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Legal and Democratic Services



STRATEGY AND RESOURCES COMMITTEE

Tuesday 22 December 2020 at 7.00 pm

Place: Remote Meeting

PLEASE NOTE: this will be a 'virtual meeting'.

The link to the meeting is: <https://attendee.gotowebinar.com/register/1026203199036810251>
Webinar ID:136-125-563

Telephone (listen-only): 020 3713 5022, Telephone Access code:447-834-654

The members listed below are summoned to attend the Strategy and Resources Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Eber Kington (Chairman)
Councillor Clive Smitheram (Vice-Chairman)
Councillor Arthur Abdulin
Councillor Steve Bridger
Councillor Kate Chinn

Councillor Nigel Collin
Councillor Hannah Dalton
Councillor David Gulland
Councillor Colin Keane
Councillor Barry Nash

Yours sincerely

A handwritten signature in black ink that reads "J.C. Beldan".

Chief Executive

For further information, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

Public information

Please note that this meeting will be a 'virtual meeting'

This meeting will be held online and is open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are matters scheduled to be discussed at this meeting that appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. The Committee will be requested to consider passing a resolution to exclude the press and public by virtue of the private nature of the business to be transacted, prior to the discussion of those matters.

Questions from the Public

Questions from the public are permitted at meetings of the Committee. Any person wishing to ask a question at a meeting of the Committee must register to do so, as set out below.

Up to 30 minutes will be set aside for written or oral questions from any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough on matters within the Terms of Reference of the Strategy and Resources Committee which may not include matters listed on a Committee Agenda.

All questions whether written or oral must consist of one question only, they cannot consist of multi parts or of a statement.

The question or topic may not relate to a specific planning application or decision under the Planning Acts, a specific application for a licence or permit of any kind, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chairman are vexatious or frivolous will not be accepted.

To register to ask a question at a meeting of the Committee, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Written questions must be received by Democratic Services by noon on the tenth working day before the day of the meeting. For this meeting this is **Noon, 8 December 2020**

Registration for oral questions is open until noon on the second working day before the day of the meeting. For this meeting this is **Noon, 18 December 2020**

AGENDA

1. QUESTION TIME

To take any questions from members of the Public.

2. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

3. CHRISTMAS STAFFING ARRANGEMENTS 2020 (Pages 5 - 8)

This report requests that in recognition of the extraordinary work and dedication by the officer team in responding to the Covid-19 pandemic, that an additional day's leave be granted on 30 December 2020.

4. BUSINESS GRANTS DISCRETIONARY SCHEMES (Pages 9 - 32)

This report details discretionary grant schemes for businesses in the Council's area.

5. ALLOCATION OF FUNDING FOR PLANNING APPEALS (Pages 33 - 36)

There are two appeals which have now been submitted against the refusal of planning permission by Planning Committee and a third is expected shortly. The Planning Service does not have a budget for defending planning appeals and therefore resources are being requested to enable the Council to defend its position on the current and anticipated appeals.

6. BOURNE HALL PARKING CHARGES FOR COMMUNITY VACCINATION SCHEME (To Follow)

7. EXCLUSION OF PRESS AND PUBLIC (Pages 37 - 38)

The Committee is asked to consider whether it wishes to pass a resolution to exclude the Press and Public from the meeting in accordance with Section 100A (4) of the Local Government Act 1972 on the grounds that the business involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

8. COMMERCIAL PROPERTY LEASE VARIATION (Pages 39 - 54)

This report has not been published because the meeting is likely to be closed to the press and public in view of the nature of the business to be transacted/nature of the proceedings. The report deals with information relating to the financial or business affairs of the Committee and third parties and the public interest in maintaining the exemption currently outweighs the public interest in disclosing the information.

CHRISTMAS STAFFING ARRANGEMENTS 2020

Head of Service:	Shona Mason, Head of Human Resources and Organisational Development
Wards affected:	All
Urgent Decision?(yes/no)	Yes
If yes, reason urgent decision required:	To allow the Christmas arrangements to be put in place.
Appendices (attached):	Not applicable

Summary

This report requests that in recognition of the extraordinary work and dedication by the officer team in responding to the Covid-19 pandemic, that an additional day's leave be granted on 30 December 2020.

