

Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG



Despatched: 13.07.20

I hereby summon you to attend the meeting of the Sevenoaks District Council to be held virtually via Zoom commencing at 5.00 pm on 21 July 2020 to transact the under-mentioned business.

The meeting will be livestreamed here:

https://www.youtube.com/channel/UC1T1f_F50fvTzxjZk6Zqn6g

Chief Executive

AGENDA

Apologies for absence

1. To approve as a correct record the minutes of the meeting of the Council held on 21 April 2020. (Pages 1 - 10)
2. To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting.
3. Chairman's Announcements.
4. To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.
5. To receive any petitions submitted by members of the public under paragraph 18 of Part 2 (The Council and District Council Members) of the Constitution.
6. Changes to memberships of Committees and appointments to other organisations. (Pages 11 - 14)
7. To note the appointments to the Cabinet made by the Leader. (Pages 15 - 16)
8. To consider any questions by Members under paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.

9. To consider any motions by Members under paragraph 20 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.
10. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting. (Pages 17 - 20)
11. Quarterly report on Special Urgency decisions. (Pages 21 - 60)

EXEMPT ITEMS

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

***This meeting will be immediately followed by a special meeting of the Cabinet, to appoint to subcommittees and other organisations within their remit.**

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

COUNCIL

Minutes of the meeting held on 21 April 2020 commencing at 7.00 pm

Present: Cllr. Edwards-Winser (Chairman)

Cllr. Esler (Vice Chairman)

Cllrs. Abraham, Andrews, Bayley, Ball, Barnes, Barnett, Dr. Canet, Carroll, Cheeseman, Clack, Clayton, Penny Cole, Perry Cole, Coleman, Collins, G. Darrington, P. Darrington, Dickins, Dyball, Eyre, Firth, Fleming, Foster, Fothergill, Griffiths, Grint, Harrison, Hogarth, Hudson, Hunter, Kitchener, Layland, London, Maskell, McArthur, McGarvey, McGregor, Mrs. Morris, Nelson, Osborne-Jackson, Parkin, Pender, Pett, Piper, Purves, Raikes, Reay, Roy, Thornton and Waterton

An apology for absence was received from Cllr. Brown.

48. To approve as a correct record the minutes of the meeting of the Council held on 25 February 2020.

Resolved: That the Minutes of the meeting of the Council held on 25 February 2020 be approved, and signed as a correct record.

49. To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting.

No additional declarations of interest were received.

50. Chairman's Announcements.

The Chairman reported that the coronavirus pandemic and the measures being taken by Government, the NHS, Councils and communities across the UK were unprecedented.

More than 2,000 residents in the District were following the Government's shielding advice and are being asked to stay in their homes for a total of 12 weeks and many others are also finding themselves in difficult circumstances as everyone was asked to remain in their homes for another three weeks.

An incredible 1,400 people had registered as volunteers to support those people, with many more also opting to register for the NHS volunteer responder scheme. This included many of the District's Councillors and Town and Parish representatives.

The community led response had been astonishing and, on behalf of the Council, he wanted the Council's sincere thanks to everyone involved in the effort to support the vulnerable and those in need, formally recorded.

He also expressed his thanks to Council Officers who he knew had been working incredibly hard to support the most vulnerable, keeping services running, collecting rubbish and recycling every single week and distributing more than £17m of financial support to businesses.

For as long as these necessary measures were in place, he hoped people would continue to follow the guidance that was protecting the NHS and helping to save lives and he thanked residents across the District for the sacrifices they were making and the key workers in the NHS, social care and those that were keeping shops and other services running for their incredible efforts.

He further announced that Annual Council had been cancelled and that he would remain as Chairman with Councillor Esler as his Vice Chairman until May 2021. All current positions on committees and outside bodies would remain as they were although there may be some opportunity to make changes during the year. It was anticipated that all meetings until September would be held virtually and possibly in the afternoon rather than the evening.

Finally he asked Members to join him in extending his best wishes to her Majesty, the Queen, on her 94th birthday.

51. To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.

No questions had been received.

52. To receive any petitions submitted by members of the public under paragraph 18 of Part 2 (The Council and District Council Members) of the Constitution.

A petition with 2063 verified signatures had been submitted in the following terms:

"We the undersigned (live, work or study in the district) call on Sevenoaks District Council to:

- i) Not adopt the council's current plan,
- ii) Consider adopting an alternative plan,
- iii) Fully consult with residents and White Oak users on new proposals,
- iv) Develop a new plan that meets the requirements of residents and White Oak users.

Sevenoaks District Council plan to replace the White Oak sports and leisure centre with a small activity centre containing a half size pool, no deep water, no sports hall, no practice hall and less studios/party/meeting rooms. There will be a game of limited age range popularity called TAG Active, which is found alongside bowling alleys, trampoline centres and soft play areas.

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The new centre is not fit for purpose, is not supported by Sport England and breaches many government and local policies (NPPF). More than 18 sports clubs face closure making 900+ members 'homeless', of which 400+ are young people.

We, the White Oak Clubs Committee, have prepared alternative plans professionally costed at £7.54m and £13.2m compared to the council's £20m. Our plans include space for all or nearly all of the activities and sports currently available and more, and all on the White Oak site.

We believe our plans represent value for the council tax payers money - OUR money.'

Gary Allen addressed the Council in support of the petition.

The Leader explained that the Council's project had been tested by the procured contractor Alliance Leisure Services (ALS) in line with RIBA stage 4 requirements considering the full technical design specifications and any building regulations. In comparison, the alternative plans put forward by the petitioners only provided indicative costs using the Sport England calculator, which was only a guide, and did not provide: full development appraisals; professional fees; current and future inflations costs; allowances for asbestos related works; abortive costs; additional procurement, any additional planning permissions; timings and associated costs etc. Any pre-application advice which the alternative schemes had taken had not been shared with the Council.

It was also unclear whether the suggested alternatives had taken into account many other cost issues associated with refurbishment, for example, less land would be left for disposal which was required to support borrowing. As the alternative proposals would require the temporary closure of the existing leisure centre, it could also leave the northern end of the district without any leisure facilities for residents and clubs for up to 18 months. Any closure would also cause the TUPE transfer of Sencio Leisure Trust staff to the new leisure operator to be jeopardised and would place staff at risk. If Sencio (the current operator) were forced into having to fund redundancies, it could jeopardise the leisure facilities currently provided at Edenbridge and Sevenoaks.

The Council had received a full list of clubs from Sencio that currently used the facilities at White Oak. If approved, the preferred leisure contractor would engage early on with clubs to discuss programming and timetabling. The Council had worked hard on ensuring that the new design could accommodate as many activities as possible. The Erith based diving club Highgate could no longer be accommodated, nor the district synchronised swimming club. However their land based training could continue there, and the latter still had access to the Erith Leisure Centre which they currently used. Other clubs that could no longer use the centre would be accommodated at the Orchards Academy, except for the model flying club, dog training and squash and racketball.

The Leader urged Members to note the petition.

Concern was expressed about the condition of the hall at Orchard's Academy, and Members noted the amount of people who had signed the petition with queries made as to whether these alternatives had been properly investigated.

Upon clarification the Leader confirmed he was moving a motion to note the petition, which was then duly seconded by Councillor Hogarth.

The Portfolio Holder for Housing & Health, advised that the average life expectancy for the ward of Swanley St Mary's was 8.9 years lower than that of the highest in the district, and a new leisure centre would have a vital role to play in reducing the health inequalities of the area. It represented a major investment which would help local residents be healthier and more active. The proposed operator, Sports and Leisure Management (Active Leisure), were market leaders already operating 198 facilities on behalf of 61 other local authorities. They had the experience and expertise to achieve health and wellbeing goals and implement accessible programmes for all ages and genders, including weight management; cardiac rehabilitation; smoking cessation; mobility classes; cancer recovery sessions; falls prevention etc.

In debate it was queried whether the proposed facilities would be affordable to local residents, suggesting any use of the facilities would be a large percentage of a low income.

The 15 minutes for debate expired and the motion was put to the vote.

Resolved: That the petition be noted.

53. Matters considered by the Cabinet

a) Covid-19 Update

Councillor Fleming proposed and Councillor Dickins seconded, the recommendation from Cabinet to note the report.

The Leader thanked the District Council staff, Parish and Town Councils, local residents and community groups for coming together over the last four weeks to support those residents most in need during the crisis.

He was particularly proud of how Council staff had turned to face the crisis head on, illustrated by the Council being one of the best performing local authorities in the country with regards to getting vital business grants out to local businesses who were eligible under the Government's. He hoped such action would help the District's local economy recover as quickly as possible.

He reported that the Council was also supporting over 1000 people in its sights classed as Tier 1, though the number being actively supported was lower, whilst offering on going support to Tier 2 and 3. Services were being maintained despite almost 200 members of staff now working from home, and at Dunbrik staff were turning up daily to do the weekly refuse and recycling collections including green waste collection.

Other Members joined him in echoing their thanks to staff, parish and town councils and volunteers for their commitment over the last few weeks.

Resolved: That the report be noted.

b) COVID-19 Supplementary Estimates

Councillor Fleming proposed and Councillor Dickins seconded, the recommendation from Cabinet. The report sought approval to fund recent action taken to suspend car parking charges and support vulnerable people and communities from supplementary estimates, thereby amending the budget agreed by Council on 25 February 2020. It was noted that with the crisis there would have been a loss in revenue even if car parking had not been suspended.

In response to a question the Leader advised that the Council had completed its proforma making a realistic estimate of money that had been spent in the current crisis, and had submitted it to central government.

Resolved: That supplementary estimates of £758,000 for suspension of car parking charges and £100,000 to support vulnerable people and communities be funded from the Budget Stabilisation Reserve.

54. To consider any questions by Members under paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.

No questions had been received.

55. To consider any motions by Members under paragraph 20 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.

No motions had been received.

56. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting.

The Leader of the Council reported on the work that he and the Cabinet had undertaken in the period 10 February 2020 to 27 March 2020.

