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# Cabinet

Thursday, 4th June, 2020 at 5.30 pm

On-line meeting

Councillors: Ray Dawe  
Peter Burgess  
Jonathan Chowen  
Philip Circus  
Paul Clarke  
Claire Vickers  
Tricia Youtan

You are summoned to the meeting to transact the following business

Glen Chipp  
Chief Executive

In line with Government guidance, Horsham District Council's office at Parkside is closed until further notice. Public meetings will go ahead with Councillors participating via remote video link and the public via an audio link. The meeting will be livestreamed on the Council's YouTube Page [here](#)

## Agenda

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	Page No.
1. <b>Apologies for absence</b>	
2. <b>Minutes</b> To approve as correct the minutes of the meeting held on the 30 April 2020. <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	3 - 6
3. <b>Declarations of Members' Interests</b> To receive any declarations of interest from Members of the Cabinet	
4. <b>Announcements</b> To receive any announcements from the Leader, Cabinet Members or the Chief Executive	

5. **Public Questions**  
To receive questions from and provide answers to the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting
6. **Renewal of energy purchasing contract through LASER** 7 - 12  
To receive a report.
7. **Review of fees for High Hedge Disputes** 13 - 20  
To receive a report from the Cabinet Member.
8. **Grounds maintenance contract** 21 - 28  
To receive a report from the Cabinet Member.
9. **Forward Plan** 29 - 34  
To note the Forward Plan
10. **Overview & Scrutiny Committee**  
To consider any matters referred to Cabinet by the Overview & Scrutiny Committee
11. **To consider a matter of General Exception**  
A general exception has been used with regard to the publication of the Notice of Key Decision for this item. This item is for the approval of the Council's policy for the award of discretionary small business grants. The reason it was not on the Forward Plan was because the Government announced the grant on 1 May and issued its guidance on 14 May with the intention of the Council issuing grants in June. All elements of General Exception 4g.21 a) - d) of the Council's Constitution have been complied with.
- 11a) **Approval of the Council's policy for the award of discretionary small business grants** 35 - 42  
To receive a report from the Leader.

# Public Document Pack Agenda Item 2

## Cabinet 30 APRIL 2020

Present: Councillors: Ray Dawe (Leader), Peter Burgess, Jonathan Chowen (Deputy Leader), Philip Circus, Paul Clarke, Claire Vickers and Tricia Youtan

Also Present: Councillors; Jim Sanson and David Skipp

### EX/75 MINUTES

The minutes of the meeting of the Cabinet held on the 26<sup>th</sup> March 2020 were approved as a correct record and signed by the Leader.

### EX/76 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interest.

### EX/77 ANNOUNCEMENTS

The Cabinet Member for Horsham Town reported that there would be a number of inclusive on line events taking place in Horsham to mark the 75 anniversary of VE Day on the 8<sup>th</sup> May.

He went on to say that there had been a great number of emails regarding the bin stores for Burton Court. Objections to the planning application had meant that this had been withdrawn. A workable solution seemed to have been arrived at, and would be submitted to the Cabinet Member for consideration.

The Cabinet Member for Environment, Waste and Recycling reported that he was pleased to be able to say that the waste collection services were working as normal and he offered a vote of thanks to staff who had done sterling work. Residents had also been effusive in their praise. He went on to say that the closure of the civic amenity sites was an issue, and discussions were ongoing within West Sussex County Council as to how they would be operated. Guidance from DEFRA was awaited before any decisions would be made.

He went on to say that officers were still working on the proposals for the council's climate change initiatives that would come before Council in due course.

There had been 6,314 responses to the consultation on Regulation 18 on the Local Plan Review. The Strategic Planning team were evaluating all these responses and a report would be forthcoming by the end of May.

EX/78 **PUBLIC QUESTIONS**

No questions had been received.

EX/79 **FORWARD PLAN**

The Forward Plan was noted.

EX/80 **TENDER OF THE COUNCIL'S CONTRACT FOR PLANNING AND REGULATORY SERVICES SOFTWARE**

The Leader and Cabinet Member for Finance & Assets reported that the Council currently had a contract with Idox for software (including support and maintenance) which was used by Planning, Land Charges, Building Control, Environmental Health and Licensing.