Recommendation (s)

The Committee is asked to:-

- (1) Award officers an additional day's leave to be taken on the 30 December 2020;**
- (2) Note that officers will be required to take a compulsory day's leave from their annual entitlement on the 31 December 2020, to enable the Council Officers to be closed of the week commencing Monday 28 December.**
- (3) Note that where the operational needs of the Council require services to operate over the Christmas period, affected officers will receive an additional day's pay in lieu of the award of an additional day's leave.**

1 Reason for Recommendation

- 1.1 To recognise the exceptional contribution of officers in responding to the Covid-19 pandemic.

2 Background

- 2.1 Full Council on the 21 July 2020 received a report setting out the Council's response to the Covid-19 pandemic following a major incident being formally declared across Surrey on 19 March 2020.
- 2.2 The report outlined significant action undertaken by staff to provide essential support to the most vulnerable in the local community, assist local businesses through grant payments whilst maintaining our essential services.
- 2.3 Full Council also approved a Motion to thank officers for their outstanding work in meeting the challenge of the strategic shift in the deployment of staff and resources during the Covid 19 emergency.
- 2.4 Five months later, the Council is not only maintaining service provision but still responding to the Covid-19 pandemic with further grant schemes being established and payments made to local businesses, supporting the track and trace system and engaging and educating both businesses and visitors to our town centres about requirements to help stop the spread of this disease.

Christmas Arrangements 2020/21

- 2.5 In recognition of the additional workload created by responding to the pandemic, the Committee are asked to support:
 - 2.5.1 the award of an additional day's leave on the 30 December 2020 to officers;
 - 2.5.2 those officers required to provide services over the Christmas period, such as refuse collectors and the ranger service, and where they are unable to take leave, will be paid one day's pay in lieu of the extra day being awarded.
- 2.6 This will mean that with the addition of the discretionary day the Council normally awards, to enable the Council Offices to closed for the week of the 28 November, officers will be asked to take one day's leave on the 31 December 2020 from their annual leave entitlement.
- 2.7 If Committee approve recommendation 1, the arrangements for Christmas would be as follows:-

Monday December 28	Bank Holiday
Tuesday December 29	Allocated discretionary day
Wednesday December 30	Additional day's leave (proposal)
Thursday December 31	Compulsory a day's leave from annual entitlement
Friday January 1 2021	Bank Holiday

- 2.8 Those officers who work part time and are not scheduled to work on Wednesday 30 December 2020, will be able to take the additional day's leave at a later date.
- 2.9 For those officers who are required to work in between Christmas and New Year, an additional day's pay will be paid to them in the January 2021 salary payment. This will be managed by the Head of Operational Services, as all the affected staff work within Operational Services in the usual way.
- 2.10 The out of hours service currently provided by Mole Valley already covers Tuesday 29 December and will be extended to cover Wednesday 30 December and Thursday 31 December at a cost of £200. Where the need to respond to an issue arises, as is usual, further charges may be applied.
- 2.11 Emergency arrangements will continue to be in place over the whole of the Christmas and New Year period and where the need arises officers will ensure an appropriate response is provided.

3 Risk Assessment

- 3.1 Legal or other duties
- 3.2 Impact Assessment
- 3.2.1 None
- 3.3 Crime & Disorder
- 3.3.1 None
- 3.4 Safeguarding
- 3.4.1 None
- 3.5 Dependencies

3.5.1 None

3.6 Other

3.6.1 None

4 Financial Implications

4.1 The cost of the additional day's pay for those in Operational Services who are required to work over the festive period is £8,900. This cost can be met from the £9,910 underspend against this year's pay award budget.

4.2 The two day Out of Hours Service extension costing £200 can also be funded from the same source. Should any further response charges arise, funding would be allocated from corporate contingency budgets.

4.3 **Section 151 Officer's comments:** The cost of the additional day's leave and response cover can be met from the budgets above.

5 Legal Implications

5.1 There are no legal implications arising from this report.

5.2 **Monitoring Officer's comments:** none arising from the contents of this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged: N/A

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** N/A

6.4 **Sustainability Policy & Community Safety Implications:** N/A

6.5 **Partnerships:** N/a

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- 21 July 2020 Full Council: Council's response to the Covid-19 pandemic & Motion.

