



Public Document Pack

North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

K. Miles
Chief Executive.

STRATEGY AND RESOURCES COMMITTEE

A meeting of the Strategy and Resources Committee will be held as a Virtual – Online meeting on **MONDAY, 1ST MARCH, 2021 at 10.00 am.**

Members of the Strategy and Resources Councillor Worden (Chair)
Committee

Councillors Crabb, Henderson, Knight, Lofthouse, Patrinos, Pearson, Prowse, L. Spear, Wilkinson and Yabsley

AGENDA

1. Virtual meeting procedure - briefing and etiquette
Chair to report.
2. Apologies for absence
3. To approve as a correct record the minutes of the meeting held on 1 February 2021 (attached). (Pages 7 - 24)
4. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency.
5. Declarations of Interests.
(Please telephone the Corporate and Community Services team to prepare a form for your signature before the meeting. Interests must be re-declared when the item is called, and Councillors must leave the room if necessary).
6. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information).

PART 'A'

7. **Batsworthy Cross Windfarm** (Pages 25 - 28)
Report by Service Lead – Environmental Protection (attached).
8. **Tarka Leisure Centre Update** (Pages 29 - 34)
Report by Contracts Delivery Manager (attached).
9. **Procurement of Vehicles** (Pages 35 - 38)

Report by Chief Executive (attached).

10. **Rural Settlement List** (Pages 39 - 44)

Report by Head of Resources (attached).

11. **Business Grants** (Pages 45 - 100)

Report by Head of Resources (attached).

12. **Council Tax Discounts** (Pages 101 - 104)

Report by Revenues and Benefits Manager (attached).

13. **Car Parking Charges** (Pages 105 - 108)

Report by Chief Executive, (attached).

PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

**If you have any enquiries about this agenda, please contact Corporate and
Community Services, telephone 01271 388253**

19.02.21



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2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off. In a virtual meeting the public will be excluded from the meeting while in Part B.
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Meeting Etiquette Reminder for Members

Members are reminded to:

- Join the meeting at least 10-15 minutes prior to the commencement to ensure that the meeting starts on time.
- Behave as you would in a formal committee setting.
- Address Councillors and officers by their full names.
- Do not have Members of your household in the same room.
- Be aware of what is in screen shot.
- Mute your microphone when you are not talking.
- Switch off video if you are not speaking.
- Only speak when invited to do so by the Chair.
- Speak clearly (if you are not using video then please state your name)
- If you're referring to a specific page, mention the page number.
- Switch off your video and microphone after you have spoken.
- The only person on video will be the Chair and the one other person speaking.
- Only use the Chat function to register that you wish to speak or to move or second a motion.

Virtual attendance by members of the public

If members of the public wish to attend virtually, please contact Corporate and Community services on 01271 388253 or memberservices@northdevon.gov.uk.

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NORTH DEVON COUNCIL

Minutes of a meeting of Strategy and Resources Committee held at Virtual - Online meeting on Monday, 1st February, 2021 at 10.00 am

PRESENT: Members:

Councillor Worden (Chair)

Councillors Crabb, Henderson, Knight, Lofthouse, Patrinos, Pearson, Prowse, L. Spear, Wilkinson and Yabsley

Officers:

Chief Executive, Head of Resources, Senior Solicitor/Monitoring Officer, Service Lead - Environmental Protection, Contracts Delivery Manager, Regeneration Manager and Accountancy Services Manager

Also Present:

Councillors Biederman, Leaver, Ley, Luggar, Mack, Roome, D. Spear and Tucker

244. VIRTUAL MEETING PROCEDURE - BRIEFING AND ETIQUETTE

The Chair outlined the virtual meeting procedure and etiquette to the Committee and attendees.

The Senior Corporate and Community Services Officer confirmed the Members of the Committee, Members and Officers who were present.

Councillor Yabsley advised that Councillor Crabb would be joining the meeting shortly.

245. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

246. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 4 JANUARY 2021 (ATTACHED).

RESOLVED that the minutes of the meeting held on 4 January 2021 (circulated previously) be approved as a correct record and signed by the Chair.

247. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY.

There were no items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency.

248. DECLARATIONS OF INTERESTS.

There were no declarations of interest announced.

249. CAMPAIGN TO REMOVE FROM SALE POLYSTYRENE BODYBOARDS

The Chair advised that Anne-Marie Eveleigh, representing Plastic Free North Devon was present at the meeting to answer any questions.

Councillor Mack presented the notice of motion which he had submitted to Council on 13 January 2021 that had been referred by Council to the Committee for consideration. He also advised the Committee of Plastic Free North Devon's proposed pilot project for Summer 2021 that helped more people access, connect and both mentally and physically benefit the local marine environments and that the Council could assist by removing financial barriers. Details of this pilot had been included within a supplementary document provided by Plastic Free North Devon.

The Chief Executive advised Committee that in relation to the Plastic Free North Devon pilot project for Summer 2021, the Committee had a contingency reserve. However, the project could fall within the Community Councillor grant initiative and therefore Plastic Free North Devon could apply for funding from this fund.

In response to a question, the Chief Executive advised that officer costs associated with the communications and work of the Climate Action Team would be absorbed.

In response to questions, Anne-Marie Eveleigh of Plastic Free North Devon advised that the "Protect our Playground" polystyrene bodyboard campaign was targeted at £10 boards which were cloth covered only on the top of the board and the bottom was just polystyrene. More expensive boards (i.e. £20+) were encased in another layer of plastic. The campaign was aimed at banning those boards which were single use. As part of the campaign, contact was made with all holiday accommodation providers regarding information to be provided to visitors. The banning of polystyrene bodyboards would be included within this communication sent to visitors.

Councillor Leaver in her capacity of Chair of the Climate Action Team advised that the Plastic Free North Devon campaign could be discussed at the meeting of the Team, on 9 February 2021.

RESOLVED that the Council support and assist the Plastic Free North Devon "Protect our Playground" campaign and communicate that campaign with local retailers pointing out the environmental impact of certain types of bodyboards and

that officers and the Climate Action Team be tasked to work on the detail of how the Council can contribute further to the campaign.

250. BATSWORTHY CROSS WINDFARM

The Committee considered a report by the Service Lead Environmental Protection (circulated previously) regarding Batsworthy Cross Windfarm.

The Service Lead Environmental Protection highlighted the following:

- Noise compliance monitoring at six locations close to Batsworthy Cross Windfarm had confirmed compliance with the noise related planning conditions at five of these six locations.
- Exceedance of the noise limits in the sixth location had previously been confirmed. A response from the Operator had been received on 8 October 2020 confirming that a mitigation strategy had been put in place, and presenting information to support their view that compliance was now being achieved.
- Officers shared this response in a meeting with representatives from the Community and two ward members on 10 November 2020, and subsequently undertook a review of the response taking into account the views of the Council's acoustic consultant and those presented in this meeting.
- It was concluded by Officers' that additional information was needed from the Operator to enable further assessment of the position of compliance which they were putting forward to be undertaken.
- On 23 November 2020, the Council's Senior Management Team took a decision to approve Officers' making a request for this information from the Operator which was actioned on 1 December 2020. A response to this request was received from the Operator on 18th December 2020. This decision did not preclude the Council asking the Operator to undertake further monitoring.
- Since November 2020 officers had been requesting information from the Operator. Officers had now received all of the information required to scrutinise and review to determine the next stage. The review of calculations was quite a lengthy process.
- The Council had received several detailed requests from the community and he understood that none of these requests were outstanding.
- He advised that the report was to note and that a further report would be presented to the Committee at its meeting in March 2021.

In response to a question, the Service Lead Environmental Protection advised that he was not aware of any response received from the community regarding the reduction of noise.

The Chair invited Jane Faust to address the Committee for three minutes.

Jane Faust addressed the Committee.

In response to the points raised by Jane Faust, the Service Lead Environmental Protection advised the following:

- Officers had now received sufficient information from the Operator to make an assessment. The Operator had presented a position of alleged compliance, however insufficient evidence had been provided to back this position and therefore Officers had requested further information from the Operator on a number of occasions.
- The current position did not preclude the Council requesting further noise measurements and monitoring. Once the data had been scrutinised, officers would be able to make a judgement.

In response to questions from the Committee, the Service Lead Environmental Protection advised the following:

- It was anticipated that the process of evaluating data would be complete in time for the March 2021 meeting of the Committee, however it was a complex process. However, he would provide an update at the next meeting of the Committee and if evaluation of data had not been completed by that date, he would provide a report to the April 2021 meeting of the Committee.

In response to questions, the Chief Executive advised the following:

- That requiring that further noise measurements be undertaken at this stage could delay compliance further as could not commit to when the monitoring would end. Once officers had concluded its assessment of the information provided by the Operator, it could then be concluded that compliance could be achieved on the site which would be a quicker solution. This would not prevent further monitoring if required in the future.

In response to a question, the Service Lead Environmental Protection advised that once compliance had been achieved in the sixth location, then the planning conditions allowed for monitoring to be undertaken following receipt of complaints made to the Council.

The Committee noted the report and that a report would be presented to the Committee on 1 March 2021.

251. PERFORMANCE AND FINANCIAL MANAGEMENT QUARTER 3 OF 2020/21

The Committee considered a report by the Head of Resources (circulated previously) regarding the Performance and Financial Management for Quarter 3 of 2020/21.

The Accountancy Services Manager highlighted the following:

- The revenue budget for 2020/21 was approved at Council on 26 February 2020 at £13,380,000.
- As at 31 December 2020, the latest forecast net expenditure is £13,352,000, which produced a forecast budget surplus of £28,000. (Quarter 2 was a forecast budget deficit of £136,000). This £164,000 movement to a surplus

combines various surpluses and deficits across the revenue budget, these details were shown in Appendix A – Variations in the Revenue Budget.

- The original budget for 2020/21 included a forecast to achieve £200,000 worth of salary vacancy savings. The current position forecasts we would achieve £388,000.
- There was much pressure on the 2020/21 budget due to the Covid-19 pandemic and the Council's income streams had been greatly affected in the first three quarters of 2020/21 and expected to continue through the financial year. Also, additional costs had been incurred by the council in provision of temporary accommodation, additional agency staff for waste and recycling and in supporting the local community.
- Central government had announced and paid local authorities four tranches of support funding totalling £1,575,000 for North Devon. We had also claimed £160,000 in respect of the job retention scheme and received £268,000 New Burdens grant for Small Business Grants and Retail, Hospitality and Leisure Grants. Central government have announced they will help support local authorities for lost income by paying 75% of any lost income after Councils incur the first 5% variance. The expected lost income and additional costs have been factored into the above figures in Appendix A along with the anticipated government support.
- The figures shown in Appendix A included a projection for the rest of 20/21 based on the current environment and the continuing COVID-19 impact on our income streams and expenditure.
- It was anticipated that there would be a reduction in both Council Tax and Business Rates income during 2020/21. However, no reduction for income was being reported for 2020/21 year as the financial effect of any deficit on the Collection Fund income would not have an impact on NDC finances until the following three years.
- At 31 December 2020 total external borrowing was £500,000. The timing of any future borrowing was dependent on how the authority managed its treasury activity and due to current low interest rates and reduced returns on investments it was prudent for the Council to 'internally borrow' and use these monies to fund the Capital Programme.
- "Appendix B – Movement in reserves and balances" detailed the movements to and from earmarked reserves in 2020/21.
- Full details of the Strategic Contingency Reserve movements and commitments were attached as "Appendix C – Strategic Contingency Reserve".
- The 2020/21 to 2022/23 Capital Programme was detailed in "Appendix D – Capital Programme".
- Further variations of (£3,301,516) were proposed to the 2020/21 Capital Programme as detailed in paragraph 4.4.3.
- Further variations of £1,872,135 were proposed to the 2021/22 Capital Programme as detailed in paragraph 4.4.4.
- The revised Capital Programme for 2020/21 taking into account the budget variations above was £7,110,512.
- The overall Capital Programme for 2020/21 to 2022/23 was £31,419,916 and is broken down as follows: 2020/21 £7,110,512; 2021/22 £22,384,916; 2022/23 £1,924,488.

- Once funds have been included in the Capital Programme the Constitution required a separate decision to release those funds. Accordingly the following schemes need the funds to be released so that spending can start within the following three months: Additional Disabled Facility Grant funding £131,862; and Ilfracombe Water Sports Centre £1,515,535.
- Treasury Management (paragraph 4.5), Debt Management (paragraph 4.6) and General Debtors (paragraph 4.7).
- Detailed performance information was detailed in Appendix E.

In response to questions, the Head of Resources advised the following:

- The Council's short term investments were spread over a number of institutions to mitigate risk and was not currently experiencing negative interest rates.
- The vacancy savings had exceeded the budgeted saving, however the additional savings would not be ongoing and the budgeted vacancy saving would be £225,000 for the next financial year.
- Appendix C Strategic Contingency Reserve – the £76,602 balance included commitments; any that do not come to fruition would then be added back into the Reserve balance.
- Table F in Appendix E, page 45 of the agenda “L168 Income per car park P & D ticket” referred to the average amount spent per purchase of a pay and display ticket.
- Four tranches of funding had been award by the Government. A further tranche would be received in the next financial year as part of the budget settlement. If the impact of the pandemic continued it was hoped that the Government would provide additional funding.
- The additional costs for the provision of temporary accommodation was in relation to the Council's duties in relation to homelessness.

The Chief Executive confirmed that the additional costs for temporary accommodation were as a result of the primary duties given to Local Authorities during the pandemic to move homelessness people into accommodation. If there was flooding and the need to accommodate families in temporary accommodation then there would be a financial impact for the Council.

The Committee noted a typographical error in paragraph 4.4.7 of the report, in that the third financial year should have stated “2022/23” and not “2021/22”.

RESOLVED:

- (a) That the actions being taken to ensure that performance was at the desired level be noted;
- (b) That the contributions to/from earmarked reserves be approved (as detailed in paragraph 4.2 of the report);
- (c) That the movements on the Strategic Contingency Reserve (as detailed in paragraph 4.3 of the report) be noted;

(d) That funds be released for the capital schemes listed in paragraph 4.4.12 of the report;

(e) That the sections dealing with Treasury Management (paragraph 4.5), and Debt Management (paragraphs 4.6 and 4.7) be noted.

RECOMMENDED:

(f) That the variations to the Capital Programme 2020/21 to 2022/23 (as detailed in paragraphs 4.4.3 to 4.4.4) be approved.

252. REVIEW OF CHARGES AND FEES FOR 2021/22

The Committee considered a report by the Head of Resources (circulated previously) regarding the review of Charges and Fees for 2021/22.

The Accountancy Services Manager highlighted the following:

- This year the guidance was to increase some fees and charges by 2%, although some fees were set by statute and these would be set nationally.
- It was recommended that Allotments (Appendix A), Cemetery fees (Appendix F), sports pitches (Appendix G), Pannier Market charges (Appendix H) and Bulky Collections (Appendix I) were increased by 2%.
- Other variations to the 2% increase were Building Control (Appendix B), Trade Waste (Appendix C), Land Charges fees (Appendix D), Environmental Health fees (Appendix E), Garden waste charges (Appendix J) and pre-planning application fees (Appendix K). An amended version of Appendix K had been published as a supplementary document as there had been slight amendment to the wording.