The current supplier of this software had been on a rolling annual contract which renewed on the 31<sup>st</sup> March each year. The contract had been in place since 2003. The current system needed to be reconsidered in line with the Technology Strategy and Business Transformation Needs.

The contract size was in excess of OJEU thresholds therefore a full OJEU compliant open tender process had to be undertaken. This process had now been completed and a number of bids had been received as detailed in exempt Appendix 1.

**RESOLVED**

That

- i) The contract be awarded to the successful Supplier as detailed in Appendix 1 on the terms recommended.
- ii) authority be delegated to the Director of Corporate Resources to enter into the contract on the Council's behalf

**Reasons for Recommendations**

The procurement route has satisfactorily identified a single supplier for all three department's requirements, including achieving the Councils Business/Digital Transformation and Technology strategies identified within the project.

All three departments individually identified Supplier 1 as their highest scoring preferred bidder.

The proposed solution is within the budget outlined and agreed for the project.

EX/81 **TO CONSIDER MATTERS OF SPECIAL URGENCY**

There were no matters of special urgency to be considered.

*The meeting closed at 5.57pm having commenced at 5.30pm*

CHAIRMAN

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## Report to Cabinet

Meeting on the 4<sup>th</sup> June 2020

By the Cabinet Member for Finance and Assets



**Horsham  
District  
Council**

### **DECISION REQUIRED**

Not Exempt

## **Appointment of an energy procurement company to provide energy procurement services**

### **Executive Summary**

The Council has participated in a flexible energy procurement arrangement since 2015 under a Framework contract with LASER (a Public Sector Buying Organisation). This contract is now due for renewal and it is proposed that this arrangement should continue.

LASER provides the aggregated, flexible and risk-managed approach route to procurement in line with the Government's guidelines for energy-buying by local authorities. LASER effectively acts as a buying club whereby HDC joins together with other authorities and optimum prices are achieved by pooling their energy requirements.

This report proposes the Council's continued participation with LASER over the next contract period running from 1 October 2020 to 30 September 2024 but it does not commit the Council to a particular energy supplier or tariff.

The contractual arrangements cover the supply of gas and electricity to the Council's operational buildings and have achieved significant savings for the Council.

### **Recommendations**

That the Cabinet is recommended:

- i) Given the estimated savings and the flexible procurement strategy, it is recommended that the Council continue its arrangement with LASER and participate in the framework contract for the 4 year period from 1 October 2020 to 30 September 2024.

### **Reasons for Recommendations**

1. LASER benchmarks its purchasing performance each year and shares this information with its customers. This benchmarking exercise indicates that LASER has been able to deliver prices to customers at 4.6% below the market average over the last 4 years.

2. Government policy recommends that to spread market risk, and avoid buying during periods of peak market pricing, “all public sector organisations adopt aggregated, flexible and risk-managed energy procurement” as provided under the LASER framework.
3. LASER offers full flexibility to secure energy In line with the Council’s policy to reduce its carbon footprint

## **Background Papers**

None

**Wards affected:** All

**Contact:** Brian Elliott: Head of Property and Facilities. 01403 215328

## **Background Information**

### **1 Introduction and Background**

- 1.1 The Council has had a long standing arrangement with LASER (Local Authority Energy Buying Group) who purchase energy on the Council's behalf under a framework agreement. LASER currently manages the energy procurement for 160 local authorities including West Sussex, Horsham and Mid Sussex, with a total annual spend of £450 million.
- 1.2 Historically these energy contracts were tendered under fixed price arrangements which, in a relatively stable market, secured best value for the Council. However, wholesale energy price volatility over short periods in recent years made this an increasingly high risk strategy and therefore the Council switched to a system of flexible energy procurement as per Government guidance.
- 1.3 A wholesale flexible procurement arrangement enables the buyer to purchase blocks of energy at varying times both before and within the contracted supply period. The arrangement removes the risk of settling a LASER Member's requirement on a single day. Aggregating the volumes of members within the arrangement enables effective market hedging.

### **2 Relevant Council policy**

- 2.1 The appointment is consistent with 5.3 of the Corporate Plan to provide quality, value for money services.
- 2.2 The contract arrangements provides for use of a green tariff, which supports 4.1 of the Corporate Plan to prioritise protection of the environment and increased biodiversity.

### **3 Details**

- 3.1 LASER is a part of the Commercial Services Group, wholly owned by Kent County Council. It is fully European Union regulation (OJEU) compliant and LASER undertakes this role on behalf of 200 public sector organisations including over 130 local authorities throughout the UK with an annual spend of £450m (approximately 2% of the UK's non-domestic energy demand).

A small number of alternative Public Sector Buying Organisations (PBOs) provide a similar framework to LASER. Independent benchmarking of LASER's performance has been carried out by the Major Energy User's Council (MEUC) – an independent consumer organisation representing large energy users in the public sector, industry and commerce. Based on the MEUC's benchmark figures for the 2018/19 period, LASER delivered an outturn price 4.5% below the MEUC member's average for gas and 10.4% below the MEUC member's average for electricity. Analysis of other PBOs shows a high degree of variability in customer service – with LASER scoring well.

LASER has now completed the tender process for the next flexible energy framework contract which will run from October 2020 to September 2024 and requires

confirmation from its member authorities that they wish to participate in this new contract. The successful suppliers under this contract are:-

Electricity - Npower  
Gas - Total Gas & Power

The Council has a green tariff under the existing contract with LASER. A green tariff means that the energy that the Council buys is matched by purchases of renewable energy that the energy supplier (Npower) makes. These can come from a variety of energy sources including wind and solar.

If the Council decides, in the future, to buy from a specific energy provider, such as a local wind farm, LASER can arrange this through a Power Purchase Agreement. This will be considered as part of a separate report which has been commissioned to determine how the Council can move towards a zero carbon footprint.

- 3.2 The framework contract covers electricity and gas supplies to the Council's operational sites with an estimated value over the 4 year contract term of £300k per annum (gas and electricity combined).
- 3.3 An early commitment is required by LASER from authorities wishing to participate in the new contract due to its nature which may involve energy purchasing on the wholesale market 12 months or more prior to the contract start date. LASER cannot commence forward purchase on behalf of Council sites until a commitment to join the framework contract has been received.

## **4 Next Steps**

- 4.1 To complete the contract documentation.

## **5 Views of the Policy Development Advisory Group and Outcome of Consultations**

- 5.1 The Policy and Development Advisory Group had no comments on the report.
- 5.2 The Monitoring Officer and S151 Officer comments are incorporated in the report.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 The relationship with LASER is an approved Framework procurement exercise and is OJEU compliant. There are a number of alternative bodies providing similar services, many of which are smaller, with less buying power. LASER's main competitor is Crown Commercial Service (CCS), another public sector procurement organisation, which could provide the same service but without additional benefits such as bill validation and invoicing services. Any change of supplier would mean changing the billing arrangements which would be disruptive, without any guarantee of financial benefit. Given the existing relationship with LASER, which provides a high quality customer service, there is not considered to be any advantage in moving to another supplier.

## **7 Resource Consequences**

- 7.1 There are no adverse financial consequences, this is a renewal of an existing contract. The appointment provides a resource that the Council does not have and supports the Council in managing billing.

## **8 Risk Assessment**

- 8.1 The intention of the appointment of LASER is to reduce the risk of the Council purchasing energy direct because the Council does not have this expertise.

## **9 Other Considerations**

- 9.1 There are no other impacts.

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## Report to Cabinet

04 June 2020

By the Cabinet Member for Planning and Development

### KEY DECISION



**Horsham  
District  
Council**

Not Exempt

### Proposed increase in fee for High Hedge complaints.

## Executive Summary

The **Anti-social Behaviour Act 2003** was introduced on the 2 December 2003.

Part 8 of the Act makes provision for local councils to determine complaints about high hedges submitted by the owners/occupiers of domestic properties adversely affected by evergreen hedges over 2 metres high. If it is considered by the council that the hedge in question is overly high for its context, and causing a statutory nuisance, then councils can order the owner of a high hedge to take action to put right the problem and stop it from happening again.

S.68(1)(b) of the Act allows councils to charge a fee for High Hedge complaints, the intention of which was to cover the costs of administration and determination of each case. Horsham District Council's present fee is £300.

Following an internal examination of the resources required to administer and determine High Hedge cases, it has been found that the existing fee fails to cover the costs involved, representing only around 45% of the internal costs incurred.

A benchmarking exercise examining the fees charged by 20 other local authorities in Surrey, Sussex and Kent has revealed that 16 of these councils have increased their fees since the introduction of the legislation, fees now ranging between £350 and £800.

It is accordingly recommended that the fee in question should be raised to cover the costs of administration and determination as the Act originally intended, in line with the level of resource needed to achieve this, and that the fee is reviewed each year and linked to inflation.

## Recommendations

Cabinet is recommended to:

- 1) Approve an increase in the fee for the determination of High Hedge complaints to £645.
- 2) To increase the fee each year in line with CPI inflation.

## **Reasons for Recommendations**

- 1) To cover the costs of administration and determination of High Hedge complaints as intended under the legislation;
- 2) To ensure that the charge for High Hedge complaints keeps up with inflation.

## **Background Papers:**

1. Costings analysis – appendix A.  
Analysis of resource needed to deal with complaints (*April 2020*).

**Wards affected:** All.

**Contact:** Will Jones, Arboricultural Officer, Strategic Planning, extension 5515.

Catherine Howe, Head of Strategic Planning, extension 5505

## Background Information

### 1 Introduction and Background

- 1.1 The law giving local councils powers to deal with complaints about High Hedges is contained in Part 8 of the Anti-social Behaviour Act 2003 and the High Hedges (Appeals) (England) Regulations 2005. S68(1)(b) of the Act allows councils to charge a fee for High hedge complaints, "*as the authority may determine*".
- 1.2 Subsequent to an initial guideline issued following the introduction of the Act, suggesting a fee of "*between £280 and £320*", the Government have not issued any further guidelines on fees for the service. The fee of £300 adopted by the Council in 2003 remains in force. As this has been found to be insufficient to cover the costs of administration and determination of a High Hedge case, the Council is effectively subsidising a service that will benefit an individual (in this case, the complainant) rather than the community in general.
- 1.3 It is considered that an increase in the fee will bring the Council into line with the fees being charged by the great majority of other local councils in SE England, and will filter out frivolous or vexatious complaints, without putting off those with a genuine and serious grievance. It will also encourage people to try to settle these disputes amicably, making sure that our involvement really is a last resort, as required under S. 68(2) of the Act.
- 1.4 S.68(7)(1) of the Act states that a fee determined under S.68(1)(b) "*must not exceed the amount prescribed in regulations made in relation to complaints relating to hedges in England, by the Secretary of State*". However, to date the Secretary of State has not used his powers to prescribe, through regulations, a maximum fee. Determination of the level of the fee remains the discretion of each local authority.

### 2 Relevant Council policy

- 2.1 Para. 5.3.4 of the 2019-2023 Corporate Plan sets out the principle that the Council will "*Continue to manage our finances prudently and identify new sources of revenue to balance our budgets as funding from central government reduces*". At the same time, para. 3.1.2 sets out our commitment to "*Address anti-social behaviour within our communities....*"

### 3 Details

- 3.1 From the Costings Analysis (Appendix A, below) it can be seen that the administration and determination of High Hedge complaints requires the average provision of 2 hours of input from the Specialist Support Officer and 12 hours from the Arboricultural Officer. At present hourly rates, this equates to a cost to the Council of £645 per case.
- 3.2 The process for administering each complaint has been streamlined to be as effective as possible.

