



## Emergency Officer Decision Record

### 1. Subject and details of the matter (to include reasons for the decision)

#### Local Authority Discretionary Grants Fund

The Government has offered Local Authorities some discretion over the eligibility of the business rate grant to further support businesses who were previously ineligible.

In total, an additional £1.6M is available and businesses that are eligible for a grant through other COVID related schemes (including the Self Employment Income Support Scheme) are not eligible to apply to this scheme.

Grants are capped at £25,000, and due to the limited amount of funds available we expect the majority of grants will be awarded at a maximum level of £10,000 per grant to maximise the number of businesses eligible to receive one.

There is also discretion to make payments of any amount under £10,000. Larger grant awards of £25,000 will only be made in exceptional circumstances and where there is a compelling case to do so.

This is a discretionary scheme and there is no automatic right to a grant. Grant awards and levels will be determined in a fair and transparent manner. Applications will be online from 1<sup>st</sup> June 2020 until midnight on Sunday 14<sup>th</sup> June 2020.

Government have provided some guidance on what type of organisations to prioritise but at the same time have given wide discretion to distribute grants based on local economic need. The businesses which government have suggested could be a priority are as follows:

- small businesses in shared offices or other flexible workspaces which do not have their own business rates assessment (e.g. units in industrial parks, science parks and incubators)
- regular market traders with fixed building costs, such as rent, who do not have their own business rates assessment

- Bed and Breakfasts which pay Council Tax instead of business rates
- Charity properties in receipt of charitable business rates relief (without the discretionary top-up) which would otherwise have been eligible for Small Business Rates Relief or Rural Rate Relief.
- Businesses with no more than 50 full time equivalent employees and defined as a medium to large business

In terms of opening the funding to businesses representing a local economic need, priority will be given to those businesses that;

- can demonstrate they have suffered a significant fall in income due to the COVID crisis (e.g. through management accounts, income statements, etc.).
- have the highest future growth prospects
- show the greatest local economic impact, for example;
  - number of jobs being safeguarded
  - business resilience and a strong recovery strategy
  - Diversification or the introduction of new products or services
  - Social value and a wider benefit to the community
- have exhausted all other possible streams of non-grant support (e.g tax deferral, job retention scheme, loans, etc.)
- have high ongoing fixed property-related costs (although this could be waived in certain circumstances where all the above criteria are met.

The decision making process will be as follows:

1. Grant application submitted
2. Council undertakes initial eligibility check
3. Due diligence undertaken
4. Information provided to independent panel (with PfH representation) which will make recommendations to the Council
5. Council review recommendations, approve application and process grant

In order to ensure the efficient payment of grants, it is proposed that the Interim Director of Economy & Growth together with the Acting Assistant Director Regeneration and Deputy S151 Officer (and further Officers at the nomination of one of these three named officers and at no less than Team Manager level if deemed necessary) are empowered to individually make final decisions on all applications up to £10k and by way of two approvals for applications of £25k.

## **2. Is it a Key Decision as defined in the Constitution?**

Yes

- the decision is likely to result in substantial public interest;
- the decision may incur a significant social, economic or environmental impact.
- The funding will impact on the budget and policy framework agreed at Council

<p><b>3. Details of Decision</b></p>
<p>To agree the administration and processing of the Discretionary Business Support Grants and inclusion of the necessary budgets in funding and grant payments to facilitate the payments to eligible businesses.</p>
<p><b>4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.</b></p>
<p>The urgency attached to this decision relates to the need to support the small business community within the Borough. The scheme will support businesses who were ineligible under the original scheme. Payments to in scope Businesses can then commence once the necessary assurance checks are completed.</p>
<p><b>5. Anticipated outcome(s)</b></p>
<p>The payments will support business resilience within the North East Lincolnshire economy.</p>
<p><b>6. Details of any alternative options considered and rejected by the officer when making the decision</b></p>
<p>Implementation of Emergency Government Policy.  Not implementing is not an option as this is a National policy</p>
<p><b>7. Background documents considered</b></p>
<p>Financial Procedure Rules.  Government guidance <a href="https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-business-support-grant-funding">https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-business-support-grant-funding</a></p>
<p><b>8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons</b></p>
<p>No.</p>
<p><b>9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)</b></p>
<p>None.</p>

**10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)**

All directors have the power to determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions.

Constitutionally where there is an urgent need or where there is a recess in meetings (in my view, howsoever arising) the Chief Executive and all Directors shall be empowered on behalf of and in the name of the Council to deal with matters of urgency or routine business normally requiring a Cabinet or Committee decision which may arise between the meetings of Cabinet / Committees or during any period when the Cabinet / Committees are in recess; provided that

- (i) there is no conflict with the Budget and Policy Framework (unless the urgency provisions in the Budget and Policy Framework Procedure Rules are followed)
- (ii) If a Key Decision is involved, the matter is contained in the Forward Plan (or the general exception or special urgency provisions are satisfied); and
- (iii) In respect of any matter falling within the terms of reference of a Committee the Officer shall first consult with the Chairman or, in his/her absence, the Deputy Chairman; and a report of the decision taken shall be submitted to the next ordinary meeting of the Committee; or in the case of all Executive matters the Officer shall first consult with the Chief Executive, relevant Portfolio Holder(s) and a report of the decision taken shall be submitted to the next ordinary meeting of the Cabinet.
- (iv) The Monitoring Officer and Section 151 Officer are consulted in respect of the proposed decision.

The Chief Executive has directed that all decisions made in the above circumstances shall be in consultation with the Leader and Portfolio Holder for Finance and Resources (where available)

**11. Section 151 Officer Comments (Deputy S151 Officer or nominee)**

S138 of the Local Government Act 1972 permits the Council to make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies to alleviate the potential effects of the Covid-19 virus within the local community.

Cash to support the payment of the Discretionary Business Support Grant of 1.6m has been advanced by Government.

**12. Human Resource Comments (Head of People and Culture or nominee)**

There are no direct HR implications contained within this ODR

<b>13. Risk Assessment</b>	
<p>The allocation of Discretionary Business Support Grant will be in compliance with Government Guidelines.</p> <p>It will be necessary to undertake post event verification and all minimum data local authorities will need to have available will be gathered in a format that can be shared with central government, in order to complete effective post award assurance on grants.</p>	
<p><b>14. Decision Maker(s):</b></p> <p><i>In in the absence of the named Director or Delegatee a confirmatory email which is annexed to this record</i></p>	<p>Name: Robert G Walsh</p> <p>Title: Joint Chief Executive</p> <p>Signed: Robert G Walsh</p> <p>Dated: 2<sup>nd</sup> June 2020</p>
<p><b>15. Consultation carried out with Leader (Cllr Jackson):</b></p> <p><b>Portfolio Holder for Finance and Resources (Cllr Shreeve)</b></p>	<p>Signed: Councillor Philip Jackson</p> <p>Dated: 2<sup>nd</sup> June 2020</p> <p>Signed: Councillor Stan Shreeve</p> <p>Dated: 2<sup>nd</sup> June 2020</p>
<p><b>16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor</b></p> <p><i>In in the absence of the named Member the Director has secured a confirmatory email which is annexed to this record</i></p>	<p>Name: Councillor Paul Silvester</p> <p>Title: Chair of the Communities Scrutiny Panel</p> <p>Signed: Councillor Paul Silvester</p> <p>Dated: 29<sup>th</sup> May 2020</p>

In the event of absence or incapacity of the Leader and/or Portfolio Holder for Finance and Resources the Director has consulted with the following (tick one box) and has secured either a signature above or a confirmatory email which is annexed to this record.

Name	Tick
Deputy Leader and Portfolio Holder for Regeneration, Skills and Housing (Cllr Fenty)	
Portfolio Holder for Environment and Transport (Cllr S Swinburn)	
Portfolio Holder for Health, Wellbeing and Adult Social Care (Cllr Cracknell)	
Portfolio Holder for Tourism, Heritage and Culture (Cllr Procter)	
Portfolio Holder for Children, Education and Young People (Cllr Lindley)	
Portfolio Holder for Safer and Stronger Communities (Cllr Shepherd)	

### NOTE

Upon the expiration of the circumstances outlined above (or sooner if appropriate) this Emergency Officer Decision Record shall be referred to the Communities Scrutiny Panel to note.

**APPENDIX 1 – copy of email approval**

Rob

Content

Cllr Stan Shreeve  
Portfolio Holder Finance and Resources  
Ward Councillor for Humberston and New Waltham  
North East Lincolnshire Council  
Email: stanley.shreeve@nelince.gov.uk  
Tel: 07702 343340

I'm content with this as set out.

Kind regards  
Philip

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>  
Sent: 01 June 2020 21:01  
To: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>; Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>  
Subject: FW: >>PLEASE READ AND RESPOND<< Emergency Decisions

Hello both.

You know the drill by now. Grateful if you would consider and respond.

Many thanks.

Rob

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>  
Sent: 02 June 2020 14:28  
To: Eve Richardson-Smith (NELC) <Eve.Richardson-Smith@Nelincs.gov.uk>  
Cc: Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>  
Subject: RE: >>PLEASE READ AND RESPOND<< Emergency Decisions

Eve,

I support and also attached email confirmation from Cllrs Jackson and Shreeve.

Thanks.

Rob

From: Eve Richardson-Smith (NELC) <Eve.Richardson-Smith@Nelincs.gov.uk>  
Sent: 01 June 2020 09:18  
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>  
Subject: FW: >>PLEASE READ AND RESPOND<< Emergency Decisions

Good morning Rob

I have received confirmation from the Communities Scrutiny Chair, Cllr Silvester, as to his consent to the attached decision. See below.

You are now able to brief Leader and Portfolio Holder for Finance and Resources in accordance with the emergency framework of governance implemented as a result of the COVID-19 emergency.

Confirmatory emails from yourself and Members are sufficient in that scheme to evidence the decision.

Upon completion the decisions and supporting email threads will be subject to publication.

Kind regards  
Eve

Eve Richardson-Smith, Legal Team Manager & Deputy Monitoring Officer, Legal Services, North East Lincolnshire Council  
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU  
Telephone Number 01472 324159 | eve.richardson-smith@nelincs.gov.uk |  
www.nelincs.gov.uk

Stay alert. Control the virus. Save lives.

From: PAUL SILVESTER  
Sent: 29 May 2020 19:20  
To: Eve Richardson-Smith (NELC) <Eve.Richardson-Smith@Nelincs.gov.uk>  
Subject: Re: >>PLEASE READ AND RESPOND<< Emergency Decisions

Good evening Eve

I have read the emergency decision notice and in my role as chair of the Community Scrutiny panel my response is as follows:

1. Discretionary Business Support Grants - Consent

Kind Regards

Councillor Paul Silvester

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From: Eve Richardson-Smith (NELC) <Eve.Richardson-Smith@Nelincs.gov.uk>



Sent: 29 May 2020 16:45

To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>

Subject: >>PLEASE READ AND RESPOND<< Emergency Decisions

Councillor

To address the COVID-19 crisis, the Council has invoked emergency powers and put in place an emergency framework of governance.

This provides for the Chief Executive to be a decision maker in consultation with Leader and PFH for Finance and Resources.

Such decisions are captured on an Emergency Officer Decision Record.

Some records will relate to a single decision, others will contain a schedule of decisions.

In the main they are key decisions, usually the remit of Cabinet, but due to urgency cannot be entered onto the Forward Plan nor the usual 28 day notice given.

There are "special urgency" provisions in the Constitution whereby emergency decisions can be made, as long as the Chair of the appropriate Scrutiny Panel consents. This is a conscious consent.

Emergencies and civil contingencies are the remit of the Communities Scrutiny Panel.

As a matter of course, once the emergency dissipates and business can return to normal, ALL emergency decisions will be referred to your panel for noting.

As a result of social distancing and isolation, wet signatures cannot be obtained.

Therefore there will be reliance on an exchange of emails to evidence your consent.

This email and your response will be subject to publication in the interests of transparency.

On behalf of the Chief Executive I therefore seek your consent to the following (attached) decision.

1. Discretionary Business Support Grants

I would suggest that in your response to simply state:

1. Consent/Don't consent;
2. Consent/Don't consent.....etc with the appropriate option.

I look forward to hearing from you as soon as possible.

Regards,  
Eve

Eve Richardson-Smith, Legal Team Manager & Deputy Monitoring Officer, Legal Services, North East Lincolnshire Council

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