57. Quarterly and Annual report on Special Urgency decisions.

Members considered quarter and annual report on special urgency decisions.

Resolved: That the report be noted.

58. To receive reports from the Chairmen of the Audit and Scrutiny Committees on the work of the Committees since the last Council meeting.

a) Audit Committee

Members noted the report presented by the Chairman of the Audit Committee, Councillor McGarvey. He advised Members that the report had been written in advance and before the pandemic and lockdown, therefore the training scheduled for March had not yet taken place and would be rescheduled to a future date.

b) Scrutiny Committee

Members noted the report presented by the Vice Chairman of the Scrutiny Committee, Councillor London.

59. Matter considered by the Cabinet

a) White Oak Leisure Centre: New Build and operator procurement contract awards

Councillor Fleming proposed and Councillor Dyball seconded, the recommendation from Cabinet. The report sought approval to construct a new leisure centre, demolish the existing White Oak Leisure Centre and appoint a leisure operator for the new centre, along with provision of some enhancements to the Orchards Academy sports hall in Swanley in order to accommodate sports clubs who required a 4 court sports hall.

The Leader stated the report brought together more than five years work, and was the single largest capital project and investment the Council had carried out in over 30 years. He explained the history of searching for a viable site as it had always been the intention to keep a facility open and running throughout any build.

Working with consultants, plans had been drawn up and engagement undertaken resulting in changes to the plans being made throughout an interactive process. These had included a larger multi-purpose hall, an increase in size of the multi-use rooms and the inclusion of pool side seating to allow the swimming club to run their first galas and competitions in their home pool. No commitment had ever been made to build a like for like replacement.

The majority of the existing building had been constructed in 1967 and had come to the end of its serviceable life, supported over the last five years with short term measures, put in place to keep the building safe. Whilst the sports hall was 'only' 45 years old, he did not believe it made sense to graft a new modern facility onto it, even if it were possible. He believed that Swanley and the northern parishes deserved the massive investment in the new modern facility for generations to come.

£20m was the single largest investment anywhere in the district for over 30 years. The Council's project was fully costed and updated in light of the current

pandemic, and was the result of a full market analysis. The plans had both a full updated risk assessment with contingencies built in, and the contract was a fixed price within usual parameters.

The preferred leisure operator had tendered for the contract based on the proposed centre design and facilities, which would help maximise flexibility of space, usage, income and support changing customer needs. He advised that many more clubs would be affected by the closure of the centre for up to 18 months if either of the alternative plans put forward in writing to Members were progressed. Following site visits and assessments, provision would be made to refurbish the Orchards Academy to ensure its suitability.

Beyond the clubs and their members, the Council had a responsibility to all its residents. The health outcomes for two of the Swanley Wards, including Swanley White Oak, were the worst in the district and amongst the worst in Kent. Residents were just not using the current facilities, which was why a modern, accessible, prominent leisure centre was needed in Swanley more than anywhere else in the district. The new centre would provide more spaces for people to meet and interact, providing an open, bright and welcoming environment. The new operator would play a key role in helping to reduce health inequalities by encouraging more people to get active.

He stated that a new purpose built leisure centre, the single largest capital investment by this council in over 30 years alongside the development of two other major sites in the town, demonstrated Sevenoaks District Council's unwavering commitment to both regenerating the town and improving the lives of those who lived there.

The Leader called for a recorded vote, due to the importance of the scheme.

More than four other Members rose from their seats and indicated their agreement with the request for a recorded vote on the main motion.

Concern was expressed during debate on the condition and suitability of Orchards Academy, the times it would be available i.e. evenings only, along with safety and security concerns.

The following amendment was moved by Cllr Clayton and seconded by Councillor Andrews, it was to precede recommendation (a) of the motion:

‘Subject to the plans for provision of the alternative sports hall (Orchards Academy) meeting minimum standards required by club users, and having regard to the need identified by Sport England,’.

The meeting adjourned at 8.32 p.m., due to it becoming apparent that the meeting was no longer live streaming.

The meeting reconvened at 8.33 p.m.

The Chairman went to call a vote on the amendment.

The meeting adjourned again at 8.34 p.m., as again the meeting was no longer live streaming.

The meeting reconvened again at 8.35 p.m.

The amendment was then put to the vote, to ensure clarity due to it being a virtual meeting, a roll call was taken. There was a clear majority vote against the proposed amendment, which was therefore lost.

Debate continued on the motion.

The motion before Members was put to the vote and a recorded vote taken of those present.

For	Against	Abstention
Cllr Abraham	Cllr Andrews	Cllr Mrs Morris
Cllr Ball	Cllr Barnes	
Cllr Barnett	Cllr Dr Canet	
Cllr Bayley	Cllr Clayton	
Cllr Clack	Cllr G Darrington	
Cllr Penny Cole	Cllr P Darrington	
Cllr Perry Cole	Cllr Fothergill	
Cllr Coleman	Cllr Griffiths	
Cllr Collins	Cllr Hudson	
Cllr Dickins	Cllr Kitchener	
Cllr Dyball	Cllr McGarvey	
Cllr Edwards-Winser	Cllr Purves	
Cllr Esler		
Cllr Eyre		
Cllr Firth		
Cllr Fleming		
Cllr Foster		
Cllr Grint		
Cllr Harrison		
Cllr Hogarth		
Cllr Hunter		
Cllr Layland		
Cllr London		
Cllr Maskell		
Cllr McArthur		
Cllr McGregor		
Cllr Nelson		
Cllr Osborne-Jackson		
Cllr Parkin		
Cllr Pender		
Cllr Pett		
Cllr Piper		
Cllr Raikes		

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Cllr Reay Cllr Roy Cllr Thornton Cllr Waterton		
37	12	1

It was therefore

Resolved: That

- a) a Development Management Agreement be entered into with Alliance Leisure Services Limited (ALS) for the construction of a new leisure centre and demolition of the existing White Oak Leisure Centre, at a cost of £19,852,464 including improvements to the 4 court sports hall at Orchards Academy; in addition, the sum of £147,536 be used by the Council for any ancillary work outside the ALS contract, making a project total of £20m as set out below;

Cost details	
Construction Costs (ISG)	£17,336,000
Tag Active & Toddlers Play Equipment (Play Revolution)	£600,000
Fitness Suite Equipment (Technogym)	£327,205
Feel Good Suite Equipment (Shapemaster)	£70,550
Misc Furniture, Fittings & Equipment	£54,803
ALS Delivery fee	£284,919
UK Leisure Framework access fee	£57,405
Project Management fee	£424,810
Clerk of Works	£35,000
Principal Designer fee	£22,000
Client Contingency	£509,772
Orchards Academy sports hall work	£130,000
Ancillary works and contingency outside main contract	£147,536
Total	£20,000,000

- b) a Leisure Operating Contract be entered into with Sport and Leisure Management Ltd (SLM), the preferred operator, to operate the new White Oak Leisure Centre providing income of £7.623m over 15 years. The income from that Leisure Operating Contract to be used to service the loan taken out for the purposes of building the leisure centre;
- c) the development and subsequent disposal of the following sites in Swanley: White Oak Leisure Centre; Bevan Place; Alder Way; Russett Way; 27-37 High Street; and Woodlands, be approved, the proceeds of which to be earmarked within the Council's capital receipts to fund the cost of the leisure centre;

d) the funding for the scheme be approved as follows

- i) CIL funding £0.9m
- ii) Capital receipts £10.63m
- iii) External borrowing £8.0m
- iv) Total £19.53m

noting that the split of funding may change due to actual development and disposal proceeds and the cost of borrowing at the time loans were taken out, and that additional funding may be required if the above amounts were not achieved; and

e) authority be delegated to the Chief Executive in consultation with the Leader of the Council to make necessary changes to the Development Management Agreement with Alliance Leisure Services (ALS), to the Leisure Operating Contract and to the funding of the project provided that such changes do not place any financial burden on the Council other than the use of those sources mentioned in the report.

THE MEETING WAS CONCLUDED AT 9.09 PM

CHAIRMAN

CHANGES TO MEMBERSHIPS OF COMMITTEES AND APPOINTMENTS TO OTHER ORGANISATIONS

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Report of Chief Officer Customer & Resources

Status: For Decision

Key Decision: No

Contact Officer Vanessa Etheridge Ext. 7199

Recommendation to Council: That

- (a) the changes to memberships for the remainder of the municipal year 2019/21, attached as an Appendix to this report, be approved; and
- (b) a Standards Hearing Sub Committee, and Standards Assessment Working Party membership, be agreed.

Introduction and Background

- 1 Members are asked to agree the changes to memberships of certain Committees and other organisations, as outlined in the attached Appendix. If agreed this will form part of Appendix H of the Council's Constitution.
- 2 The Standards Committee is not due to meet until 2021, however there may be a need for one of the Sub-Committees to meet before then. Members are therefore also asked to agree the membership of a Standards Hearing Sub Committee, and Standards Assessment Working Party.

Key Implications

Financial

None directly arising from this report.

Legal Implications and Risk Assessment Statement

None directly arising from this report.

Equality Impacts

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Agenda Item 6

Appendices

Appendix A - Memberships

Background Papers:

[Council's Constitution](#)

Jim Carrington-West

Chief Officer Customer & Resources

Membership of Council Committees

Audit Committee

(9 Members: 8 Conservatives, 1 Sevenoaks Independents)

Chairman: Cllr McGarvey

Vice Chairman: Cllr Morris

Cllrs. Barnes, Brown, ~~Firth~~, Kitchener, London, Osborne-Jackson, Pender and Williamson

Development Control Committee

(19 Members: 17 Conservatives, 1 Liberal Democrats, 1 Sevenoaks Independents)

Chairman: Cllr Williamson

Vice-Chairman: Cllr Reay

Cllrs Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, ~~Firth~~, Hogarth, Hudson, Hunter, Layland, McGarvey, Osborne-Jackson, Pett, Purves, Raikes and Roy

Scrutiny Committee

(11 Members: 9 Conservatives, 1 Liberal Democrats, 1 Sevenoaks Independents)

Chairman: Cllr Brown

Vice-Chairman: Cllr London

Cllrs Ball, Barnes, ~~Firth~~, Kitchener, Layland, Morris, Osborne-Jackson, Pender, Purves and Williamson

Standards Hearing Sub Committee, and Standards Assessment Working Party

(3 Members)

Chairman: Cllr Ball

Vice Chairman: Cllr Raikes

One to be nominated as required by the Leader of the Council from the Committee.

