



Agenda

Emergency Committee

Friday, 5 June 2020 at 4.00 pm
Virtual Meeting via Microsoft Teams

Membership (Quorum – 3)

Cllrs Hossack (Chair), Parker (Vice-Chair), Aspinell, Barrett, Keeble, Lewis, Mynott, Nolan, Mrs Pearson and Poppy

Agenda

Item	Item	Wards(s) Affected	Page No
1.	Apologies for absence		
2.	Brentwood's Discretionary Business Grant Scheme May 2020	All Wards	5 - 22
3.	Urgent Business		

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
2nd June 2020

Information for Members

Please note the changes in blue apply to remote meetings

Introduction

The Government has enacted The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 no 392 (the Regulations) which came into force on the 4 April 2020 and will remain in force until the 7 May 2021.

The Council will hold Committee meetings remotely and enable the public to participate by streaming those meetings that are open to the public.

Only those Committee meetings where the public have a right to speak will the facility be available to enable them to participate where the technology is not available for them to exercise this right then their participation will be by written communication read out at the remote meeting.

Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

Rights to Attend and Speak

Any member may remotely attend any Committee to which these rules apply.

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate, If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

Access to Information and Meetings

You have the right to **remotely** attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.brentwood.gov.uk.

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The Council will be holding remote Committee meetings and will make these accessible to the public remotely by being recorded and streamed. Whilst the Regulations apply the following paragraphs will not apply to the meetings of the Council.

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Private Session

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

The Chair or Clerk to the Committee will disconnect all persons who should leave the meeting prior to continuing there will be a short break to ensure that this has happened.

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Evacuation Procedures

This procedure does not apply whilst using remote meetings

Evacuate the building using the nearest available exit and congregate at the assembly point in the Car Park.

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Committee: Emergency Committee	Date: 5th June 2020
Subject: Discretionary Business Grant Scheme	Wards Affected: All
Report of: Director of Corporate Resources	Public
Report Author: Name: Jacqueline Van Mellaerts, Director of Corporate Resources Telephone: 01277 312 500 E-mail: Jacqueline.vanmellaerts@brentwood.gov.uk	Decision

Summary

The Discretionary Business Grant Scheme was announced by the Secretary of State for Business, Energy & Industrial Strategy (BEIS) on 1st May 2020 and outlined in detailed guidance on 13th May 2020, and further guidance on 22nd May. This report outlines how Brentwood Borough Council will locally administer this discretionary scheme, aimed at businesses that were not eligible for either of the two previous Small Business Grant Fund or the Retail, Leisure and Hospitality Fund, to support the Government's Covid-19 response.

The Grants to be awarded are at total discretion of the Council, however BEIS has set down eligible **criteria** which must be met by each business making an application. The department has also indicated types of businesses which should be given **priority**.

The Emergency Committee is being called to make the decision to adopt the Brentwood Discretionary Scheme. There is an urgency to award the grants as soon as possible. The expectation is that they will be paid out early June. If the adoption of a scheme is not approved promptly, this could delay vital and necessary income being received by businesses of the Borough of Brentwood.

The Committee is being asked to delegate authority to the Section 151 Officer to administer the Brentwood's Discretionary Business Grant Scheme and to make technical adjustments if necessary.

Recommendation(s)

Members are asked to:

R1. To approve the Discretionary Business Grant Scheme attached as Appendix A.

R1. The committee delegates authority to the Director of Corporate Resources (Section 151 Officer), in consultation with the Leader, to administer the Brentwood's Discretionary Business Grant Scheme and is authorised to make technical scheme amendments in line with Government guidance.

Main Report

Introduction and Background

1. The Secretary of State for Business, Energy & Industrial Strategy (BEIS) announced on 1st May 2020, outlined in detailed guidance on 13th May 2020, a scheme that is aimed to support businesses that were not eligible for either of the two previous Small Business Grant Fund or the Retail, Leisure and Hospitality Fund, as part of the Government's response to Covid-19. Further guidance was issued on 22nd May which allowed businesses eligible for a grant from the self employment income support (SEISS) to also be eligible for the new scheme.
2. Central Government has provided the Council with a sum of approximately £0.900m, which represents 5% of the original allocation for the Small Business Grant Fund or the Retail, Leisure and Hospitality Fund Grants.
3. 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 a Discretionary Business Grant where all of the criteria are met, as set out in **Appendix A**. Any business failing to meet the criteria, will not be awarded a Discretionary Business Grant.
4. Government are asking Council's to prioritise types of businesses for grants from within the discretionary fund, as set out in **Appendix A**. The list included is not exhaustive but is intended to guide Councils. The Council will accept applications from other businesses who are suffering a fall in income due to the COVID-19 crisis. The Council will look to award businesses who meet the national priorities first and any residual funds will be awarded on a discretionary basis.
5. Government recognised that local authorities would need to run some form of application process. However there is also expectation that payments from the discretionary scheme should be paid out as early as possible and ideally early June. If the adoption of a scheme is not approved promptly, this could delay vital and necessary income being received by businesses of the Borough of Brentwood.
6. The funding level is finite and therefore, the Council, although keen to ensure that grants are given to the maximum number of businesses, is conscious that its expenditure cannot exceed the amount of allocated government funding. In order to fairly administer the scheme, the Council has decided that awards will be determined by holding an application window, between 26th May 2020 and 7th

June 2020. Any business wishing to claim will complete a form on the Council's website and once the application window period is closed, all awards will be considered against the criteria set out within the scheme. The Council is promoting this scheme through social media channels, the Brentwood Business Partnership and by proactively contacting all businesses that we are aware of that could be eligible to apply.

7. Officers of the Council will administer the scheme, however as part of this report it is recommended that it be agreed the Section 151 Officer is authorised to make technical scheme amendments to ensure that the scheme meets the criteria set by the Council and, in line with Central Government guidance.
8. The scheme also sets out an internal review process if applicants are aggrieved with decisions, with reviews being carried out by independent senior managers and with the Section 151 Officer.

Main Points of Scheme

9. Government has stated that the intention of the scheme is to provide assistance to businesses that meet the following **criteria**:
 - Small and micro businesses
 - 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
 - Businesses must have been trading on 11th March 2020
 - Have not received various other Grant funding listed in Appendix A
10. Government have asked Council's to **prioritise** the following types of businesses for their discretionary Fund:
 - Small businesses in shared offices or other flexible workspaces
 - Regular market traders who do not have their own business rates assessment
 - Bed & Breakfasts premises which pay Council Tax Instead of business rates.
 - Charity properties which would otherwise have been eligible for small business relief.
11. The Council will look to award businesses who meet the national priorities first and then any residual funds will be awarded on a discretionary basis to other businesses that meet the eligible criteria.

12. The full details of the scheme is included within **Appendix A**.

Reasons for Recommendation

To allow the Council to have a Discretionary Business Grant Scheme in place.

Consultation

None

References to Corporate Plan

This report reflects all areas of the Corporate Plan.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Director of Corporate Resources

Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk

There are no significant implications on the Council's Medium Term Financial Strategy (MTFS). Central Government has provided the Council with a grant fund of approximately £0.900m and grant awards will be limited to this amount.

There is an urgency to award the grants as soon as possible. The expectation is that they will be paid out early June. If the adoption of a scheme is not approved promptly, this could delay vital and necessary income being received by businesses of the Borough of Brentwood.

Legal Implications

Name & Title: Amanda Julian, Director of Law & Governance & Monitoring Officer

Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk

The General Power of Competence was introduced by the Localism Act 2011 and came into force in February 2019. It gives the Council the power to do anything an individual can do unless prohibited by law. The Council can rely on this power to administer the grants.

The Emergency Committee is being called to make the decision to adopt the Brentwood Discretionary Scheme Policy. The Government introduced a discretionary business relief scheme which needs to be administered in early June, in order for officers to do this they need to have the delegated authority to administer the scheme.

Economic Implications

Name/Title: Phil Drane, Director of Planning & Economy

Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk

The economic impact of COVID-19 is unprecedented. Significant levels of support have been put in place to maintain the borough's economy. The Discretionary Business Grant Scheme is a potentially vital source of financial support for those businesses who were not eligible for either of the two previous grant funds (Small Business Grant Fund, and Retail, Hospitality and Leisure Grant Fund). The funds are for small and micro businesses who have ongoing fixed commercial property-related costs. Informed by Government guidance, the Council should prioritise support for businesses that fall into categories specified in **Appendix A**.