In response to questions, the Head of Resources advised the following:

- All weather pitch fees were managed by Parkwood Leisure.
- Officers regularly reviewed the commercial and trade waste fees to compare with other competitors to make sure that the fees remained competitive.
- The Accountancy Services Manager would provide details of the number of holiday homes in receipt of trade waste collections.
- The Valuation Office determined who paid business rates or Council Tax.
- Lockdown recovery fees had been introduced for the Pannier Market following an urgent decision taken by the Chief Executive.
- The current fee (£36) for the collection of garden waste had been in place since 2017, which was relatively low in comparison to neighbouring local authorities which were charging between £40-£50. The Council currently received £660,000 income for the collection of garden waste. If the fee was increased to £40, the Council would receive £740,000 income. The Council would need to increase the fees to £46/£47 in order for the service to break even.
- The waste and recycling crews had in cab technology which identified which properties were domestic or commercial.

- The crews would interpret whether a property was domestic or a holiday home.
- The Pannier Market fees would be subject to consultation with Pannier Market traders prior to the decision being taken by Council on 24 February 2021. Pannier Market traders could hire smaller areas.
- Covid 19 has had an impact for a number of clubs and organisations, therefore it would be difficult to treat some differently.

RECOMMENDED:

(a) that there be a 2% increase in fees for 2021/22 financial year, for the following services:

- (i) Allotments – Appendix A
- (ii) Cemetery fees – Appendix F
- (iii) Sports pitches – Appendix G
- (iv) Pannier Market Charges (subject to consultation with the traders committee) – Appendix H
- (v) Bulky Collections – Appendix I

(b) that the remaining fees be varied by the elements outlined in paragraphs 4.3 to 4.8 of the report.

253. REVENUE BUDGET 2021/22, CAPITAL PROGRAMME AND MEDIUM TERM FINANCIAL STRATEGY 2021-2025

The Committee considered a report by the Head of Resources (circulated previously) regarding the Revenue Budget 2021/22, Capital Programme and Medium Term Financial Strategy 2021-2025.

The Head of Resources highlighted the following:

- Government settlement December 2020. The provisional 2021-22 settlement of £3.3m was the same level as 2020-21. The Fair Funding Review had been delayed by a further year until April 2022. The New Homes Bonus in-year allocation had been allocated for 2021/22 only. There were no legacy payments on the 2021/22 allocation and the Government was intending to consult on future of the housing incentive during 2021/22. The Rural Services Delivery Grant matched the 2020/21 level. Council Tax levels for District Councils could be increased by up to 2% or £5 whichever was higher. The referendum in relation to Council Tax levels for Town and Parish Councils had been deferred. The Council would receive a lower tier services grant and Covid 19 support grant as one off payments. The Council would receive 75% reimbursement on sales, fees and charges losses for the period April to June 2021.
- Core Spending Power for England. This had increased by 4.5% overall; however 87% of this increase came from Council Tax compared to 56% in 2020/21.
- Urban/rural funding differences. Analysis by the Rural Services Network indicated that local authorities serving predominately urban areas receive

“higher” level of central funding compared to those in rural areas: paying over £96 per head more in Council Tax (in rural Devon £138 per head more); receive £107 (61%) per head less from Settlement Funding Assessment (rural Devon, £120 less); receive £28 per head of Social Care Grant, compared to £32 per head in urban areas (rural Devon, £28); and receive over £112 (42%) per head less in Government Funding Spending Power, excluding Council Tax (rural Devon, £113).

- Core Spending Power - included a new (one off) Lower-Tier Services Grant 2021-22. Without this grant, six of eight Devon districts would be faced with reduction in Core Spending Power.
- Total Core Spending Power per head of population 2021/22.
- Outside of urban and rural differences, there were four points of common concern: concentration of cuts in public spending on local government; over reliance on Council Tax in general (assumption that areas with higher Council Tax could continue to sustain increases); time limited payments from incentive scheme as core funding (e.g. New Homes Bonus); and allocation of lower tier services grant on a one off basis.
- The Medium Term Financial Strategy (MTFS) (2020-2024) model had been refreshed in October 2020 based upon: increased recent pay award (2.75%) continuing for medium term; borrowing costs and Capital Programme re-profiled; assumed Covid 19 impact on sales, fees and charges income continuing into 2021-22; and Government fair funding review delayed 12 months to 2022-23; collection fund deficit (Council Tax and Business Rates) spread over next 3 years. A £2m funding gap was projected for 2021/22 in advance of the financial settlement announced on 17 December 2020.
- New Homes Bonus provisional level of funding of £1,354,430 for 2021/22. The level of funding 2020/21 was £1,836,820. The Medium Term Financial Plan assumed £815,000, therefore, there was an additional £539,000 compared to the MTFS.
- New Homes Bonus 2022/23. The forecast level of funding to 2022/23. For 2022-23 the projected New Homes Bonus income was £434,860 which was a potential reduction of over £0.920m funding on current level. There was uncertainty regarding future funding and design of a new scheme for 2022/23.
- Business Rates Retention and forecast levels of income for 2021/22 year.
- Local Government Finance funding reforms which included: Spending review for the period up to 2022/23; a review of relative needs and resources; Business Rates Retention pilots; Business Rates baseline reset; Fair Funding review; and New Homes Bonus review. Reforms to Local Government funding would change the level of resources available and have an impact on the revenue budget. It was anticipated that indicative allocations would be announced in Autumn 2021.
- Council Tax levels for current 2020/21 Band D properties had been increased by £5 (equivalent of 2.73%). Rural councils could increase Council Tax by up to 2% or £5 (whichever was higher). By increasing the level by £5 for 2021/22 would increase NDC’s proportion of Council Tax for Band D properties from £188.35 to £193.35 (increase of 2.65%).
- Strategic Grants (appendix B) – the Medium Term Financial Plan had originally supported in principle the planned reductions to strategic grants in line with percentage reductions in Government funding to the local authority.

However, the Government settlement was slightly better than forecast and therefore it was recommended that there be no reduction for 2021/22.

- Original £2m projected funding gap and how this was broken down.
- Draft Revenue Budget 2021/22 (Appendix A) showed a balanced budget and assumed: £5 increase on Band D Council Tax (as in previous years); fees and charges uplift by 2% and Garden Waste subscription increase from £36 to £40 as originally planned in the Medium Term Financial Plan; no reductions to Strategic Grants, Climate Environment or Councillor Grants. The risks were the ongoing impact of Covid 19 on the revenue budget.
- Reserves (Appendix C). General fund balance forecast level at 31 March 2022 was £1.161m (8.5% of net budget). The recommended level was 5%-10%. Earmarked reserves forecast level at 31 March 2022 was £4.048m. In compliance with Local Government Act 2003, the Chief Financial Officer assured members of the robustness of the estimates and the adequacy of the proposed financial reserves.
- Medium Term Financial Strategy 2021-2025 had now been refreshed. The funding gap originally faced for 2021-22 had now moved to 2022-23. Fundamental to bridging future year budget gaps would be the delivery of actions following the recent adoption of the Commercialisation Strategy. It had been based on a number of assumptions about the future which included: Fair Funding Review – planned for 2022-23 (assumed - £0.916m reduction); New Homes Bonus Review – planned for 2022-23 (assumed -£0.919m reduction for 2022-23 and further -£0.435m reduction for 2023-24); Uncertainty of not having a multi-year settlement. Paragraph 5.1.5.7 provided further detail on the budget gap and paragraph 5.1.5.13 provided further detail on what had not been included yet. Appendix D detailed the modelled financial projections.
- Capital Programme for 2020/21 to 2022/23. Investment plans for 2020-21 to 2022-23 totalled £31.420m. One business case for capital funding had been submitted for new ICT software for the Waste and Recycling team and the cost to the Council was £35,000.
- Draft Capital Programme (Appendix E). The total programme for 2020-21 to 2022-23 was £31.455m which would be recommended to Council on 24 February 2021 for approval.
- How the total Capital Programme 2020-21 to 2022-23 would be funded.
- Projected underlying need to borrow in accordance with the 10 year Capital Strategy.
- Risks identified that could affect financial plans.
- Timeline – Council at its meeting on 13 January 2021 approved the Council Tax base; the budget and capital programme would be considered by the Strategy and Resources Committee on 1 February 2021 and Policy Development Committee on 11 February 2021; Council on 24 February 2021 to consider the approval of the budget and capital programme and setting of Council Tax.

In response to questions, the Head of Resources advised the following:

- The Fair Funding Review and Business Rates Retention review caused many uncertainties. It was uncertain whether this would take place during 2022/23 or if it would be delayed further.
- Appendix A provided the details of budgets for all service areas. There was no specific budget set aside for climate work and any future capital investments would require business cases to be put forward. The funding for the temporary climate post would be built into the establishment costs.

In response to a question, the Chief Executive advised that the Climate post had been approved for a temporary period of 18 months. A separate decision would then be required by Members regarding making the post a permanent position. A service plan was produced for each service and business cases were then produced to secure funding. The Council's approach would be to embed climate change within the organisation so that it formed part of any future projects.

RESOLVED:

(a) that the latest forecast for Budget 2020-21 and the proposed contributions to earmarked reserves be noted;

(b) that the Chief Financial Officer's assurance on the adequacy of the reserves and the robustness of the budget in paragraph 5.1.4.5 be noted;

(c) That the Chief Financial Officer's highlighted areas of risk identified within the budget process set out in paragraph 5.1.4.6 and section 5.3 be noted;

(d) That the latest Medium Term Financial forecast for 2021-2025 as shown in section 5.1.5 be noted;

(e) That subject to approval of (i) below, that funds are released for the capital schemes listed in section 5.2.2.

RECOMMENDED:

(f) That there be an increase of 2.65% in the level of Council Tax charged by North Devon Council for 2021-22 (in accordance with the revised referendum limit ability of £5.00 per Band D property) with a Band D Council Tax level of £193.35;

(g) That the actions identified in sections 5.1.2 to 5.1.4, which are required to ensure a balanced budget is achieved and therefore recommend to Council the approval of 2021-22 General Revenue Account Budget;

(h) That the Medium Term Financial Strategy 2021-2025 in section 5.1.5 as part of the Policy Framework be adopted.

(i) That the Capital Programme 2020-21 to 2022-23 as highlighted in section 5.2 be approved.

254. TREASURY MANAGEMENT STRATEGY STATEMENT 2021/22

The Committee considered a report by the Chief Financial Officer (circulated previously) regarding the Treasury Management Strategy Statement for 2021/22.

The Head of Resources highlighted the following:

- The over-riding strategy for the Council's management of funds was Security, Liquidity and then Yield (return). Three reports were produced each year for Council to approve on Prudential Indicators and Treasury Management Strategy; mid-year report and an annual report.
- Section 5.1 capital expenditure – the table detailed approved capital spend as per the previous report on the budget and capital programme, how this was financed in the lower table and therefore the 'net financing need for each year'.
- The Council's borrowing need (CFR) was outlined in the table on page 142. The increase to £17m from £6m (movement of £11m) took into account the borrowing for the new construction of the Leisure Centre.
- The Minimum Revenue Provision (MRP) set out the repayment of debt on both internal and external borrowing from revenue budget. The Medium Term Financial Strategy showed the impact of borrowing costs on the revenue budget.
- Paragraph 5.3 – the table showed the level of core funds and cash available for external investments, together with the Council's under borrowed position which enables the Council to internally borrow for the purposes of capital funding.
- There was a high level of external investment of spare cash in 2020-21 due to cash flow of additional government monies for business grants, up-front payment of grants to the Council and covid-19 grants provided to the Council.
- The current borrowing position was detailed in section 6.1. External borrowing this current year was only £500,000 at present. Net investments were higher this year due to all the grants cash that the Council were investing short term to gain minimal return until spent out.
- The level of borrowing would increase in 2021-22 as detailed in the table on page 146. Additional borrowing £14m would be required during the year to cover the treasury need for increased Capital Financing Requirement which was in line with the Council's financial plans. Under borrowing was funded from internal borrowing from cash reserves. The Council complied with this prudential indicator in the current financial year and it was not envisaged there would be difficulties for the future.
- The Operational Boundary (limit beyond which external debt was not expected to exceed) was set at £16million for 2021-22 to 2023-24 year.
- The Authorised limit (control on maximum level of borrowing) maintained at £22million was in line with the level set last year.
- The table in paragraph 6.3 outlined projected interest rates from the Council's treasury advisors which outlined projections on investment interest and projections on borrowing loans from the Public Works Loan Board.
- The Council was currently maintaining an under-borrowed position. This strategy was prudent as investment returns were very low and counterparty

risk was still an issue that needs to be considered. The graph shown on page 150 set out the current borrowing strategy for the next ten years.

- The guidance from the Government and CIPFA placed a high priority on the management of risk. The Council had adopted a prudent approach to managing risk and defined its risk appetite in section 7, in terms of creditworthy counterparties, lending limits, credit ratings of which the criteria was largely unchanged from last year. The Council worked closely with its treasury advisors and received daily updates on any changes.

RECOMMENDED that the Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Statement 2021/2022, including the Treasury Management and Prudential Indicators for 2021/22 to 2023/24, be approved.

255. 10 YEAR CAPITAL STRATEGY 2021 TO 2031

The Committee considered a report by the Chief Financial Officer (circulated previously) regarding the 10 Year Capital Strategy for 2021 to 2031.

The Head of Resources highlighted the following:

- The Capital Strategy was reviewed annually by Full Council prior to each financial year. The Strategy set out the 'governance arrangements' for capital projects coming forwards as detailed in section 4.3.
- All capital projects required a business case, reviewing options, risks and associated costs. Project Appraisal Group (PAG) comprised of the; Chief Executive, Business Information Systems Manager, Head of Resources and Accountancy Manager who would then meet to score the proposed project.
- In addition to the original approval of the project, a separate approval would also be sought from the Committee and then Full Council to release the capital funds three to six months before the project was due to start.
- Medium Term (2021-2025) as set out in the table in paragraph 4.4 set out the impact of capital financing need, impact this had on the annual borrowing cost and then the overall Medium Term Financial Strategy budget gap, including the additional borrowing.
- For 2022/23 current projections showed a medium term financial strategy budget gap of £2.3m increasing to £2.9m in 2024/25.
- The Council would look to become more entrepreneurial in how it delivered services to generate extra income and reduce costs in line with the commercialisation strategy. The Council would also have to review a number of options for bridging the budget gap and any such financial benefits these may produce; these would be subject to further reports being presented to Members.
- The estimated Capital Financing Requirement (CFR) for March 2021 was £5.76m which increased to its peak in March 2025 at £18.79m. This substantial increase in CFR reflected the £38m capital programme over the medium term including the new Leisure Centre.
- The Council would receive an annual management fee in relation to the running of the new Leisure Centre to help offset an element of the borrowing costs.

- Longer Term (2025-2031) as set in the table in paragraph 4.5. The Council had identified two main areas of capital expenditure within the long term forecast which are necessary to maintain business as normal i.e. the vehicle replacement programme, as the works and recycling fleet have an eight year life cycle; and the on-going maintenance of our ICT infrastructure. Projected investment was required in these two areas. The longer term model then builds this investment into the spend plans and extends the Medium Term Financial Strategy position up until 2031. The CFR was generally on a downward trend from £17.17m in 2025/26 to £14.28m by 2030/31. External borrowing over the longer term remained at a high level, £12m and above, again assuming the under-borrowed position remained prudent and sustainable.
- As a result of the high borrowing, the annual borrowing cost would continue to put pressure on the Council's revenue budget each year. The projected cost of borrowing was £1.57m in 2025/26 increasing to £1.64m in 2030/31.
- For 2025/26 current projections showed a medium term financial strategy budget gap of £3.1m increasing to £3.2m in 2030/31.
- Whilst the medium and long term capital strategy sets out the financial context under which future capital expenditure decisions should be considered, it would not prevent the Council pursuing aspirational projects such as the proposed review of Seven Brethren, Barnstaple and the Future High Streets project.
- The long term outlook for the Council's financial standing strongly supported the need for the Council to become more efficient and commercially minded across all areas of the organisation to generate additional income for the revenue budget. In line with the Council's corporate priorities, a new Commercialisation Strategy had been adopted. This set out the parameters and options for income generation and net revenue gains.