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APPOINTMENTS TO OTHER ORGANISATIONS - NON-EXECUTIVE

<u>Organisation</u>	<u>Appointed</u>	<u>Period of appointment</u>	<u>No. of Reps</u>	<u>Appointee(s) 2019/21</u>
Action with Communities in Rural Kent	yearly	May 2020 - 21	2	Cllr Osborne-Jackson Cllr Cheeseman <u>vacant</u>
Kent County Council's Health Overview and Scrutiny Committee	On rota system (Rep, Sub and two spare)	May 2019 - 20	1	Cllr Piper Cllr Maskell (Sub)

Cabinet Membership and Portfolios

(6 Members:) Cllrs Fleming (Leader and Chairman), Dickins (Deputy Leader and Vice Chairman), Dyball, Maskell, McArthur, and Thornton

Portfolio Holders 2019/21 (Annex to Appendix H of the Constitution - 1 July 2020)

Cllr. Peter Fleming	Improvement & Innovation	Policy, Performance, Communications, Customer Service, Business Transformation, Special Projects, Digital, Workforce, Economic Development & Regeneration, Equalities, Members, Wellbeing
Cllr. Matthew Dickins	Finance & Investments	Corporate Governance, Financial Strategy, Local Tax, Procurement, Strategic Risk, Tax & Benefits, Fraud Prevention, Operational Assets. Business Continuity, Investments, Legal, Wellbeing
Cllr. Lesley Dyball	People & Places	Community Plan, Community Safety, Town Centres, Tourism, West Kent Partnership, WK Leader, Community Grants, Safeguarding, Youth, Parishes, Leisure Activities, Wellbeing
Cllr. Kevin Maskell	Housing & Health	Housing Strategy & Policy, Housing Standards, Housing Needs, Homelessness, Empty Homes, Gypsy and Traveller, DFG, Health, Energy Efficiency, Fuel Poverty, HERO, Wellbeing
Cllr. Margot McArthur	Cleaner & Greener	Direct Services, Street Cleansing, Waste & Recycling, CCTV, Environmental Health, Green Spaces, Parking, Pest Control, Licensing, Facilities Management, Emergency Planning, Air Quality, Delivery Partner Assurance, Wellbeing
Cllr. Julia Thornton	Development & Conservation	Development Control, Local Plan, Planning Policy, Conservation, Development Services Building Control, Transport Policy, Planning Enforcement, Wellbeing

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Cllr Fleming - Leader's Report

Date: 30 March 2020 - 3 July 2020

March 2020	Event
30 March	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • DCN Coronavirus Teleconference
31 March	<ul style="list-style-type: none"> • Cabinet & Deputies Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • MHCLG Coronavirus Update Teleconference
	<ul style="list-style-type: none"> • Strategic Projects Teleconference with Cllrs Dickins & Hogarth
April 2020	
1 April	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Kent & Medway Business Fund - Investment Advisory Board - Teleconference
2 April	<ul style="list-style-type: none"> • Catch-up with Robin Cooper by phone
	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Zoom Member Meeting
3 April	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
6 April	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Meeting re use of tech for Committee meetings - SDC
	<ul style="list-style-type: none"> • Webinar - How the public sector is facing the crisis
	<ul style="list-style-type: none"> • DCN Coronavirus Teleconference
7 April	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Emily Haswell telecon re Business briefing
	<ul style="list-style-type: none"> • MHCLG Coronavirus Update Teleconference
8 April	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • #AREWEEK SEVENOAKS Panellist on live broadcast
9 April	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Kent & Medway Business Fund - Investment Advisory Board - Teleconference
	<ul style="list-style-type: none"> • Sevenoaks Chamber of Commerce - Zoom meeting with Businesses
	<ul style="list-style-type: none"> • Zoom Member Meeting
14 April	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Amy Wilton re Customer Solutions team - SDC
	<ul style="list-style-type: none"> • DCN Coronavirus Teleconference
15 April	<ul style="list-style-type: none"> • Radio Kent Interview re Flytipping
	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Telecon with Graham Galpin re Committee meetings
	<ul style="list-style-type: none"> • Telecon catch-up with LGA Improvement team
16 April	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • LGA Mentoring - introductory call
	<ul style="list-style-type: none"> • Cabinet Meeting via zoom
17 April	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
20 April	<ul style="list-style-type: none"> • Radio Kent Interview - Local plan

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	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • DCN Coronavirus Teleconference
	<ul style="list-style-type: none"> • Telecon with Steve Matthews, Canterbury Christ Church university
21 April	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Strategic Programme Board Teleconference - SDC
	<ul style="list-style-type: none"> • Council via Zoom
22 April	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Local Plan Teleconference - SDC
23 April	<ul style="list-style-type: none"> • Kent & Medway Business Fund - Investment Advisory Board - Teleconference
24 April	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • MHCLG Coronavirus Webinar
27 April	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • DCN Members' Board Briefing Teleconference
	<ul style="list-style-type: none"> • DCN Coronavirus Teleconference
28 April	<ul style="list-style-type: none"> • Phone interview for Planning Magazine
	<ul style="list-style-type: none"> • Zoom Member Meeting
29 April	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
30 April	<ul style="list-style-type: none"> • LGA Improvement & Innovation Lead Members' Meeting Zoom meeting
	<ul style="list-style-type: none"> • Meeting re Volunteers - SDC
	<ul style="list-style-type: none"> • Teleconference with Grant Thornton
	<ul style="list-style-type: none"> • Kent & Medway Business Fund - Investment Advisory Board - Teleconference
May 2020	
1 May	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Telecon with Laura Trott MP
4 May	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • DCN Coronavirus Teleconference
5 May	<ul style="list-style-type: none"> • Kent Leaders' Meeting online
7 May	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
11 May	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • DCN Coronavirus Teleconference
13 May	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • #AREWEEK SEVENOAKS Panellist on live broadcast
14 May	<ul style="list-style-type: none"> • Investment Advisory Board Teleconference
	<ul style="list-style-type: none"> • MHCLG Coronavirus Webinar
15 May	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • LGA Executive Advisory Board via Zoom
18 May	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • DCN Pre-meeting via Zoom
	<ul style="list-style-type: none"> • DCN Coronavirus Conference Call via Zoom
19 May	<ul style="list-style-type: none"> • Kent & Medway Business Fund - Investment Advisory Board via Microsoft Teams
20 May	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • DCN Member Board pre meeting via Zoom

	<ul style="list-style-type: none"> • DCN Member Board via Zoom
21 May	<ul style="list-style-type: none"> • LGA Improvement & Innovation pre meeting via Zoom
	<ul style="list-style-type: none"> • LGA Improvement & Innovation Board via Zoom
	<ul style="list-style-type: none"> • LGA Formal/Informal PSP via Zoom
	<ul style="list-style-type: none"> • LGA Remote meetings call
22 May	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • LGA Mentoring call
26 May	<ul style="list-style-type: none"> • Strategic Programme Board via Microsoft Teams
27 May	<ul style="list-style-type: none"> • Presenter on remote meetings at CfPS Webinar
	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
28 May	<ul style="list-style-type: none"> • Meeting re Bartholomew Park with Swanley Town Council via Zoom
	<ul style="list-style-type: none"> • Investment Advisory Board via Microsoft Teams
	<ul style="list-style-type: none"> • Care of our Community telephone call with Eliza Ecclestone
29 May	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Improvement & Innovation Portfolio Holder Meeting via Zoom
June 2020	
1 June	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Sevenoaks Town Recovery Meeting via Microsoft Teams
	<ul style="list-style-type: none"> • Meeting with Leader of KCC via Microsoft Teams
2 June	<ul style="list-style-type: none"> • Pre meeting for LGA NGDP Graduation Virtual event
	<ul style="list-style-type: none"> • Kent Council Leaders virtual meeting
	<ul style="list-style-type: none"> • Zoom Member Meeting
3 June	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update via Zoom - SDC
	<ul style="list-style-type: none"> • Chair Improvement & Development Agency Board via Zoom
	<ul style="list-style-type: none"> • Kent & Medway Economic Partnership Meeting via Zoom
4 June	<ul style="list-style-type: none"> • DCN Executive meeting via Zoom
	<ul style="list-style-type: none"> • Speaker at tech UK Navigating Local Government Briefing online
	<ul style="list-style-type: none"> • MHCLG Local Government Coronavirus Webinar
	<ul style="list-style-type: none"> • LGA Executive Advisory Board via Zoom
	<ul style="list-style-type: none"> • Quercus 7 & Quercus Housing Boards via Zoom
	<ul style="list-style-type: none"> • Cabinet via Zoom
5 June	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Speaker at LGA NGDP Graduation Event online
	<ul style="list-style-type: none"> • LGA Conservative Board Leads meeting via Zoom
8 June	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • DCN Coronavirus Conference call via Zoom
9 June	<ul style="list-style-type: none"> • Teleconference with ACC Peter Ayling & Ch Supt Rob Fordham
10 June	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
11 June	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
12 June	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update via Zoom - SDC
	<ul style="list-style-type: none"> • Radio interview with Heart FM
15 June	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • LGA South East Leaders - discussion on recovery via Zoom
	<ul style="list-style-type: none"> • DCN Coronavirus Conference call via Zoom
16 June	<ul style="list-style-type: none"> • Kent & Medway Business Fund Investment Advisory Board online
17 June	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC

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18 June	<ul style="list-style-type: none"> • DCN Executive meeting via Zoom
	<ul style="list-style-type: none"> • LGA Peer Challenge Stocktake via Zoom
	<ul style="list-style-type: none"> • iESE Innovation Club Webinar - Community Centric Council
19 June	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Business visit with Laura Trott MP - Sevenoaks
22 June	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Pre meeting Sevenoaks District Business Board skype call
	<ul style="list-style-type: none"> • DCN Coronavirus Conference call via Zoom
	<ul style="list-style-type: none"> • LGA Peer Mentoring Zoom call
23 June	<ul style="list-style-type: none"> • Discretionary Business Grant Review via Zoom
	<ul style="list-style-type: none"> • Strategic Programme Board via Zoom
24 June	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • PA Review - Zoom call
	<ul style="list-style-type: none"> • LGA Remote Peer Review call
25 June	<ul style="list-style-type: none"> • LGA Improvement & Innovation Board Lead Members' Meeting via Zoom
	<ul style="list-style-type: none"> • Improvement & Innovation Advisory Committee - SDC via Zoom
26 June	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • ICiPS Conference Pre Presentation Briefing via Zoom
29 June	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
30 June	<ul style="list-style-type: none"> • LGA Webinar - Re-Thinking Local - A vision for the future launch
	<ul style="list-style-type: none"> • Investment Advisory Board via Microsoft Teams
	<ul style="list-style-type: none"> • LGA Mentoring session by phone
July 2020	
1 July	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • LGA Webinar - Sir Keir Starmer MP via Zoom
2 July	<ul style="list-style-type: none"> • DCN Executive meeting via Zoom
	<ul style="list-style-type: none"> • Welcome to Detlev Munster, Strategic Head - SDC
	<ul style="list-style-type: none"> • LGA Webinar - Robert Jenrick MP
3 July	<ul style="list-style-type: none"> • Cabinet/SMT Coronavirus Update Teleconference - SDC
	<ul style="list-style-type: none"> • Meeting with HR Manager - SDC

QUARTERLY REPORT ON SPECIAL URGENCY DECISIONS

Council - 21 July 2020

Report of	Chief Executive
Status	For consideration
Key Decision	No

Portfolio Holder	Cllr. Peter Fleming
Contact Officer	Vanessa Etheridge, Ext.7199

Recommendation to Cabinet: That Members note the report.

Reason for recommendation: To comply with the Council’s governance arrangements.

Background

- 1 This report satisfies the requirement of quarterly reporting on Special Urgency Decisions as set out in Appendix A - Access to Information Procedure Rules, paragraph 18.3

‘In any event the Leader will submit a quarterly report to the Council on the Cabinet decisions taken in the circumstances set out in Rule 17 (special urgency) or annually where there have been none. The report will include particulars of each decision made and a summary of the matters in respect of when each decision was made.’
- 2 It also satisfies the requirement as set out in Appendix C - Scrutiny Committee Procedure Rules paragraph 18.17, that decisions ‘taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.’

Introduction

- 2 Two urgency decisions have been taken, which have been reported to Cabinet, and are in the attached Appendices:
 - Officer Decision 04 (2019/21) - Discretionary Business Grant Scheme
 - Officer Decision 05 (2019/21) - Suspension of Car Parking Charges - Sevenoaks Town Car Park
- 3 The decisions set out their reasons for urgency.

Agenda Item 11

Key Implications

Financial

Non directly arising from this report. A report elsewhere on this agenda complies with the reporting procedures set out in Appendix D (Financial Procedure Rules) 2(d) paragraphs 2.32 and 2.33 of the Council's Constitution.

Legal Implications and Risk Assessment Statement

All relevant legislation and constitutional requirements were adhered to. Each decision sets out its reason for urgency.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

In compliance with the Council's Constitution Members are asked to note this report.

Appendices

Appendix A - Officer Decision 04 (2019/21) - Discretionary Business Grant Scheme

Appendix B - Officer Decision 05 (2019/21) - Suspension of Car Parking Charges - Sevenoaks Town Car Park

Background Papers

[Council's Constitution](#)

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Dr Pav Ramewal

Chief Executive

Officer Decision Statement

Openness of Local Government Bodies Regulations 2014/2095

Subject:	Discretionary Business Grant Scheme
Key Decision	Yes
Notice of the Key Decision	Notice has been given as per Regulation 11 of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012
Details of Decision taken	<p>The endorsement of the Discretionary Business Grant Scheme providing grants to businesses in response to the coronavirus.</p> <p>The new Discretionary Business Grant Scheme has been developed in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 1st May 2020 which sets out circumstances whereby a grant payment may be made by the Council to a business who has not previously qualified for a direct business grant and is suffering a significant fall in income due to the COVID-19 crisis.</p>
Reason for Decision	With the special circumstances surrounding the impact on businesses of the coronavirus (Covid 19), the Council must deliver on the Government direction quickly to support the business community.
Reason for Urgency	<p>In order to have a positive and immediate impact it is not possible to wait until the next meeting of Cabinet and following government advice, prudent to avoid unnecessary meetings of groups of people.</p> <p>An urgent decision is required on the adoption of the Discretionary Business Grant Scheme. It is imperative that we deliver much needed support to the business community in the form of grants to preserve the local economy</p> <p>Pursuant to Appendix C, paragraph 18 of the Council's Constitution, it is deemed that the decision proposed is reasonable in these circumstances to be treated as a matter of urgency and the call-in procedure does not apply.</p>
All Documents considered:	Report and appendices attached

Details of any alternative options considered and rejected by the Officer when making the Decision: None.

Financial implications

Central government will provide a finite amount of funding (approximately £1.2m) to cover the costs of this scheme, by way of a grant under section 31 of the Local Government Act 2003.

Legal Implications and Risk Assessment Statement

This decision is taken by the Chief Executive acting in accordance with Paragraph 12 (d) of Part 13 of the Constitution, which authorises him as follows:

(d) In cases of urgency, after consultation with the Leader and Deputy Leader of the Council [and, where possible, the Leader(s) of the Opposition], to take any decision which could be taken by the Cabinet or by a Committee and to report such actions to Cabinet or Committee as appropriate.

Furthermore, this being an urgent Key Decision, Notice has been duly given and the agreement of the Chairman of the Scrutiny Committee has been sought to enable the decision to proceed as per Regulation 11(1)(a) of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012.

Furthermore, this being an urgent Key Decision, the agreement of the Chairman of the Council has been sought to disapply the call-in procedure set out in Paragraph 18 of Appendix C of the Constitution, for the reasons set out in Paragraphs 18.13 - 18.18.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Local Member(s), Portfolio Holders and/or Chief Officer/Heads of Service Consulted

Councillors Fleming and Dickins
Chief Officer - Customer and Resources

Agreement of Chairman of Scrutiny Committee pursuant to 11 (1)(a) of The Local Authorities (Executive Arrangements)(Meetings

<p>and Access to Information)(England) Regulations 2012, obtained on: On 28 May 2020</p>	
<p>Agreement of the Chairman of the Council pursuant to Appendix C, para.18.16 of the Council’s Constitution, obtained on: On 28 May 2020</p>	
<p>Details of any conflicts of interest a) declared by any member who was consulted or was part of the body giving specific express authorisation</p> <p>b) and any details of dispensations granted by the Chief Executive in respect of any declared conflict</p>	
<p>Decision taken by:</p>	<p>The Chief Executive, Dr Pav. Ramewal</p>
<p>Signed by Officer</p>	
<p>Date of Decision</p>	<p>28.05.20</p>
<p>Record made by:</p>	<p>Charlotte Sinclair</p>
<p>Date of record:</p>	<p>29.05.20</p>

This decision takes immediate effect

Background Information for Emergency Expenditure Request

Emergency: Coronavirus 2020
Subject: Discretionary Business Grant Scheme
Date: 28 May 2020
Chief Officer: Jim Carrington-West

Council Constitution

Appendix D - Financial Procedure Rules

2d. Emergency Expenditure

Why is this important?

The Council needs to have in place a procedure for meeting immediate needs in the case of an emergency situation arising in the District.

General

2.32 The Chief Executive and s.151 Officer/Chief Finance Officer shall have the authority to approve expenditure on any item which is essential to meet any immediate needs created by an emergency or which is referable to Section 138 of the Local Government Act 1972, subject to a subsequent report to Cabinet and/or Full Council depending on whether or not the expenditure can be met from within the current budget framework.

2.33 The Chairman or Vice-Chairman of the Council together with the Leader or Deputy Leader of Council, having received a report from the Chief Executive and the Chief Executive and s.151 Officer/Chief Finance Officer, shall have power to incur expenditure which is essential to meet any immediate needs created by an emergency or which is referable to Section 138 of the Local Government Act 1972 (or other subsequent legislation) which is not otherwise authorised or where it is necessary in the Council's interest to settle legal proceedings which have been commenced against the Council. A subsequent report shall be submitted to Cabinet and/or the full Council depending on whether or not the expenditure can be met from within the current budget framework.

Detail

In response to the Coronavirus, COVID-19, the government announced there would be support for small businesses, and businesses in the retail, hospitality and leisure sectors, delivered through the Small Business Grant Fund and the Retail, Leisure and Hospitality Grant Fund.

This additional fund is aimed at small and micro businesses who were not eligible for the Small Business Grant Fund or the Retail, Leisure and Hospitality Fund.

It is for individual authorities to adopt a local scheme and to determine in each individual case when, having regard to the guidance issued on 23 May 2020, to provide grants under Section 1 of the Localism Act 2011.

It is imperative that we deliver much needed support to the business community in the form of grants to preserve the local economy

Financial Impact

Central government will provide a finite amount of funding, approximately £1.2m for the provision of grants that fall within the guidance and local scheme set out in Appendices A and B. The funding will be by way of a grant under section 31 of the Local Government Act 2003.

