

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

PART 1 – PUBLIC DOCUMENT

Any interest to declare/ or conflict and any dispensation granted [*if applicable*]

SERVICE DIRECTORATE: CUSTOMERS

1. DECISION TAKEN

- 1.1 That the scheme at Appendix 1 is approved as the Council's Christmas Support Payment scheme for wet-led pubs (CSP)
- 1.2 That any technical amendments under this scheme are delegated to the Service Director – Customers in consultation with the Executive Member for Finance & IT

2. DECISION TAKER

- 2.1 Anthony Roche, Managing Director

3. DATE DECISION TAKEN:

- 3.1 15th December 2020

4. REASON FOR DECISION

- 4.1 To ensure that the financial support provided by the Government for wet-led pubs reaches those that qualify as quickly as possible.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Government recognises that pubs who predominantly serve alcohol rather than food will miss out on much needed business during the busy Christmas period and has introduced additional financial support over the Christmas period. To follow normal procedures, which would require a decision by Cabinet or Full Council, would clearly not be possible if the Council wishes to distribute this support quickly and enable payment to be made ahead of the Christmas period.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

- 6.1 The Executive and Deputy Executive Members for Finance & IT have been consulted and are in support of these proposals, additionally the Executive and Deputy Executive Members for Enterprise and Co-operative Development have been consulted and support this approach.
- 6.2 Whilst the introduction of the scheme is unlikely to be defined as an executive function (see legal implications at 9.2) the Chair of Overview and Scrutiny has been consulted on these proposals due to the urgency of the decision being taken.

7. FORWARD PLAN

Christmas Support Payment Wet-led Pubs (CSP) 11/12/2020

7.1 This decision is not a key Executive decision and has therefore not been referred to in the Forward Plan.

8. BACKGROUND/ RELEVANT CONSIDERATIONS

8.1 On 01st December 2020, the Government announced the introduction of additional support over the festive period for wet-led pubs in areas under Tier 2 or Tier3 restrictions. <https://www.gov.uk/government/news/prime-minister-announces-1000-christmas-grant-for-wet-led-pubs>

8.2 The support will take the form of a grant funding scheme called the Christmas Support payment for wet-led pubs (CSP) and will be administered by the business rate billing authority.

8.3 The funding will be a one-off payment of £1,000 to eligible businesses and will cover the period from 02nd to 29th December, whilst Tier 2 or Tier 3 restrictions apply for all or part of that period.

8.4 Whilst there is no definitive description of a traditional pub or public house in law, for the purpose of this grant pubs are described as: open to the general public, allowing free entry (other than when occasional entertainment is provided) allow drinking without requiring food to be consumed and permit drinks to be purchased at a bar.

8.5 For the purpose of this grant, the definition of a pub excludes: restaurants, cafes, nightclubs, hotels, snack bars, guesthouses, boarding houses, sporting venues, music venues, festival sites, theatres, museums, exhibition halls, cinemas, concert halls and casinos. This list is not exhaustive and the Council will determine any cases where eligibility is unclear.

8.6 Eligibility for the CSP is that income derived from food sales must be under 50% of total income to determine that the pub is wet-led. Evidence of this will be required as part of the application process and any accounting information submitted should be dated no later than 11th March 2020. Businesses will also be required to self-certify that they meet all eligibility criteria.

8.7 The application process will be via the online portal on the council's website. The scheme covers the period from 02nd December to 29th December and final applications must be received by 31st January 2021.

8.8 This grant is in addition to any payment made under the Local Restrictions Support Grant LRSG (Closed) or Additional Restrictions Grant (ARG)

8.9 All the following eligibility criteria must be met:

- The business must meet the definition as set out in 8.4
- A wet-led pub is defined as deriving less than 50% of income from sales of food.
- The application must be made online within the advertised application period.
- The application must be supported by the required documentation as set out in the policy and in the application form.
- Only one payment will be made per business.