In response to a question, the Chief Executive advised that there had been consultation and engagement with local businesses as part of developing the Barnstaple Vision.

In response to a question, the Head of Resources advised that he would confirm whether the Council had applied for a Green Homes Grant.

RECOMMENDED that the Capital Strategy 2021/22 to 2030/31 be approved.

256. CONTINUATION OF MEETING

RESOLVED that it being 1.00 pm the meeting continue in order for the remaining business to be transacted.

257. THE PANNIER MARKET

The Committee considered a report by the Regeneration Manager (circulated previously) regarding the Pannier Market.

The Regeneration Manager highlighted the following:

- The Barnstaple Vision and the Future High Street Fund work highlight that our heritage assets were not being used to their full potential and therefore a Cultural Assets Review had been commissioned.
- The recommendations in the Cultural Assets Report for the Pannier Market and how we sustain its future, formed the basis for the report.
- The Pannier Market was considered to be the jewel in the crown of Barnstaple high street, but by common consensus the building and the quality of retail offer in the market was looking tired, with a declining financial performance, resulting in a £100,000 pa year on year loss to the Council.
- The Pannier Market was a fully functioning building and generally in reasonable condition, however some urgent repairs were required.
- The architects working with the Council on the Future High Street Fund have suggested a number of physical alterations which seek to sustain the building but together it was believed could transform the space as outlined in paragraph 4.6 of the report.
- They had also recommended that the Council commission a specialist market consultant to carry out a detailed review of the operational opportunities before any physical interventions were finalised. The outcome of this specialist market consultant report would be reported back to Members for final agreement.

RESOLVED:

(a) That specialist market consultants be engaged to carry out a detailed review and provide a report on the operational opportunities available for the Pannier Market with the findings to be reported back to members and that Barnstaple Councillors be invited to a briefing during the formulation of the report.

(b) That a revenue budget of £10,000 be approved to be funded from the Economic Development earmarked reserve.

258. NORTH DEVON BIOSPHERE PROJECT DEVELOPMENT - REQUEST FOR FUNDING

The Committee considered a report by the Head of Place (circulated previously) regarding the North Devon Biosphere Project Development request for funding.

The Chief Executive highlighted the following:

- The North Devon Biosphere Foundation had requested funding from the Council to support two projects “Digital Biosphere” and “Natural Capital” which would assist in the delivery of the Council’s objectives “cherishing and protecting the environment” and “planning for North Devon’s future”.
- A similar request for funding had been made to Torridge District Council. The total funding request was for £40,000, £20,000 from each Council.
- Once the grants had been secured from the Council and Torridge District Council a funding agreement would be put in place and project business cases would be developed.

Councillor Yabsley declared a personal interest as a Devon County Council Member appointed to the North Devon Biosphere Partnership.

RESOLVED that a revenue budget of £20,000 be approved to be funded from the Economic Development earmarked reserve, subject to match funding being agreed by Torridge District Council and an appropriate grant funding agreement being put in place, to provide a grant to support the further development of the:

- (a) Digital Biosphere (Smart Biosphere and Accelerator programme)
- (b) Natural Capital (£50m Impact Fund and Marketplace)

259. LITTER STRATEGY

The Committee considered a report by the Chief Executive (circulated previously) regarding the Litter Strategy and the notice of motion referred by Council on 13 January 2021.

The Lead Member for the Environment highlighted the following:

- The Litter Strategy had been influenced and supported guidance issued by WRAP “Binrastructure – the right bin in the right place”.
- A funding opportunity had arisen for the procurement of smart bins and the Council was required to have a strategy in place prior to submitting a bid for funding.
- The strategy aimed to change the behaviour of people, make it easy to dispose of litter and improve enforcement.
- The Strategy contained defined objectives which were linked to actions.
- Some elements of the Notice of Motion referred by Council could be achieved as part of the strategy.

In response to questions, the Chief Executive advised that the strategy provided a framework. The action plan would detail how the strategy would be achieved and delivered. The Council would undertake a litter pick along the North Devon Link Road, but it was anticipated that this would be delayed to later in the year due to resources available.

RESOLVED:

(a) that the Litter Strategy be approved;

(b) that the Chief Executive be delegated authority, after consultation with the relevant Lead Member and relevant ward members, to adopt Action Plans for the whole District or particular areas, targeting littering of different types; and

(c) that the notice of motion be referred to the Climate Action Team for consideration.

260. RESOURCE AND WASTE MANAGEMENT STRATEGY

The Committee considered a report by the Chief Executive (circulated previously) regarding the Resource and Waste Management Strategy for Devon and Torbay.

The Chief Executive highlighted the following:

- Devon County Council had approved the Resource and Waste Management Strategy for Devon and Torbay and had requested that District Councils adopt the strategy.
- The key targets in the Resource & Waste Management Strategy for Devon and Torbay were detailed in paragraphs 4.3 to 4.6 of the report.
- This strategy also linked into the Council's Litter Strategy, was the blue print for the Waste and Recycling service and linked into the Council's environmental objectives.

RESOLVED:

(a) that the Resource and Waste Management Strategy be approved;

(b) that Devon County Council be asked to look again at the reduction in the prices paid to local communities for green waste in order to encourage local community composting groups.

261. OXFORD PARK PLAY AREA, ILFRACOMBE

The Committee considered a report by the Principal Parks Officer (circulated previously) regarding the allocation of section 106 funds to provide additional play equipment at Oxford Park Play area, Ilfracombe.

RESOLVED:

(a) that £6600 be allocated towards the cost of providing a new piece of play equipment at Oxford Park Play area, Ilfracombe.

RECOMMENDED:

(b) that Council vary the Capital programme by £6600 and that funds be released.

Chair

The meeting ended at 1.35 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.

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NORTH DEVON COUNCIL

REPORT TO: STRATEGY & RESOURCES COMMITTEE

Date: 1st March 2021

TOPIC: BATSWORTHY CROSS WINDFARM

REPORT BY: ANDY COLE

SERVICE LEAD - ENVIRONMENTAL PROTECTION

1. INTRODUCTION

1.1 This paper seeks to update the Strategy and Resources Committee on the current status of the Council's regulation of the noise related planning conditions associated with Batsworthy Cross Windfarm.

This is a follow up report to a paper which was considered by this Committee on the 1st February 2021.

2. RECOMMENDATIONS

2.1 It is RECOMMENDED that the Strategy and Resources Committee notes the current position.

3. REASONS FOR RECOMMENDATIONS

3.1 To provide the Committee with confidence that the process of regulating Batsworthy Cross Windfarm is transparent and happening as efficiently as possible.

4. REPORT

4.1 Noise compliance monitoring at six locations close to Batsworthy Cross Windfarm has confirmed compliance with the noise related planning conditions at five of these six locations.

4.2 Exceedance of the noise limits in the sixth location has previously been confirmed.

4.3 The Council has previously advised the operator of this situation.

4.4 On Wednesday 16th September 2020, the Council re-issued a request to the Operator – asking them to provide details of a proposed further mitigation strategy for properties in the vicinity of Birchwood House - within 30 days.

- 4.5 A response from the Operator was received on 8th October 2020 – confirming details of an associated mitigation strategy.
- 4.6 Additional information was subsequently requested from the Operator, to enable a further assessment of this strategy - with further clarifications and data being received during January 2021.
- 4.7 Officers' are currently in the process of reviewing the complete response – and will provide Members with details of any further progress at Committee on 1st March 2021 (as agreed at Committee on 1st February 2021).

5. RESOURCE IMPLICATIONS

- 5.1 This development will necessitate further investment in the regulation of this consent which cannot be quantified at this time.

6. CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Part 3	Delegated
Annexe 1	

7. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of the 1972 Local Government Act.

8. BACKGROUND PAPERS

- 8.1 The following background papers were used in the preparation of this report:

Batsworthy Cross Windfarm. Report to Strategy & Resources Committee 1st February 2021.

Batsworthy Cross Windfarm. Report to Strategy & Resources Committee 6th January 2020.

Batsworthy Cross Windfarm. Report to Strategy & Resources Committee 5th October 2020.

Batsworthy Cross Windfarm. Report to Strategy & Resources Committee 2nd November 2020.

The background papers are available for inspection and kept by the author of the report.

9. STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

Author: Andy Cole; Service Lead Environmental Protection
Date: 10th February 2021
Reference: Strategy & Resources Committee 1st March 2021 Batsworthy Cross Windfarm

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NORTH DEVON COUNCIL

Open

REPORT TO: STRATEGY & RESOURCES COMMITTEE

Date: 01/03/21

TOPIC: TARKA LEISURE CENTRE UPDATE

REPORT BY: CONTRACTS DELIVERY MANAGER

1 INTRODUCTION

1.1 An internal audit of the Tarka Leisure Centre project was undertaken in December 2020 & January 2021. One of the audit recommendations was to bring regular progress reports to members at Strategy & Resources Committee meetings.

1.2 This report provides members with a project progress report.

2 RECOMMENDATIONS

2.1 That members note the report.

3 REASONS FOR RECOMMENDATIONS

3.1 To inform members of project progress.

4 REPORT

4.1 Construction of the new leisure centre started back in the summer of 2020 with enabling works and commencing in the last week of July. In the period to date, ground works were undertaken with the piled foundations laid and tested. At the beginning of January, construction of the steel frame commenced and at the time of writing this report, the steel frame of the new centre is nearing completion (photos will be shown at the meeting).

4.2 Despite COVID 19 and the subsequent restrictions and control measures imposed on construction sites, the programme is currently just one week behind schedule. The next notable milestone will be the excavation of the swimming pools.

4.3 Several officers are currently overseeing the construction phase of the project on behalf of the council. Their roles on the project are summarised at Appendix A.

4.4 Parkwood Leisure have overall responsibility for managing the construction phase of the project (under the terms of the Design Build Operate and Maintain

or DBOM) contract. They have direct responsibility for managing the construction contractor (Speller Metcalfe), the architect and sub-contractors.

4.5 NDC has appointed consultants Curry & Brown to fulfil a number of roles during the construction phase, including the roles of Authority Representative & Quantity Surveyor. There is a complex but well-established communication structure for the project, which ensures NDC's payments to Parkwood are only made when construction work has been carried out to a satisfactory and appropriate standard. This is a fixed price contract, but it is important that there are quality assurances in place as the project progresses. A communications flow chart is attached at Appendix B showing the different organisations involved in the project.

5 RESOURCE IMPLICATIONS

5.1 The gross valuation to date for construction is £2,455,267.46

5.2 The net valuation is £2,340,026.14 with £115,241.32 held in retention.

6 EQUALITIES ASSESSMENT

6.1 No impact anticipated

7 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Part 3 Annexe 1(1)(b)	Delegated

8 STATEMENT OF CONFIDENTIALITY

8.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9 BACKGROUND PAPERS

9.1 No background papers were used in the preparation of this report:

10 STATEMENT OF INTERNAL ADVICE

10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

Author: Mark Kentell
Reference: Document5

Date: 08/02/21

Appendix A

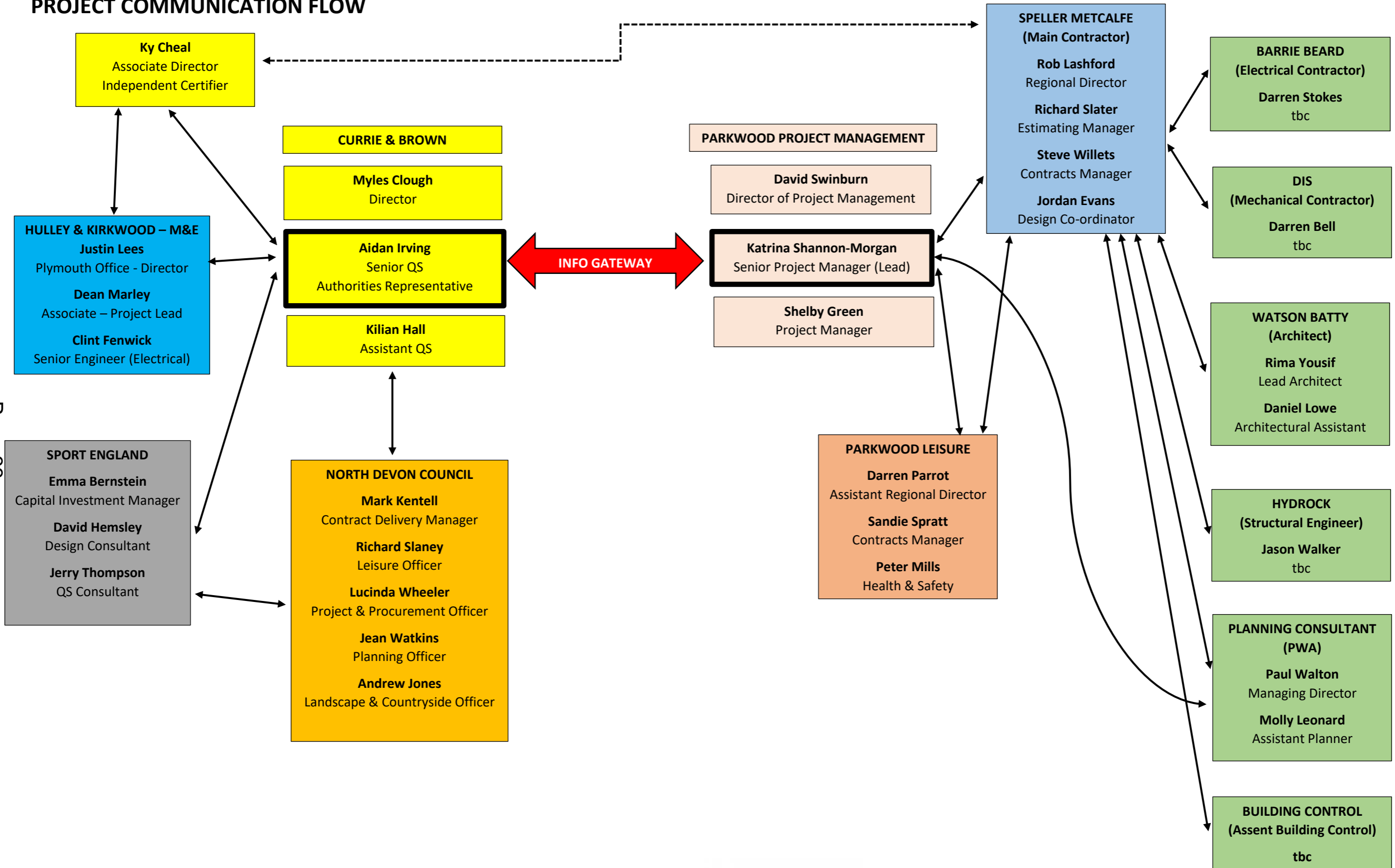
Officer Roles and Responsibilities on the Tarka Leisure Centre Project (construction phase)

1. Contracts Delivery Manager – Overall responsibility for overseeing the construction phase of the project on behalf of NDC. Attending regular progress meetings (monthly), co-ordinating the activities of the Authority Representative and Quantity Surveyor, authorising payments to the leisure contractor following receipt of monthly valuations & payment certifications. Liaising with finance dept so cash flow can be forecast appropriately. Organising regular updates for the public through the communications team and informing SMT of project progress highlighting any particular problems or risks as they arise.
2. Leisure & Recreation Officer – Act as back up to the Contracts Delivery Manager by maintaining a full understanding of project progress. Attend monthly progress meetings and Design Team meetings. Ensure compliance with NDC's Technical Specification and Sport England's funding criteria (design). Assist with all areas of project monitoring as required.
3. Project, Procurement and Section 106 Officer – To be familiar with all aspects of the project construction phase and be able to provide further back up to the Contracts Delivery Manager and Leisure & Recreation Officer if required.
4. Accountancy Manager – Liaise regularly with the officers listed above to monitor project spend and profile the councils borrowing in line with project progress.