Requesting Chief Officer: Jim Carrington-West - Customer and Resources

Approval

Chief Executive:



Chief Officer - Finance and Trading:





Grant Funding Schemes

Local Authority Discretionary Grants Fund –
guidance for local authorities



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enquiries@beis.gov.uk

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About this guidance

1. This guidance is intended to support local authorities in administering the Local Authority Discretionary Grants Fund announced on 1 May 2020. This guidance applies to England only.
2. This guidance sets out the criteria which local government should consider as they manage the Local Authority Discretionary Grants Fund. This does not replace [existing guidance](#) for the Small Business Grant Fund (SBGF) or the Retail Hospitality and Leisure Grant Fund (RHLGF).
3. Local authority enquiries on this measure should be addressed to businessgrantfunds@beis.gov.uk. Businesses seeking information should refer to their local authority for further information on their discretionary scheme.

Introduction

4. In response to the Coronavirus, COVID-19, the government announced there would be support for small businesses, and businesses in the retail, hospitality and leisure sectors, delivered through the Small Business Grant Fund and the Retail, Leisure and Hospitality Grant Fund.
5. This additional fund is aimed at small and micro businesses who were not eligible for the Small Business Grant Fund or the Retail, Leisure and Hospitality Fund.

How will the grants be provided?

6. Local authorities will be responsible for delivering grants to eligible businesses. Section 1 of the Localism Act 2011 provides all local authorities with the vires to make these payments.
7. The cost to local authorities of these grant payments will be met in one of two ways:
 - Where they have or plan to spend all of the grants fund allocation for the Small Business Grants Fund and Retail, Hospitality and Leisure Grants Fund, they will receive an additional payment of 5% of their funding allocation (using a grant under section 31 of the Local Government Act 2003).
 - Local authorities that, having taken all reasonable steps to provide grants to eligible businesses for the Small Business Grants Fund and/or the Retail, Hospitality and Leisure Grants Fund, still have unspent initial grants funds allocation, will fund the grants from this unspent residual. Local authorities with a projected underspend of more than 5% cannot allocate awards above their 5% threshold.
8. In either case, we will continue to monitor each local authority's spend performance for the Small Business, Retail, Hospitality and Leisure Grants Funds and the Local Authority Discretionary Grants Fund and ensure they have sufficient funding and the correct 5% cap for the Discretionary Grants Fund and will top up funding where necessary.

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9. We will use the data return from local authorities of Monday 4th May 2020, which includes a projection of spend totals for the Small Business and Retail, Hospitality and Leisure Grants Funds, as the baseline for calculating either:
 - The 5% funding envelope that each local authority can utilise to meet the costs of this discretionary grants scheme, where they have residual funding available;
 - Or, the allocation of the additional amount of grant to be paid to those local authorities expecting to have no residual funding or not enough residual funding from the initial allocation of Small Business and Retail, Hospitality and Leisure Grants Funds.
10. This is a baseline to provide the fixed minimum 5% allocation for each local authority, to give certainty. We do not want to penalise local authorities that subsequently manage to achieve a higher number of business hereditaments supported and grants awarded; their 5% allocation will be adjusted upwards.
11. We are committed to meeting the delivery costs to local authorities for this scheme and will meet associated New Burdens costs.
12. Local authorities that will be responsible for making payments to businesses and which will receive funding from government are billing authorities in England.
13. This grant scheme widens access to support to businesses who are struggling to survive due to the Corona virus shutdown but are unable to access other grant funding. Local authorities should make payments as quickly as possible to support struggling businesses. We anticipate that the first payments made under the scheme will be received by businesses by early June.

How much funding will be provided to businesses?

14. Local authorities may disburse grants to the value of £25,000, £10,000 or any amount under £10,000. The value of the payment to be made to a business is at the discretion of the local authority.
15. Grants under the Local Authority Discretionary Grants Fund are capped at £25,000.
16. The next level payment under the Local Authority Discretionary Grants Fund is £10,000.
17. Local authorities have discretion to make payments of any amount under £10,000. It will be for local authorities to adapt this approach to local circumstances, such as providing support for micro-businesses with fixed costs or support for businesses that are crucial for their local economies. We expect that payments of under £10,000 may be appropriate in many cases.
18. In taking decisions on the appropriate level of grant, local authorities may want to take into account the level of fixed costs faced by the business in question, the number of employees, whether businesses have had to close completely and are unable to trade online and the consequent scale of impact of COVID-19 losses.
19. Bearing in mind the above, local authorities should set out clear criteria for determining the appropriate level of grant to give businesses clarity.

Who will benefit from these schemes?

20. These grants are primarily and predominantly aimed at:
- 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.
 - Businesses with relatively high ongoing fixed property-related costs
 - Businesses which can demonstrate that they have suffered a significant fall in income due to the COVID-19 crisis
 - Businesses which occupy property, or part of a property, with a rateable value or annual rent or annual mortgage payments below £51,000.
21. To be a small business, under the Companies Act 2006, a business must satisfy two or more of the following requirements in a year—
- Turnover: Not more than £10.2 million
 - Balance sheet total: Not more than 5.1 million
 - Number of employees: a headcount of staff of less than 50
22. To be a micro business, under the Companies Act 2006, a business must satisfy two or more of the following requirements—
- Turnover: Not more than £632,000
 - Balance sheet total: Not more than £316,000
 - Number of employees: a headcount of staff of not more than 10
23. We want local authorities to exercise their local knowledge and discretion and we recognise that economic need will vary across the country, so we are setting some national criteria for the funds but allowing local authorities to determine which cases to support within those criteria.
24. We are asking local authorities to prioritise the following types of businesses for grants from within this funding pot:
- Small businesses in shared offices or other flexible workspaces. Examples could include units in industrial parks, science parks and incubators which do not have their own business rates assessment;
 - Regular market traders with fixed building costs, such as rent, who do not have their own business rates assessment;
 - Bed & Breakfasts which pay Council Tax instead of business rates; and
 - Charity properties in receipt of charitable business rates relief which would otherwise have been eligible for Small Business Rates Relief or Rural Rate Relief.

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25. The list set out above is not intended to be exhaustive but is intended to guide local authorities as to the types of business that the government considers should be a priority for the scheme. Authorities should determine for themselves whether particular situations not listed are broadly similar in nature to those above and, if so, whether they should be eligible for grants from this discretionary fund.
26. Where limits to funding available for this scheme require local authorities to prioritise which types of businesses will receive funding, it will be at the local authorities discretion as to which types of business are most relevant to their local economy. There will be no penalty for local authorities because of their use of discretion to prioritise some business types.
27. Local authorities should set out the scope of their discretionary grant scheme on their website, providing clear guidance on which types of business are being prioritised, as well as the rationale for the level of grant to be provided (either £25,000, £10,000 or less than £10,000).
28. Local authorities may wish to consider collaborating as they design their discretionary schemes to ensure there is consistency where they are working across a functional economic area (e.g. a Mayoral Combined Authority or Local Enterprise Partnership area) and may want to engage with MCAs and LEPs to ensure alignment and reduce duplication with other local discretionary business grants that may have been established.

Eligibility

29. This grant funding is for businesses that are not eligible for other support schemes. Businesses which are eligible for cash grants from any central government COVID-related scheme (apart from SEISS) are ineligible for funding from the Discretionary Grants Fund. Such grant schemes include but are not limited to:
 - Small Business Grant Fund
 - Retail, Hospitality and Leisure Grant
 - The Fisheries Response Fund
 - Domestic Seafood Supply Scheme (DSSS)
 - The Zoos Support Fund
 - The Dairy Hardship Fund
30. Businesses who have applied for the Coronavirus Job Retention Scheme are eligible to apply for this scheme.
31. Businesses who are eligible for the Self-Employed Income support scheme (SEISS) are eligible to apply for this scheme as well.
32. Only businesses which were trading on 11 March 2020 are eligible for this scheme.
33. Companies that are in administration, are insolvent or where a striking-off notice has been made are not eligible for funding under this scheme.

Who will receive this funding?

34. It is recognised that local authorities will need to run some form of application process.
35. This will allow local authorities to undertake proportionate pre-payment checks to confirm eligibility relative to their local scheme and to allow each local authority to determine how to use its discretion in relation to the appropriate level of grant. Prepayment checks must include confirming that by accepting payments recipients are in compliance with State aid rules.
36. Local authorities must use their discretion in identifying the right person to receive this funding, based on their application process.
37. The local authority must call or write to the business, stating that by accepting the grant payment, the business confirms that they are eligible for the grant scheme, including that any payments accepted will be in compliance with State aid requirements. Suggested wording for State aid declarations is included at [Annex B](#).

Will these grant schemes be subject to tax?

38. Grant income received by a business is taxable therefore funding paid under the Local Authority Discretionary Grants Fund will be subject to tax.
39. Only businesses which make an overall profit once grant income is included will be subject to tax.

Managing the risk of fraud

40. The government 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.
41. The government Grants Management Function and Counter Fraud Function will make their digital assurance tool, Spotlight, available to local authorities, and will offer support in using the tool and interpreting results. Alongside other checks conducted by local authorities, the tool can help with pre-payment and post payment assurance. We also want local authorities to work with us and each other in identifying and sharing good practice, including protecting eligible businesses which may be targeted by fraudsters pretending to be central or local government or acting on their behalf.

Post event assurance

42. Post payment, the government Grants Management Function and Counter Fraud Function will support local authorities to carry out post-event assurance work to identify high risk payments.

Monitoring and reporting requirements

43. Local authorities will be required to report on their progress in developing and delivering the Local Authority Discretionary Grant Fund weekly to BEIS alongside the existing reporting on the Small Business Grants Fund and Retail, Hospitality and Leisure Grants Fund. Criteria for local authority schemes must be published and shared with BEIS.
44. Once the scheme is developed and payments are made, reports from June onward will cover:
 - Numbers of businesses provided £25,000 grants
 - Numbers of businesses provided £10,000 grants
 - Numbers of businesses provided less than £10,000 grants
 - Total funding paid out in relation to the discretionary grant scheme paying less than £10,000
 - Expected date of completion of all grant payments to businesses
 - Issues encountered in implementing the scheme to allow BEIS to support development of solutions with local authorities.
45. We will also contact a sample of LAs each month to:
 - Check they are awarding in line with the mandatory criteria;
 - Understand the ways in which they are using their discretion.
46. Annex A contains information on Post Payment Monitoring requirements.