BUSINESS GRANTS DISCRETIONARY SCHEMES

Head of Service:	Judith Doney, Head of Digital and Service Transformation
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Local Restrictions Grant (Open) Scheme Appendix 2 – Additional Restrictions Grant Scheme

Summary

This report details discretionary grant schemes for businesses in the Council's area

Recommendation (s)

The Committee is asked to:

- (1) Agree the two discretionary schemes**

1 Reason for Recommendation

- 1.1 Two new schemes that the government has introduced to support businesses have a discretionary element to be decided by the Council.

2 Background

- 2.1 During the pandemic the government has introduced grant schemes for businesses at various stages.

- 2.2 The business grants introduced for the November 2020 lockdown consisted of a 'mandatory' scheme, the Local Restrictions (Closed) Scheme, to be paid to specified businesses who were legally required to close and who are business ratepayers. A discretionary scheme, the Additional Restrictions Grant, for businesses who were not required to close but whose business had been severely impacted by the National Lockdown in November was also introduced in November 2020. It is designed to continue while the area is in either the High Alert Level – Tier 2 or Very High Alert Level – Tier 3 and is available to both ratepayers and non-ratepayers.
- 2.3 The original business grant scheme which was introduced for areas that moved into Tier 2, the Local Restrictions Support Grant (Open) Scheme was revised and details were published on 10 December 2020. Whilst the Council has discretion under this scheme the government has specified the type of businesses it expects all Councils to prioritise for these grants.

3 Proposal

- 3.1 The Local Restrictions Support Grant (Open) Scheme which applies in Tier 2 and Tier 3 areas is to provide additional funding to businesses that are still open but have been severely impacted by the localised restrictions on socialising. Since Epsom & Ewell moved into Tier 2 on 2 December this scheme now applies to our area.
- 3.2 The government are asking local authorities to prioritise hospitality, hotel, bed and breakfast and leisure businesses for grant funding in this particular scheme.
- 3.3 The scheme at Appendix 1 is based on this requirement and details the eligibility criteria for ratepayers and the payment cycles for the grants. These have now been brought into line by the government with the Tier reviews which take place every 14 days.
- 3.4 The Additional Restrictions Grant applies to areas in national lockdown and Tier 2 and 3 areas.
- 3.5 The government has not specified particular business types that must be prioritised for these grants.
- 3.6 The scheme at Appendix 2 details eligibility criteria for both ratepayers and non- ratepayers and the payment cycles for the grants. These have now been brought into line by the government with the Tier reviews which take place every 14 days.

4 Risk Assessment

- 4.1 Legal or other duties

4.1.1 The restrictions appropriate to these grants have been imposed using powers in Part A of the Public Health (Control of Disease) Act 1984.

4.2 Crime & Disorder

4.2.1 There are no specific crime and disorder considerations associated with this report.

4.3 Safeguarding

4.3.1 There are no specific safeguarding considerations associated with this report.

4.4 Dependencies

4.4.1 There are none for the purposes of this report

4.5 Other

4.5.1 There are none for the purposes of this report

5 Financial Implications

5.1 The government has allocated funding for the Additional Restrictions Grants of £1,612,540 which is to cover all payments made through to 31 March 2022. However, we have not yet had the funding allocations notice for the Local Restrictions Support Grant (Open). If this available prior to the meeting on 22 December it will be made available to the Committee.

5.2 **Section 151 Officer's comments:** The schemes will be funded by the ringfenced government grant.

6 Legal Implications

6.1 The legal implications are incorporated within the body of the report.

6.2 **Monitoring Officer's comments:** None arising from the contents of this report.

7 Policies, Plans & Partnerships

7.1 **Council's Key Priorities:** This report supports the themes of managing our resources and supporting our communities:

7.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

7.3 **Climate & Environmental Impact of recommendations:** None

7.4 **Sustainability Policy & Community Safety Implications:** None

7.5 **Partnerships:** None

8 Background papers

8.1 None



Epsom & Ewell
Borough Council
Local
Restrictions
Support Grant
(Open)
Scheme

Version number 1
December 2020

Tracking

Scheme Title	Local Restrictions Support Grant (Open) Scheme		
Committee	Strategy and Resources	Date approved	
Review due date		Review completed	
Service			

Revision History

Revision Date	Revisor	Previous Version	Description of Revision

Document Approvals

Each revision requires the following approvals:

Sponsor Approval		Name	Date
Head of Digital & Service Transformation			

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Introduction

1. On 22 October 2020 the government announced a number of initiatives to support business that were not legally required to close but are severely impacted by the restriction under Local Covid Alert Levels, High (LCAL2) and Very High (LCAL3) in England as part of the government's response to COVID 19. The announcement can be found here (<https://www.gov.uk/government/news/plan-for-jobs-chancellor-increases-financial-support-for-businesses-and-workers>).
2. This scheme relates to the LCAL2 restrictions in place in Epsom & Ewell since the National Lockdown ended on the 02 Decemeber 2020. The scheme, known as the Local Restrictions Support Grant (Open) scheme is discretionary and individual Councils are allowed to design their schemes, provided they are within the overall guidelines set by Central Government.
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942853/local-restrictions-support-grant-OPEN-dec2-2020-onwards-la-guidance.pdf)
3. The LRSG (Open) scheme is aimed at hospitality, hotel, bed & breakfast and leisure businesses, where their operation is predominantly in the following broad categories:
 - Public Houses, Bars and Wine Bars
 - Café and Restaurants
 - Hotels and Bed & Breakfast
 - Cinemas and entertainment venues, including public halls.
 - Tourist attractions
4. This is support for businesses that are not legally required to close but which are severely impacted by localised restrictions on socialising put in place as a result of the Council entering LCAL2 (or LCAL3).

Qualifying businesses

5. Businesses which have a Business Rates liability within Epsom & Ewell on and before the 2 December 2020. Businesses who are not ratepayers may be able to claim a grant under the separate Additional Restrictions Grant Scheme.
6. The property for which the relief is being claimed must have been in the Valuation List as at 2 December 2020. Properties which are added to the list and backdated to the 2 December 2020, will not qualify for this scheme.

7. Properties described by the Valuation Office as:

- Public Houses, Bars and Wine Bars
- Café and Restaurants
- Hotels
- Cinemas and entertainment venues, including public halls.
- Tourist attractions

8. Businesses who were actively trading prior to and on the 2 December 2020.

Non-qualifying businesses

9. Businesses which operate from a property which does not have its own Business Rates liability.

10. Properties **not** described by the Valuation Office as

- Public Houses, Bars and Wine Bars
- Café and Restaurants
- Hotels
- Cinemas and entertainment venues, including public halls.
- Tourist attractions

11. Businesses that are in administration, are insolvent or where a striking off notice has been made are not eligible for funding under this scheme.

12. Businesses operating under Airbnb.

13. Businesses operating from a domestic property.

14. Businesses who have already reached maximum State Aid limits.

15. Landlords of properties where they are not occupying them directly themselves for trading business purposes, will not qualify.

16. Businesses operating as Financial Services (e.g. banks, building societies). Medical Services (e.g. vets, dentist), Professional Services (e.g. solicitor, letting agents, estate agents, accountants) and Post Office sorting offices are not eligible under this scheme.

17. Property occupied for personal uses.

Amount of funding available

18. The Government will provide funding to Councils based on the Valuation Offices assessment of the nature of the business using Valuation Office codes. The government

have provided a list of the businesses they have used on the 16 November however we have been advised that we cannot use these codes in determining a scheme.

19. The overall funding for this scheme is a fixed allocation for the period the Council was in the LCAL2 (or LCAL3) restrictions, and no additional funding will be made available from central government. We may review the eligible businesses, should there be a change in restriction levels.
20. The grant award will be banded based on the rateable value as set out below, any grant award will be in proportion to the period in which the LCAL2 or LCAL3 restrictions applied.
 - For properties with a rateable value of £15,000 or under, grants to be £467 per two weeks (14 days)
 - For properties with a rateable value of between £15,001 and £50,999 grants to be £700 per two weeks (14 days)
 - For properties with a rateable value of £51,000 or over grants to be £1,050 per two weeks (14 days)
21. Businesses will need to notify Epsom & Ewell Council if they no longer meet the eligibility criteria for additional grants at any point in each 14-day grants cycle.
22. Businesses may be requested to complete an updated application form for each 14-day grants cycle. If this is required the council will let the business know as soon as practicable.

Application process

23. The application for the Business grant is available on our website at www.epsom-ewell.gov.uk/businessgrants2020-21. We are only able to accept applications in this format.
24. On receipt of your application you may be requested to provide additional evidence to support the information you have given in your application.
25. This application process will allow Epsom & Ewell Borough Council to undertake pre-payment checks to confirm eligibility.
26. Epsom & Ewell Borough Council will use their discretion in identifying the right person to receive this funding, based on their application process.

27. Applications will be accepted up to 1 calendar month from the date LOCAL 2 and 3 restrictions end in Epsom & Ewell.

Decision making process

28. Applications will be determined by the Revenues Manager under the delegated authority of Epsom & Ewell Borough Councils's Section 151 Officer.

29. Payments will be made as soon as practicable after the receipt of a complete application. Applications which have not been fully completed will be deemed invalid

30. All applicants will be e-mailed to confirm if their application has been successful or not. If you are due an award you will also be informed when you can expect the grant to be available in your nominated bank account.

31. All payments of grant will be made by a BACS transfer to the company or business nominated bank account which must be quoted on your application form.

Appeals

32. There is no statutory right of appeal against a decision regarding discretionary business grants.

33. However, the Council recognises that ratepayers should be entitled to have a discretionary decision reviewed if dissatisfied with the outcome. Only the ratepayer or authorised agent may appeal against the decision not to award relief or the level of relief awarded. Appeals must be made within two weeks of the notification of decision.

34. Appeals must be in writing specifying reasons why a decision should be amended and supported by relevant new or additional evidence.

35. An appeal will be deemed to be discontinued if further evidence requested from the ratepayer has not been received within two weeks of the request.

Managing the risk of fraud

36. In making an application businesses confirm that they are eligible for the grant scheme, including that any payments accepted will be in compliance with State Aid requirements.

37. Epsom & Ewell Borough Council 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.
38. The Council will use all available tools to identify potential fraud before and after payment, by submitting an application you are consenting for the Council to share the data on the application form for the purposes of validating the claim with any appropriate organisations, including the Department for Business, Energy & Industrial Strategy who may contact you for research and evaluation purposes. If you do not consent to the sharing of the information the claim will be deemed invalid.
39. Epsom & Ewell Borough Council will also investigate if any business applying shall be liable for Business Rates, if not already liable, if applicable. Conditionality of funding will be dependent on the business applying being committed to this.

State Aid

40. Grants under this scheme are considered State Aid. Under EU De-minimis regulations you (or your company) cannot receive more than €200,000 (approximately £180,000) state aid in any three-year period (i.e. your current fiscal year and previous two fiscal years). However, 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. This framework allows for an additional €800 000 (approximately £720,000) state aid to 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. If you have received other state aid that exceeds these limits, you will not be able to claim a grant under this scheme.
41. If the applicant or the Council become aware that the state aid limit has been exceeded it will be the applicant's responsibility to return the payment to the Council within 14 days of discovering the limit has been exceeded.
42. Further information on State Aid can be found at: <https://www.gov.uk/guidance/state-aid>

Tax

43. Grant income received by a business is taxable. The Local Restrictions Support Grant will need to be included as income in the tax return of the business.

44. Only businesses which make an overall profit once grant income is included will be subject to tax.

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Epsom & Ewell Borough Council Additional Restrictions Grant Scheme

Version number 1
December 2020

Tracking

Policy Title	Additional Restrictions Grant Scheme		
Committee	Strategy and Resources	Date approved	
Review due date		Review completed	
Service			

Revision History

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Introduction

1. On 31 October 2020, the Government announced the introduction of additional support for Local Authorities under national and Local Covid Alert Level (LCAL) 3 restrictions and later clarified that the Grant can be used to support businesses in Local Covid Alert Level (LCAL) 2 restrictions.
2. Businesses which do not qualify for the Local Restrictions Support Grant (Open), Local Restrictions Support Grant (Closed) or Local Restrictions Support Grant (Sector) could be eligible for discretionary financial support through the Additional Restrictions Grant (ARG).
3. The government funding made available for this scheme is to support local businesses through to 31 March 2022. The ARG is discretionary and individual Councils are allowed to design their schemes, provided they are within the overall guidelines set by Central Government.
<https://www.gov.uk/guidance/check-if-youre-eligible-for-the-coronavirus-additional-restrictions-grant>

Qualifying businesses

4. Only businesses that were trading on the 4 November 2020, being the day before the National restrictions came into force in Epsom, are eligible for this scheme.
5. The business must have suffered a significant financial loss either directly or indirectly as a result of the additional restrictions in place for LCAL above LCAL1, National Lockdown restrictions. This could be by being directly affected or indirectly as a consequence of being in the direct supply chain of a business impacted by LCAL 2 & 3 or National Lockdown restrictions.

As part of the application process we will require evidence of a significant fall in revenues as a result of the increased restrictions during National Lockdown and the move to LCAL2 and LCAL3. Further post payment assurance of the decrease in revenues may be required.

6. A business must have a premises within Epsom & Ewell to qualify for this grant.
7. Businesses in the supply chain to the Retail, Leisure and Hospitality industry.
8. Cafes, shops, restaurants and other food and beverage outlets within shared premises who did not have their own rating assessment in order to qualify for the Local Restriction Support Grants Schemes (Open, Closed & Closed Addendum) .

9. Businesses that provide cultural, arts and tourism services that did not qualify for the Local Restriction Support Grants Schemes (Open, Closed & Closed Addendum).

Non-qualifying businesses

10. Any business qualifying for a Local Restriction Support Grants Scheme (Open, Closed Closed Addendum or Sector) .
11. Businesses that are in administration, are insolvent or where a striking off notice has been made are not eligible for funding under this scheme.
12. Businesses operating under Airbnb.
13. Businesses operating from a domestic property (unless as a registered as a Bed & Breakfast).
14. Businesses whose only premises are listed below
- Car Parking spaces.
 - Land use for storage or leisure.
 - Properties used for storage purposes only
 - Advertising rights.
 - ATM's.
 - Blue tooth boxes
 - Telephone communication masts
 - Show homes
15. Businesses who do not have a commercial premises within Epsom & Ewell Borough boundaries.
16. Businesses who have already reached the maximum State Aid limits.
17. Landlords of properties where they are not occupying them directly themselves for trading business purposes will not qualify.
18. Businesses operating as Financial Services (e.g. banks, building societies). Medical Services (e.g. vets, dentist), Professional Services (e.g. solicitor, letting agents, estate agents, accountants) and Post Office sorting offices are not eligible under this scheme.
19. Property occupied for personal uses. Examples of where there may be personal use include private stables, or rented commercial space.

Amount of funding available

20. The ARG scheme is aimed at businesses, ratepayers and non-ratepayers where their business has been severely impacted by the National Lockdown from the 5 November 2020 to the 2 December 2020 and continued inclusion in one of the LCAL tiers, above LCAL1 since the 2 December 2020.
21. The Government have provided funding to Councils based on population of the Council. There is no indication from government that any additional funding will be made available, and the Council will need to ensure that it stays within the funding available.
22. The funding can be used any time up to and including the 31 March 2022, whilst restrictions above LCAL 1 apply in the Epsom & Ewell area.
23. The Council's view is to maximise the grants to business at the current time while retaining some funding should more specific restrictions come into place after the November 2020 National lockdown. This recognises that businesses require as much funding as possible at the current time to ensure the business continues as a going concern.
24. The following grant payments will be made for the period of National Lockdown between 05 November 2020 and 02 December 2020:
- For properties with a rateable value of £15,000 or under, grant of £1,334
 - For properties with a rateable value of between £15,001 and £50,999, grant of £2000
 - For properties with a rateable value of £51,000 or over, grant of £3,000
25. The following grant payments will be made for the period Epsom & Ewell is in LCAL2 & LCAL 3, from 02 December 2020 onwards:
- For properties with a rateable value of £15,000 or under, grants to be £467 per two weeks (14 days)
 - For properties with a rateable value of between £15,001 and £50,999 grants to be £700 per two weeks (14 days)
 - For properties with a rateable value of £51,000 or over grants to be £1,050 per two weeks (14 days)
26. Where the business is not a ratepayer and does not have a rateable value, the grant award will be based on the businesses annual fixed costs. For the purposes of this scheme we define fixed cost as
- Commercial Rent
 - 50% of the Council tax charged for Bed and Breakfast premises only.
 - Utilities for the property they are paying commercial rent for.

- Insurances relating to the property that their business operates from or the operation of their business.
- Software Licences
- Professional membership fees
- Broadband and Telecommunication costs
- No other business costs will be considered as part of the applications.

27. Grant awards for non-ratepayers will be calculated as above (i.e. under £15,000, £15,001 to £50,999 and over £51,000) for ratepayers but with fixed costs substituted for the rateable value.

