



## Emergency Officer Decision Record

### 1. Subject and details of the matter

#### Grants for Businesses (Assisted Restriction Grant)

In response to the ongoing COVID19 pandemic, the Government has announced there will be further grant support for local businesses. The Local Council is responsible for making these payments to businesses.

The Council has received an allocation of £3,191,260 under the Assisted Restrictions Grant (ARG) scheme. An allocation of £2,814,966 has also been received to enable the Council to support businesses who have been forced to close. (This is the subject of a separate ODR).

The ARG is a discretionary fund which Government expect a large proportion will be used to administer discretionary grants to businesses, but it can also be used for wider business support activities. This funding is a one-off lump sum payment (received in November 2020) to be used for any additional Covid-19 business support in financial years 20/21 and 21/22.

This grant is ringfenced for business support only, but the Council can determine how much funding to provide to businesses, and exactly which businesses to target. The Council is encouraged by Government to develop a discretionary grant scheme to help those businesses which, while not legally forced to close, are nonetheless severely impacted by restrictions put in place.

It is recommended that in the first instance, those businesses who are affected by restrictions are assisted, using the same application form as the LRSG (Closed). These businesses would be

- a. Businesses not in the rating system who are identified as being required to close by government will receive 50% of the amount given to a business with a rateable value – e.g. £667 for the 28-day period
- b. Supply chain businesses who have not had to close but have lost the majority of their income as those they supply to are forced to close, this is calculated as 70% of the value closed businesses receive, in line with the Tier 2 LRGF (Open) funding
  - i. Properties with a rateable value of £15k or under, grants of £934 for the 28-day period

ii. Properties with a RV of between £15k-£51k, grants of £1,400 for the 28-day period

iii. Properties with a RV of £51k and above, grants of £2,100 for the 28-day period

c. Individuals not in the rating system who are suppliers, or provide a service to, businesses who are forced to close, and as a result are unable to work or claim any funding through the Job Retention Scheme or Self Employment Support Scheme will receive the same as those closed but not in the rating system - £667 for the 28-day period

Applications will be incorporated into the LRSG (Closed) scheme to keep administration to a minimum and avoid confusion across the different schemes.

Businesses are asked to evidence severe impact, so by paying out some relatively small amounts in the first instance, the Council is seen to be acting swiftly, but also minimising risk. It is anticipated that this is reviewed in December and possibly targeting businesses who are essential to our economy and whom it is felt would benefit from further support. In the previous discretionary grant, the Council supported 154 businesses. If the Council support 250 businesses through the ARG in phase 1, this will equate to approximately £260,000.

In addition, it is anticipated spending an amount in the region of £50k in the short term to boost the LoyaltyLocal Christmas campaign. This initiative, which was borne from the original lockdown has gone from strength to strength over the last few months and the funds will boost the click and collect and online Christmas shopping activities with a virtual micro-site and media campaign.

The remainder of the ARG allocation, in the region of £2.88m, ringfenced to business support only, can be utilised through additional schemes and incentives as required until March 2022.

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

Yes, the decision is likely to result in substantial public interest with significant economic impact. The funding will by its nature impact on the budget and policy framework agreed at Council.

## **3. Details of Decision**

To agree the administration and processing of the Support Grant and inclusion of the necessary budgets in funding and grant payments to facilitate the payments to eligible businesses.

## **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.**

Yes, the support grant needs to be distributed promptly and as soon as the necessary assurance checks have been completed. This will be facilitated through a simple online data collection exercise.

**5. Anticipated outcome(s)**

The payment of the grants will help local businesses to deal with the financial impacts of the ongoing Covid-19 pandemic.

**6. Details of any alternative options considered and rejected by the officer when making the decision**

Not implementing the scheme is not an option as this is a National policy

**7. Background documents considered**

NELC Financial Procedure Rules.

<https://intranet.nelincs.gov.uk/wp-content/uploads/2016/11/Financial-Regulations-and-Procedure-Rules.pdf>

Government guidance

<https://www.gov.uk/government/publications/local-restrictions-support-grants-lrsg-and-additional-restrictions-grant-arg-guidance-for-local-authorities>

**8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons**

No

**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)**

None

**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 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*

*(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 such decisions shall be taken in consultation with the Leader of the Council and Portfolio holder for Finance and Resources.*

#### **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.

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

There are no direct HR implications contained within this ODR

#### **13. Public Health Comments (Director of Public Health or nominee)**

There are no direct public health implications arising from this ODR

#### **14. Risk Assessment (in accordance with the Report Writing Guide)**

The allocation of the Support Grant will be in accordance with Government Guidelines. 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><b>15. 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: Approved via email</p> <p>Dated: 14<sup>th</sup> November 2020</p>
<p><b>16. Consultation carried out with Portfolio Holder(s):</b></p>	<p>Name: Councillor Philip Jackson</p> <p>Title: Leader of the Council</p> <p>Signed: Approved via Email</p> <p>Dated: 14<sup>th</sup> November 2020</p> <p>Name: Councillor Stan Shreeve</p> <p>Title: Portfolio Holder for Finance and Resources</p> <p>Signed: Approved via Email</p> <p>Dated: 13<sup>th</sup> November 2020</p>
<p><b>17. 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 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: Approved via email</p> <p>Dated: 13<sup>th</sup> November 2020</p>