State aid

47. The United Kingdom left the EU on 31 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. The local authority must be satisfied that all State aid requirements have been fully met and complied with when making grant payments, 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.
48. Local authorities have a discretion to make payments to eligible recipients under either the De Minimis rules or the COVID-19 Temporary Framework for UK Authorities (provided all the relevant conditions are met).
49. 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.
50. Payments of up to and including £25,000 (or £10,000 where the De Minimis threshold has been reached) should be paid under the COVID-19 Temporary Framework for UK Authorities. Local authorities should note the conditions attached to the Temporary Framework, including the €800,000 threshold per undertaking (€120 000 per

undertaking active in the fishery and aquaculture sector or €100 000 per undertaking active in the primary production of agricultural products), and requirement for recipients to declare they were not an undertaking in difficulty on 31 December 2019. An 'undertaking in difficulty' is defined by GBER (2014) as an undertaking in which at least one of the following circumstances occurs:

- a) In the case of a limited liability company (other than an SME that has been in existence for less than three years), where more than half of its subscribed share capital has disappeared as a result of accumulated losses. This is the case when deduction of accumulated losses from reserves (and all other elements generally considered as part of the own funds of the company) leads to a negative cumulative amount that exceeds half of the subscribed share capital.
- b) In the case of a company where at least some members have unlimited liability for the debt of the company (other than an SME that has been in existence for less than three years), where more than half of its capital as shown in the company accounts has disappeared as a result of accumulated losses.
- c) Where the undertaking is subject to collective insolvency proceedings or fulfils the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors.
- d) Where the undertaking has received rescue aid and has not yet reimbursed the loan or terminated the guarantee, or has received restructuring aid and is still subject to a restructuring plan.
- e) In the case of an undertaking that is not an SME, where, for the past two years:
 - i) The undertaking's book debt to equity ratio has been greater than 7.5 and
 - ii) The undertaking's EBITDA interest coverage ratio has been below 1.0.

51. Annex B of this guidance contains two sample declarations which local authorities may wish to use with either payments under the De Minimis rules or under the COVID-19 Temporary Framework for UK Authorities. Where local authorities have further questions about De Minimis or other aspects of State aid law, they should seek advice from their legal department in the first instance.

Annex A: Post-payment reporting

Background

1. Local authorities will be required to report weekly to BEIS on the Local Authority Discretionary Grants Fund, alongside the existing reporting on the Small Business Grants Fund and Retail, Hospitality and Leisure Grants Fund
2. Reports will cover:
 - Numbers of businesses provided £25,000 grants
 - Numbers of businesses provided £10,000 grants
 - Numbers of businesses provided less than £10,000 grants
 - Total funding paid out in relation to the discretionary grant scheme paying less than £10,000
 - Expected date of completion of all grant payments to businesses
 - Issues encountered in implementing the scheme to allow BEIS to support development of solutions with local authorities
3. The return will be completed using the DELTA Reporting system.

Process

4. Local authorities are required to complete the weekly return for BEIS by 10am Monday (from early June), reporting on the previous Monday – Sunday period.
5. Each weekly report will only cover grants provided by local authorities to eligible business during the period of the previous week as per paragraph 4. The Cities and Local Growth Unit will consolidate the reports to create a cumulative total and monitor progress against the allocation of funding per local authority.

Definitions

Total number of grants provided under each level of the scheme (£25,000; £10,000; and less than £10,000)	Number of grants paid (in that week) to the eligible businesses identified by the local authorities.
Total funding paid out in relation to the discretionary grant scheme paying less than £10,000	This should reflect the amount of money paid in grants against the under £10k grant in the reporting week under this scheme.
Expected Date of Completing all payments to Eligible Businesses	Date at which the local authorities believes it will have provided all grants under the scheme.
Comments	Highlight in this box issues that local authorities are encountering while implementing the schemes.

Annex B: State aid – Sample paragraphs that could be included in letters to grant recipients

Template to send to beneficiaries of aid awarded based on the UK COVID-19 Temporary Framework¹

Dear [Name of Aid Recipient]

Confirmation of State Aid received under the COVID-19 Temporary Framework for UK Authorities scheme

Following the outbreak of the Coronavirus, the European Commission has approved schemes to aid businesses affected by the Coronavirus outbreak on the basis of their Temporary Framework, including the COVID-19 Temporary Framework scheme for the UK.

The maximum level of aid that a company may receive is €800 000 (€120 000 per undertaking active in the fishery and aquaculture sector or €100 000 per undertaking active in the primary production of agricultural products). This is across all UK schemes under the terms of the European Commission's Temporary Framework. The Euro equivalent of the Sterling aid amount is calculated using the Commission exchange rate² applicable on the date the aid is offered.

Any aid provided under this scheme will be relevant if you wish to apply, or have applied, for any other aid granted on the basis of the European Commission's Temporary Framework. You will need to declare this amount to any other aid awarding body who requests information from you on how much aid you have received. You must retain this letter for four years after the conclusion of the UK's transition from the EU and produce it on any request from the UK public authorities or the European Commission.

Aid may be granted to undertakings that were not in difficulty (within the meaning of Article 2(18) of the General Block Exemption Regulation³) on 31 December 2019, but that faced difficulties or entered in difficulty thereafter as a result of the COVID-19 outbreak⁴.

This aid is in addition any aid that you may have received under the De Minimis regulation allowing aid of up to €200,000 to any one organisation over a three fiscal year period (i.e. your current fiscal year and previous two fiscal years), and any other approved aid you have received under other State aid rules, such as aid granted under the General Block Exemption Regulation.

¹ Approval reference.

² https://ec.europa.eu/info/funding-tenders/how-eu-funding-works/information-contractors-and-beneficiaries/exchange-rate-infoeuro_en

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02014R0651-20170710>

⁴ If you are an undertaking in difficulty within the meaning of Article 2(18) of the General Block Exemption Regulation you may still be entitled to de minimis aid if you have received less than €200,000 in de minimis aid in the last three years. You should contact us if you consider that you may qualify for de minimis aid on this basis.

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Local Authority Discretionary Grants Fund - guidance for local authorities

Confirmation of State aid received under x Scheme, and Undertaking in Difficulty status

Please sign the attached statement confirming your eligibility, in principle, for aid.

I confirm that I have received the following aid under measures approved within the European Commission's Temporary Framework between March 2020 and December 2020.

I confirm that my undertaking was not in difficulty (within the meaning of Article 2(18) of the General Block Exemption Regulation) on 31 December 2019.

Body providing the assistance/ aid	Value of assistance (in €)	Date of assistance

Declaration

Company	
Company Representative Name	
Signature	
Date	

Template to send to beneficiaries of aid awarded based on De Minimis Rules

Dear []

The value of the grant payment to be provided to [name of undertaking] by [name of local authority] is £ [] (Euros []).

This award shall comply with the EU law on State aid on the basis that, including this award, [name of undertaking] shall not receive more than €200,000 in total of de minimis aid within the current financial year or the previous two financial years). The de minimis Regulations 1407/2013 (as published in the Official Journal of the European Union L352 24.12.2013) can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF>

Amount of de minimis aid	Date of aid	Organisation providing aid	Nature of aid

I confirm that:

- 1) I am authorised to sign on behalf of _____ [name of undertaking]; and
- 2) _____ [name of undertaking] shall not exceed its De minimis threshold by accepting this grant payment.

SIGNATURE:

NAME:

POSITION:

BUSINESS:

ADDRESS:

I confirm that I wish to accept the grant payment in relation to the above premises.

DATE:

This publication is available from: www.gov.uk/beis

If you need a version of this document in a more accessible format, please email enquiries@beis.gov.uk. Please tell us what format you need. It will help us if you say what assistive technology you use.



**Sevenoaks District Council
Discretionary Business Grant Scheme
2020/21**

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1.0 Purpose of the Scheme

- 1.1 The purpose of this document is to determine eligibility for a payment under the Council's Discretionary Business Grants Scheme.
- 1.2 The new Discretionary Business Grant Scheme has been developed in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 1st May 2020 which sets out circumstances whereby a grant payment **may** be made by the Council to a business who has not previously qualified for a direct business grant and is suffering a significant fall in income due to the COVID-19 crisis.
- 1.3 Whilst the awarding of grants will be at the total discretion of the Council, the Department for Business, Energy & Industrial Strategy (BEIS) has set down criteria which **must** be met by each business making an application for a discretionary grant. The Department has also indicated the types of business which should be given priority in all cases.
- 1.4 This document sets out the criteria which BEIS have provided to the Council to determine eligibility for the Discretionary Business Grant. It also outlines the approach the Council will take in determining whether an award should be paid or not.

2.0 Funding

- 2.1 Central Government has provided the Council with a sum of approximately £1.2m which represents 5% of the projected allocation for the Direct Business Grants. The funding level is finite however, the Council is eager to support as many businesses as possible, with applications prioritised as set out in this document
- 2.2 The Council will limit the total awards to the level of funding available from Central Government.

3.0 Eligibility Criteria of the fund

- 3.1 Central Government, whilst wanting Council's to exercise their local knowledge and discretion, have set national criteria for the funds. In all cases, the Council will only consider businesses for Discretionary Business Grant where **all** of the criteria are met.
- 3.2 Any business failing to meet the criteria or failing to provide the Council with sufficient information to determine whether they meet the criteria, will not be awarded a Discretionary Business Grant.
- 3.3 Government has stated that the intention of the scheme is to provide assistance to businesses that meet the following criteria:
 - 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;
 - Businesses with relatively high ongoing fixed property-related costs;

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- Businesses which can demonstrate that they have suffered a significant fall in income due to the COVID-19 crisis;
- Businesses which occupy property, or part of a property, with a rateable value or annual rent or annual mortgage payments below £51,000; and
- Businesses must have been trading on 11th March 2020.