Appendices to this report

Appendix A – Discretionary Business Grant Scheme.

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Brentwood Borough Council Discretionary Business Grant Scheme 2020/21

Version Control

Version	Version date	Revised by	Description
1	May 2020	DA	Scheme
2	May 2020	DA	Amendments RM
3	May 2020	DA	Amendments RM

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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 £900k, which represents 5% of the original allocation for the Direct Business Grants. The funding level is finite and therefore the Council, although keen to ensure that grants are given to the maximum number of businesses, is conscious that its expenditure cannot exceed that amount.
- 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 Councils 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;

- 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 be required to certify that it incurs 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 certify that there has been a significant fall in income for the period April and May 2020 compared with the same months in 2019. The Council must be sure that the fall in income is due to the COVID-19 crisis and not a general failure of business. Where necessary businesses may need to 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:

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;

- (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;
- (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, from a place or market recognised by the Council as a market".

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 as at least weekly. Where the market trader traded less frequently, the Council will not consider the business as priority for a grant.

6.8 Where a market trader operates in more than one local authority area, the applicant will need to certify that they trade primarily in the Council's area or have fixed business base within the Council's area. Where a grant is claimed from another authority, no grant will be awarded by the Council.

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) 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 Central Government's Small Business Grant Fund.

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.

7.0 Other businesses

- 7.1 In addition to the national fund priorities, the Council has decided it will accept applications from other businesses who are suffering a fall in income due to the COVID-19 crisis. It should be noted however that, as the grant fund is limited, the Council will look to award businesses who meet the national priorities first and any residual funds will be awarded on a discretionary basis.
- 7.2 In all cases, 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 www.brentwood.gov.uk/businessrates
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 has decided that, for the purposes of this scheme, the following Discretionary Business Grants may be awarded:
- Up to £25,000 in exceptional cases where, the business has high property costs and the failure of the business would have a significant impact on the residents of the Borough;
 - Up to £10,000 where Small Businesses (as defined within this document) meet the criteria in sections 3 and 4;
 - Up to £5,000 where Micro Businesses (as defined within this document) meet the criteria in sections 3 and 4; and
 - Up to £2,000 all other businesses (as defined within this document) meet the criteria in sections 3 and 4.

- 9.3 The Council reserves the right to change the amount of the grant awards, depending on the number of applications received, the total of any grant awarded by the Council cannot be challenged.
- 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 limited period during which applications can be made. This will be between 26th May 2020 to 7th 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 remaining 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 Officers of the Council will administer the scheme however, the Section 151 Officer 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 by Council's officers. All decisions made by the Council shall be notified to the applicant either in writing or by email.
- 13.2 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.
- 14.2 All such requests must be made in writing to the Council, within 14 days of the Council's decision, and should state the reasons why the applicant is aggrieved with the decision. New information may be submitted at this stage to support the applicant's appeal.
- 14.3 The application will be reconsidered by a senior officer as soon as practicable and the applicant informed in writing or by email of the decision. If the applicant is still aggrieved following the reconsideration, a final review will be undertaken by a senior manager.

15.0 Complaints

- 15.1 The Council's Complaints Procedure available on the Council's website www.brentwood.gov.uk will be applied in the event of any complaint received about this scheme.

16.0 Other grant conditions

- 16.1 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.

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.

EMERGENCY COMMITTEE - TERMS OF REFERENCE

PURPOSE

To enable the Council to function in emergency situations when fewer Councillors and /or Officers are available to attend meetings.

The Committee will be convened, as required, as part of the Borough Council's Major Incidents and Emergency Planning process.

The decision to convene the Committee will be made by the Chief Executive through consultation with the Leader and after the Monitoring Officer has assessed the appropriateness of taking a particular report to the Committee. The decision will be recorded on the agenda.

The Agenda will include a Statement of Purpose for the Committee being convened and will record reasons why the decision being sought could not be deferred, there will be a clear statement of what the Committee will be discussing.

