



**BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK**

**RECORD OF DECISION TAKEN UNDER DELEGATED POWERS**

This is a record of a decision taken by the officers under delegated powers and where necessary taken in consultation with members and officers.

## **Delegated Power**

**Cabinet: 1 August 2017**  
**Minute CAB41(4):**

Delegated authority is given to the council's s151 officer, in consultation with the Leader of the council, to agree any non-domestic rate relief schemes where the eligibility criteria are specified by central government, and the cost is met in full by central government through a grant.

## **Decision Taken**

To implement the Discretionary Grant Scheme Policy for businesses as detailed in Government Guidance of 13 May 2020 and 22 May 2020, and Frequently Asked Questions of 27 May 2020.

## **Reasons for the Decision**

On 1 May 2020 the government announced it was allowing local authorities to develop policies to pay discretionary grants to local businesses and traders affected by Covid-19. These grants are to be paid from the limited amount of funding made available by central government.

Initial guidance was issued by central government on 13 May 2020, Version 2 was published on 22 May 2020 and a set of Frequently Asked Questions was published on 27 May 2020. Whilst local authorities are able to decide their own policies, government has asked that certain businesses are prioritised for the grant.

The council has been allocated **£1,931,750** for discretionary grants. We can pay a grant of £25,000, £10,000 or any amount up to £10,000. Government expects that grants of less than £10,000 will be appropriate in most cases, but this is at our discretion.

As funding is limited this policy is restricted to those businesses the government has specified are a priority in its guidance, plus certain local priorities. Should there be any remaining funding a policy update will be considered.

Full details of eligible businesses and the eligibility criteria are included in the attached policy.

## **Options considered**

The council can choose to support any businesses it deems as a local priority, within the limited amount of funding available. Demand for the grants is unknown as we do not know how many of some types of business may claim. For this reason this policy is restricted to the businesses the government has specified as priority areas, plus local priorities identified from the Small Business Grant and Retail, Hospitality and Leisure Grant applications and queries.

Further policy options will be considered should funding still be available after these businesses and traders have been paid.

**Any declarations of interest and details of any dispensations granted in respect of interests.**

None known

**Authorisation**



**Consultation with members/officers**

**If the decision is taken following consultation with the members/officers, please give details:**

Consultation with the Council Leader, Councillor Brian Long

**Signed by Member as consulted:**

Councillor Brian Long

Date

# Pre-Screening Equality Impact Assessment

Borough Council of  
King's Lynn &  
West Norfolk



Name of policy/service/function	Discretionary Grant Scheme Policy May 2020				
Is this a new or existing policy/ service/function?	New				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	The Discretionary Grant scheme will award a grant of £25,000, £10,000 or less than £10,000 to certain eligible businesses and traders in the council's area				
<b>Question</b>	<b>Answer</b>				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups <b>according to their different protected characteristic</b>, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			√	
	Disability			√	
	Gender			√	
	Gender Re-assignment			√	
	Marriage/civil partnership			√	
	Pregnancy & maternity			√	
	Race			√	
	Religion or belief			√	
	Sexual orientation			√	
Other (eg low income)			√		
<b>Question</b>	<b>Answer</b>	<b>Comments</b>			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				
3. Could this policy/service be perceived as impacting on communities differently?	No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No				
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	N/A	<b>Actions:</b>			
		<b>Actions agreed by EWG member:</b> .....TBC.....			
<b>Assessment completed by:</b> Name Joanne Stanton					
<b>Job title Revenues and Benefits Manager</b>	<b>Date 30 May 2020</b>				

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK  
LOCAL AUTHORITY DISCRETIONARY GRANT POLICY**

**JUNE 2020**

On 1 May 2020 the government announced it was allowing local authorities to develop policies to pay discretionary grants to local businesses affected by Covid-19. These grants are to be paid from the limited amount of funding made available by central government.

Initial guidance was issued by central government on 13 May 2020, version 2 was published late on 22 May 2020 and a set of Frequently Asked Questions was published on 27 May 2020. Whilst local authorities are able to decide their own policies, government has asked that four specific types of businesses are prioritised for the grant, and has specified three mandatory criteria all applicants must meet in order to receive the grant.

As funding is limited this policy is restricted to those businesses the government has specified are a priority plus businesses the council consider to be local priorities. Full details of eligible businesses and the eligibility criteria are below.

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**SECTION 1: GENERAL ELIGIBILITY**

**Government's Mandatory Criteria:**

Any business or trader wishing to claim the grant must first meet the government's mandatory criteria:

1. They are not eligible to claim a grant (regardless of whether they have actually claimed a grant) under:
  - a. The Small Business Grant Fund
  - b. The Retail, Hospitality and Leisure Grant Fund,
  - c. The Fisheries Response Fund,
  - d. The Domestic Seafood Supply Scheme,
  - e. The Zoos Support Fund, and/or
  - f. The Dairy Hardship Fund
2. They were trading on 11 March 2020 from the premises they are claiming the grant for, and
3. They were not in administration, insolvent or subject to a striking off notice either on, or since, 11 March 2020.

**Additional Eligibility Criteria:**

In addition to the mandatory criteria, any business or trader wishing to claim the grant must also pass the council's initial eligibility checks:

4. They are operating or trading within the boundaries of the Borough Council's area,
5. They have fixed, ongoing, property related costs,
6. They can demonstrate they have suffered a significant fall in income due to the Covid-19 crisis which has impacted their business, and
7. They are not a Precepting Authority of any local authority

Any business or trader failing to meet the criteria above is not eligible to claim a Discretionary Grant.

Only one grant is payable per business / trader under this policy.



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## **SECTION 2: ELIGIBLE BUSINESSES – GOVERNMENT PRIORITIES**

The following businesses or traders may apply for the Discretionary Grant providing they meet the eligibility criteria.

### **Part 1: Small Businesses Within Shared / Flexible Offices and Workspaces**

The grant is payable to eligible businesses who occupy units within shared office spaces, where the owner is liable for business rates and the business does not have its own business rates liability. The grant will also be payable to certain eligible businesses who occupy units within the KLIC building.

#### **Criteria:**

In addition to the general eligibility criteria at section 1, on 11 March 2020 the business must also:

- Either:
  - Be located within a purpose built shared office space where the landlord/owner pays the business rates, so the business does not have its own individual business rates assessment, or
  - Be located within the KLIC building,
- Occupy a discrete, defined, identifiable business unit within the shared space which they pay rent for,
- Be a small or micro business as defined in the Companies Act 2006 , and
- Have an annual rent of not more than £51,000

#### **Exclusions**

The grant is not payable for shared spaces within retail, industrial, hospitality or other business use premises.

#### **Grant Payment**

Only one grant will be payable per business/person in a shared space premises or the KLIC, regardless of the number of business units they occupy within that space.

#### **Grant Amount**

£10,000 per business/person

### **Part 2: Regular Market Traders**

The grant is payable to eligible permanent market traders who pay rent to the borough council for a pitch on the King's Lynn or Hunstanton markets, or to Downham Market Town Council for markets in Downham Market.

#### **Criteria**

In addition to the general eligibility criteria at section 1, on 11 March 2020 the trader must:

- Be a permanent, regular market trader on either the King's Lynn, Hunstanton or Downham Market markets, and
- Be liable to pay rent for a market stall as a permanent trader to the Borough Council or Downham Market Town Council

### **Exclusions**

Casual market traders and street traders

Market traders who have a business rates liability for a storage premises where they store goods sold at markets, and who are eligible for the Small Business Grant Fund or the Retail, Hospitality and Leisure Grant Fund, are not eligible to claim the Discretionary Grant.

### **Grant Payment**

Only one grant will be payable per trader

### **Grant Amount**

£1,000 per usual day traded, per trader. The maximum grant is £5,000.

### **Part 3: Bed and Breakfast Businesses in the Council Tax list**

The grant is payable to owners of eligible Bed and Breakfast accommodation whose Bed and Breakfast property is in the council tax list rather than the business rates list, typically because they have fewer than six bedspaces.

### **Criteria**

In addition to the general eligibility criteria, on 11 March 2020 the owner must:

- Be providing Bed and Breakfast accommodation on a commercial basis from a premises in the council tax list,
- Be resident in the same accommodation as the Bed and Breakfast is provided from,
- Be regularly supplying a cooked breakfast to guests,
- Hold a current Food Safety licence / Food Hygiene Certificate, and
- Have mortgage payments for the whole accommodation of less than £51,000 per annum (£4,250 per month)

### **Exclusions**

- Premises where a cooked breakfast is not provided.
- Premises where the owner is not also a permanent resident, for example second / holiday homes in the council tax list as they are let on a short term basis
- Composite properties, where the Bed and Breakfast accommodation is in the Business Rates list and only the owner's accommodation is in the council tax list
- If there multiple premises let for holiday accommodation on the same site registered to the same person, the Discretionary Grant is not payable if one of these premises is eligible to claim the Retail, Hospitality and Leisure Grant or the Small Business Grant



## **Grant Payment**

The grant will only be payable for one property within the domestic curtilage.

## **Grant Amount**

The grant amount is based on the number of bedspaces available in the accommodation for Bed and Breakfast purposes, excluding any for the owner's private use:

1 to 2 bedspaces	£1,000
3 to 4 bedspaces	£1,500
5+ bedspaces	£2,000

## **Part 4: Charity Properties**

The grant is payable to a charity if it receives Mandatory Charity Relief and Discretionary Charity Relief, but would otherwise be eligible to receive Small Business Rate Relief or Rural Rate Relief.

## **Criteria**

In addition to the general eligibility criteria at section 1, on 11 March 2020 the charity must:

- Meet the qualifying criteria for Small Business Rate Relief, or
- Meet the qualifying criteria for Rural Rate Relief

## **Exclusions**

Any charity not meeting the criteria

## **Grant Payment**

Only one grant will be payable per property per charity

## **Grant Amount**

£10,000

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## **SECTION 3: ELIGIBLE BUSINESSES – LOCAL PRIORITIES**

### **Part 1: Leisure Businesses**

A grant is payable to certain businesses wholly involved in the hospitality and leisure industry who directly supply the public with leisure goods or services, have a business premises they are liable for business rates for but which is not open to visiting members of the public. These do not qualify for the Expanded Retail Discount so cannot receive the Retail, Hospitality and Leisure Business Grant.

## **Eligibility**

In addition to the general eligibility criteria at section 1, on 11 March 2020 the business must:

- Be directly involved in the hospitality and leisure industry,

- Occupy a premises shown in the business rates list for the purpose of supplying the leisure goods or services,
- Be supplying leisure goods or services directly to members of the public, and
- This premises must not open to visiting members of the public

### **Exclusions**

Retail premises supplying general goods but without a showroom or sales counter open to visiting members of the public.

Third party suppliers who do not deal directly with members of the public.

### **Grant Payment**

Only one grant will be payable per business, regardless of the number of premises they occupy.

### **Grant Payment**

£10,000

### **Part 2: Public Houses**

All occupied Public Houses qualify for the Expanded Retail Discount, or another relief of 100%, so have no business rates to pay for 2020/2021. Only those Public Houses with a rateable value of less than £51,000 are eligible for the Retail, Hospitality and Leisure Grants and Small Business Grants.

Under this policy a grant is payable to qualifying Public Houses and Premises with a rateable value of £51,000 or higher.

### **Criteria**

In addition to the general eligibility criteria at section 1, on 11 March 2020 the premises must:

- Be shown in the business rates list as a 'Public House and Premises' or 'Inn and Premises',
- Been eligible for the Retail, Hospitality and Leisure discount, had it been in place on that date,
- Have a rateable value of £51,000 or more, and
- Have been open and trading

### **Exclusions**

Any property not meeting the criteria including unoccupied properties

### **Grant Payment**

Only one grant will be paid per Public House and Premises shown in the business rates list

### **Grant Amount**

£10,000

### **Part 3: Hotels**

Occupied hotels receive the Expanded Retail Discount regardless of their rateable value, so they have no business rates to pay for 2020/2021. However only those with a rateable value under £51,000 qualify for the Retail, Hospitality and Leisure Grant. Those receiving Small Business Rate Relief qualify for the Small Business Grant.

Occupied hotels with a rateable value over £51,000 qualify for a grant under this policy provided they meet the criteria.

#### **Criteria**

In addition to the general eligibility criteria at section 1, on 11 March 2020 the business must:

- Be shown in the Business Rates list as a 'Hotel and Premises',
- Been eligible for the Retail, Hospitality and Leisure discount, had it been in place on that date
- Have a rateable value of £51,000 or more, and
- Been open and trading as a Hotel and Premises

#### **Exclusions**

Any hotels not meeting the criteria including unoccupied premises

#### **Grant Payment**

One grant is payable per Hotel and Premises shown in the business rates list

#### **Grant Amount**

£10,000

### **Part 4: Day Nursery Premises**

Day Nurseries qualify for a new 100% discount introduced by government in March 2020 so they have no business rates to pay for 2020/2021. However this does not make them eligible for Retail, Hospitality and Leisure grant, and they only qualify for the Small Business Grant if they receive Small Business Rate Relief.

Qualifying Day Nurseries will be paid a grant under this policy if they meet the eligibility criteria

#### **Criteria**

In addition to the general eligibility criteria at section 1, on 11 March 2020 the Day Nursery must:

- Appear in the business rates list as a 'Day Nursery and Premises',
- Have been eligible for the Day Nursery discount, had it been in place on that date, and
- Have been occupied and trading as a Day Nursery

## **Exclusions**

Any Day Nursery not meeting the criteria including unoccupied premises

## **Grant Payment**

Only one grant will be payable per Day Nursery premises

## **Grant Amount**

£5,000

## **Part 5: Permanent Fairground Premises**

A grant will be payable to the operator of any outdoor fairground premises which is permanently located on site but which has a business rates liability of over £51,000 which prevents them claiming the Retail, Hospitality and Leisure Grant. In addition a grant will be payable to operators within these sites who pay rent to the owner but do not have their own business rates liability.

## **Criteria**

In addition to the general eligibility criteria, on 11 March 2020 the fairground must:

- Be permanently located on a site they pay rent for,
- Been eligible for the Retail, Hospitality and Leisure discount, had it been in place on that date,
- Be shown in the business rates list, and
- Have a rateable value of £51,000 or more

Operators on the site must:

- Be liable to pay rent to the site owner, and
- Be a small or micro business as defined in the Companies Act 2006

## **Grant Payment**

Only one grant will be payable per operator, regardless of how many individual sites they occupy on the fairground.

## **Grant Amount**

£10,000 per the site operator  
£2,500 per operator within the site.

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## **SECTION 4: DEMONSTRATING A FALL IN INCOME**

To be eligible for the grant the applicant must show that they have suffered a significant fall in income due to the Covid-19 crisis, and provide evidence to demonstrate this.

We may ask for any reasonable evidence to support an application for a discretionary grant, and may decline an application if evidence is not provided.

An applicant must also explain how they will use the grant to maintain their business during this time.

Applicants should explain how the current situation has affected them, including:

- Whether they have been instructed to close by government,
- Whether they are able to continue trading in any capacity, for example online or offering takeaways,
- Whether they have furloughed staff, and
- Their plans for reopening

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## **SECTION 5: APPLICATIONS**

Businesses must complete the online application form available on the council's website to claim the Discretionary Grant. They must also supply all the evidence requested to support their application in a timely manner. We may ask for more information if necessary to validate an application, prevent and detect fraud.