3.4 In addition, businesses which are **eligible** for any of the following are **ineligible for any Discretionary Business Grant**:

- Small Business Grant Fund;
- Retail, Hospitality and Leisure Grant;
- The Fisheries Response Fund;
- Domestic Seafood Supply Scheme (DSSS);
- The Zoos Support Fund;
- The Dairy Hardship Fund;

4.0 Definitions - Eligibility Criteria

4.1 For the sake of clarity the following definitions are provided in respect of the criteria set out in paragraphs 3.3 and 3.4:

- **Small Businesses under the Companies Act 2006** must meet two of the following requirements in a year:
 - Turnover must not be more than £10.2 million per annum;
 - The Balance sheet total should not be more than 5.1 million; and
 - The number of employees should be less than 50.
- **Micro Businesses under the Companies Act 2006** must meet two of the following requirements in a year:
 - Turnover must not be more than £632,000 per annum
 - The Balance sheet total should not be more than £316,000; and
 - The number of employees should be less than 10.
- **Businesses must have relatively high ongoing fixed building-related costs** – for the purpose of this scheme, the Council determines fixed building-related costs to be:
 - Payments of mortgage, lease, rent or licence for business premises and **not** domestic premises (apart from the exception of Bed and Breakfast premises as defined in part 6 of this scheme);
 - The payments must represent a high proportion of expenses in relation to the overall income of the business; and
 - The payments are unavoidable and are ongoing.

The Council has determined that each business will have to provide evidence of high on-going fixed building-related costs. The Council may require the business to provide evidence of liabilities including mortgage, lease, tenancy, service charges or licence documentation.

- **Businesses must demonstrate that they have suffered a significant fall in income due to the COVID-19 crisis** – the Council has determined that businesses will be required to certify (and provide evidence) that there has been a significant fall in income or orders due to the crisis
The Council must be satisfied that the fall in income is due to the COVID-19 crisis and not a general failure of business. Businesses should provide evidence to the Council to support their application;
- **Businesses must be trading on 11th March 2020** – the Council will require proof that the business was trading on 11th March 2020 and was not dormant, subject to a winding up order, in administration or subject to striking off;
- **Eligible to a grant under the Small Business Grant Scheme or the Retail Hospitality or Leisure Scheme¹** – where the business is either eligible to receive or has received a grant under either of the two schemes administered by the Council, no Discretionary Business Grant shall be awarded;
- **Eligible to assistance under the Fisheries Response Fund** – as administered by the Marine Management Organisation (MMO) and funded by HM Treasury and the Department for Environment, Food and Rural Affairs. Where the business or person is eligible to assistance under this fund, no Discretionary Business Grant shall be awarded;
- **Eligible to assistance under the Domestic Seafood Supply Scheme (DSSS)** as administered by the Marine Management Organisation (MMO) and funded by HM Treasury and the Maritime and Fisheries Fund. Where the business or person is eligible to assistance under this fund, no Discretionary Business Grant shall be awarded;
- **Eligible to assistance under the Zoos Support Fund** as administered by the Department for Environment, Food and Rural Affairs. Where the business or person is eligible to assistance under this fund, no Discretionary Business Grant shall be awarded;
- **Eligible to assistance under the Dairy Hardship Fund** as administered by the Department for Environment, Food and Rural Affairs. Where the business or person is eligible to assistance under this fund, no Discretionary Business Grant shall be awarded;
- **Businesses which occupy property, or part of a property, with a rateable value or annual rent or annual mortgage payments below £51,000** – The Council has decided that this shall be a key determinant of priority under the scheme and, as such, where businesses have rateable values of £51,000 or more or make payments of mortgage, lease, rent or licence of £51,000 or more per annum, no Discretionary Business Grant shall be awarded.
For the avoidance of doubt, the Council has decided that in calculating the figure of £51,000, **all** buildings occupied by the business (or the responsibility of the business) shall be taken into account.

5.0 National Priority Businesses

5.1 Government are asking Councils to prioritise the following types of businesses for grants from within this discretionary fund:

- (a) **Small businesses in shared offices or other flexible workspaces** e.g. industrial parks, science parks, incubators etc., which do not have their own business rates assessment;

¹ **Eligibility Criteria for either the Small Business Grant or Retail Hospitality and Leisure Grant** as determined by the Department for Business, Energy & Industrial Strategy and administered by the Council;

- (b) **Regular market traders who do not have their own business rates assessment;**
- (c) **Bed and Breakfast premises which pay Council Tax instead of business rates;** and
- (d) **Charity properties in receipt of charitable business rates relief which would otherwise have been eligible for Small Business Rates Relief or Rural Rate Relief.**

5.2 The list set out above is not intended to be exhaustive, but it is intended to guide Councils as to the types of uses that the Government considers should be a priority for the scheme. The Council will decide whether particular situations not listed are broadly similar in nature to those above and, if so, whether they may be eligible for grants from this discretionary fund.

6.0 Definitions - National Priority Businesses

6.1 In line with Government's priorities for the fund, the following definitions have been used to determine whether any particular business should be treated as a priority for the funding:

Small businesses in shared offices or other flexible workspaces which do not have their own business rates assessment

6.2 These are defined by the Council as businesses which do not have to a separate assessment for Non-Domestic Rating (i.e. those businesses who do not occupy a separate hereditament within the 2017 Rating List) and who, on the 11th March 2020 were trading and shared the premises with other businesses.

6.3 Primarily, these businesses will not be assessed individually for Non-Domestic Rating on the basis that the landlord has paramount occupation of the premises.

Regular market traders who do not have their own business rates assessment

6.4 As with the other priority businesses for this fund, these will be businesses who do not have a separate assessment for Non-Domestic Rating (i.e. those businesses who do not occupy a separate hereditament within the 2017 Rating List).

6.5 The Council has decided that for the purpose of this scheme, market traders shall be defined as: "a business or person who sells goods wholly or mainly to visiting members of the public from a stall, pitch or similar."

6.6 All market traders must prove to the Council that as at 11th March 2020, they had a regular pitch or stall within the Council's area from which they sold goods to visiting members of the public.

6.7 For the purposes of this scheme, 'regular' is defined by the Council as a period of eight consecutive weeks attendance at one of the markets in the District in the period leading up to 23rd March 2020.

- 6.8 Where a market trader operates in more than one local authority area, the applicant will need to certify that they have fixed property costs that relate to their business within the Council's area. Where a grant is claimed from another authority, no grant will be awarded by the Council. It should be noted that property costs in the Council's area will be a key determinant.

Bed and Breakfast premises which pay Council Tax instead of business rates

- 6.9 For the purpose of this scheme, these businesses are those who do not occupy a separate hereditament within the 2017 Rating List and who the Valuation Office Agency would deem to fall within the Council Tax Valuation List.
- 6.10 For the avoidance of doubt, the Council will consider this as a priority business if:
- (a) the Bed and Breakfast property is domestic and therefore subject to council tax rather than business rates;
 - (b) It provides short stay accommodation for no more than six persons at any one time within the past year;
 - (c) The property is the sole or main residence of the proprietor(s) or within the curtilage of their sole or main residence of the proprietor (s) and the bed and breakfast use is subsidiary to the private use; and
 - (d) The business was trading on 11th March 2020.
- 6.11 In determining subsidiary use the Council shall take into account:
- Whether the majority of the premises is being used for business purposes: and
 - If the premises have been adapted to alter the character of the property beyond that of a private house.
- 6.12 Where the Council has determined that the Bed and Breakfast premises should have been subject to Non-Domestic Rating, the business shall not be considered as a priority for a Discretionary Business Grant.
- 6.13 The Council has determined that any premises where it considers that the Bed and Breakfast business is basically 'home sharing' will not take priority for the fund.

Charity properties in receipt of charitable business rates relief which would otherwise have been eligible for Small Business Rates Relief or Rural Rate Relief

- 6.14 In certain cases, where a charity was in receipt of mandatory relief under Section 43 of the Local Government Finance Act 1988, it would not have been entitled to either Small Business Rates Relief or Rural Rate Relief. As such it would not have been able to receive a grant under the Small Business Grant Fund.
- 6.15 The Council will give priority to charities who, were it not for the receipt of mandatory relief, would have met the qualifying criteria for the Small Business Grants (see the Council's policy for Direct Business Grants). It should be noted that this only relates to premises that would, but for the receipt of mandatory rate relief received a percentage reduction under the Small Business Rates Criteria. In the main this will be premises with a Rateable Value of £15,000 or less and where the ratepayer occupies only one premises (excluding any premises which would be disregarded under the Small Business Rates Relief scheme).

- 6.16 The Council has decided that any charitable business receiving other help from public funds (i.e. from Government, Local Authorities etc.) shall not be priority for a Discretionary Business Grant. However, the Council has decided that the Community Grant Scheme administered by the Council shall not affect priority.

7.0 Local Fund Priorities

- 7.1 In addition to the national fund priorities, the Council has decided that it will accept applications from all local businesses meeting the criteria although It should be noted that, as the grant fund is limited, the Council will look to award businesses who meet the national priorities first and any residual funds awarded to businesses who meet the local priorities.
- 7.2 The Council is keen to support those business who can demonstrate their importance to the local economy. Any business making an application will need to clearly demonstrate in what ways they contribute to the District's Economy.
- 7.3 In all cases however, the business **must** meet the eligibility criteria stated in sections 3 and 4.

8.0 How will grants be provided to Businesses?

- 8.1 The Council is fully aware of the importance of these grants to assist businesses and support the local community and economy. These Discretionary Business Grant scheme will offer a lifeline to businesses who are struggling to survive due to the COVID-19 crisis.
- 8.2 In all cases, a simple application form **is** required, and this can be completed on-line at the Council's website <https://www.sevenoaks.gov.uk/coronavirusbusinessadvice>
Supplementary information may also be required, and all businesses should look to provide this, where requested to the Council as soon as possible.
- 8.3 An application for a Discretionary Business Grant is deemed to have been made when a duly completed application form is received via the Council's online procedure.

9.0 How much grant will be payable

- 9.1 Central Government has determined that there shall be a 'cap' on grants of £25,000 per business and that the next level of grant shall be £10,000. However, the Council under Central Government guidance, has the following discretion:
- (a) Whether to award grants at the £25,000 or £10,000 level; and
 - (b) To determine whether grants of less than £10,000 should be awarded.

