

Public Document Pack

EMERGENCY DELEGATED NON EXECUTIVE DECISION

To the Chief Executive to take such action on behalf of the Council as appears to him/her necessary in circumstances that prevent obtaining the necessary authority from an appropriate committee following consultation with the Leader of the Council or the Chairman of the committee concerned. Where the Chief Executive is acting in an emergency and it involves spending outside any budgetary provision, then any expenditure must be reported to Full Council at the first available opportunity. (In accordance with Part 3 of the Councils Constitution 3. (B 1) (1.1) Scheme of Delegation to Officers specific delegation to the Chief Executive.)

South Lakeland District Council Emergency Non-Executive Decision Local Restrictions Support Grants (Closed)

Date: 13/11/2020	Reference: 016
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Reason for emergency

The announcement of the Local Restrictions Support Grant (Closed) and the time line expected by Government in the delivery of that grant do now allow the Council to delay a decision until the next Full Council. It is therefore considered necessary in these circumstances and following consultation with the Leader of the Council or the Chairman of the committee concerned.

Where the Chief Executive is acting in an emergency and it involves spending outside any budgetary provision, then any expenditure must be reported to Full Council at the first available opportunity (in accordance with Part 3 of the Councils Constitution 3. (B 1) (1.1) Scheme of Delegation to Officers specific delegation to the Chief Executive.)

The decision is required to be taken due to the Government's recent announcement for a new package of financial support grants for businesses that will be administered by local authorities to pay the grants in response to the second national lockdown. Funding will be provided by the Government for the new grants. The Government have requested the grants are processed and paid as soon as possible, with the funding expected to be paid in early November 2020.

Portfolio: Finance and Resources Portfolio Holder
Decision Maker: Chief Executive
Report Author: Gareth Candlin – Operational Lead (Specialist Services)
Ruth Leahy – Specialist (Economy and Culture)
Wards: All

1.0 Expected Outcome

1.1 The South Lakeland business community will be supported at this time through the administering of grants for eligible businesses.

1.2 Please see Appendix A and associated Delegated Executive Decision for full details of these schemes.

2.0 Proposed Decision

2.1 It is recommended that the Chief Executive approves:

- (1) **Appropriate budgets be established outside the approved budget and policy framework to receive the monies and distribute funds to businesses as per Government guidance relating to the Local Restrictions Support Grants (Closed)**

Appendices Attached to this Report

Appendix No.	Name of Appendix
A	Emergency Delegated Executive Decision: Local Restrictions Support Grants (Closed) and Additional Restrictions Grant [insert date] November 2020

Approved by:	Signature and Date
Chief Executive	13/11/2020
In consultation with	
The Chairman of the Council	13/11/2020

APPENDIX A

EMERGENCY DELEGATED EXECUTIVE DECISION

In accordance with the Leaders decision and noted by Cabinet on 25/03/2020 to delegate to the Chief Executive any executive decision in this COVID 19 Global pandemic emergency or that is urgent or that would be necessary or expedient, or which would otherwise protect the Council's interests, including key decisions.

South Lakeland District Council Emergency Delegated Executive Decision Local Restrictions Support Grants (Closed)

Date: 13/11/2020

Reference: 011

Reason for emergency

The Chief Executive received emergency delegated executive decision making powers on the 25th March 2020. It is considered that this decision is necessary or arises from the global COVID-19 pandemic.

The matter is urgent, necessary and expedient and is needed to protect the Council's interests.

The decision is required to be taken due to the Government's recent announcement for a new package of financial support grants for businesses that will be administered by local authorities. Funding will be provided by the Government for the new support grants for businesses due the announcement of a second national lockdown. The Government have requested the grants are processed and paid as soon as possible, with the funding expected to be paid to the Council by 13th November 2020. It is expected that the payment of grants will ease financial pressures for eligible businesses.

Due to the timing of the receipt of the Government Guidance (announced 30th October 2020) and the date of the next Cabinet meeting being on 25th November 2020, we require an emergency decision.

Portfolio: Finance and Resources Portfolio Holder

Decision Maker: Chief Executive

Report Author: Gareth Candlin – Operational Lead (Specialist Services)
Ruth Leahy – Specialist (Economy and Culture)

Wards: All

Forward Plan: Exemption from publication requirements / Forward Plan (key decision) requirements and call in obtained

1.0 Reasons for Proposed Decision and Expected Outcome

1.1 Due to the second national lockdown announced on 30th October 2020 and planned between 5th November 2020 and 2nd December 2020 with the possibility of the UK

Government extending the lockdown beyond this date dependent on the Coronavirus infection rate. We require a process and policy regarding the administration of the grants.

- 1.2 Many businesses have been mandated to close which will have a severe impact on businesses who will see a significant reduction in income as a result of new national restrictions.
- 1.3 The Local Restrictions Support Grants (Closed) **LRSB (C)** has been announced by Government to businesses who have had to close or who will be significantly impacted by the lockdown (supply chain businesses etc)
- 1.4 South Lakeland District Council has been granted **£6,746,544** for Local Restrictions Support Grants (Closed) from Government to distribute to eligible businesses under this scheme.
- 1.5 The LRSB grant scheme follows the Government-funded Small Business Grant Fund (SBGF) Retail, Hospitality and Leisure Grant Fund, (RHLGF), Local Authority Discretionary Grant Fund (LADGF) that were administered by local authorities following the first national lockdown in March 2020.
- 1.6 SLDC will distribute grant funding to eligible businesses through an online application and validation process, used in the aforementioned grant schemes. There will be a fasttrack process for businesses that applied last time.
- 1.7 It is expected that the payment of grants will ease financial pressures for eligible businesses. This decision will contribute significantly in assisting businesses during COVID-19, helping with job retention and business viability in difficult circumstances and avoiding economic collapse by giving additional resources to businesses with properties within the district.

2.0 Proposed Decision

2.1 It is recommended that the Chief Executive:-

- (1) **Approve the Local Restrictions Support Grants (Closed)**
- (2) **That a non-executive emergency decision is taken to confirm appropriate budgets be established outside the approved budget and policy framework to receive the grant funding and distribute funds as per Government guidance; and**
- (3) **Agree to delegate the identification, determination and payment of the grants in accordance with the scheme (see Appendix 1) to qualifying businesses to the Operational Lead for Specialist Services.**
- (4) **Delegates to the Operational Lead for Specialist Services, in consultation with the Portfolio Holder for Finance and Resources, authority to make any amends to the LRSB(C) to reflect future changes in Government guidance.**

Review Date:	31 March 2021
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3.0 Background and Proposals

- 3.1 The government has announced Local Restrictions Support Grants (Closed) **LRSB (C)** to be targeted at businesses with rateable values that have been forced to close for the duration of the national lockdown.

The grant levels apply to LRSG (Closed) as follows:

- Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £15,000 or under on the date of the commencement of the widespread national restrictions will receive a payment of £1,334 per 28-day qualifying restriction period.
- Businesses occupying hereditaments appearing on the local rating list with a rateable value over £15,000 and less than £51,000 on the date of the commencement of the widespread national restrictions will receive a payment of £2,000 per 28-day qualifying restriction period.
- Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £51,000 or above on the commencement date of the widespread national restrictions, will receive £3,000 per 28-day qualifying restriction period.

During the lockdown, a single grant to cover the four-week period will be paid to each eligible business. The grant amounts will be fixed. Businesses with more than one qualifying property will receive more than one grant.

3.2 Please see Appendix 1 for the South Lakeland LRSG(C)

4.0 Consultation

4.1 A common and consistent approach has been agreed by all District Councils in Cumbria, allowing for specific references to business sectors within districts to support their own local economic make up.

4.2 A working group of officers including specialists and case managers have agreed the process for collecting information and administering payment of grants.

4.3 The Portfolio Holder for Finance and Resources, the Leader of the Council and Cabinet have been consulted on the detail of this decision and appended guidance.

5.0 Alternative Options

5.1 SLDC do not accept this funding: this would not comply with the request from Government and would not give critical support to businesses operating within South Lakeland, and therefore this is not a recommended option.

5.2 SLDC administer grants beyond the scheme set out by Government: this is not affordable for the Council, and therefore is not the recommended option.

6.0 Links to Council Priorities

6.1 Supporting our Economy: To aid job retention and business viability in difficult circumstances; avoiding economic collapse and enhancing the culture of the district by giving additional resources to businesses, including eligible cultural organisations, with properties within the district.

7.0 Implications

Financial, Resources and Procurement

7.1 The Government has made it clear that Councils can recover the additional cost incurred by the Council in administering this scheme.

7.2 The Government are funding the entirety of the scheme.

Human Resources

- 7.2 There are no direct human resources implications of this report. Staff from around the Council will assist in the processing of grant claims.

