000 of grant.
35. We expect those businesses highlighted by the Governments announcement of this fund on 1st May 2020 to fit into category three. These businesses are:
- Small businesses in shared offices or other flexible workspaces
 - Regular market traders with fixed building costs
 - Bed and Breakfasts
 - Charity properties in receipt of charitable business rates relief which would otherwise have been eligible for Small Business Rates Relief or Rural Rate Relief.
36. However they must also meet **all** remaining eligibility criteria as set out in points 12-20 above to qualify for grant support.

Will the Local Authority Discretionary Grant Fund be subject to tax?

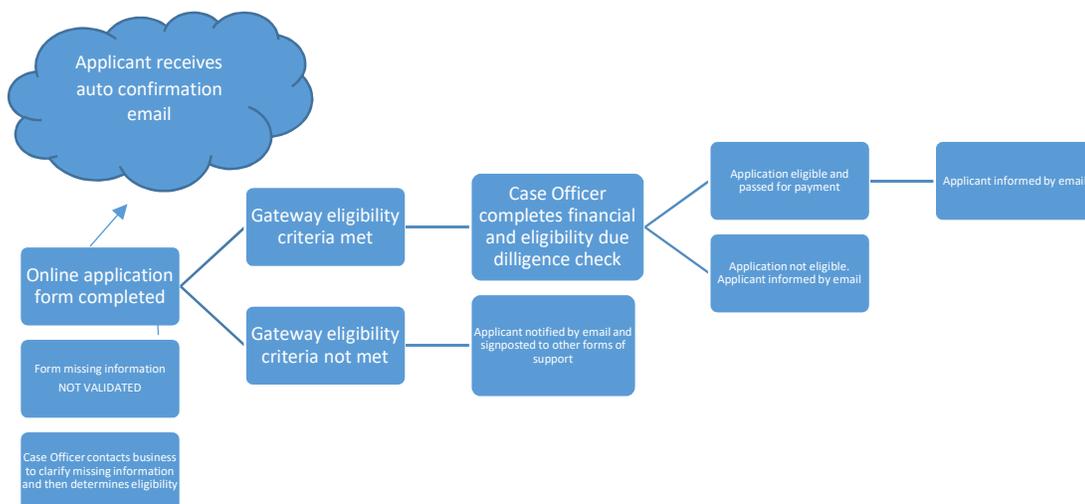
37. Grant income received by a business is taxable therefore funding paid under the Local Authority Discretionary Grants Fund will be subject to tax.

What will the process be for a business to access the Local Authority Discretionary Grants Fund?

38. The application form and guidance will be available on the WLDC website at the link set out in paragraph 2 with effect from 1st June 2020. The scheme will close to new applications on 12th June 2020 **or** sooner should the total allocation be committed. The closing date will be extended if the fund is not fully committed at this point.
39. WLDC reserve the right to close the fund at any point and will keep it under review.
40. The following gateway questions will need to be answered in order to access the full application form. Only businesses that can answer **yes** to **all** of the questions are eligible to apply to the Local Authority Discretionary Grants Fund:
- Your business fits into either category one, two or three, where appropriate is registered for business rates and you can evidence this
 - Your business was trading on the 11th March 2020, is not in administration, is still in your ownership and occupies a property in West Lindsey
 - Your business employs between 1 and 50 people and turns over less than £10.2m a year and meets the definition of a small or micro business.
 - Your business can provide evidence of the fixed business related costs that it incurs
 - Your business can demonstrate that it has suffered significant reduction in income as a result of the COVID-19 shutdown
 - Your business has not received any COVID-19 related grants (except Self Employment Income Support).
41. If you answer **No** to any of the questions above, unfortunately you are not eligible for the Local Authority Discretionary Grants Fund. Please see the link on our website for access to further support.
42. If you are able to answer **Yes** to **all** of the above questions you will then need to make a full application and provide the following information. Please have this to hand when making your application. Any missing information will mean that your application is not validated. This will likely result in a significant delay in processing your application and the remaining funds for the scheme may be allocated while your application is awaiting validation. West Lindsey District Council will not be responsible for incomplete applications.