In the event of absence or incapacity of the relevant Portfolio Holder 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
Leader (Cllr Jackson)	
Deputy Leader and Portfolio Holder for Regeneration, Skills and Housing (Cllr Fenty)	
Portfolio Holder for Finance and Resources (Cllr Shreeve)	
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 – EMAIL APPROVAL

From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>  
Sent: 14 November 2020 13:58  
To: Eve Richardson-Smith (NELC) <Eve.Richardson-Smith@Nelincs.gov.uk>; Simon Jones (Chief Legal and Monitoring Officer) (NELC) <Simon.Jones1@Nelincs.gov.uk>  
Subject: Fwd: RE: FW: PLEASE READ AND RESPOND<< Emergency Decisions

My agreement also confirmed. In anticipation thereof I gave Damien air cover to crack on yesterday pm.

Sent with Email

----- Original Message -----

Subject: RE: FW: PLEASE READ AND RESPOND<< Emergency Decisions  
From: "Cllr Philip Jackson (NELC)" <philip.jackson@nelincs.gov.uk>  
Date: 14/11/2020 13:49  
To: "Cllr Stanley Shreeve (NELC)" <Stanley.Shreeve@Nelincs.gov.uk>,"Rob Walsh (NELC)" <Rob.Walsh@Nelincs.gov.uk>  
Rob  
Consent

Kind regards

Councillor Philip Jackson  
Leader of North East Lincolnshire Council  
Municipal Offices, Town Hall Square, Grimsby, DN31 1HU  
Email: Philip.jackson@nelincs.gov.uk  
Office: 01472 325905  
Alternative: 01472 823740

From: Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>  
Sent: 13 November 2020 19:34  
To: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>; Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>  
Subject: Re: FW: PLEASE READ AND RESPOND<< Emergency Decisions

Rob  
Consent  
Stan  
Get Outlook for iOS

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From: Rob Walsh (NELC) <Rob.Walsh@Nelincs.gov.uk>  
Sent: Friday, November 13, 2020 4:50:39 PM  
To: Cllr Philip Jackson (NELC) <philip.jackson@nelincs.gov.uk>; Cllr Stanley Shreeve (NELC) <Stanley.Shreeve@Nelincs.gov.uk>

Subject: Fwd: FW: PLEASE READ AND RESPOND<< Emergency Decisions  
Dear both

If possible, for your urgent approval in the established manner.

Thanks.

Rob

Sent with Email

----- Original Message -----

Subject: FW: PLEASE READ AND RESPOND<< Emergency Decisions  
From: "Eve Richardson-Smith (NELC)" <Eve.Richardson-Smith@Nelincs.gov.uk>  
Date: 13/11/2020 16:46  
To: "Rob Walsh (NELC)" <Rob.Walsh@Nelincs.gov.uk>  
Rob

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

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

Please note my usual working days are Tuesday to Friday.

The content of this email and any attachments is deemed confidential and intended for the proper recipient(s) only.

Further, such content may be subject to legal professional privilege.

Third Parties: No liability is accepted nor should be inferred, nor any reliance placed on the content by third parties.

In the event of delivery in error please immediately notify the sender and delete.

Stay alert. Control the virus. Save lives.



-----Original Message-----

From: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>  
Sent: 13 November 2020 16:42  
To: Eve Richardson-Smith (NELC) <Eve.Richardson-Smith@Nelincs.gov.uk>  
Subject: RE: PLEASE READ AND RESPOND<< Emergency Decisions

Good afternoon Eve

In my role as Chair of the community scrutiny Panel I have read the Emergency Decision Notice and my response is as follows:

Assisted Restriction Grant - Consent

Kind regards

Councillor Paul Silvester

-----Original Message-----

From: Eve Richardson-Smith (NELC) <Eve.Richardson-Smith@Nelincs.gov.uk>  
Sent: 13 November 2020 11:49  
To: Cllr Paul Silvester (NELC) <Paul.Silvester@nelincs.gov.uk>  
Subject: PLEASE READ AND RESPOND<< Emergency Decisions  
Importance: High

Councillor Silvester

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. You may note that as we move to a period of stabilisation and recovery, monitoring comments will also appear from the Director of Public Health or his deputies. 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:

Assisted Restriction Grant

I would suggest that in your response to simply state:  
Consent/Don't consent

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 Municipal Offices, Town Hall Square, Grimsby, DN31 1HU Telephone Number 01472 324159 | eve.richardson-smith@nelincs.gov.uk | www.nelincs.gov.uk