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EXECUTIVE DECISION RECORD

A1 Service Area	Revenues, Benefits & Customer Contacts
A2 Title	Local Authority Discretionary Grant Fund
A3 Decision Taken By	Leader/Chief Executive/Chief Officer
A4 Chief Executive / Chief Officer	Please print names: Andy O'Brien / Sal Khan Please sign names: Approved by email on 290520
A5 Leader / Deputy Leader	Please print name: Cllr D Goodfellow Please sign name: Approved by email on 260520
A6 Date of Decision	[]

Confidentiality

A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?	No
A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.	Paragraph []

Scrutiny

A8 Which Scrutiny Committee should this decision be submitted to?	(Please tick as appropriate) ✓
Scrutiny (Audit & Value for Money Council Services) Committee	
Scrutiny (Community Regeneration, Environment and Health and Well Being) Committee	X

B1 What is the Decision?	To approve the criteria for the Council's Local Authority Discretionary Grant Fund scheme.
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<p>B2 What are the reasons for the Decision?</p>	<p>The Government announced a discretionary scheme on 2nd May 2020, to enable Local Authorities to primarily support local small and micro businesses who don't pay business rates but have been significantly affected by the COVID-19 pandemic.</p> <p>Guidance for the scheme was issued on 13th May 2020 and identified which types of businesses local authorities are expected to support, and the criteria successful applicants have to meet.</p> <p>The Government is allowing all Local Authorities to use a set amount from the Small Business and Retail, Hospitality & Leisure grant funding issued in early April to support these businesses. That amount is based on the numbers of business ratepayers eligible for those grants in East Staffordshire as at 4th May 2020.</p> <p>The allocation for East Staffordshire amounts to £1,190,000</p> <p>The Government has stated that Local Authorities are allowed three 'tiers' of grant in their schemes: £25,000, £10,000 and any amount up to £10,000 that the Local Authority decides fits its local area.</p> <p>The scheme is primarily for businesses that do not pay business rates and are unable to get other grant funding. The Government has stated that all of the following criteria must be met in order for a grant payment to be made:</p> <ul style="list-style-type: none"> • Small businesses with less than 50 staff and micro businesses with less than 10 staff • With high fixed property-related costs • That can demonstrate they have suffered a significant fall in income due to COVID-19 • Occupy a property or part of a property with a rateable value/annual mortgage/rent below £51k <p>In its guidance, the Government wants Local Authorities to prioritise four particular types of business:</p> <ul style="list-style-type: none"> • Small/micro businesses (as defined in Government guidance) in shared offices/workspaces that don't have their own business rates assessments; • Regular Market Traders who do not have their own business rates assessment;
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- Bed & Breakfast businesses that pay Council Tax instead of business rates;
- Charities that get Charitable Relief instead of Small Business Rate Relief or Rural Rate Relief.

It has been agreed that due to the amount of funding available to the Council, a flat rate grant of £5,000 be awarded to businesses in East Staffordshire that successfully apply for the grant, having met all the relevant criteria. This will enable the Council to support 238 East Staffordshire businesses. In addition, it has been agreed to further clarify which businesses in East Staffordshire will be eligible under those headings:

- Fixed property costs does not include property costs for the applicant's residence, therefore homeworkers are excluded from applying for the grant.
- Outdoor Market Traders and Street Traders must have fixed property related to their trading in East Staffordshire.
- Bed and Breakfast businesses that are located in East Staffordshire. This does not include 'Air BnB' businesses.
- Charities relates to charities trading in East Staffordshire that are not part of, associated with or affiliated to any other Charities, including national Charities.

Businesses that are eligible for other Covid-19 grant funds are not eligible to apply for this discretionary grant.

There will be a short window for applications of 10 days and applications received in that window will be processed on a first come, first served basis.

Applications for this window will be invited from the four priority business types outlined in the Government guidance and referred to earlier in this document. Once these applications have been processed should there be any grant funding left unspent it has been agreed that the Head of Service will review the criteria of the funding, with approval from the Chief Executive, Leader and Deputy Leader. This may then enable the Council to invite further applications from other businesses not in the original criteria and award further grants to meet the full funding.

Once the funding has been spent, no further grant awards will be made unless Government gives permission for the Council to do so.