1. Business name & trading address
2. The name and position of the person applying for the grant with contact details including mobile number and email address
3. Business Rates Account Reference if applicable
4. Business Bank Account Sort Code and Account Number
5. Date business established
6. Number of employees FT/PT
7. Legal Status: Limited Co, Registered Charity, Sole Trader, Other
8. If incorporated: Companies House Number
9. Is your business defined as a small or micro business? (see glossary for definition)
10. A brief summary (no more than 100 words) of your main business activity
11. Has your business applied for any other COVID-19 related support? If yes provide details.
12. Confirmation that the business was trading as at 11th March 2020 and is still in your ownership
13. Provide an explanation (no more than 300 words) of how Covid-19 has negatively impacted on your business.
14. Attach evidence (as set out in the glossary) to demonstrate a significant fall in income since Covid -19
15. Provide a breakdown and evidence (as set out in the glossary) of your average annual fixed business costs prior to Covid-19.
16. State Aid Declaration
17. Declaration to confirm all information provided is accurate

43. The diagram below sets out the process for determining the Local Authority Discretionary Fund based on the information provided by businesses in the application form.



44. For an application to be validated it must contain all necessary information. If an application is not complete and is awaiting further information, the scheme may be fully committed whilst this takes place. Funding may not be available and is not guaranteed even when the validation process is satisfied. Therefore it is imperative that all information is provided at point of submission.

State Aid

45. Private sector organisations must be aware of State aid rules. This is to avoid any unintentional failure of compliance with all the terms of a particular State aid exemption and to avoid any potential claw back of funds. It is the responsibility of the organisations receiving the State Aid to report on any other aid that they have previously received via a public source. Failure to advise of a grant or exemption from a cost otherwise due could lead to the claw back of the funds, plus interest.

46. State Aid can occur whenever State resources are used to provide assistance that gives organisations an advantage over others. The United Kingdom left the EU on 31st January 2020, nonetheless under the Withdrawal Agreement the State aid rules continue to apply during a transition period, subject to regulation by the EU Commission.

47. West Lindsey District Council has discretion to make payments to eligible recipients under either the De Minimis rules or the COVID-19 Temporary Framework for UK Authorities, provided all relevant conditions are met.

48. Payments of up to and including £10,000 can be provided under the De Minimis rules, meaning applicants can receive up to €200,000 of aid within a three year period.

49. Payments of up to and including £10,000 (or where the De Minimis threshold has been reached) should be paid under the COVID-19 Temporary Framework for UK Authorities. The threshold per undertaking is €800,000 and the applicant must confirm that they are not an 'undertaking in difficulty' on 31st December 2019.

50. The application process will require you to complete a state aid declaration.

Managing the risk of fraud

51. West Lindsey District Council will not accept deliberate manipulation and fraud – and any business caught falsifying their records to gain grant money will face prosecution and any funding issued will be subject to claw back, as may any grants paid in error.

52. The governments Grant Management and Counter Fraud digital assurance tool, Spotlight, will be used to check pre-payment and post-payment compliance.

53. By signing the final declaration of the application form you are confirming that all information provided is a true and accurate record.

Appendix 1: Glossary

Terminology	Definition	Evidence if required
COVID-19 related grant funds	Including but not exclusively: <ul style="list-style-type: none"> ➤ Small Business Grant Fund ➤ Retail, Hospitality and Leisure Grant ➤ The Fisheries Response Fund ➤ Domestic Seafood Supply Scheme ➤ The Zoos Support Fund ➤ The Dairy Hardship Fund 	Self-declaration – subject to due diligence
Trading	Open for business on 11 th March 2020 and business still trading from same premises, in same ownership.	Self-declaration – subject to due diligence
Small and micro businesses	As defined in Section 33 Part 2 of the Small Business, Enterprise and Employment Act 2015 and the Companies Act 2006.	Self-declaration – subject to due diligence
Relatively high fixed business costs	Mortgage, rent, unmitigated rates, equipment hire costs for fixed good (lease, HP, capital repayments) and insurance combined are greater than 30% of turnover. This does not include fixed staff costs.	Businesses to complete fixed business costs section and self-certify fixed property costs including provision of relevant evidence e.g mortgage statement, lease agreements.
Significant fall in income due to Covid-19	Greater than a 30% reduction in cumulative turnover either compared to same period last year or compared to projections if the business does not have a trading history	Businesses to provide breakdown of income for March to May 2019 and March to May 2020 including supporting evidence e.g bank statements or forecast information for businesses with no trading history.
State Aid	As defined in Local Authority Discretionary Guidance V2 (22/05/2020) available https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-business-support-grant-funding	Self declaration – subject to pre payment due diligence
Retail, Leisure and Hospitality business	As defined in Expanded Retail Discount guidance available https://www.gov.uk/government/publications/business-rates-retail-discount-guidance	Self declaration – subject to due diligence
Registered for business rates	Business registered to pay business rates in WLDC on 11 th March 2020 at the property in question.	
Balance sheet total	Defined in the Finance Act 2016 as the aggregate of the amounts shown as assets in a company's balance sheet at the end of the financial year	Management Accounts