Application process

28. The application for the Business grant is available on our website at www.epsom-ewell.gov.uk/businessgrants2020-21. We are only able to accept applications in this format.

29. On receipt of your application you may be requested to provide additional evidence to support the information you have given in your application.

30. This application process will allow Epsom & Ewell Borough Council to undertake pre-payment checks to confirm eligibility.

31. Epsom & Ewell Borough Council will use their discretion in identifying the right person to receive this funding, based on their application process.

Decision making process

32. Applications will be determined by the Revenues Manager under the delegated authority of Epsom & Ewell Borough Councils's Section 151 Officer.

33. Payments will be made as soon as practicable after the receipt of a complete application. Applications which have not been fully completed will be deemed invalid.

34. All applicants will be e-mailed to confirm if their application has been successful or not. If you are due an award you will also be informed when you can expect the grant to be available in your nominated account.

35. All payments of grant will be made by a BACS transfer to the company or business nominated bank account which must be quoted on your application form.

Appeals

36. There is no statutory right of appeal against a decision regarding discretionary business grants.
37. However, the Council recognises that ratepayers should be entitled to have a discretionary decision reviewed if dissatisfied with the outcome. Only the ratepayer or authorised agent may appeal against the decision not to award relief or the level of relief awarded. Appeals must be made within two weeks of the notification of decision.
38. Appeals must be in writing specifying reasons why a decision should be amended and supported by relevant new or additional evidence.
39. An appeal will be deemed to be discontinued if further evidence requested from the ratepayer has not been received within two weeks of the request.

Managing the risk of fraud

40. In making an application businesses confirm that they are eligible for the grant scheme, including that any payments accepted will be in compliance with State Aid requirements.
41. Epsom & Ewell Borough Council 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.
42. The Council will use all available tools to identify potential fraud before and after payment, by submitting an application you are consenting for the Council to share the data on the application form for the purposes of validating the claim with any appropriate organisations, including the Department for Business, Energy & Industrial Strategy who may contact you for research and evaluation purposes. If you do not consent to the sharing of the information the claim will be deemed invalid.
43. Epsom & Ewell Borough Council will also investigate if any business applying shall be liable for Business Rates, if not already liable, if applicable. Conditionality of funding will be dependent on the business applying being committed to this.

State Aid

44. Grants under this scheme are considered State Aid. Under EU De-minimis regulations you (or your company) cannot receive more than €200,000 (approximately £180,000) state aid in any three-year period (i.e. your current fiscal year and previous two fiscal years). However, 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. This framework allows for an additional €800 000 (approximately £720,000) state aid to 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. If you have received other state aid that exceeds these limits, you will not be able to claim a grant under this scheme.

45. If the applicant or the Council become aware that the state aid limit has been exceeded it will be the applicant's responsibility to return the payment to the Council within 14 days of discovering the limit has been exceeded.

46. Further information on State Aid can be found at: <https://www.gov.uk/guidance/state-aid>

Tax

47. Grant income received by a business is taxable. The Local Restrictions Support Grant will need to be included as income in the tax return of the business.

48. Only businesses which make an overall profit once grant income is included will be subject to tax.

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ALLOCATION OF FUNDING FOR PLANNING APPEALS

Head of Service:	Viv Evans, Head of Planning
Wards affected:	Wards
Urgent Decision?(yes/no)	Yes
If yes, reason urgent decision required:	The Council needs to respond promptly to planning appeals that have been received this month.
Appendices (attached):	None

Summary

There are two appeals which have now been submitted against the refusal of planning permission by Planning Committee and a third is expected shortly. The Planning Service does not have a budget for defending planning appeals and therefore resources are being requested to enable the Council to defend its position on the current and anticipated appeals.

Recommendation (s)

The Committee is asked to:

- (1) Allocate up to £96,000 to support the Council in defending planning appeals on the three major applications described in this report.**
- (2) That the £96,000 allocation is financed from new burdens planning grants held in the corporate projects reserve;**

1 Reason for Recommendation

- 1.1 Following a number of refusals of planning permission by Planning Committee, the Council has received two appeals and a third is expected. The decisions of Planning Committee are officer over turn decisions and therefore the Council will need to instruct external planning consultants and also seek legal representation and support on the appeals.