Equally a proposal to stand down the Committee will be brought by the Chief Executive through consultation with the Leader to each Committee, and after obtaining such advice as necessary from the Monitoring Officer or their deputy as appropriate, such proposal to stand down the Committee will be decided by a majority vote of members at the meeting. All members of the council will also have the ability to influence the decision to stand down the committee. This can be undertaken by at least a third of councillors writing to the Chief Executive and the Monitoring Officer requesting the committee stands down. If this action is taken then the reinstatement of the full committee structure will take place or an extraordinary council meeting can be called to debate any other emergency governance models required to enable the council to function lawfully.

Once the Committee is convened it can take on the role of the delegations afforded to the following Committees: The executive Committees are Council, Policy, Resources & Economic Development, Environment, Enforcement & Housing, Community & Health, Planning & Licensing and only the Audit/Financial function of the Audit & Scrutiny Committee. The intention, where possible, is to still undertake Planning & Licensing and Audit & Scrutiny Committees separately when required and appropriate. This will be decided by the Chief Executive through consultation with the Leader. These powers can be in full or in part.

All members sitting on the Committee will have the appropriate Planning and Licensing Training prior to the consideration of any item, relating to planning and licensing, being presented at this committee.

The Committee will only undertake decisions that relate to the audit function of the Council and if there is a statutory reason that an urgent decision is needed and the Audit & Scrutiny Committee cannot be convened for whatever reason.

Any decisions made by the Emergency Committee may be subject to the scrutiny of the Audit & Scrutiny Committee when it is next convened.

Officer delegations will remain as per the Constitution.

The Committee will also meet as required and consider the immediate strategic issues for the Borough Council arising from the incident, having received reports from the Chief Executive.

The Committee may authorise action affecting any of the Borough Council's functions, if the urgency of the situation demands this, subject to such action being reported, together with the Committee's reasons for acting, to the next meeting of Full Council.

The Committee must ensure that steps are being taken to provide, to members of the public and the press, regular communications on the incident and the action being taken.

- Members of the Committee are to be suitably briefed and prepared to make appropriate statements to the media if required in consultation with the Councils' communications manager.
- The Committee should consider the longer-term implications arising from the incident and the impact these may have on the Borough Council.

MEMBERSHIP

The Committee shall consist of 9 named Members of the Borough Council, to include:

- Leader of the Council and Chair of Policy, Resources & Economic Development (who will be the Chairman of this Committee)
- Vice-Chairman of Policy, Resources and Economic Development
- The Chairman of the Community & Health Committee
- The Chairman of the Environment, Enforcement & Housing Committee
- The Leaders of all groups
- Other named members to achieve a political balance

If there is a change of political balance on the Council, this composition will be recalculated by the Proper Officer and amended accordingly.

Succession arrangements are key and for clarity it is confirmed that formal Delegations between Councillors will ensure continuity of the Committee. Substitutes for this committee will be submitted in writing by Group Leaders to the Chief Executive and Monitoring Officer ahead of the first meeting and updated for future meetings where necessary.

QUORUM

The minimum number of members to transact any business shall be one third (3) of the committee.

PROCEDURES, PROTOCOLS AND PUBLIC SPEAKING

Except as provided below, the Chairman shall be responsible for maintaining order and the effective conduct of business at meetings.

Any member of the Council can attend and may speak on any issue once, as agreed through the Chairman, in line with the legislation in force at the time.

Members of the public and press will be provided with the means to attend the meeting and have access to agendas, reports and other documents necessary under the legislative provisions current at the time of calling the meeting(s).

QUESTIONS

Members may ask questions to the Chair in the usual way. If the meeting is virtual then the questions will be put in writing via the appropriate text/chat box. The Chair may read the question and provide a written or verbal response as appropriate.

VOTING

When Members are present at the meeting voting will be taken by a show of hands. If Members are not present i.e. remotely using technology, a recorded vote will be taken by the clerk.

In the event of an equality of votes, the Chairman shall have a second or casting vote.

TRAINING

All training requirements for the Committee will be ensured to enable them to undertake the delegations afforded to them when undertaking the role of another Committee.

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Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.