8.10 Applicants will be able to apply via an online application process on our website. The application product, called Ascendant has already been procured specifically for the purpose of administering a range of business support grants. The cost of Ascendant (£4,500) has been met from new burden funding.

- 8.11 As with previous grant schemes this scheme will be regularly publicised as widely as possible on our website, social media, adverts in the local press and through the Business Improvement Districts, to encourage eligible businesses to apply and access the financial support available to them.

9. LEGAL IMPLICATIONS

- 9.1 The Christmas Support Payment for wet-led pubs (CSP) has been developed by the Council in response to an announcement made by the Prime Minister on 01 December 2020 to provide financial assistance to wet-led pubs businesses that would miss out on much needed Christmas trade due to restrictions put in place to manage Coronavirus and save lives. Localised restrictions are legally binding restrictions imposed under powers that originate under Part 2A of the Public Health (Control of Disease) Act 1984, national under the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020/1200.
- 9.2 Section 14.6.5 of the Council's Constitution details the delegation of authority to the Managing Director. 14.6.5 (a) lists the functions delegated to the Managing Director and at 14.6.5 (a) (iv) it states: *In cases of emergency or urgency (where possible in consultation with the Leader of the Council) to carry out any Council or Executive function, power or duty.*
- 9.3 This decision is considered urgent to ensure that the Council can start receiving applications and awarding financial support to eligible businesses to provide support over the Christmas period as intended by Government.
- 9.4 When making grant payments, the Council must be satisfied that all State aid requirements have been fully met and complied with, including, where required, compliance with all relevant conditions of the EU State aid De-Minimis Regulation, the EU Commission Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak and the approved Covid-19 Temporary Framework for UK Authorities. The Council can make the grant payments under the State aid De Minimis rule, to any one organisation, provided doing so does not exceed the €200,000 threshold, over a three-year period. Where the De Minimis threshold has been reached, the Council can consider grant payments under the Covid-19 Temporary Framework for UK Authorities in which the threshold is €800,000.

10. FINANCIAL IMPLICATIONS

- 10.1 The Government is allocating funding for this scheme amounting to £1,000 per wet-led pub. Funding will be estimated based on the number of eligible hereditaments within the business rates system. 80% of the estimated grant funding will be paid to Local Authorities and will be topped up if required.
- 10.2 Costs associated with administering this will be covered by the allocation of new burdens funding. The amount of new burden funding is not known at this stage.
- 10.2 The funding is to cover the financial year 20/21 and the closing date for applications is 31st January 2021.

11. RISK IMPLICATIONS

- 11.1 Whilst there is no specific date set to make this live, it is essential that the Council can provide the available financial support to local businesses as quickly as possible. Seeking a formal Cabinet decision in this regard will build in unnecessary delay and businesses will continue to suffer financially.

11.2 There could be significant reputational risk to the Council if it is seen to be slow in implementing this assistance to businesses.

12. EQUALITIES IMPLICATIONS

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 The Council is implementing Government policy designed to provide financial support specifically to wet-led pubs who will miss out on much needed business during the Christmas period due to the restrictions imposed as a result of the COVID-19 pandemic.

13. SOCIAL VALUE IMPLICATIONS

13.1 *The Social Value Act and "go local" policy do not apply to this decision.*

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1 There are no Human Resources implications in this report.

16. BACKGROUND PAPERS

16.1 Department for Business, Energy & Industrial Strategy – Christmas Support Payment for wet-led pubs guidance.

17. APPENDICES

17.1 Appendix 1 – Christmas Support Payment for wet-led pubs (CSP)

NOTIFICATION DATE

15th December 2020

Signature of Executive Member Consulted

(Cllr Ian Albert, Executive Member for Finance and IT)

A handwritten signature in black ink, appearing to be 'I. Albert', written over a dotted line.

Date 15th December 2020

Signature of Decision Taker

A handwritten signature in black ink, appearing to be 'A. J. B.', written over a dotted line.

Call-in does not apply to NON-EXECUTIVE DECISIONS