- 9.2 The Council wishes to assist as many businesses as it can through this scheme and as such, it is expected that the maximum award will be £10,000 in most cases although the Council reserves the right to award £25k in exceptional cases and also to grant awards of less than £10k.
- 9.3 The Council will determine the amount of the grant awarded for each business on a **case by case basis**.
- 9.4 Only one Discretionary Business Grant will be awarded to any business. This will also apply if more than one Limited Company has the same director (s) or where more than one business has the same proprietor (either sole traders or partnerships).

10.0 Limitation of funds and applications

- 10.1 All monies paid through the Discretionary Business Grant scheme will be funded by Central Government and paid to the Council under S31 of the Local Government Act 2003. However, as mentioned in paragraph 2, the funds are limited and, as such, the Council is not able to award a grant where funds are no longer available.
- 10.2 In order to fairly administer the scheme, the Council has decided that awards will be determined as follows:
- (a) There will be a fourteen-day application period during which time applications can be made. This will be between 29th May 2020 to 12th June 2020;
 - (b) Any businesses wishing to claim should complete the necessary form on the Council's website as shown in paragraph 8.2. This will also include the provision of such evidence as required by the Council;
 - (c) All claims will be made online;
 - (d) Once the application period is closed, all awards will be considered against the criteria laid down within this scheme, as soon as practicable;
 - (e) Depending on the number of applications and the amount left in the grant fund, the Council reserves the right to provide other application periods if appropriate

11.0 EU State Aid requirements

- 11.1 Any Discretionary Business Grant is given as aid under the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020. This means that businesses receiving support under these provisions can receive up to €800,000 in aid over three years (being the current and the previous two years).
- 11.2 Any grant awarded is required to comply with the EU law on State Aid.² This will involve the applicant declaring to the Council if they have received any other de minimis State aid or aid provided under the EU Commission Covid-19 Temporary Framework.
- 11.3 If the applicant has not received any other de minimis State aid, they are not required to make that declaration to the Council or to complete any declaration statement.

12.0 Scheme of Delegation

- 12.1 The scheme has been approved by the Chief Executive acting in accordance with Paragraph 12 (d) of Part 13 of the Council's Constitution
- 12.2 The Chief Officer Customer and Resources is authorised to make technical scheme amendments to ensure it meets the criteria set by the Council and, in line with Central Government guidance.

13.0 Notification of Decisions

- 13.1 Applications will be considered and decided by a Panel comprising: Two Cabinet Members (nominated by Cabinet) supported by the Chief Officer for Customer and Resources, Business Rates Manager and Economic Development Officer.
- 13.2 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 the closure of the application period.

14.0 Reviews of Decisions

- 14.1 The Council will operate an internal review process and will accept an applicant's request for an appeal of its decision but only in so far as a Discretionary Business Grant is refused.
- 14.2 All such requests must be made in writing to the Chief Officer for Customer and Resources, 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.
- 14.3 The application will be reconsidered by the Panel and the applicant will be notified of the outcome as soon as practicable. The Panel's decision will be final.

15.0 Complaints

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

16.0 Other grant conditions

- 16.1 **Tax** - The Council has been informed by Treasury that all grants are taxable. Applicants should make their own enquiries to establish any tax position or liability.

- 16.2 **Special cases** – there will be occasions where an application does not satisfy the criteria but which the Council might wish to support. The criteria set out in this document are therefore not wholly restrictive and the Council can depart from its general policy re the award of grants if it sees fit to do so.

17.0 Managing the risk of fraud

- 17.1 Neither the Council, nor the Government will accept deliberate manipulation of the scheme and 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.
- 17.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.
- 17.3 The Council reserves the right to reclaim any grant paid in error.

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Officer Decision Statement

Openness of Local Government Bodies Regulations 2014/2095

Subject:	Temporary Suspension of Car Parking Charges - Sevenoaks Town Car Park
Key Decision	Yes
Notice of the Key Decision	Notice has been given as per Regulation 11 of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012
Details of Decision taken	<p>In March, Members requested the suspension of car parking charges for three months (23 March - 22 June 2020) in order to help the local community during these difficult times.</p> <p>Now that lockdown has reduced and non-essential shops can re-open from 15 June 2020 it is important to manage the available parking proactively so that it is used in the most effective manner. To enable this to happen, Members have requested that all parking charges are reinstated from 23 June 2020 except for Sevenoaks Town Car Park (for up to one month) so that free parking remains available within Sevenoaks town.</p> <p>The following actions will be put in place from 23 June 2020 for up to one month:</p> <ol style="list-style-type: none"> 1. Continued suspension of parking charges in Sevenoaks Town Car Park. 2. Continued suspension of season tickets in Sevenoaks Town Car Park.
Reason for Decision	With the special circumstances surrounding the impact on residents of the coronavirus (Covid-19) pandemic, the Council wants to take measures to continue to help alleviate the financial burdens of its residents and businesses.
Reason for Urgency	<p>The original agreement to suspend car parking charges ends on 22 June 2020, therefore it is not possible to wait until the next meeting of Cabinet on 9 July 2020 and following government advice, prudent to avoid unnecessary meetings of groups of people.</p> <p>Pursuant to Appendix C, paragraph 18 of the Council's Constitution, it is deemed that the decision proposed is reasonable in these circumstances to be treated as a matter of urgency and the call-in procedure does not apply.</p>

All Documents considered:

Background information attached.

Details of any alternative options considered and rejected by the Officer when making the Decision: None.**Financial implications**

The potential loss of income for one months is £43,000.

The above figure is based on 2020/21 budgeted income levels. However, it should be noted that actual usage of parking may be lower than previously anticipated during this period as the impacts of the Covid-19 pandemic continue.

Legal Implications and Risk Assessment Statement

This decision is taken by the Chief Executive acting in accordance with Paragraph 12 (d) of Part 13 of the Constitution, which authorises him as follows:

(d) In cases of urgency, after consultation with the Leader and Deputy Leader of the Council [and, where possible, the Leader(s) of the Opposition], to take any decision which could be taken by the Cabinet or by a Committee and to report such actions to Cabinet or Committee as appropriate.

Furthermore, this being an urgent Key Decision, Notice has been duly given and the agreement of the Chairman of the Scrutiny Committee has been sought to enable the decision to proceed as per Regulation 11(1)(a) of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012.

Furthermore, this being an urgent Key Decision, the agreement of the Chairman of the Council has been sought to disapply the call-in procedure set out in Paragraph 18 of Appendix C of the Constitution, for the reasons set out in Paragraphs 18.13 - 18.18.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Local Member(s), Portfolio Holders and/or Chief Officer/Heads of Service Consulted

Councillors Fleming, Dickins and McArthur.

Chief Officer - Finance and Trading	
Agreement of Chairman of Scrutiny Committee pursuant to 11 (1)(a) of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012, obtained on: 18 June 2020	
Agreement of the Chairman of the Council pursuant to Appendix C, para.18.16 of the Council's Constitution, obtained on: 18 June 2020	
Details of any conflicts of interest	
a) declared by any member who was consulted or was part of the body giving specific express authorisation	
b) and any details of dispensations granted by the Chief Executive in respect of any declared conflict	
Decision taken by:	Dr. Pav Ramewal, Chief Executive
Signed by Officer	
Date of Decision	18.06.20
Record made by:	Charlie Sinclair
Date of record:	22.06.20

This decision takes immediate effect

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Background Information for Emergency Expenditure Request

Emergency: Coronavirus 2020
Subject: Suspension of Car Parking Charges - Sevenoaks Town Car Park
Date: 17 June 2020
Chief Officer: Adrian Rowbotham

Council Constitution

Appendix D - Financial Procedure Rules

2d. Emergency Expenditure

Why is this important?

The Council needs to have in place a procedure for meeting immediate needs in the case of an emergency situation arising in the District.

General

2.32 The Chief Executive and s.151 Officer/Chief Finance Officer shall have the authority to approve expenditure on any item which is essential to meet any immediate needs created by an emergency or which is referable to Section 138 of the Local Government Act 1972, subject to a subsequent report to Cabinet and/or Full Council depending on whether or not the expenditure can be met from within the current budget framework.

2.33 The Chairman or Vice-Chairman of the Council together with the Leader or Deputy Leader of Council, having received a report from the Chief Executive and the Chief Executive and s.151 Officer/Chief Finance Officer, shall have power to incur expenditure which is essential to meet any immediate needs created by an emergency or which is referable to Section 138 of the Local Government Act 1972 (or other subsequent legislation) which is not otherwise authorised or where it is necessary in the Council's interest to settle legal proceedings which have been commenced against the Council. A subsequent report shall be submitted to Cabinet and/or the full Council depending on whether or not the expenditure can be met from within the current budget framework.

Detail

In March, Members requested the suspension of car parking charges for three months (23 March - 22 June 2020) in order to help the local community during these difficult times.

Agenda Item 11

Now that lockdown has reduced, and non-essential shops can re-open from 15 June 2020 it is important to manage the available parking proactively so that it is used in the most effective manner. To enable this to happen, Members have requested that all parking charges are reinstated from 23 June 2020 except for Sevenoaks Town Car Park (for up to one month) so that free parking remains available within Sevenoaks town.

The following actions will be put in place from 23 June 2020 for up to one month:

1. Continued suspension of parking charges in Sevenoaks Town Car Park.
2. Continued suspension of season tickets in Sevenoaks Town Car Park.

Financial Impact

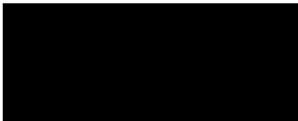
The potential loss of income for one months is £43,000.

The above figure is based on 2020/21 budgeted income levels. However, it should be noted that actual usage of parking may be lower than previously anticipated during this period as the impacts of the Covid-19 pandemic continue.

Requesting Chief Officer: Adrian Rowbotham, Chief Officer - Finance and Trading

Approval

Chief Executive:



Chief Officer - Finance and Trading:

