

RECORD OF EXECUTIVE DECISION

Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

The requirement to complete this form, applies only to executive decisions made outside an Executive meeting. Those decisions made within an Executive meeting are recorded in Statements of Executive Decision.

This form should be completed by the Mayor, an Executive member or an officer of the Council who is making the executive decision. In respect of the Mayor or a Member they may request the proper officer to complete the form on their behalf.

COVID 19 RESPONSE - LOCAL AUTHORITY DISCRETIONARY GRANT FUND

Name of person making the executive decision <i>(delete / include details as appropriate)</i>	Mike Starkie, Elected Mayor (decision made under section 9E(2)(a) of the Local Government Act 2000) Councillor _____ —(Portfolio Holder) _____ (Officer— name and job title)
Whether key decision or not	Yes/ No
Reasons why it is a key decision or is not a key decision	It relates to the distribution of up to £853,250 of grant across more than two wards. This sum is significant in terms of the authority's budget and is significant in terms of its effect on communities living or working in the area

<p>If key decision whether 28 days' notice of the intended decision has been given</p>	<p>Yes/No If Yes, specify date notice of intended decision was published: _____</p>
<p>If key decision and not practicable to give 28 days' notice whether 5 days' notice given</p>	<p>Yes/No/Not applicable If Yes, state reason why not practicable to give 28 days' notice: Specify date that Overview and Scrutiny Chair was notified: _____ Specify any comments received from Chair: _____ And date such notice was published: _____</p>
<p>If key decision and 5 days' notice not given whether Overview and Scrutiny Chair agrees that the matter is urgent and cannot reasonable be deferred</p>	<p>Yes/No/Not applicable If Yes, state reason why the matter is urgent and cannot reasonably be deferred: A number of businesses are suffering the impact of Covid-19 and the Government has requested that part of unused grant previously allocated is provided to additional types of businesses. It is important that these grants, are rolled out quickly to avoid further hardship and it is not practicable to wait 28 days or 5 days. Specify date of Chair's consent issued (Chair to sign below or attach consent): 29th May 2020. Email from Chair below: <i>From: Cllr John Kane <John.Kane@copeland.gov.uk> Sent: 29 May 2020 10:58 To: Clinton Boyce <Clinton.Boyce@copeland.gov.uk> Cc: Janet Sinnott <Janet.Sinnott@copeland.gov.uk> Subject: Re: Urgent: Further business support grants</i></p>

	<p><i>Clinton,</i></p> <p><i>I have no problems approving.</i></p> <p><i>John</i></p> <p>And date notice setting out the reasons the decision is urgent and why it cannot reasonably be deferred was published:</p> <p>_____5th June 2020_____</p>
Date of Decision	29 th May 2020.
Record of decision made	That, in accordance with Government guidance received on 13 May 2020, the Discretionary Grant Fund policy, as attached, be approved.
Reason for the decision	<p>The Government has requested that part of unused funds previously granted (in this case £18,032,000 received under urgent action and noted by Council on the 21st May 2020) be allocated to small businesses who were not eligible for the Small Business Grant Fund or the Retail, Leisure and Hospitality Fund. 5% of such sum may be allocated in this manner.</p> <p>Whilst the Government guidance guides local authority on how it should be distributed it provides some flexibility on how, who and the amount of grants a local authority should distribute.</p> <p>With this in mind it is necessary to adopt a policy for the distribution of such grants and this is attached.</p>
Details of parties consulted prior to making decision	<p>Monitoring Officer:</p> <p>Local authorities will be responsible for delivering grants to eligible businesses. Section 1 of the Localism Act 2011 provides all local authorities with the vires to make these payments.</p>

Local authorities are expected to make payments as quickly as possible to support struggling businesses. It is anticipated by Govt. that the first payments made under the scheme will be received by businesses by early June.

Local authorities have been given discretion to make payments of any amount under £10,000, and to adapt this approach to local circumstances,

There will be no penalty for local authorities because of their use of discretion to prioritise some business types.

Governance - deliberate manipulation and fraud will not be tolerated and business' caught falsifying their records to gain grant money will face prosecution and any funding issued will be subject to claw back, as may any grants paid in error.

Local authorities are required to report weekly to BEIS on the Local Authority Discretionary Grants Fund.

State Aid - The United Kingdom left the EU on 31 January 2020, nonetheless under the Withdrawal Agreement the State aid rules continue to apply during a transition period, subject to regulation by the EU Commission. However, Local authorities have a discretion to make payments to eligible recipients under either the De Minimis rules or the COVID-19 Temporary Framework for UK Authorities (provided all the relevant conditions are met). Payments of up to and including £10,000 can be provided under the De Minimis rules.

Section 151 Officer: Financial issues are dealt with in the attached report.

Solicitor: A particular issue is state aid and this is dealt with in the attached documents and the

	Government guidance dated 13 th May 2020. Any other legal issues are dealt with in the attached report, policy or previous urgent decision which recorded the receipt of the £18,032,000.
Details of any alternative options considered and rejected when making the decision	None considered.
Any background reports /information considered and attached (legal, financial, policy, equality implications etc.)	Attached report and policy document; Legal and financial comments included above; and Government's 'Grant Funding Schemes Local Authority Discretionary Grants Fund – guidance for local authorities'
Record of any conflict of interest declared by any executive member who was consulted, which relates to the decision	None.
In respect of any declared conflict of interest whether a dispensation was granted by the head of paid service and date	Not applicable

of such dispensation	
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Signature of Decision Maker:

Decision made by the following email from the Elected Mayor on the 29th May 2020:

-----Original Message-----

From: Mike Starkie <Mike.Starkie@copeland.gov.uk>

Sent: 29 May 2020 15:59

To: Clinton Boyce <Clinton.Boyce@copeland.gov.uk>

Cc: Mike Graham <Mike.Graham@copeland.gov.uk>

Subject: Re: Urgent: Further business support grants

Approved

Regards

Mike

Date Statement of Decision published: 5th June 2020