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TARKA LEISURE CENTRE

PROJECT COMMUNICATION FLOW



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NORTH DEVON COUNCIL

REPORT TO: STRATEGY AND RESOURCES

Date: 1 March 2021

TOPIC: PROCUREMENT OF VEHICLES

REPORT BY: CHIEF EXECUTIVE

1 INTRODUCTION

- 1.1 The Council is the Waste Collection authority and as such needs to maintain a fleet of vehicles in order to collect waste and recycling and deliver it to the appropriate body. Traditionally, North Devon Council has purchased the vehicles that it needs but has recently been exploring other options.
- 1.2 One option that is being used by other authorities is to lease the required vehicles. This report presents the outcome of a procurement to do that to Committee for approval.

2 RECOMMENDATIONS

- 2.1 That Committee agree the approach of leasing vehicles and give delegated power to the Chief Executive in consultation with the Lead Member and Leader to appoint a supplier of vehicles and maintenance services, if deemed appropriate, following the completion of the procurement exercise, subject to compliance with the Council's Contract Procedure rules.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To proceed with the procurement of a vehicle supplier.

4 REPORT

- 4.1 In order to fulfil its statutory duties to collect waste, the Council operates a fleet of 89 vehicles. These range from 26 ton refuse lorries, recycling lorries of various sizes through to very small pick up trucks. The geography of North Devon means that it is not possible to use one type or size of vehicles as we have narrow lanes and streets to contend with.
- 4.2 The Council has traditionally purchased vehicles that it needs to fulfil these duties. In the past we have extended the vehicle lives to around 7 years but this is likely to be the maximum given the increased risks of failure.
- 4.3 In order to replace vehicles, significant capital sums need to be expended. By way of example, a standard recycling lorry costs around £161,000. There are also

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significant lead in times for these types of vehicles with typical waits of 6 months or more. In the next 7 years, 51 refuse/recycling/grounds maintenance vehicles are scheduled to be replaced at an estimated cost of £7,000,000.

- 4.4 In order to maintain and keep the fleet on the road, the Council maintains a well-equipped onsite workshop employing 5 technicians.
- 4.5 The Council has a reserve which it contributes to each year and from which vehicles are purchased. At present that reserve sits at £304,000. It is therefore clear that in order to replace the fleet on a planned basis, the Council will need to borrow the necessary funds.
- 4.6 A number of councils have now moved to a model whereby vehicles are leased rather than purchased. Councils have approached this differently depending on circumstances but a project has been ongoing to explore this option to see if it would be better financially and operationally for the Council. Suppliers have been asked to tender for the contract to supply the Council with vehicles for the next 7 years with the option of also taking over management of the workshop and providing a full vehicle maintenance service to the Council. If that option is adopted, a number of staff would transfer to the new supplier but on the same terms and conditions as existing.
- 4.7 The exercise has been conducted in conjunction with Somerset West and Taunton Council which will also be approaching this in the same way.
- 4.8 During the course of the exercise, the decision was taken to bring the Council's Grounds Maintenance contract back in house and so the vehicles required for that service have also been included.
- 4.9 A direct comparison of the costs of the respective options is difficult at this stage as the tenders have not yet been received but a comparison will be made covering the revenue costs of operating a workshop and the revenue costs of funding the purchase of the required vehicles over the next 7 years.
- 4.10 As well as hoped for financial advantages, there are also operational advantages of adopting this approach. Vehicle breakdowns and necessary maintenance cause significant issues to the service and are a cause of a significant number of missed collections. As mentioned, the Council operate a range of vehicle sizes and types some of which are particular to designated rounds. When these vehicles are off the road, it is often a struggle to find alternatives. Under the proposed contract it would be the responsibility of the supplier to ensure that the required vehicles are available when required.
- 4.11 The Council has an ambition to increase recycling and reduce waste. In order to do this, it needs to ensure that the infrastructure that we have in place is sufficient. One element of that infrastructure is the vehicle fleet and it is envisaged that adopting this approach will make the service more resilient and put it on a firmer basis when looking to change the service.
- 4.12 The deadline for the final submission of tenders is the 15th March and it is envisaged that an award will be made in early April. At the time of Committee the

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Council will be in the negotiation stages of the procurement and Members will receive an update on the progress at Committee.

RESOURCE IMPLICATIONS

4.13 The comparative costs of the proposed arrangements are not known at this stage but the negotiations that are currently underway may well provide some comfort. Further detail on this may be available at Committee

5 EQUALITY and HUMAN RIGHTS

5.1 No issues arise from simply considering this report

6 CONSTITUTIONAL CONTEXT

Article and paragraph	Appendix and paragraph	Referred or delegated power?	A key decision?
		Delegated	

7 BACKGROUND PAPERS

Background papers will be available for inspection and will be kept by the author of the report.

8 STATEMENT OF INTERNAL ADVICE

8.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

Author: Ken Miles

Date: 27th January 2021

Reference: Document1

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NORTH DEVON COUNCIL

Report To/Date: Strategy and Resoures 1 March 2021

Topic: Rural Settlement List

Report by: Head of Resources

1. INTRODUCTION

1.1. The report seeks to designate, for the purposes of Rural Rate Relief, the rural settlements listed in the appendix to this report for the financial year commencing 1 April 2021.

2. RECOMMENDATIONS

2.1. That Members approve, for the purposes of Rural Rate Relief, of the rural settlements listed in the appendix to this report.

3. REASONS FOR RECOMMENDATIONS

3.1. To be eligible for Rural Rate Relief the business must be located in a qualifying rural settlement, which has a population of no more than 3,000 and falls wholly or partly in an area designated for the purpose of the Rural Rate Relief Scheme. The Authority is required to compile a list for the purpose of this scheme.

4. REPORT

4.1. Schedule 1 of Part 1 of the Local Government Finance Act 1997 made provision for the allowance of mandatory and/or discretionary relief from Non-Domestic Rates for certain properties situated within designated rural areas.

4.2. Rural Settlements are settlements with a population of less than 3,000 within the boundaries of a rural area as set out under the provision of the Housing Act 1996.

4.3. The Rural Rate Relief Scheme helps qualifying small general stores, post offices, food shops, public houses and petrol stations. It is intended to safeguard rural communities and preserve the future of village life by



supporting the service they provide to local people. To qualify for relief, properties must be situated within a designated rural settlement area of less than 3,000 people.

4.4. The Authority is required to compile a list of rural settlement areas for the purposes of the scheme.

4.5. The appendix to this report lists the qualifying Rural Settlements with a population of fewer than 3,000. This list has remained unchanged for many years.

5. RESOURCE IMPLICATIONS

5.1. There are no additional human resource implications.

6. EQUALITIES ASSESSMENT

6.1. (Please detail if there are/are not any equalities implications anticipated as a result of this report. If so, please complete the Equality Impact Assessment Summary form available on Insite and email to the Corporate and Community Services Team at equality@northdevon.gov.uk).

7. CONSTITUTIONAL CONTEXT

7.1. Article of Part 3 Annexe 1(1)(d) - Delegated

7.2. Delegated power

8. STATEMENT OF CONFIDENTIALITY

8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9. BACKGROUND PAPERS

9.1. The background papers are available for inspection and kept by the author of the report.

10. STATEMENT OF INTERNAL ADVICE

10.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Julie Dark Revenues and Benefits Manager



Reference: Rural Settlement list 2021-22

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NORTH DEVON DISTRICT COUNCIL

LIST OF RURAL SETTLEMENTS UNDER SECTION 42B OF THE LOCAL GOVERNMENT FINANCE ACT 1988 AS AT 31 DECEMBER 2020

This is a list of Rural Settlements, prepared in accordance with the Non-Domestic Rating (Rural Settlements) England Order 1997, No 2792, to be used for the purposes of the Rural Rate Relief Scheme.

The boundary of each settlement is the same as the Parish boundary, except where otherwise defined.

ARLINGTON	ASHFORD
ATHERINGTON	
BERRYNARBOR	BISHOPS NYMPTON
BISHOPS TAWTON	BITTADON
BRATTON FLEMING	BRAYFORD
BRENDON	BURRINGTON
CHALLACOMBE	CHITTLEHAMHOLT
CHITTLEHAMPTON	CHULMLEIGH
COMBE MARTIN	COUNTISBURY
EAST & WEST BUCKLAND	EAST ANSTEY
EAST DOWN	EAST WORLINGTON
FILLEIGH	
GEORGE NYMPTON	GEORGEHAM
GOODLEIGH	
HEANTON PUNCHARDON	HORWOOD
INSTOW	

KENTISBURY	KINGS NYMPTON
KNOWSTONE	
LANDKEY	LOVACOTT
LINCOMBE & LEE	
LOXHORE	LYNTON & LYNMOUTH
MARIANSLEIGH	MARTINHOE
MARWOOD	MESHAW
MOLLAND	MORTEHOE
NEWTON TRACEY	NORTH MOLTON
PARRACOMBE	PILTON WEST
QUEENS NYMPTON	
RACKENFORD	ROMANSLEIGH
ROSE ASH	
SATTERLEIGH & WARKLEIGH	SHIRWELL
STOKE RIVERS	SWIMBRIDGE
TAWSTOCK	TRENTISHOE
TWITCHEN	
WEST ANSTEY	WEST DOWN
WESTLEIGH	WITHERIDGE



North Devon Council

Report Date: **Strategy and Resources 1 March 2021**

Topic: **Business Grants**

Report by: **Head of Resources**

1. INTRODUCTION

1.1 The Government has announced a series of measures to support business impacted by Covid-19. These measures include payments of grants to businesses which have had to close due to localised or widespread national restrictions being put in place.

1.2 Whilst the awarding of these grants is the Council's responsibility, the Department for Business, Energy & Industrial Strategy (BEIS) has set down the criteria which must be met by each business making an application for the following grants;

- **Local Restrictions Support Grant (Closed) Addendum) 5 November 2020**
- **Local Restrictions Support Grant (Closed) (from 2 December 2020 onwards**
- **Christmas Support Payment for wet-led pubs**
- **Local Restrictions Support Grant (Closed) Addendum 5 January 2021 onwards**
- **Closed Business Lockdown Payment**

1.3 The Department also issued guidance regarding the types of business which should be given these grants.

1.4 This purpose of this report is to seek approval of the five grant schemes which have been developed to award these payments.

2. RECOMMENDATIONS

2.1. That members approve the adoption of the **Local Restrictions Support Grant (Closed) Addendum** with effect from 5 November 2020 as shown in **Appendix A.**

2.2. That members approve the adoption of the **Local Restrictions Support Grant (Closed) with** effect from 2 December 2020 as shown in **Appendix B.**

2.3. That members approve the adoption of the **Christmas Support Payment for wet-led pubs** as shown in **Appendix C.**

2.4. That members approve the adoption of **The Local Restrictions Support Grant (Closed) Addendum 5 January** as shown in **Appendix D.**



2.5. That members approve the adoption of **The Closed Business Lockdown Payment** as shown in **Appendix E**

3. REASONS FOR RECOMMENDATIONS

3.1. In order to help support local businesses during the Covid-19 crisis it is essential that the Council applies available powers to offer the new measures announced by the Government when it is evident that this would be a real benefit to local businesses to do so.

4. REPORT

4.1. On 5 October 2020 the Government announced certain businesses and venues would be required to close from 5 November 2020 to 2 December 2020 and set out the circumstances where a grant payment should be made by the council to businesses affected by this period of National Lockdown. Whilst the awarding of these **Local Restrictions Support Grants (Closed Addendum)** is the Council's responsibility the Government set down the criteria which must be met by each business making an application. The document detailing the Council's administration of this scheme is shown in **Appendix A**.

4.2. On 23 November 2020 the Government's Covid-19 Winter Plan was published with changes announced to the tier system. Businesses which were forced to close in a localised restriction (LCAL 2 and LCAL3) were eligible for a **Local Restrictions Support Grant (Closed)** from 2 December onwards. Again payment of these grants are the Council's responsibility but the criteria for their award is set down by Government. The document detailing the Council's administration of this scheme is shown in **Appendix B**

4.3. On 1 December 2020 the Government announced further support over the festive period for wet-led pubs in areas under LCAL2 or LCAL restrictions. Under this **Christmas Support Payment for wet-led pubs** scheme Councils were to award a one-off payment of £1,000 to all wet-led pubs in their area. The document detailing the Council's administration of this scheme is shown in **Appendix C**.

4.4. On 4 January 2021 the Prime Minister announced that from 5 January 2021 England would enter into a period of national restrictions. On 5 January 2021 the Government announced further funding to businesses that are legally required to close due to national restrictions. In addition to **the Local Restrictions Support Grant (Closed) Addendum 5 January** onwards businesses were also to receive a **Closed Business Lockdown Payment** which provided a one-off top off grant for all businesses mandated to close during national restrictions. The documents detailing the administration of these schemes are shown in **Appendices D and E**.



5. RESOURCE IMPLICATIONS

- 5.1. The additional measures announced by the Government as part of its response to Covid-19 will be reimbursed to the Council via a section 31 grant.
- 5.2. Further funding has been awarded to cover the additional administration and software burden on billing authorities.

6. EQUALITIES ASSESSMENT

An Equality Impact Assessment has been produced for the measures announced within this report.

7. CONSTITUTIONAL CONTEXT

- 7.1. Article of Part 3 Annex 1 (1)(d)
- 7.2. Delegated power

8. STATEMENT OF CONFIDENTIALITY

- 8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9. BACKGROUND PAPERS

- 9.1. The following background papers were used in the preparation of this report:
Department for Business, Energy & Industrial Strategy, Guidance for Local Authorities for each of the grant schemes in this report which can be found on gov.uk
<https://www.gov.uk/government/publications/local-restrictions-support-grants-irsg-and-additional-restrictions-grant-arg-guidance-for-local-authorities>

10. STATEMENT OF INTERNAL ADVICE

- 10.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Julie Dark Revenues and Benefits Manager

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North Devon District Council Local Restrictions Support Grant (Closed) Scheme

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Definitions

The following definitions are used within this document:

‘Additional Restrictions Grant (ARG)’ means the additional funding provided by Government. Funding will be made available to eligible Local Authorities at the point that national restrictions are imposed or at the point the Local Authority first entered LCAL 3 local restrictions;

‘COVID-19’ (coronavirus); means the infectious disease caused by the most recently discovered coronavirus;

‘Department for Business, Energy & Industrial Strategy (BEIS)’; means the Government department responsible for the scheme and guidance;

‘Effective date’; means, for eligibility of the grant, the date of the local restrictions or the date of widespread national restrictions. For the purpose of this scheme the date cannot be before 9th September 2020;

‘Hereditament(s)’; means the assessment defined within Section 64 of the Local Government Finance Act 1988;

‘In-person services’ means services which are wholly or mainly provided by the business to their customers face to face and which **cannot** be provided by other means such as online or remotely by telephone, email, video link, or written communication;

‘Local Covid Alert Level’ (LCAL) means the level of alert determined by Government and Local Authorities for the area. LCALs have three Tiers. Tier 1 (Medium): Tier 2 (High) and Tier 3 (Very High). For the purposes of these schemes the definitions used are LCAL1, LCAL2 and LCAL3.