- 3.3 These figures do not include the costs incurred when an appeal is made against the Council's adjudgement in a case. The law permits either the complainant or the hedgeowner, or both, to appeal against a decision each party sees as unreasonable. The nature of a High Hedge complaint (where neighbour relations have broken down), and the absence of any fee to the aggrieved party for an appeal to the Planning Inspectorate, results in a very high appeal rate, presently running at 46% of all of the decisions made by the Council since the introduction of the Act (13 appeals out of 28 complaints). As can be seen at Appendix A, the resource required to deal with an appeal can result in an additional £103 of internal expenditure per case.
- 3.4 It is not, however, considered reasonable to include the cost of any possible appeal onto the initial fee for a High Hedges case.
- 3.5 It should be noted that the figures do not include the cost of dealing with ongoing actions that arise from any requirement on landowners to reduce hedge height. If owners delay re-trimming of hedges to ensure the hedge does not exceed the agreed height, it may be necessary for the Council to serve a notice under S.68 (3)(b) of the Act to complete this work. Whilst this does incur a cost to the Council, it would not be appropriate to incorporate this into the general charge, as it is not applicable to all cases and it is therefore not justifiable to incorporate this into the overall fee.
- 3.6 From the Benchmarking Analysis a small minority of councils have retained their fees at their original rate (4 of the 20 examined). Sixteen have increased their fees in recent years. The average fee of those that have increased their fees is £532. The highest, Mole Valley District Council, is set at £800.
- 3.7 Given the lack of recent formal guidance as to how much to charge for a High Hedge complaint, it has long been held good practice to ensure that the costs involved are covered by the fee, at least until the appeal stage or beyond. It was not intended that the right to charge a fee was designed to become a money-making exercise for councils, though at the same time, as a High Hedge complaint is by nature a civil matter between private property owners, nor was it intended that the taxpayer should subsidise the complaint.
- 3.8 Under the Regulatory Impact Assessment, carried out in 2005 under the Explanatory Memorandum to the High Hedge (Appeals) (England) Regulations 2005, the principle of the Act allowing Councils to charge a fee was upheld, and, moreover, para. 12 of the 'Analysis of Consultation Responses' (contributed to by Horsham District Council) set out the directive that "*we will not, therefore, be prescribing a maximum fee*".
- 3.9 It is accordingly considered both good practice and reasonable to increase the fee for High Hedge complaints to a figure that covers the Council's costs, at least in the initial administration and determination of cases. The revised charge is proposed at £645 per case. It is recognised that when compared with other neighbouring authorities that have put up fees, this is at the higher end of the scale. However, this is considered reflective of the fact that this is the most up to date review and it is therefore indicative of current costs.

- 3.10 It is customary and in line with the Constitution for the Council to consider an increase in fees for any service on an annual basis, where such a fee is not limited by statute. The fee charged for the High Hedge complaints service is not limited so, and it is considered therefore to be reasonable and good practice for the fee to be reviewed each year and linked to inflation, and revisited periodically in full to check that the assumptions on the average hours remain valid (see appendix A).

## **4 Next Steps**

- 4.1 Following Cabinet, the fee for High Hedge complaints shall be increased, and this publicised on the complaint form and on the Council's website.

## **5 Views of the Policy Development Advisory Group**

- 5.1 *[Awaiting results from PDAG].*

## **6. Consultation**

- 6.1 The Act does not require that the Council should carry out any public consultation on this matter, and this is not considered necessary as the justification to increase fees is to ensure that the Council can continue to cover its costs.
- 6.2 Internal consultation has been undertaken with the Head of Finance, Head of Legal and the Monitoring Officer. Their comments have been incorporated into this report.

## **7 Other Courses of Action Considered but Rejected**

- 7.1 The option of not increasing the fee for High Hedge complaints will result in the community at large having to subsidise what are private disputes between neighbours. This is seen as contrary to the spirit and thrust of the Act.

## **8 Resource Consequences**

- 8.1 Implementation of this proposal incurs extremely limited internal costs, these being limited to the staff time it will take to alter the advertisement of our fees for High Hedge complaints on our website. There will however be a wider financial benefit to the Council in implementing this change, as each case that currently comes forward is currently being subsidised to the tune of £345.

## **9 Legal Consequences**

- 9.1 The Act allows Councils to charge a fee under S.68(1)(b). At present there is no legal restriction on a maximum fee. The Council has the discretion to set the fee and is free to charge for this service as it thinks fit.

## **10 Risk Assessment**

- 10.1 It is not considered that the proposed action carries any element of risk to the Council.

## **11 Other Considerations**

### **Equalities Implications**

- 11.1 There is a risk that increasing the fee for this service may deter those on low incomes from making a complaint and therefore not receive redress to a justified complaint.
- 11.2 It should however be noted that the determination of High Hedge complaints is by nature a civil matter between private property owners, where this has not been possible to resolve on an informal or more amicable basis. As has already been stated in this report it is not the intention of the High Hedge regulations that the taxpayer should subsidise these complaints. This would be the case if variable charging were implemented. This would also add to the costs of the complaint process, as it would be necessary to implement additional checks to ensure that discount claims were not being made fraudulently. It should also be noted that as complaints arise from private landowners, there is a relatively low probability of these individuals falling into a low income category in any event.
- 11.3 Taking these matters into account it is not considered that it would be appropriate to implement variable charging at this stage. However this matter should be kept under review and should significant difficulties be identified, (such as a large volume of queries which do not subsequently translate into full cases, or direct complaints in relation to this issue), the case for variable fees should be reconsidered.