2 Background

- 2.1 Two planning appeals have been submitted this month to the Planning Inspectorate in respect of two major planning applications which have been refused planning permission by Planning Committee. A third is expected shortly. All the refusals were against the officer recommendation.
- 2.2 In order to provide a robust defence of a decision in the case of an overturn decision, it is essential to submit a case to the planning inspectorate which has been prepared by an independent planning consultant to support the Council's reasons for refusal.
- 2.3 The council's performance at appeal in cases where major applications are refused against officer recommendation is monitored by central government. If more than 10% of such major appeals are allowed at appeal, then the council will be at risk of government intervention and ultimately its decision-making powers with regard to planning applications being removed.
- 2.4 It is important therefore that the council submits the strongest possible case at appeal in an effort to secure dismissal the current appeals.
- 2.5 The two planning applications the subject of current appeals relate to:

- **22-24 Dorking Road Epsom KT18 7LX (Reference: 20/00031/REF)
Planning Committee 3 September 2020**

Description of Development: Demolition of existing houses and erection of a part two, part three storey building with rooms in the roof and basement providing 20 flats. Basement parking for cars and cycles. Bins stores and associated hard and soft landscaping including new boundary walls and railings.

Decision: REFUSED based on the following reasons:

The proposed development by reason of its density, scale, massing, and bulk and detail gives rise to an unacceptably cramped and overdeveloped layout, leading to an overbearing relationship with the adjacent properties and the local street scene, contrary to the established character of the local area. The benefits of the development would be significantly and demonstrably outweighed by the harm when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal is contrary to the NPPF, Policy DM9, DM10 and DM11 of the Development Management Policies Document 2015 and CS5 of the Core Strategy 2007.

The proposed development would not meet the parking standards as set out in Policy DM37 of the Development Management Policies Document 2015 resulting in harm on the amenities of surrounding residential occupiers' in terms of streetscene and availability of on-street parking. It would fail to comply with Policy CS16 of the Core Strategy 2007 and paragraph 102(e) of the NPPF 2019.

Appeal Received: 2 December 2020

- **140 and 142 Ruxley Lane West Ewell KT19 9JS (20/00029/REF)
Planning Committee 5 November 2020**

Description of Development: Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping.

Decision: The Application be REFUSED based on the following reasons:

The proposed development by reason of its design, scale, and massing, gives rise to an unacceptably cramped and over-developed layout, leading to an overbearing relationship with the adjacent properties and the local street scene, contrary to the established character, and local distinctiveness of the local area. The proposal is contrary to para 127 (c) of the NPPF, Policy DM9 and DM10 of the Development Management Policies Document 2015 and CS5 of the Core Strategy 2007.

Appeal received: 26 November 2020

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 None arising from the contents of this report.

3.2 Crime & Disorder

3.2.1 None arising from the contents of this report.

3.3 Safeguarding

3.3.1 None arising from the contents of this report.

3.4 Dependencies

3.4.1 None arising from the contents of this report.

3.5 Other

3.5.1 None arising from the contents of this report.

4 Financial Implications

- 4.1 The Council's planning service does not have sufficient resources to undertake the significant work and preparation necessary to defend appeals on major applications.
- 4.2 It is difficult to know at this stage what the full cost of defending appeals on major planning applications will be, as it will depend on the form the appeal takes (for example whether it takes the form of a public enquiry) and whether the applicant is seeking their costs to be awarded against the Council, should the Council's decision be overturned. At the higher end of the spectrum these costs could be in excess of £100,000.
- 4.3 **Chief Finance Officer's comments:** The Corporate Projects Reserve currently holds planning-related new burdens grants totalling £96,000, which can be allocated for this purpose.

5 Legal Implications

- 5.1 None arising from the contents of this report.
- 5.2 **Monitoring Officer's comments:** None arising from the contents of this report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** N/A
- 6.4 **Sustainability Policy & Community Safety Implications:** N/A
- 6.5 **Partnerships:** N/A

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- Reports to Planning Committee 3 September 2020 and 5 November 2020

EXCLUSION OF PRESS AND PUBLIC

Under Section 100(A)(4) of the Local Government Act 1972, the Committee may pass a resolution to exclude the public from the Meeting for Part Two of the Agenda on the grounds that the business involves the likely disclosure of exempt information as defined in paragraph (s) 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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