‘Local lockdown’; means the same as **‘Local restrictions’**;

‘Local rating list’; means the list as defined by Section 41 of the Local Government Finance Act 1988

‘Local restrictions’; and **‘Localised restrictions’** means legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures;

‘Local Restrictions Support Grant Scheme (Closed)’; means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 9th September 2020, amended on 9th October 2020 and which is applicable to businesses forced to close under either LCAL3 or where national restrictions are in place;

‘Local Restrictions Support Grant Scheme (Closed) Addendum’; means the changes made to the Local Restrictions Support Grant Scheme (Closed) due to widespread nationwide restrictions;

Local Restrictions Support Grant Scheme (Open); means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 22nd October 2020 and which is applicable to businesses that are still open but severely impacted by the restrictions imposed by LCAL2 and LCAL3;

Local Restrictions Support Grant Scheme (Sector); means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 9th October 2020 (effective from 1st November) and which is applicable to businesses that have been required to close on a national basis since 23rd March 2020 due to restrictions being put in place to manage coronavirus;

'Rateable value'; means the rateable value for the hereditament shown in the Council's local rating list at the date of the local restrictions;

'Ratepayer'; means the person who will receive the grant will be the person who, according to the Council's records, was the ratepayer liable for occupied rates in respect of the hereditament at the date of the local restrictions;

'State Aid Framework'; means the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020; and

'Temporary Framework for State aid'; means the same as the **'State Aid Framework'**.

1.0 Purpose of the Scheme and background.

- 1.1 The purpose of this document is to determine eligibility for a payment under the Council's Local Restrictions Support Grant Scheme (Closed). It also includes details of changes to that scheme where a widespread national lockdown is declared (Local Restrictions Support Grant Scheme (Closed) Addendum).
- 1.2 The grant scheme has been developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 9th September 2020 (and subsequently amended in October 2020 and November 2020) which sets out circumstances whereby a grant payment may be made by the Council to a business which has to close due to localised or widespread national restrictions being put in place to manage coronavirus and save lives.
- 1.3 Whilst the awarding of grants will be the Council's responsibility, the Department for Business, Energy & Industrial Strategy (BEIS) has set down criteria which **must** be met by each business making an application. The Department has also indicated the types of business which should be given the grant.
- 1.4 The scheme applies where local restrictions are put in place **or** where a widespread national lockdown is announced.
- 1.5 Localised restrictions are legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures.
- 1.6 National restrictions are nationally binding restrictions imposed by Parliament under legislation. The current national restrictions are made under the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.
- 1.7 Grants under this scheme will be available for the 2020/21 financial year only
- 1.8 No grant shall be paid for any period where the localised restrictions were in place prior to 9th September 2020. Where there is no local restriction, grants shall only be paid where there is a widespread national restriction.
- 1.9 Where any area enters either a localised restriction or where a widespread national restriction applies, additional assistance may be given to businesses under the Council's Additional Restrictions Grant (ARG) Scheme.

2.0 Funding

- 2.1 Local Authorities, subject to local eligibility, will receive funding to meet the cost of payments to businesses within the business rates system based on an assessment of the number of eligible business hereditaments.

3.0 Eligibility criteria and awards

- 3.1 Government, whilst wanting Councils to exercise their local knowledge and discretion, has set national criteria for the funds. In all cases, the Council will only consider businesses for grants where **all** of the criteria are met. Businesses will only be eligible where they are trading **on** the date of the announcement of either the local restriction or widespread national restrictions.
- 3.2 The Department for Business, Energy & Industrial Strategy (BEIS) has stated that businesses that were open as usual and providing **in-person services** to customers from their business premises and then required to close for a consecutive period of no less than 14 days as a result of regulations made under the Public Health (Control of Disease) Act 1984 will be eligible for this funding.
- 3.3 Where there is a widespread national restriction, business premises will be required to close for the entirety of the national restriction period.
- 3.4 Guidance from the Department states that this could include, non-essential retail, leisure, personal care, sports facilities and hospitality businesses that operate primarily as an in-person venue but have been forced to close these services.

Local restrictions awards and frequency of payment

- 3.5 Businesses which are forced to close in a localised restriction (LCAL3) that is implemented for less than two weeks and businesses that are closed for less than two weeks are not eligible for grant funding.
- 3.6 The amount of grant and the frequency of awards in respect of local restrictions are fixed as follows:
- (a) Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £15,000 or under on the date of the commencement of the local restrictions will receive a payment of £667 per 14-day qualifying restriction period;
 - (b) Businesses occupying hereditaments with a rateable value of over £15,000 and less than £51,000 will receive a payment of £1,000 per 14-day qualifying restriction period; and
 - (c) Businesses occupying hereditaments with a rateable value of £51,000 or over will receive a payment of £1,500 per 14-day qualifying restriction period.
- 3.7 It should be noted that, in the case of local restrictions, grants will be paid every two weeks.
- 3.8 Any business failing to meet the criteria will not be awarded a grant.

National restrictions awards and frequency of payment

- 3.9 Where there are widespread national restrictions, the Local Restrictions Support Grant (Closed) scheme will move from a 14-day payment cycle to an alternative payment cycle.
- 3.10 For the national restriction from 5th November 2020 to 2nd December 2020, a 28-day payment cycle will be applied.
- 3.11 The amount of grant and the frequency of awards in respect of the national restriction are fixed as follows:
- (a) Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £15,000 or under on the date of the commencement of the widespread national restrictions will receive a payment of £1,334 per 28-day qualifying restriction period;
 - (b) Businesses occupying hereditaments appearing on the local rating list with a rateable value over £15,000 and less than £51,000 on the date of the commencement of the widespread national restrictions will receive a payment of £2,000 per 28-day qualifying restriction period; and
 - (c) Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £51,000 or above on the commencement date of the widespread national restrictions, will receive £3,000 per 28-day qualifying restriction period.
- 3.12 At the end of any widespread national restriction, businesses may qualify for further grants depending on the LCAL that applies to the area at that time and the schemes in operation by the Council.

Businesses that are not shown in the local rating list

- 3.13 Businesses which are not shown in the local rating list may be able to apply for an award under the Council's Additional Restrictions Grants (ARG) Scheme.

Excluded businesses – both local and national restrictions

- 3.14 The following businesses will **not** be eligible for an award:
- (a) Businesses that are able to continue to trade because they **do not depend** on providing direct **in-person services** from premises and can operate their services effectively remotely (e.g. accountants, solicitors);
 - (b) Businesses in areas outside the scope of the localised restrictions, as defined by Government (and not subject to a widespread national restriction);
 - (c) Businesses that have chosen to close but not been required to, will not be eligible;
 - (d) Businesses which have already received grant payments that equal the maximum levels of State aid permitted under the de minimis and the COVID-19 Temporary State Aid Framework;
 - (e) Businesses that were in administration, are insolvent or where a striking-off notice has

- been made at the date of the local restriction or national restriction; and
- (f) Specific businesses subject to national closures since 23rd March 2020 will not be eligible for this funding. They will be provided support through the strand of the Local Restrictions Support Grant (Sector) for nationally mandated business closures. However, In the event of renewed widespread national ‘lockdown’ restrictions being imposed, the Local Restrictions Support Grant (Sector) will cease to apply, as relevant businesses will receive funding from the Local Restriction Support Grant (Closed) Scheme.

The Effective Date

- 3.15 The effective date for eligibility is determined as follows:
- (a) In the case of local restrictions, the date of the local restrictions; and
- (b) In the case of widespread national restrictions, the date of the commencement of the widespread national restrictions.
- 3.16 In **all** cases, the following must have existed at the effective date:
- The hereditament **MUST** be shown in the local rating list as at the effective date;
 - Any changes to the local rating List (Rateable Value or to the hereditament) after that date, including changes which have been backdated to this date, will be ignored for the purposes of eligibility;
 - The Council is not required to adjust, pay or recover grants where the local rating list is subsequently amended retrospectively to the effective date;
 - In cases where it was factually clear to the Council that, at the effective date, the local rating List was inaccurate on that date, the Council *may* withhold the grant and/or award the grant based on their view of who would have been entitled to the grant had the list been accurate. (The Department for Business, Energy and Industrial Strategy (BEIS) has stated that this provision is entirely at the discretion of the Council and is **only** intended to prevent manifest errors. It is not intended for ratepayers who subsequently challenge their Rateable Value); and
 - Where a hereditament is exempt from rating as at the effective date, no grant shall be payable.

The Ratepayer

- 3.17 In **all** cases the following shall apply:
- The person who will receive the grant will be the person who, according to the Council’s records, was the ratepayer in respect of the hereditament at the effective date;
 - The ratepayer must be liable to occupied property rates at that date. It should be noted that grants will not be awarded where the hereditament is unoccupied;
 - Where the Council has reason to believe that the information it holds about the ratepayer at the effective date is inaccurate, it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer;
 - Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid; and
 - Where any ratepayer misrepresents information or contrives to take advantage of the scheme, the Council will look to recover any grant paid and take appropriate legal

action. Likewise, if any ratepayer is found to have falsified records in order to obtain a grant.

4.0 How will grants be provided to Businesses?

- 4.1 The Council is fully aware of the importance of these grants to assist businesses and support the local community and economy. The Local Restrictions Support Grant (Closed) scheme together with the Council's Additional Restrictions Grant (ARG) scheme will offer a lifeline to businesses who are struggling to survive during to the COVID-19 crisis.
- 4.2 Details of how to obtain grants are available on the Council's website:
<https://www.northdevon.gov.uk/coronavirus/business-support/business-grants/>
- 4.3 In all cases businesses will be required to confirm that they are eligible to receive the grants. This includes where the Council already has bank details for the business and are in a position to send out funding immediately. Businesses are under an obligation to notify the Council should they no longer meet the eligibility criteria for any additional grants.
- 4.4 The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.
- 4.5 An application for a Local Restrictions Support Grant (Closed) is deemed to have been made when a duly completed application form is received via the Council's online procedure.
- 4.6 All monies paid under this scheme will be funded by Government and paid to the Council under S31 of the Local Government Act 2003.

5.0 EU State Aid requirements

- 5.1 Any Local Restrictions Support 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).
- 5.2 Any grant awarded is required to comply with the EU law on State Aid. 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.
- 5.3 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.

6.0 Scheme of Delegation

- 6.1 The Council has approved this scheme.

- 6.2 Officers of the Council will administer the scheme and 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 Government guidance.

7.0 Notification of Decisions

- 7.1 Applications will be considered on behalf of the Council by the Revenues and Benefits Service.
- 7.2 All decisions made by the Council shall be notified to the applicant either in writing or by email. A decision shall be made as soon as practicable after an application is received.

8.0 Reviews of Decisions

- 8.1 The Council will operate an internal review process and will accept an applicant's request for a review of its decision.
- 8.2 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 of the Council. New information may be submitted at this stage to support the applicant's appeal.
- 8.3 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.

9.0 Complaints

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

10.0 Taxation and the provision of information to Her Majesty's Revenues and Customs (HMRC)

- 10.1 The Council has been informed by Government that all payments under the scheme are taxable.
- 10.2 The Council does not accept any responsibility in relation to an applicant's tax liabilities and all applicants should make their own enquiries to establish any tax position.
- 10.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

11.0 Managing the risk of fraud

- 11.1 Neither the Council, nor Government will accept deliberate manipulation of the schemes or 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.
- 11.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.

12.0 Recovery of amounts incorrectly paid

- 12.1 If it is established that **any** award has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by an applicant or their representative(s), the Council will look to recover the amount in full.

13.0 Data Protection and use of data

- 13.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.

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North Devon District Council Local Restrictions Support Grant (Closed) Scheme (from 2nd December 2020 onwards)

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Definitions

The following definitions are used within this document:

'Additional Restrictions Grant (ARG)' means the additional funding provided by Government. Funding will be made available to eligible Local Authorities at the point that national restrictions are imposed or at the point the Local Authority first entered LCAL 3 local restrictions;

'COVID-19' (coronavirus); means the infectious disease caused by the most recently discovered coronavirus;

'Department for Business, Energy & Industrial Strategy (BEIS)'; means the Government department responsible for the scheme and guidance;

'Effective date'; means, for eligibility of the grant, the date of the local restrictions or the date of widespread national restrictions. For the purpose of this scheme the date cannot be before 9th September 2020;

'Hereditament(s)'; means the assessment defined within Section 64 of the Local Government Finance Act 1988;

'In-person services' means services which are wholly or mainly provided by the business to their customers face to face and which **cannot** be provided by other means such as online or remotely by telephone, email, video link, or written communication;

'Local Covid Alert Level' (LCAL) means the level of alert determined by Government and Local Authorities for the area. LCALs have three Tiers. Tier 1 (Medium): Tier 2 (High) and Tier 3 (Very High). For the purposes of these schemes the definitions used are LCAL1, LCAL2 and LCAL3.

'Local lockdown'; means the same as **'Local restrictions'**;

'Local rating list'; means the list as defined by Section 41 of the Local Government Finance Act 1988

'Local restrictions'; and **'Localised restrictions'** means legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures;

'Local Restrictions Support Grant Scheme (Closed)'; means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 9th September 2020, amended on 9th October 2020 and which is applicable to businesses forced to close under either LCAL2 or LCAL3 or where national restrictions are in place;

Local Restrictions Support Grant Scheme (Open); means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 22nd October 2020 and which is applicable to businesses that are still open but severely impacted by the restrictions imposed by LCAL2 and LCAL3;

Local Restrictions Support Grant Scheme (Sector); means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 9th October 2020 (effective from 1st November) and which is

applicable to businesses that have been required to close on a national basis since 23rd March 2020 due to restrictions being put in place to manage coronavirus;

'Rateable value'; means the rateable value for the hereditament shown in the Council's local rating list at the date of the local restrictions;

'Ratepayer'; means the person who will receive the grant will be the person who, according to the Council's records, was the ratepayer liable for occupied rates in respect of the hereditament at the date of the local restrictions;

'State Aid Framework'; means the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020; and

'Temporary Framework for State aid'; means the same as the **'State Aid Framework'**.

1.0 Purpose of the Scheme and background.

- 1.1 The purpose of this document is to determine eligibility for a payment under the Council's Local Restrictions Support Grant Scheme (Closed).
- 1.2 The grant scheme has been developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 9th September 2020 (and subsequently amended in October 2020 and November 2020) which sets out circumstances whereby a grant payment may be made by the Council to a business which has to close due to localised restrictions being put in place to manage coronavirus and save lives.
- 1.3 Whilst the awarding of grants will be the Council's responsibility, the Department for Business, Energy & Industrial Strategy (BEIS) has set down criteria which **must** be met by each business making an application. The Department has also indicated the types of business which should be given the grant.
- 1.4 The scheme applies where local restrictions are put in place.
- 1.5 Localised restrictions are legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures.
- 1.6 Grants under this scheme will be available for the 2020/21 financial year only
- 1.7 No grant shall be paid for any period where the localised restrictions were in place prior to 2nd December 2020.
- 1.8 Where any area enters a localised restriction, additional assistance may be given to businesses under the Council's Additional Restrictions Grant (ARG) Scheme.