Legal

- 7.3 The Council has powers under the Localism Act 2011 to make these payments. Legal advice has been provided on the grants application form and the state aid implications. A separate non-executive decision will be taken to address the changes to the Budget and Policy Framework.

Health, Social, Economic and Environmental

- 7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No
- 7.5 If you have not completed an Impact Assessment, please explain your reasons: This has not been deemed as necessary in this instance. The impact of the scheme applies to businesses which are eligible within the district and is vital to prevent many small businesses becoming insolvent following Government required closure.
- 7.6 Summary of health, social, economic and environmental impacts: n/a

Equality and Diversity

- 7.7 Have you completed an Equality Impact Analysis? No
- 7.8 If you have not completed an Impact Assessment, please explain your reasons: This has not been deemed as necessary in this instance, this applies to all those with businesses which are entitled within the district.
- 7.9 Summary of equality and diversity impacts: n/a

Risk

Risk	Consequence	Controls required
Grants are not given in accordance with Government guidance	Government will not reimburse the Council for payments made outside the Government schemes	Grant applications will be verified to be compliant with Government guidance and business eligibility
Grants are given to fraudulent claimants	Grants are given to businesses or individuals that are not eligible	Verification has been built into the grant process including requesting sufficient evidence and using Government tools to avoid fraudulent claims
Grants are not issued promptly	Businesses will not receive financial assistance as set out by Government	Online portal developed for efficient application of grants, resource trained and in place to review and approve
Online application and verification processes to manage a multi-million pound scheme in just a few days in order to get grants paid to businesses with minimal delay	Reputational impact to the Council and delays to the processing of payments	Learning from previous scheme will significantly reduce risk. Robust process in place to expedite payments.

Contact Officers

Gareth Candlin, Operational Lead (Specialist Services)

01539 793382, gareth.candlin@southlakeland.gov.uk

Appendices Attached to this Report

Appendix No.	Name of Appendix
1	SLDC Local Restrictions Support Grant (Closed) LRSG(C) Scheme

Background Documents Available

Name of Background document	Where it is available
Local Restrictions Support Grants (Closed) (LRSG(C) guidance for local authorities	https://www.gov.uk/government/publications/local-restrictions-support-grants-lrsg-and-additional-restrictions-grant-arg-guidance-for-local-authorities
Approved by:	Signature and Date (or email confirmation)
Chief Executive	13/11/2020
Or such person as delegated by the Chief Executive in writing	n/a
In consultation with	
The Leader of the Council	13/11/2020
And Relevant Portfolio Holder	13/11/2020
CMT Directors	
The following interests were declared – disclosable pecuniary interest or other or none	n/a

<p><i>Due to COVID 19 and Government announcements, it has not been possible for this Key decision to be included in a Forward Plan at least 28 clear days before the decision was to be made. It is not possible to comply with the General Exemption procedure.</i></p> <p><i>In accordance with Part 4 of the Constitution - Rules of Procedure – Access to Information Rules – Paragraph 16, the Chairman of the Overview and Scrutiny Committee (Cllr Hughes) has agreed that the taking of the decision is urgent and could not reasonably be deferred because for the reasons outlined in this report and the timescales required to protect the public/business interest and to comply with Government advice.</i></p> <p><i>This being “special urgency”</i></p>	13/11/2020
<p><i>In accordance with Part 4 of the Constitution – Rules of Procedure – Overview and Scrutiny Procedure Rules - paragraph 16(j), the Chairman of the Council (Cllr Coleman) agrees that this decision is reasonable in all the circumstances and that it is treated as urgent for the reasons outlined above and, therefore, the decision is exempt from call-in.</i></p>	13/11/2020



South Lakeland District Council Local Restrictions Support Grant (Closed) Scheme

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Definitions

The following definitions are used within this document:

‘Additional Restrictions Grant (ARG)’ means the additional funding provided by Government. Funding will be made available to eligible Local Authorities at the point that national restrictions are imposed or at the point the Local Authority first entered LCAL 3 local restrictions;

‘COVID-19’ (coronavirus) means the infectious disease caused by the most recently discovered coronavirus;

‘Department for Business, Energy & Industrial Strategy (BEIS)’ means the Government department responsible for the scheme and guidance;

‘Effective date’ means, for eligibility of the grant, the date of the local restrictions or the date of widespread national restrictions. For the purpose of this scheme the date cannot be before 9th September 2020;

‘Hereditament(s)’ means the assessment defined within Section 64 of the Local Government Finance Act 1988;

‘In-person services’ means services which are wholly or mainly provided by the business to their customers face to face and which **cannot** be provided by other means such as online or remotely by telephone, email, video link, or written communication;

‘Local Covid Alert Level’ (LCAL) means the level of alert determined by Government and Local Authorities for the area. LCALs have three Tiers. Tier 1 (Medium): Tier 2 (High) and Tier 3 (Very High). For the purposes of these schemes the definitions used are LCAL1, LCAL2 and LCAL3.

‘Local lockdown’ means the same as **‘Local restrictions’**;

‘Local rating list’ means the list as defined by Section 41 of the Local Government Finance Act 1988

‘Local restrictions’; and **‘Localised restrictions’** means legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures;

‘Local Restrictions Support Grant Scheme (Closed)’ means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 9th September 2020, amended on 9th October 2020 and which is applicable to businesses forced to close under either LCAL3 or where national restrictions are in place;

‘Local Restrictions Support Grant Scheme (Closed) Addendum’ means the changes made to the Local Restrictions Support Grant Scheme (Closed) due to widespread nationwide restrictions;

Local Restrictions Support Grant Scheme (Open)’ means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 22nd October 2020 and which is applicable to businesses that are still open but severely impacted by the restrictions imposed by LCAL2 and LCAL3;

Local Restrictions Support Grant Scheme (Sector)’ means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 9th October 2020 (effective from 1st November) and which is applicable to businesses that have been required to close on a national basis since 23rd March 2020 due to restrictions being put in place to manage coronavirus;

‘Rateable value’ means the rateable value for the hereditament shown in the Council’s local rating list at the date of the local restrictions;

‘Ratepayer’ means the person who will receive the grant will be the person who, according to the Council’s records, was the ratepayer liable for occupied rates in respect of the hereditament at the date of the local restrictions;

‘State Aid Framework’ means the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020; and

‘Temporary Framework for State aid’ means the same as the **‘State Aid Framework’**.

1.0 Purpose of the Scheme and background.

- 1.1 The purpose of this document is to determine eligibility for a payment under the Council's Local Restrictions Support Grant Scheme (Closed). It also includes details of changes to that scheme where a widespread national lockdown is declared (Local Restrictions Support Grant Scheme (Closed) Addendum).
- 1.2 The grant scheme has been developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 9th September 2020 (and subsequently amended in October 2020 and November 2020) which sets out circumstances whereby a grant payment may be made by the Council to a business which has to close due to localised or widespread national restrictions being put in place to manage coronavirus and save lives.
- 1.3 Whilst the awarding of grants will be the Council's responsibility, the Department for Business, Energy & Industrial Strategy (BEIS) has set down criteria which **must** be met by each business making an application. The Department has also indicated the types of business which should be given the grant.
- 1.4 The scheme applies where local restrictions are put in place **or** where a widespread national lockdown is announced.
- 1.5 Localised restrictions 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 requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures.
- 1.6 National restrictions are nationally binding restrictions imposed by Parliament under legislation. The current national restrictions are made under the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.
- 1.7 Grants under this scheme will be available for the 2020/21 financial year only
- 1.8 No grant shall be paid for any period where the localised restrictions were in place prior to 9th September 2020. Where there is no local restriction, grants shall only be paid where there is a widespread national restriction.
- 1.9 Where any area enters either a localised restriction or where a widespread national restriction applies, additional assistance may be given to businesses under the Council's Additional Restrictions Grant (ARG) Scheme.

2.0 Funding

- 2.1 Local Authorities, subject to local eligibility, will receive funding to meet the cost of payments to businesses within the business rates system based on an assessment of the number of eligible business hereditaments.

3.0 Eligibility criteria and awards

- 3.1 Government, whilst wanting Councils to exercise their local knowledge and discretion, has set national criteria for the funds. In all cases, the Council will only consider businesses for grants where **all** of the criteria are met. Businesses will only be eligible where they are trading **on** the date of the announcement of either the local restriction or widespread national restrictions.
- 3.2 The Department for Business, Energy & Industrial Strategy (BEIS) has stated that businesses that were open as usual and providing **in-person services** to customers from their business premises and then required to close for a consecutive period of no less than 14 days as a result of regulations made under the Public Health (Control of Disease) Act 1984 will be eligible for this funding.
- 3.3 Where there is a widespread national restriction, business premises will be required to close for the entirety of the national restriction period.
- 3.4 Guidance from the Department states that this could include, non-essential retail, leisure, personal care, sports facilities and hospitality businesses that operate primarily as an in- person venue but have been forced to close these services.