We may refuse to pay a grant if the information we require is not supplied.

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## **SECTION 6: GRANT PAYMENTS**

Payment of the grant under this policy is entirely at the discretion of the borough council, and we reserve the right to refuse, pay or query any application or grant.

There is no right of appeal against our decision to pay, or not to pay, a grant.

Grant payments will only be made by bank transfer to a validated bank account. Payments will not be made unless a bank statement is provided as evidence of sort code, account number and account name.

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## **SECTION 7: STATE AID AND TAX**

The Discretionary Grant is classed as taxable income for those receiving it.

The Discretionary Grant is also classed as State Aid as follows:

- A grant of £10,000 is provided under the EU law on State Aid under De Minimis rules and those claiming the grant must declare that they have not received more than €200,00 of De Minimis aid within this financial year of the past two years
- A Grant of £25,000 is paid under the Covid-19 temporary framework for UK Local Authorities and those claiming the grant must declare that, including this grant, they have received no more than €800,000 of state aid under this framework.

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## **SECTION 8: FRAUD AND MISREPRESENTATION**

We will not accept fraudulent applications for the grant and will carry out checks to ensure all applications for grant payments are accurate. We may refuse to pay a grant if we suspect an application is fraudulent for any reason.

We will check information at the time of application, and may also carry out spot checks at a later date, including asking for further evidence and verifying information on Companies House.

We will recover any grants found to have been claimed fraudulently.

We may also share the information about applications and grant payments with other bodies as requested and allowed by law, including Her Majesty's Revenue and Customs, the Ministry of Housing, Communities and Local Government, the Department for Business, Energy and Industrial Strategy and any other government departments as required.

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## **SECTION 9: OTHER HELP**

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The council continues to work with a wide range of partners, including New Anglia Local Enterprise Partnership (New Anglia LEP) and the New Anglia Growth Hub to provide support to businesses in West Norfolk. This includes providing information and guidance about central Government support schemes, grant schemes provided by New Anglia LEP, and introductions to other specialist providers of support and information where appropriate.

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## Discretionary Grant Summary

<b>Business Type</b>	<b>Criteria</b>	<b>Exclusions</b>	<b>Grant Payable</b>
Shared Spaces	Occupying a space in a shared office building or the KLIC	Shared spaces that are not offices – Retail, Industrial, Hospitality	£10,000 per business
Market Traders	Permanent Trader on King's Lynn or Hunstanton markets liable to pay rent to the borough council	Casual Traders and Street Traders	£1,000 per day traded per trader  Maximum grant £5,000
B&Bs	B&B accommodation in the council tax list where the owner is also resident and a cooked breakfast is provided	Holiday accommodation in business rates, B&Bs where breakfast is not provided	Based on bedspaces: 1-2 £1,000 3-4 £1,500 5+ £2,000
Charities	Charities receiving charity relief who otherwise would receive Small Business Rate Relief		£10,000 per charity
Leisure	Leisure and Hospitality businesses who directly supply the general public but do not qualify for Expanded Retail Discount	Retail supply businesses  Third party suppliers	£10,000 per business
Public Houses	Occupied Public Houses receiving Expanded Retail Discount with a rateable value over £51,000, meaning they do not qualify for other grants	Unoccupied premises	£10,000 per Public House
Hotels	Occupied Hotels receiving Expanded Retail Discount with a rateable value over £51,000, meaning they do not qualify for other grants	Unoccupied premises	£10,000 per Hotel
Day Nurseries	Occupied Day Nurseries receiving the Day Nursery discount	Unoccupied premises	£5,000
Fairgrounds	Permanent fairground sites and operators on the site		£10,000 for the site  £2,500 per individual operators