2.0 Funding

- 2.1 Local Authorities, subject to local eligibility, will receive funding to meet the cost of payments to businesses within the business rates system based on an assessment of the number of eligible business hereditaments.

3.0 Eligibility criteria and awards

- 3.1 Government, whilst wanting Councils to exercise their local knowledge and discretion, has set national criteria for the funds. In all cases, the Council will only consider businesses for grants where **all** of the criteria are met. Businesses will only be eligible where they are trading **on** the date of the announcement of the local restriction.

- 3.2 The Department for Business, Energy & Industrial Strategy (BEIS) has stated that businesses that were open as usual and providing **in-person services** to customers from their business premises and then required to close for a consecutive period of no less than 14 days as a result of regulations made under the Public Health (Control of Disease) Act 1984 will be eligible for this funding.

Local restrictions awards and frequency of payment

- 3.3 Businesses which are forced to close in a localised restriction (LCAL2 and LCAL3) that is implemented for less than two weeks and businesses that are closed for less than two weeks are not eligible for grant funding.
- 3.4 The amount of grant and the frequency of awards in respect of local restrictions are fixed as follows:
- (a) Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £15,000 or under on the date of the commencement of the local restrictions will receive a payment of £667 per 14-day qualifying restriction period;
 - (b) Businesses occupying hereditaments with a rateable value of over £15,000 and less than £51,000 will receive a payment of £1,000 per 14-day qualifying restriction period; and
 - (c) Businesses occupying hereditaments with a rateable value of £51,000 or over will receive a payment of £1,500 per 14-day qualifying restriction period.
- 3.5 It should be noted that, in the case of local restrictions, grants will be paid every two weeks.
- 3.6 Any business failing to meet the criteria will not be awarded a grant.

Businesses that are not shown in the local rating list

- 3.7 Businesses which are not shown in the local rating list may be able to apply for an award under the Council's Additional Restrictions Grants (ARG) Scheme.

Excluded businesses

- 3.8 The following businesses will **not** be eligible for an award:
- (a) Businesses that are able to continue to trade because they **do not depend** on providing direct **in-person services** from premises and can operate their services effectively remotely (e.g. accountants, solicitors);
 - (b) Businesses in areas outside the scope of the localised restrictions, as defined by Government;
 - (c) Businesses that have chosen to close but not been required to, will not be eligible;
 - (d) Businesses which have already received grant payments that equal the maximum levels

of State aid permitted under the de minimis and the COVID-19 Temporary State Aid Framework;

- (e) Businesses that were in administration, are insolvent or where a striking-off notice has been made at the date of the local restriction or national restriction; and
- (f) Specific businesses subject to national closures since 23rd March 2020 will not be eligible for this funding. They will be provided support through the strand of the Local Restrictions Support Grant (Sector) for nationally mandated business closures.

The Effective Date

3.9 The effective date for eligibility is determined as the date of the local restrictions.

3.10 In **all** cases, the following must have existed at the effective date:

- The hereditament **MUST** be shown in the local rating list as at the effective date;
- Any changes to the local rating List (Rateable Value or to the hereditament) after that date, including changes which have been backdated to this date, will be ignored for the purposes of eligibility;
- The Council is not required to adjust, pay or recover grants where the local rating list is subsequently amended retrospectively to the effective date;
- In cases where it was factually clear to the Council that, at the effective date, the local rating List was inaccurate on that date, the Council *may* withhold the grant and/or award the grant based on their view of who would have been entitled to the grant had the list been accurate. (The Department for Business, Energy and Industrial Strategy (BEIS) has stated that this provision is entirely at the discretion of the Council and is **only** intended to prevent manifest errors. It is not intended for ratepayers who subsequently challenge their Rateable Value); and
- Where a hereditament is exempt from rating as at the effective date, no grant shall be payable.

The Ratepayer

3.11 In **all** cases the following shall apply:

- The person who will receive the grant will be the person who, according to the Council's records, was the ratepayer in respect of the hereditament at the effective date;
- The ratepayer must be liable to occupied property rates at that date. It should be noted that grants will not be awarded where the hereditament is unoccupied;
- Where the Council has reason to believe that the information it holds about the ratepayer at the effective date is inaccurate, it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer;
- Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid; and
- Where any ratepayer misrepresents information or contrives to take advantage of the scheme, the Council will look to recover any grant paid and take appropriate legal action. Likewise, if any ratepayer is found to have falsified records in order to obtain a grant.

4.0 How will grants be provided to Businesses?

- 4.1 The Council is fully aware of the importance of these grants to assist businesses and support the local community and economy. The Local Restrictions Support Grant (Closed) scheme together with the Council's Additional Restrictions Grant (ARG) scheme will offer a lifeline to businesses who are struggling to survive during to the COVID-19 crisis.
- 4.2 Details of how to obtain grants are available on the Council's website:
<https://www.northdevon.gov.uk/coronavirus/business-support/business-grants/>
- 4.3 In all cases businesses will be required to confirm that they are eligible to receive the grants. This includes where the Council already has bank details for the business and are in a position to send out funding immediately. Businesses are under an obligation to notify the Council should they no longer meet the eligibility criteria for any additional grants.
- 4.4 The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.
- 4.5 An application for a Local Restrictions Support Grant (Closed) is deemed to have been made when a duly completed application form is received via the Council's online procedure.
- 4.6 All monies paid under this scheme will be funded by Government and paid to the Council under S31 of the Local Government Act 2003.

5.0 EU State Aid requirements

- 5.1 Any Local Restrictions Support 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).
- 5.2 Any grant awarded is required to comply with the EU law on State Aid. 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.
- 5.3 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.

6.0 Scheme of Delegation

- 6.1 The Council has approved this scheme.
- 6.2 Officers of the Council will administer the scheme and 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 Government guidance.

7.0 Notification of Decisions

- 7.1 Applications will be considered on behalf of the Council by the Revenues and Benefits Service.
- 7.2 All decisions made by the Council shall be notified to the applicant either in writing or by email. A decision shall be made as soon as practicable after an application is received.

8.0 Reviews of Decisions

- 8.1 The Council will operate an internal review process and will accept an applicant's request for a review of its decision.
- 8.2 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 of the Council. New information may be submitted at this stage to support the applicant's appeal.
- 8.3 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.

9.0 Complaints

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

10.0 Taxation and the provision of information to Her Majesty's Revenues and Customs (HMRC)

- 10.1 The Council has been informed by Government that all payments under the scheme are taxable.
- 10.2 The Council does not accept any responsibility in relation to an applicant's tax liabilities and all applicants should make their own enquiries to establish any tax position.
- 10.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

11.0 Managing the risk of fraud

- 11.1 Neither the Council, nor Government will accept deliberate manipulation of the schemes or 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.
- 11.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.

12.0 Recovery of amounts incorrectly paid

- 12.1 If it is established that **any** award has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by an applicant or their representative(s), the Council will look to recover the amount in full.

13.0 Data Protection and use of data

- 13.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.



North Devon District Council Christmas Support Payment for wet-led pubs

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Definitions

The following definitions are used within this document:

‘COVID-19’ (coronavirus); means the infectious disease caused by the most recently discovered coronavirus;

‘Department for Business, Energy & Industrial Strategy (BEIS)’; means the Government department responsible for the scheme and guidance;

‘Effective date’; means, for eligibility of the grant;

‘Hereditament(s)’; means the assessment defined within Section 64 of the Local Government Finance Act 1988;

‘Local Covid Alert Level’ (LCAL) means the level of alert determined by Government and Local Authorities for the area. LCALs have three Tiers. Tier 1 (Medium): Tier 2 (High) and Tier 3 (Very High). For the purposes of these schemes the definitions used are LCAL1, LCAL2 and LCAL3.

‘Local lockdown’; means the same as **‘Local restrictions’**;

‘Local rating list’; means the list as defined by Section 41 of the Local Government Finance Act 1988

‘Local restrictions’; and **‘Localised restrictions’** means legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures;

‘Local Restrictions Support Grant Scheme (Closed)’; means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy and which is applicable to businesses forced to close under either LCAL2, LCAL3 or where national restrictions are in place;

Local Restrictions Support Grant Scheme (Open); means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy and which is applicable to businesses that are still open but severely impacted by the restrictions imposed by LCAL2 and LCAL3;

‘Rateable value’; means the rateable value for the hereditament shown in the Council’s local rating list at the date of the local restrictions;

‘Ratepayer’; means the person who will receive the grant will be the person who, according to the Council’s records, was the ratepayer liable for occupied rates in respect of the hereditament at the date of the local restrictions;

‘State Aid Framework’; means the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020; and

‘Temporary Framework for State aid’; means the same as the **‘State Aid Framework’**.

1.0 Purpose of the Scheme and background.

- 1.1 The purpose of this document is to determine eligibility for a payment under the Council's Christmas Support Payment (CSP) scheme for wet-led pubs.
- 1.2 The grant scheme has been developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 1 December 2020, to introduce additional support over the festive period for wet-led pubs in areas under LCAL2 or LCAL3 restrictions.
- 1.3 The scheme applies only from 2 December 2020 to 29 December 2020. It is **not** retrospective.

2.0 Funding

- 2.1 Under the Christmas Support Payment (CSP) scheme, the Council will receive a one-off payment amounting to £1,000 per wet-led pub in its area where LCAL2 or LCAL3 restrictions are imposed following the scheduled Tier review dates of 2nd December and 16th December 2020.

3.0 Eligibility criteria and awards

- 3.1 Government, whilst wanting Councils to exercise their local knowledge and discretion, has set national criteria for the funds within this scheme. In all cases, the Council will only consider businesses for grants where **all** of the criteria are met.
- 3.2 For the purposes of this grant, a **wet-led pub** is defined as a pub that derives **less than 50% of its income from sales of food**.
- 3.3 There is no definitive description of a traditional pub or public house in law that could be readily used by the Council to determine eligibility. However, for the purposes of this grant, pubs should under normal circumstances (without local or national restrictions) be described as:
 - open to the general public;
 - allow free entry (other than when occasional entertainment is provided); and
 - allow drinking without requiring food to be consumed and permit drinks to be purchased at a bar.
- 3.4 The definition of a pub will **exclude** (but is not limited to):
 - restaurants;
 - cafes;
 - nightclubs;
 - hotels;
 - snack bars;
 - guesthouses;

- boarding houses;
- sporting venues;
- music venues;
- festival sites;
- theatres;
- museums;
- exhibition halls;
- cinemas;
- concert halls; and
- casinos

The Effective Date

- 3.5 Businesses must have been trading on 30th November (the day before this scheme was announced), to be eligible to receive funding under this scheme. Where local restrictions are preceded by national 'lockdown' measures, requiring the closure of businesses that are otherwise eligible, it is accepted that those businesses are still trading.

Awards

- 3.6 This is a **one-off** payment.
- 3.7 The Council, where its area is under LCAL 2 or LCAL 3 for all or part of the period between 2nd and 29th December 2020, will pay a £1,000 flat-rate grant to wet-led pubs.
- 3.8 Where a grant is issued, the business that according to the Council's Non-Domestic rating records was the ratepayer in respect of the hereditament on 1st December is eligible to receive the grant. Where the Council has reason to believe that the information that they hold about the ratepayer is inaccurate it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer. For the sake of clarity, the grant is for the ratepayer **only** and may be liable for recovery if the recipient was not the ratepayer on the eligible day.
- 3.9 Businesses that are also in receipt of other Local Restrictions Support Grants (CLOSED) or (OPEN) can also receive this grant.

Excluded businesses

- 3.10 The following businesses will **not** be eligible for an award:
- (a) Pubs that derive over 50% of their income from food sales will not be eligible to receive funding through this grant scheme;
 - (b) Businesses in areas moving from LCAL1 to LCAL 2 or LCAL3 after 29th December will **not** be eligible to receive funding;
 - (c) Businesses that have already received grant payments that equal the maximum levels of State aid permitted under the de minimis, the COVID-19 Temporary State Aid

- Framework and all other UK schemes under the terms of the European Commission's Temporary Framework will not be eligible to receive funding: and
- (d) Businesses that are in administration, insolvent or where a striking-off notice has been made, are not eligible for funding under this scheme.

The Rating List

- 3.11 In **all** cases, the following must have existed at the effective date:
- The hereditament **MUST** be shown in the local rating list as at the effective date;
 - Any changes to the local rating List (to the hereditament) after that date, including changes which have been backdated to this date, will be ignored for the purposes of eligibility;
 - The Council is not required to adjust, pay or recover grants where the local rating list is subsequently amended retrospectively to the effective date; and
 - In cases where it was factually clear to the Council that, at the effective date, the local rating List was inaccurate on that date, the Council *may* withhold the grant and/or award the grant based on their view of who would have been entitled to the grant had the list been accurate.

The Ratepayer

- 3.12 In **all** cases, the following shall apply:
- The person who will receive the grant will be the person who, according to the Council's records, was the ratepayer in respect of the hereditament at the effective date;
 - The ratepayer must be liable to occupied property rates at that date. It should be noted that grants will not be awarded where the hereditament is unoccupied;
 - Where the Council has reason to believe that the information it holds about the ratepayer at the effective date is inaccurate, it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer;
 - Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid; and
 - Where any ratepayer misrepresents information or contrives to take advantage of the scheme, the Council will look to recover any grant paid and take appropriate legal action. Likewise, if any ratepayer is found to have falsified records in order to obtain a grant.

4.0 How will grants be provided to Businesses?

- 4.1 The Council is fully aware of the importance of these grants to assist businesses and support the local community and economy. The Christmas Support Payment scheme will offer a lifeline to businesses who are struggling to survive during to the COVID-19 crisis.

- 4.2 Details of how to obtain grants are available on the Council's website:
<https://www.northdevon.gov.uk/coronavirus/business-support/business-grants/>
- 4.3 This scheme will close on 29th December 2020. Final applications must be received by the Council by 31st January 2021.
- 4.4 As part of the application process for the scheme, all pubs will be required to self-certify that they meet all eligibility criteria.
- 4.5 The Council may request that pubs provide accounting evidence that they derive under 50% of their income from food sales to determine that the pub is wet-led. These accounts should be dated no later than 11 March 2020 (covering a period when trade was not affected by COVID-19).
- 4.6 Businesses established after 11 March 2020 and before 1 December will still be eligible for this grant and may be asked to supply accounting evidence to the Council that they derive under 50% of their income from food sales covering the period that they have been open.
- 4.7 The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.
- 4.8 An application for a Christmas Support Payment is deemed to have been made when a duly completed application form is received via the Council's online procedure.

5.0 EU State Aid requirements

- 5.1 Any Local Restrictions Support 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).
- 5.2 Any grant awarded is required to comply with the EU law on State Aid. 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.
- 5.3 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.

6.0 Scheme of Delegation

- 6.1 The Council has approved this scheme.
- 6.2 Officers of the Council will administer the scheme and 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 Government guidance.

7.0 Notification of Decisions

- 7.1 Applications will be considered on behalf of the Council by the Revenues and Benefits Service.
- 7.2 All decisions made by the Council shall be notified to the applicant either in writing or by email. A decision shall be made as soon as practicable after an application is received.