	<p>There is no right of appeal against the Council's decision to refuse a grant, other than via Judicial Review. However, it has been agreed that where an applicant disagrees with the Council's decision to refuse a grant, a review of that decision will be conducted by the Shared Service Centre Manager/Revenues Team Leader. Their decision will be final.</p> <p>The contractor that maintains the Council's Council Tax Reduction scheme and Business Rate Relief scheme is currently drafting a document detailing the Council's Discretionary Grant scheme to ensure it meets all legislative requirements.</p>
B3 What are the contributions to Corporate Priorities?	As this scheme is discretionary and the Council has a finite amount of funding available to support businesses within the scope of the scheme, it contributes to the priority 'Value for Money Council Services'.
B4 What are the Human Rights considerations?	There are no Human Rights issues arising from this decision.

Financial Implications

B5 What are the financial implications?	<p>The main financial issues arising from this decision are as follows:</p> <p>There is a finite amount of funding available to the Council. It has been agreed that there will be one level of grant, payable at £5,000 for each successful applicant for the grant. This will enable the Council to support 238 businesses in East Staffordshire who do not currently pay business rates.</p> <p>The scheme is funded by the Government under Section 31 of the Local Government Finance Act 2003.</p>
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Revenue	2020/21
5% uplift of hereditaments in scope of Small Business and Retail, Hospitality & Leisure Grant funding as at 4 th May 2020	£1,190,000

<p>The finance section has been approved by the following member of the Financial Management Unit:</p>	<p>Please print name: Anya Murray</p> <p>Please sign name: Approval by email 220520</p>
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Policy Framework

B6 Is the Decision wholly in accordance with the Council's policy framework?	Yes
B6.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B6.2 Has it got the appropriate approvals under those provisions?	NA
B7 Is the Decision wholly in accordance with the Council's budget?	Yes
B7.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B7.2 Has it got the appropriate approvals under those provisions?	NA

Equalities Implications

B8 What are the Equalities implications:
B8.1 Positive (Opportunities/Benefits): The Council is able to support more businesses in East Staffordshire who are not able to apply for any other grant funding.
B8.2 Negative (Threats): The funding is finite and limited numbers of businesses will have a successful application. We do not know the numbers of small/micro businesses likely to apply for this funding as they do not pay business rates.
B8.3 The subject of this decision is a policy, strategy, function or service that is new or being revised. An equality impact assessment is being completed.
B8.4 [The equality impact assessment identified the following actions to be carried out:] NA

Risk Assessment

B9 What are the Risk Assessment implications:
B9.1 Positive (Opportunities/Benefits): The impact to business ratepayers and the Council is low, as the scheme is fully funded by the Government.
B9.2 Negative (Threats):
B9.3 The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

Legal Considerations

B10 What are the Legal Considerations:
B10.1 The main legal issues arising from this decision are as follows: Section 31 Local Government Finance Act 2003 Section 33 Part 2 of the Small Business Enterprise and Employment Act 2015 Companies Act 2006

This section has been approved by the following member of the Legal Team:

Please print name:
Angela Wakefield, Solicitor to the Council

Please sign name: [Approved by email 220520](#)

Sustainability Implications

B11 What are the Sustainability implications:
B11.1 The proposal would not result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures). The positive/negative impacts are set out below (please refer to guidance notes).
B11.2 Positive (Opportunities/Benefits): NA
B11.3 Negative (Threats): NA

Health & Safety Implications

B12 What are the Health & Safety implications:
B12.1 A Risk Assessment has not been carried out and entered into Safety Media for all significant hazards and risks because there are no significant hazards or risks arising from this decision.
B12.2 Any financial implications to mitigate against these hazards and risks are considered above.
B12.3 [Control measures and an action plan have been identified for any significant hazards and risks identified in the risk assessment. The positive/negative impacts are set out below] NA
B12.3.1 Positive (Benefits) NA
B12.3.2 Negative (Threats) NA

Key Decision

B13 Is this a Key Decision?	No
<p>Note: A Key Executive Decision is one where:</p> <ol style="list-style-type: none"> 1. REVENUE – Any contract or proposal with an annual payment or saving of more than £100,000 2. CAPITAL – Any capital project with a value in excess of £150,000 3. A decision which significantly affects communities living or working in an area comprising two or more wards. 	
B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?	NA
B13.2 If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?	NA

NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.

Please send the original signed document to andrea.davies@eaststaffsbc.gov.uk