Local restrictions awards and frequency of payment

- 3.5 Businesses which are forced to close in a localised restriction (LCAL3) that is implemented for less than two weeks and businesses that are closed for less than two weeks are not eligible for grant funding.
- 3.6 The amount of grant and the frequency of awards in respect of local restrictions are fixed as follows:
- (a) Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £15,000 or under on the date of the commencement of the local restrictions will receive a payment of £667 per 14-day qualifying restriction period;
 - (b) Businesses occupying hereditaments with a rateable value of over £15,000 and less than £51,000 will receive a payment of £1,000 per 14-day qualifying restriction period; and
 - (c) Businesses occupying hereditaments with a rateable value of £51,000 or over will receive a payment of £1,500 per 14-day qualifying restriction period.
- 3.7 It should be noted that, in the case of local restrictions, grants will be paid every two weeks.
- 3.8 Any business failing to meet the criteria will not be awarded a grant.

National restrictions awards and frequency of payment

- 3.9 Where there are widespread national restrictions, the Local Restrictions Support Grant (Closed) scheme will move from a 14-day payment cycle to an alternative payment cycle.
- 3.10 For the national restriction from 5th November 2020 to 2nd December 2020, a 28-day payment cycle will be applied.
- 3.11 The amount of grant and the frequency of awards in respect of the national restriction are fixed as follows:
- (a) Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £15,000 or under on the date of the commencement of the widespread national restrictions will receive a payment of £1,334 per 28-day qualifying restriction period;
 - (b) Businesses occupying hereditaments appearing on the local rating list with a rateable value over £15,000 and less than £51,000 on the date of the commencement of the widespread national restrictions will receive a payment of £2,000 per 28-day qualifying restriction period; and
 - (c) Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £51,000 or above on the commencement date of the widespread national restrictions, will receive £3,000 per 28-day qualifying restriction period.
- 3.12 At the end of any widespread national restriction, businesses may qualify for further grants depending on the LCAL that applies to the area at that time and the schemes in operation by the Council.

Businesses that are not shown in the local rating list

- 3.13 Businesses which are not shown in the local rating list may be able to apply for an award under the Council's Additional Restrictions Grants (ARG) Scheme.

Excluded businesses - both local and national restrictions

- 3.14 The following businesses will **not** be eligible for an award:
- (a) Businesses that are able to continue to trade because they **do not depend** on providing direct **in-person services** from premises and can operate their services effectively remotely (e.g. accountants, solicitors);
 - (b) Businesses in areas outside the scope of the localised restrictions, as defined by Government (and not subject to a widespread national restriction);
 - (c) Businesses that have chosen to close but not been required to, will not be eligible;
 - (d) Businesses which have already received grant payments that equal the maximum levels of State aid permitted under the de minimis and the COVID-19 Temporary State Aid Framework;
 - (e) Businesses that were in administration, are insolvent or where a striking-off notice has

been made at the date of the local restriction or national restriction; and

- (f) Specific businesses subject to national closures since 23rd March 2020 will not be eligible for this funding. They will be provided support through the strand of the Local Restrictions Support Grant (Sector) for nationally mandated business closures. However, In the event of renewed widespread national 'lockdown' restrictions being imposed, the Local Restrictions Support Grant (Sector) will cease to apply, as relevant businesses will receive funding from the Local Restriction Support Grant (Closed) Scheme.

The Effective Date

3.15 The effective date for eligibility is determined as follows:

- (a) In the case of local restrictions, the date of the local restrictions; and
- (b) In the case of widespread national restrictions, the date of the commencement of the widespread national restrictions.

3.16 In **all** cases, the following must have existed at the effective date:

- The hereditament **MUST** be shown in the local rating list as at the effective date;
- Any changes to the local rating List (Rateable Value or to the hereditament) after that date, including changes which have been backdated to this date, will be ignored for the purposes of eligibility;
- The Council is not required to adjust, pay or recover grants where the local rating list is subsequently amended retrospectively to the effective date;
- In cases where it was factually clear to the Council that, at the effective date, the local rating List was inaccurate on that date, the Council *may* withhold the grant and/or award the grant based on their view of who would have been entitled to the grant had the list been accurate. (The Department for Business, Energy and Industrial Strategy (BEIS) has stated that this provision is entirely at the discretion of the Council and is **only** intended to prevent manifest errors. It is not intended for ratepayers who subsequently challenge their Rateable Value); and
- Where a hereditament is exempt from rating as at the effective date, no grant shall be payable.