8.0 Reviews of Decisions

- 8.1 The Council will operate an internal review process and will accept an applicant's request for a review of its decision.
- 8.2 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 of the Council. New information may be submitted at this stage to support the applicant's appeal.
- 8.3 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.

9.0 Complaints

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

10.0 Taxation and the provision of information to Her Majesty's Revenues and Customs (HMRC)

- 10.1 The Council has been informed by Government that all payments under the scheme are taxable.
- 10.2 The Council does not accept any responsibility in relation to an applicant's tax liabilities and all applicants should make their own enquiries to establish any tax position.
- 10.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

11.0 Managing the risk of fraud

- 11.1 Neither the Council, nor Government will accept deliberate manipulation of the schemes or 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.

- 11.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.

12.0 Recovery of amounts incorrectly paid

- 12.1 If it is established that **any** award has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by an applicant or their representative(s), the Council will look to recover the amount in full.

13.0 Data Protection and use of data

- 13.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.

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North Devon District Council
Local Restrictions Support Grant
(Closed) Addendum: January 5th, 2021
onwards Scheme.

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Definitions

The following definitions are used within this document:

'Additional Restrictions Grant (ARG)' means the additional funding provided by Government. Funding will be made available to eligible Local Authorities at the point that national restrictions are imposed or at the point the Local Authority first entered local restrictions;

'COVID-19' (coronavirus); means the infectious disease caused by the most recently discovered coronavirus;

'Department for Business, Energy & Industrial Strategy (BEIS)'; means the Government department responsible for the scheme and guidance;

'Effective date'; means, for eligibility of the grant, the date of the local restrictions or the date of widespread national restrictions. For the purpose of this scheme the date cannot be before 9th September 2020;

'Hereditament(s)'; means the assessment defined within Section 64 of the Local Government Finance Act 1988;

'In-person services' means services which are wholly or mainly provided by the business to their customers face to face and which **cannot** be provided by other means such as online or remotely by telephone, email, video link, or written communication;

'Local Covid Alert Level' (LCAL) means the level of alert determined by Government and Local Authorities for the area. LCALs have three Tiers. Tier 1 (Medium): Tier 2 (High), Tier 3 (Very High) and Tier 4 (Stay at home). For the purposes of these schemes the definitions used are LCAL1, LCAL2, LCAL3 and LCAL 4.

'Local lockdown'; means the same as **'Local restrictions';**

'Local rating list'; means the list as defined by Section 41 of the Local Government Finance Act 1988

'Local restrictions'; and **'Localised restrictions'** means legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures;

'Local Restrictions Support Grant Scheme (Closed)'; means the grant scheme which is applicable to businesses forced to close under either LCAL2 or LCAL3;

Local Restrictions Support Grant Scheme (Closed Addendum) Tier 4; means the grant scheme which is applicable to businesses forced to close under LCAL4;

Local Restrictions Support Grant Scheme (Open); means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 22nd October 2020 and which is applicable to businesses that are still open but severely impacted by the restrictions imposed by LCAL2 and LCAL3. It does not apply in LCAL 4;

Local Restrictions Support Grant Scheme (Sector); means the grant scheme which is applicable to businesses that have been required to close on a national basis since 23rd March 2020 due to restrictions being put in place to manage coronavirus. This scheme does not apply in LCAL4

'Rateable value'; means the rateable value for the hereditament shown in the Council's local rating list at the date of the local restrictions;

'Ratepayer'; means the person who will receive the grant will be the person who, according to the Council's records, was the ratepayer liable for occupied rates in respect of the hereditament at the date of the local restrictions;

'State Aid Framework'; means the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020; and

'Temporary Framework for State aid'; means the same as the **'State Aid Framework'**.

1.0 Purpose of the Scheme and background.

- 1.1 The purpose of this document is to determine eligibility for a payment under the Council's Local Restrictions Support Grant (Closed) Addendum: 5th January onwards scheme.
- 1.2 The grant scheme has been developed by the Council in response to an announcement made by Government on 4th January 2020 which sets out circumstances whereby a grant payment may be made by the Council to a business which has to close due to national restrictions being put in place to manage coronavirus and save lives.
- 1.3 Whilst the awarding of grants will be the Council's responsibility, the Department for Business, Energy & Industrial Strategy (BEIS) has set down criteria which **must** be met by each business making an application. The Department has also indicated the types of business which should be given the grant.
- 1.4 This scheme is an extension of the Local Restrictions Support Grant (Closed) scheme but has been adapted for the period of national restrictions. The principal feature is that the payment period is initially extended to 42 days from 5 January 2021 rather than the 14-day payment cycle in tiers
- 1.5 National restrictions are legally binding restrictions imposed under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures.
- 1.6 For the first 42-day payment made in January 2021, the application closure date is 31st March 2021 and final payments must be made by the Council by 30 April 2021
- 1.7 No grant shall be paid for any period prior to 5th January 2021.
- 1.8 Where any area enters a national restriction, additional assistance may be given to businesses under the Council's Additional Restrictions Grant (ARG) Scheme.

2.0 Funding

- 2.1 Local Authorities, subject to local eligibility, will receive funding to meet the cost of payments to businesses within the business rates system based on an assessment of the number of eligible business hereditaments.

3.0 Eligibility criteria and awards

- 3.1 Government, whilst wanting Councils to exercise their local knowledge and discretion, has set national criteria for the funds. In all cases, the Council will only consider businesses for grants where **all** of the criteria are met.
- 3.2 Businesses that are eligible are those that have been mandated to close by Government and include non-essential retail, leisure, personal care, sports facilities and hospitality businesses

- 3.3 When national restrictions are imposed by Government and a significant number of businesses are mandated to close to manage the spread of coronavirus, then Local Restrictions Support Grant (Closed) Addendum: Tier 4, (Open) and (Sector) and (Closed) will cease to apply, although applications can still be made for eligible periods before national restrictions.
- 3.4 During the widespread national restrictions from 5th January 2021, mandatory grants to eligible businesses and discretionary grants will instead be provided by the LRSB (Closed) Addendum: 5th January onwards and the Additional Restrictions Grant.
- 3.5 Businesses will not be eligible for multiple versions of the Local Restrictions Support Grant under widespread national restrictions.
- 3.6 Businesses supported through LRSB (Sector) will be eligible for funding under the LRSB (Closed) Addendum: 5 January onwards during national restrictions.

Awards and frequency of payment

- 3.7 The amount of grant and the frequency of awards in respect of the scheme are fixed as follows:
- (a) Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £15,000 or under on the date of the commencement of the widespread national restrictions will receive a payment of £2,001 per 42-day qualifying restriction period;
 - (b) Businesses occupying hereditaments with a rateable value of over £15,000 and less than £51,000 on the date of the commencement of the widespread national restrictions will receive a payment of £3,000 per 42-day qualifying restriction period; and
 - (c) Businesses occupying hereditaments with a rateable value of £51,000 or over on the date of the commencement of the widespread national restrictions will receive a payment of £4,500 per 42-day qualifying restriction period.
- 3.8 Any business failing to meet the criteria will not be awarded a grant.

Businesses that are not shown in the local rating list

- 3.9 Businesses which are not shown in the local rating list may be able to apply for an award under the Council's Additional Restrictions Grants (ARG) Scheme.

Excluded businesses

- 3.10 The following businesses will **not** be eligible for an award:
- (a) Businesses that are able to continue to trade because they **do not depend** on providing direct **in-person services** from premises and can operate their services effectively remotely (e.g. accountants, solicitors);

- (b) Businesses in areas outside the scope of the national restrictions, as defined by Government;
- (c) Businesses that have chosen to close but not been required to, will not be eligible; and
- (d) Businesses that were in administration, are insolvent or where a striking-off notice has been made at the date of the local restriction or national restriction;

The Effective Date

3.11 The effective date for eligibility is determined as the date of the widespread national restrictions namely 5th January 2021.

3.12 In **all** cases, the following must have existed at the effective date:

- The hereditament **MUST** be shown in the local rating list as at the effective date;
- Any changes to the local rating List (Rateable Value or to the hereditament) after that date, including changes which have been backdated to this date, will be ignored for the purposes of eligibility;
- The Council is not required to adjust, pay or recover grants where the local rating list is subsequently amended retrospectively to the effective date;
- In cases where it was factually clear to the Council that, at the effective date, the local rating List was inaccurate on that date, the Council *may* withhold the grant and/or award the grant based on their view of who would have been entitled to the grant had the list been accurate. (The Department for Business, Energy and Industrial Strategy (BEIS) has stated that this provision is entirely at the discretion of the Council and is **only** intended to prevent manifest errors. It is not intended for ratepayers who subsequently challenge their Rateable Value); and
- Where a hereditament is exempt from rating as at the effective date, no grant shall be payable.

The Ratepayer

3.13 In **all** cases the following shall apply:

- The person who will receive the grant will be the person who, according to the Council's records, was the ratepayer in respect of the hereditament at the effective date;
- The ratepayer must be liable to occupied property rates at that date. It should be noted that grants will not be awarded where the hereditament is unoccupied;
- Where the Council has reason to believe that the information it holds about the ratepayer at the effective date is inaccurate, it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer;
- Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid; and
- Where any ratepayer misrepresents information or contrives to take advantage of the scheme, the Council will look to recover any grant paid and take appropriate legal action. Likewise, if any ratepayer is found to have falsified records in order to obtain a grant.

4.0 How will grants be provided to Businesses?

- 4.1 The Council is fully aware of the importance of these grants to assist businesses and support the local community and economy. The Local Restrictions Support Grant (Closed) Addendum: 5th January onwards scheme together with the Council's Additional Restrictions Grant (ARG) scheme will offer a lifeline to businesses who are struggling to survive during to the COVID-19 crisis.
- 4.2 Details of how to obtain grants are available on the Council's website:
<https://www.northdevon.gov.uk/coronavirus/business-support/business-grants/>
- 4.3 In all cases businesses will be required to confirm that they are eligible to receive the grant. This includes where the Council already has bank details for the business and are in a position to send out funding immediately. Businesses are under an obligation to notify the Council should they no longer meet the eligibility criteria for any additional grants.
- 4.4 The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.
- 4.5 An application for a Local Restrictions Support Grant (Closed) Addendum: 5th January onwards scheme is deemed to have been made when a duly completed application form is received via the Council's online procedure.
- 4.6 All monies paid under this scheme will be funded by Government and paid to the Council under S31 of the Local Government Act 2003.

5.0 Subsidies and EU State Aid

- 5.1 The EU State aid rules no longer apply to subsidies granted in the UK following the end of the transition period.
- 5.2 The United Kingdom remains bound by its international commitments, including subsidy obligations set out in the Trade and Cooperation Agreement (TCA) with the EU.
- 5.3 The Council can still pay out subsidies under previously approved schemes and this includes subsidies related to COVID-19 that have previously been given under the EU State aid Temporary Framework.

6.0 Scheme of Delegation

- 6.1 The Council has approved this scheme.
- 6.2 Officers of the Council will administer the scheme and 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 Government guidance.

7.0 Notification of Decisions

- 7.1 Applications will be considered on behalf of the Council by the Revenues and Benefits Service.
- 7.2 All decisions made by the Council shall be notified to the applicant either in writing or by email. A decision shall be made as soon as practicable after an application is received.

8.0 Reviews of Decisions

- 8.1 The Council will operate an internal review process and will accept an applicant's request for a review of its decision.
- 8.2 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 of the Council. New information may be submitted at this stage to support the applicant's appeal.
- 8.3 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.

9.0 Complaints

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

10.0 Taxation and the provision of information to Her Majesty's Revenues and Customs (HMRC)

- 10.1 The Council has been informed by Government that all payments under the scheme are taxable.
- 10.2 The Council does not accept any responsibility in relation to an applicant's tax liabilities and all applicants should make their own enquiries to establish any tax position.
- 10.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

11.0 Managing the risk of fraud

- 11.1 Neither the Council, nor Government will accept deliberate manipulation of the schemes or 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.

11.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.

12.0 Recovery of amounts incorrectly paid

12.1 If it is established that **any** award has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by an applicant or their representative(s), the Council will look to recover the amount in full.

13.0 Data Protection and use of data

13.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.



North Devon District Council Closed Businesses Lockdown Payment

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Definitions

The following definitions are used within this document:

'Additional Restrictions Grant (ARG)' means the additional funding provided by Government. Funding will be made available to eligible Local Authorities at the point that national restrictions are imposed or at the point the Local Authority first entered LCAL 3 local restrictions;

'COVID-19' (coronavirus); means the infectious disease caused by the most recently discovered coronavirus;

'Department for Business, Energy & Industrial Strategy (BEIS)'; means the Government department responsible for the scheme and guidance;

'Effective date'; means, for eligibility of the grant, the date of the local restrictions or the date of widespread national restrictions. For the purpose of this scheme the date cannot be before 9th September 2020;

'Hereditament(s)'; means the assessment defined within Section 64 of the Local Government Finance Act 1988;

'In-person services' means services which are wholly or mainly provided by the business to their customers face to face and which **cannot** be provided by other means such as online or remotely by telephone, email, video link, or written communication;

'Local Covid Alert Level' (LCAL) means the level of alert determined by Government and Local Authorities for the area. LCALs have three Tiers. Tier 1 (Medium): Tier 2 (High), Tier 3 (Very High) and Tier 4 (Stay at home). For the purposes of these schemes the definitions used are LCAL1, LCAL2, LCAL3 and LCAL 4.

'Local lockdown'; means the same as **'Local restrictions';**

'Local rating list'; means the list as defined by Section 41 of the Local Government Finance Act 1988

'Local restrictions'; and **'Localised restrictions'** means legally binding restrictions imposed on specific Local Authority areas or multiple Local Authority areas, where the Secretary of State for Health and Social Care requires the closure of businesses in a local area under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures;

'Local Restrictions Support Grant Scheme (Closed)'; means the grant scheme which is applicable to businesses forced to close under either LCAL2 or LCAL3;

Local Restrictions Support Grant Scheme (Closed Addendum) Tier 4; means the grant scheme which is applicable to businesses forced to close under LCAL4;

Local Restrictions Support Grant Scheme (Closed) Addendum 5th January 2021 onwards; means the grant scheme which is applicable to businesses forced to close under widespread national restrictions from 5th January 2021;

Local Restrictions Support Grant Scheme (Open); means the grant scheme developed by the Council in response to an announcement made by the Secretary of State for Business, Energy & Industrial Strategy made on 22nd October 2020 and which is applicable to businesses that are still

open but severely impacted by the restrictions imposed by LCAL2 and LCAL3. It does not apply in LCAL 4;

Local Restrictions Support Grant Scheme (Sector); means the grant scheme which is applicable to businesses that have been required to close on a national basis since 23rd March 2020 due to restrictions being put in place to manage coronavirus. This scheme does not apply in LCAL4

'Rateable value'; means the rateable value for the hereditament shown in the Council's local rating list at the date of the local restrictions;

'Ratepayer'; means the person who will receive the grant will be the person who, according to the Council's records, was the ratepayer liable for occupied rates in respect of the hereditament at the date of the local restrictions;

'State Aid Framework'; means the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020; and

'Temporary Framework for State aid'; means the same as the **'State Aid Framework'**.

1.0 Purpose of the Scheme and background.

- 1.1 The purpose of this document is to determine eligibility for a payment under the Council's Closed Businesses Lockdown Payment scheme.
- 1.2 The grant scheme has been developed by the Council in response to an announcement made by Government on 4th January 2020 which sets out circumstances whereby a grant payment may be made by the Council to a business which has to close due to national restrictions being put in place to manage coronavirus and save lives.
- 1.3 Whilst the awarding of grants will be the Council's responsibility, the Department for Business, Energy & Industrial Strategy (BEIS) has set down criteria which **must** be met by each business making an application. The Department has also indicated the types of business which should be given the grant.
- 1.4 The Closed Businesses Lockdown Payment is provided as a one-off payment. Eligibility for the scheme is the same as the LRSG (Closed) Addendum: 5 January onwards scheme. Businesses that are eligible are those that have been mandated to close by Government and include non-essential retail, leisure, personal care, sports facilities and hospitality businesses.
- 1.5 National restrictions are legally binding restrictions imposed under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures.
- 1.6 The scheme will close for applications on 31st March 2021 and no payments will be made after 30th April 2021.

2.0 Funding

- 2.1 Local Authorities, subject to local eligibility, will receive funding to meet the cost of payments to businesses within the business rates system based on an assessment of the number of eligible business hereditaments.

3.0 Eligibility criteria and awards

- 3.1 Government, whilst wanting Councils to exercise their local knowledge and discretion, has set national criteria for the funds. In all cases, the Council will only consider businesses for grants where **all** of the criteria are met.
- 3.2 Businesses that are eligible are those that have been mandated to close by Government and include non-essential retail, leisure, personal care, sports facilities and hospitality businesses

Awards and frequency of payment

- 3.3 The amount of grant is fixed as follows:

- (a) Businesses occupying hereditaments appearing on the local rating list with a rateable value of exactly £15,000 or under on the date of the commencement of the widespread national restrictions will receive a payment of £4,000;
- (b) Businesses occupying hereditaments with a rateable value of over £15,000 and less than £51,000 on the date of the commencement of the widespread national restrictions will receive a payment of £6,000; and
- (c) Businesses occupying hereditaments with a rateable value of £51,000 or over on the date of the commencement of the widespread national restrictions will receive a payment of £9,000.

3.4 Any business failing to meet the criteria will not be awarded a grant.

Businesses that are not shown in the local rating list

3.5 Businesses which are not shown in the local rating list may be able to apply for an award under the Council's Additional Restrictions Grants (ARG) Scheme.

Excluded businesses

3.6 The following businesses will **not** be eligible for an award:

- (a) Businesses that are able to continue to trade because they **do not depend** on providing direct **in-person services** from premises and can operate their services effectively remotely (e.g. accountants, solicitors);
- (b) Businesses in areas outside the scope of the national restrictions, as defined by Government;
- (c) Businesses that have chosen to close but not been required to, will not be eligible; and
- (d) Businesses that were in administration, are insolvent or where a striking-off notice has been made at the date of the local restriction or national restriction;

The Effective Date

3.7 The effective date for eligibility is determined as the date of the widespread national restrictions namely 5th January 2021.

3.8 In **all** cases, the following must have existed at the effective date:

- The hereditament **MUST** be shown in the local rating list as at the effective date;
- Any changes to the local rating List (Rateable Value or to the hereditament) after that date, including changes which have been backdated to this date, will be ignored for the purposes of eligibility;
- The Council is not required to adjust, pay or recover grants where the local rating list is subsequently amended retrospectively to the effective date;
- In cases where it was factually clear to the Council that, at the effective date, the local rating List was inaccurate on that date, the Council *may* withhold the grant and/or award the grant based on their view of who would have been entitled to the grant had the list been accurate. (The Department for Business, Energy and Industrial Strategy

(BEIS) has stated that this provision is entirely at the discretion of the Council and is **only** intended to prevent manifest errors. It is not intended for ratepayers who subsequently challenge their Rateable Value); and

- Where a hereditament is exempt from rating as at the effective date, no grant shall be payable.

The Ratepayer

3.9 In **all** cases the following shall apply:

- The person who will receive the grant will be the person who, according to the Council's records, was the ratepayer in respect of the hereditament at the effective date;
- The ratepayer must be liable to occupied property rates at that date. It should be noted that grants will not be awarded where the hereditament is unoccupied;
- Where the Council has reason to believe that the information it holds about the ratepayer at the effective date is inaccurate, it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer;
- Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid; and
- Where any ratepayer misrepresents information or contrives to take advantage of the scheme, the Council will look to recover any grant paid and take appropriate legal action. Likewise, if any ratepayer is found to have falsified records in order to obtain a grant.

4.0 How will grants be provided to Businesses?

4.1 The Council is fully aware of the importance of these grants to assist businesses and support the local community and economy. Details of how to obtain grants are available on the Council's website:

<https://www.northdevon.gov.uk/coronavirus/business-support/business-grants/>

4.2 In all cases businesses will be required to confirm that they are eligible to receive the grant. This includes where the Council already has bank details for the business and are in a position to send out funding immediately. Businesses are under an obligation to notify the Council should they no longer meet the eligibility criteria for any additional grants.

4.3 The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.

4.4 An application for a Closed Businesses Lockdown Payment is deemed to have been made when a duly completed application form is received via the Council's online procedure.

4.5 All monies paid under this scheme will be funded by Government and paid to the Council under S31 of the Local Government Act 2003.

5.0 Subsidies and EU State Aid

- 5.1 The EU State aid rules no longer apply to subsidies granted in the UK following the end of the transition period.
- 5.2 The United Kingdom remains bound by its international commitments, including subsidy obligations set out in the Trade and Cooperation Agreement (TCA) with the EU.
- 5.3 The Council can still pay out subsidies under previously approved schemes and this includes subsidies related to COVID-19 that have previously been given under the EU State aid Temporary Framework.

6.0 Scheme of Delegation

- 6.1 The Council has approved this scheme.
- 6.2 Officers of the Council will administer the scheme and 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 Government guidance.

7.0 Notification of Decisions

- 7.1 Applications will be considered on behalf of the Council by the Revenues and Benefits Service.
- 7.2 All decisions made by the Council shall be notified to the applicant either in writing or by email. A decision shall be made as soon as practicable after an application is received.

8.0 Reviews of Decisions

- 8.1 The Council will operate an internal review process and will accept an applicant's request for a review of its decision.
- 8.2 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 of the Council. New information may be submitted at this stage to support the applicant's appeal.
- 8.3 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.

9.0 Complaints

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

10.0 Taxation and the provision of information to Her Majesty's Revenues and Customs (HMRC)

- 10.1 The Council has been informed by Government that all payments under the scheme are taxable.
- 10.2 The Council does not accept any responsibility in relation to an applicant's tax liabilities and all applicants should make their own enquiries to establish any tax position.
- 10.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

11.0 Managing the risk of fraud

- 11.1 Neither the Council, nor Government will accept deliberate manipulation of the schemes or 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.
- 11.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.

12.0 Recovery of amounts incorrectly paid

- 12.1 If it is established that **any** award has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by an applicant or their representative(s), the Council will look to recover the amount in full.

13.0 Data Protection and use of data

- 13.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.

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Open

NORTH DEVON COUNCIL

Report To/Date: Strategy and Resources 1 March 2021

Topic: Council Tax Discounts

Report by: Revenues and Benefits Manager

1. INTRODUCTION

1.1. The report seeks to confirm Council Tax Discounts relating to certain properties for the financial year commencing 1 April 2021.

2. RECOMMENDATIONS

2.1. That members recommend the Council makes the following determinations in relation to the classes of dwellings set out below for the financial year commencing 1 April 2021:-

2.2. Class A and Class B Unoccupied and furnished properties
Set a 0% discount, therefore levying full council tax.

2.3. Classes A and B do not include any dwelling –

- a) Which consists of a pitch occupied by a caravan or a mooring occupied by a boat.
- b) Where a qualifying person in relation to that dwelling is a qualifying person in relation to another dwelling in England, Wales or Scotland which is job related.
- c) Which for a qualifying person is job related where that person is a qualifying person in relation to another dwelling in England, Wales or Scotland.

2.4. Class C Unoccupied and substantially unfurnished properties
Set a discount of 100%, for up to three months.

2.5. For the purpose of Class C, in considering whether a dwelling has been unoccupied for any period, any one period, not exceeding six weeks, during which it was occupied shall be disregarded.



- 2.6. Properties which have been unoccupied and substantially unfurnished for over two years, levy the empty home premium of 200% of the normal liability.
- 2.7. Properties which have been unoccupied and substantially unfurnished for over five years, levy the empty home premium of 300% of the normal liability.
- 2.8. Properties which have been unoccupied and substantially unfurnished for over ten years, levy the empty home premium of 400% of the normal liability.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To approve the level of discounts to certain properties for the financial year commencing 1 April 2021.

4. REPORT

- 4.1. The determinations are made by North Devon District Council for the financial year 2021/22.
- 4.2. They are made under its powers contained in The Local Government Finance Act 2012 and the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (SI 2012/2964).
- 4.3. Section 12 (2) of the Local Government Finance Act 2012 allows local authorities to set a council tax rate for long term empty properties of up to 200% of the normal liability. A 'long term empty property' must have been unoccupied and substantially unfurnished for at least two years.
- 4.4. From 1 April 2020 the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 enabled Councils to charge a maximum of 300% of the normal liability against property that has been unoccupied and unfurnished for at least 5 years. This charge was approved by members and applied last year.
- 4.5. From 1 April 2021 the Act also enables Councils to charge a maximum of 400% of the normal liability against property that has been unoccupied and unfurnished for at least 10 years. The introduction of this new charge from 1 April 2021 was also approved by members last year.
- 4.6. Government confirms that billing authorities are free to make their own decisions when administering these premiums. They advise that billing authorities should decide whether or not properties that are available for sale or rent, and which are being actively marketed, should be excluded from the



additional charges. Because there is no legal definition of being 'actively marketed', and for the avoidance of legal challenge, the recommendations above apply to **all** properties which are unoccupied and unfurnished as they have been in previous years.

4.7. This report is to confirm the discounts and levy for the financial year commencing 1 April 2021.

- Class A and Class B (unoccupied and furnished) – discount of 0%.
- Class C (unoccupied and substantially unfurnished) – discount of 100% for up to three months) For the purpose of Class C, in considering whether a dwelling has been unoccupied for any period, any one period, not exceeding six weeks, during, which it was occupied shall be disregarded.
- Long term empty properties (unoccupied and substantially unfurnished for at least two years – set a council tax rate of 200% of the normal liability.
- Long term empty properties (unoccupied and substantially unfurnished for at least five years – set a council tax rate of 300% of the normal liability.
- Long term empty properties (unoccupied and substantially unfurnished for at least ten years – set a council tax rate of 400% of the normal liability.

5. RESOURCE IMPLICATIONS

5.1. There are no additional resource implications.

6. EQUALITIES ASSESSMENT

6.1. EIA attached at Appendix A.

7. CONSTITUTIONAL CONTEXT

7.1. Article or Appendix and paragraph: 4.1 (b) ii and 4.2 (e) iii

7.2. Referred power



8. STATEMENT OF CONFIDENTIALITY

8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9. BACKGROUND PAPERS

9.1. The background papers are available for inspection and kept by the author of the report.

10. STATEMENT OF INTERNAL ADVICE

10.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:
Julie Dark Revenues and Benefits Manager

Reference:

Gov.uk Council Tax Second Homes and Empty Properties

Gov.uk: Council Tax empty homes premium; guidance for properties or sale and letting



North Devon Council

Report Date: 17th February 2020

Topic: Car Parking Charges

Report by: Chief Executive

1. INTRODUCTION

- 1.1. This report is seeking approval to an increase in some car parking charges over the summer period.
- 1.2. Due to the global pandemic general overseas travel is not likely to be possible this summer and so the expectation is that demand for holidays in areas such as North Devon is likely to be high.
- 1.3. Some of that demand in our coastal areas can possibly be managed by the use of car parking charges as set out in this report.

2. RECOMMENDATIONS

- 2.1. That the charges set for the car parks listed in Table 1 below are increased to those listed in within the table for the period from 1st April until 31st October 2021.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure careful management of car parks

4. REPORT

- 4.1. During the summer of 2020, North Devon experienced very high numbers of visitors after the first lockdown was lifted. This resulted in some quite well publicised issues in some of our coastal resorts with local roads being blocked by parked vehicles etc.
- 4.2. It is likely that because of the restriction on overseas holidays, North Devon will again see high number of visitors during this coming season.
- 4.3. It is not possible to increase capacity within car parks to try to accommodate additional usage but measures can be introduced to try to manage demand through the use of parking charges.
- 4.4. It should be pointed out that the aim would not be to reduce usage in car parks but to perhaps try to alleviate the situation experienced last year.
- 4.5. It is clear from modelling that introducing an increase in car parking charges would increase the income to the council. However, there are likely to be increased costs associated with the increase in usage which any additional income will offset. Any surplus will be used for measures designed to improve the environment around car parks and their usage, maintenance and, in relation to Ilfracombe, to improve the Pier/Harbour area. This will also



help to counteract any concerns around impact on the environment as a result of the additional traffic.

4.6. The table shows that a 40p per hour increase in charges would result in additional income of £118,833.72 based on the same ticket sales from 2019/20

Table 1

Car Park	Current fee	Proposed fee	Increase in Income
Pier	1 hour 1.10 2 hour 2.20 3 hour 3.30 4 hour 4.40 5 hour 5.60 6 hour 6.80 7 hour 8.00 8 hour 9.20 9 hour 10.40 All day 11.60	1 hour 1.50 2 hour 3.00 3 hour 4.50 4 hour 6.00 5 hour 7.50 6 hour 9.00 7 hour 10.50 8 hour 12.00 9 hour 13.50 All day 15.00	£52,120.62
Cove	1 hour 1.10 2 hour 2.20 3 hour 3.30 4 hour 4.40 5 hour 5.60 6 hour 6.80 7 hour 8.00 8 hour 9.20 9 hour 10.40 All day 11.60	1 hour 1.50 2 hour 3.00 3 hour 4.50 4 hour 6.00 5 hour 7.50 6 hour 9.00 7 hour 10.50 8 hour 12.00 9 hour 13.50 All day 15.00	£7,467.31
Marine Drive, Ilfracombe	1 hour 1.10 2 hour 2.20 3 hour 3.30 All day 4.40	1 hour 1.50 2 hour 3.00 3 hour 4.50 All day 6.00	£16,049.62
Croyde	1 hour 1.10 2 hour 2.20 3 hour 3.30 All day 4.40	1 hour 1.50 2 hour 3.00 3 hour 4.50 All day 6.00	£20,906.69
Mortehoe	1 hour 1.10 2 hour 2.20 3 hour 3.30 All day 4.40	1 hour 1.50 2 hour 3.00 3 hour 4.50 All day 6.00	£19,327.51
Hele	1 hour 40p 2 hour 80p 3 hour 1.20 All day 1.70	1 hour 80p 2 hour 1.60 3 hour 2.40 All day 3.30	£2,961.97



5. RESOURCE IMPLICATIONS

5.1. The above proposal has a positive impact on the income of the Council.

6. EQUALITIES ASSESSMENT

6.1. There are no equalities issues

7. CONSTITUTIONAL CONTEXT

7.1. Article of Part 3 Annexe 1 paragraph:

7.2. Delegated power.

8. STATEMENT OF CONFIDENTIALITY

8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9. BACKGROUND PAPERS

9.1. The following background papers were used in the preparation of this report:
(The background papers are available for inspection and kept by the author of the report).

None

10. STATEMENT OF INTERNAL ADVICE

10.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Head of Resources, Monitoring Office, Harbour Master, Group Leaders and Ward Members

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