The Ratepayer

3.17 In **all** cases the following shall apply:

- The person who will receive the grant will be the person who, according to the Council's records, was the ratepayer in respect of the hereditament at the effective date;
- The ratepayer must be liable to occupied property rates at that date. It should be noted that grants will not be awarded where the hereditament is unoccupied;
- Where the Council has reason to believe that the information it holds about the ratepayer at the effective date is inaccurate, it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer;
- Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid; and
- Where any ratepayer misrepresents information or contrives to take advantage of the scheme, the Council will look to recover any grant paid and take appropriate legal

action. Likewise, if any ratepayer is found to have falsified records in order to obtain a grant.

4.0 How will grants be provided to Businesses?

- 4.1 The Council is fully aware of the importance of these grants to assist businesses and support the local community and economy. The Local Restrictions Support Grant (Closed) scheme together with the Council's Additional Restrictions Grant (ARG) scheme will offer a lifeline to businesses who are struggling to survive during to the COVID-19 crisis.
- 4.2 Details of how to obtain grants are available on the Council's website: <https://www.southlakeland.gov.uk/business-and-trade/business-support-coronavirus-covid-19/>
- 4.3 In all cases businesses will be required to confirm that they are eligible to receive the grants. This includes where the Council already has bank details for the business and are in a position to send out funding immediately. Businesses are under an obligation to notify the Council should they no longer meet the eligibility criteria for any additional grants.
- 4.4 The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.
- 4.5 An application for a Local Restrictions Support Grant (Closed) is deemed to have been made when a duly completed application form is received via the Council's online procedure.
- 4.6 All monies paid under this scheme will be funded by Government and paid to the Council under S31 of the Local Government Act 2003.

5.0 EU State Aid requirements

- 5.1 All State aid requirements must be met and complied with under this grant scheme, including, where required, compliance with all relevant conditions of the EU State aid De-Minimis Regulation, the EU Commission Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, the approved Covid-19 Temporary Framework for UK Authorities, and any relevant reporting requirements to the EU Commission.
- 5.2 Recipients will be asked to complete a declaration to confirm the position in relation to State Aid.

6.0 Scheme of Delegation

- 6.1 The Council has approved this scheme.

- 6.2 Officers of the Council will administer the scheme and the Operational Lead for Specialist Services in consultation with the Portfolio Holder for Finance and Assets is authorised to make technical scheme amendments to ensure it meets the criteria set by the Council and, in line with Government guidance.

7.0 Notification of Decisions

- 7.1 Applications will be considered on behalf of the Council by the Specialist Services (Economy and Culture, and Revenues and Benefits)

- 7.2 All decisions made by the Council shall be notified to the applicant either in writing or by email. A decision shall be made as soon as practicable after an application is received.

8.0 Reviews of Decisions

- 8.1 The Council will operate an internal review process and will accept an applicant's request for a review of its decision.
- 8.2 All such, requests must be made in writing to the Council within 14 days of the Council's decision and should state the reasons why the applicant is aggrieved with the decision of the Council. New information may be submitted at this stage to support the applicant's appeal.
- 8.3 The application will be reconsidered by a senior officer, as soon as practicable and the applicant informed in writing or by email of the decision.

9.0 Complaints

- 9.1 The Council's 'Complaints Procedure' (available on the Councils website) will be applied in the event of any complaint received about this scheme.

10.0 Taxation and the provision of information to Her Majesty's Revenues and Customs (HMRC)

- 10.1 The Council has been informed by Government that all payments under the scheme are taxable.
- 10.2 The Council does not accept any responsibility in relation to an applicant's tax liabilities and all applicants should make their own enquiries to establish any tax position.
- 10.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

11.0 Managing the risk of fraud

- 11.1 Neither the Council, nor Government will accept deliberate manipulation of the schemes or fraud. Any applicant caught falsifying information to gain grant money or failing to declare entitlement to any of the specified grants will face prosecution and any funding issued will be recovered from them.
- 11.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.

12.0 Recovery of amounts incorrectly paid

- 12.1 If it is established that **any** award has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by an applicant or their representative(s), the Council will look to recover the amount in full.

13.0 Data Protection and use of data

- 13.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.