## Appendix A

Analysis of resource needed at administrative and officer level to deal with complaints (April 2020).

Stage of Process	Total hours: support officer	Total hours: Arboricultural Officer	Notes
Pre complaint advice and assistance	0.6		High hedge forms are notoriously complex which generates phone queries
Registration of complaint	0.75	0.15	Arboricultural Officer determines whether case is acceptable. Legal requirement to cc both parties into letters
Assessment of complaint	0.15	3.8	Complex to arrange site visit as both owners must agree. Average travel times used as distance to site varies depending on location of complaint.
Decision report	0.55	7.7	Formal paperwork legally required to be in hardcopy
Post decision queries		0.6	
<b>Total hours</b>	2.05	12.25	
<b>Hourly rate</b>	£28.00	£48.00	
<b>Total Cost</b>	£57.40	£588.00	
<b>Grand Total</b>	<b>£645.40</b>		

Appeal Process	Total hours: support officer	Total hours: Arboricultural Officer	Notes
Internal registration	0.1		
Reply to PINS re questionnaire	1.0		
Appeal site visit, with travel		1.5	Based on average travel distance
<b>Total hours</b>	1.1	12.25	
<b>Hourly rate</b>	£28.00	£48.00	
<b>Total Cost</b>	£30.80	£72.00	
<b>Grand Total</b>	<b>£102.80</b>		

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## Report to Cabinet

Cabinet meeting Thursday 4 June 2020  
By the Cabinet member for Leisure and Culture

### DECISION REQUIRED



**Horsham  
District  
Council**

### Open

**Appendix 1 and background papers** exempt under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972

## Extension of the Council's grounds maintenance contract

### Executive Summary

There is an opportunity to align the arboriculture and grounds maintenance contracts from 1 April 2022. There are several benefits with this recommended approach and a revised specification, including:

- The ability to support the aims in the Wilder Horsham District initiative ensuring that the environment is protected and wildlife habitats are enhanced.
- To contribute towards the council's sustainability and carbon-reduction ambitions, as detailed in the Corporate Plan.
- Depending on the market's response, this may provide the council with a financially beneficial outcome.

In order to take advantage of this combined approach, it is necessary to extend the current grounds maintenance contract for a short period as it is due to end on 31 December 2020.

### Recommendations

Cabinet is recommended:

- To extend the current grounds maintenance contract for a period of 13 months, to end on 31 January 2022.

### Reasons for Recommendations

The current arboriculture contract is due to end on 31 March 2022 and there is no option for extension. There is therefore an opportunity to combine the grounds maintenance contract with the arboriculture contract, through one tender process, in order to achieve the council's sustainability ambitions and gain efficiencies.

For operational reasons it is less risky to start a new grounds maintenance contract in February 2022 rather than April 2022. Therefore although there will be one procurement process and one resulting contract, the grounds maintenance element will start under the new contract in February 2022, whilst the arboriculture element will start under the same new contract in April 2022. Both elements will finish and will be reviewed again in the future on the same date.

## **Background Papers**

None

**Wards affected:** All

**Contact:** Vicky Wise, Head of Leisure and Culture

[Vicky.wise@horsham.gov.uk](mailto:Vicky.wise@horsham.gov.uk)

07887 824 675

## **Background Information**

### **1 Introduction and Background**

- 1.1 The current grounds maintenance contract is for a period of seven years, which comes to an end on 31 December 2020. There is an option within the current contract to extend for a further period of up to another seven years (a maximum of 14 years in total). The council is obliged to inform the contractor as to whether it wishes to extend the contract or terminate by 30 June 2020.
- 1.2 The current arboriculture contract comes to an end on 31 March 2022 and does not have an option for extension, so it must be re-tendered at this point.
- 1.3 The current cost of the grounds maintenance contract and arboriculture contract are detailed within Appendix 1.
- 1.4 The grounds maintenance contract includes grass cutting, hedge cutting, shrub maintenance, town centre floral displays, weed killing, marking of sports pitches, planting and landscaping.
- 1.5 The arboriculture contract is for tree maintenance, in-line with the council's statutory obligations, including the removal of dangerous trees.
- 1.6 There is an opportunity to align both the arboriculture and grounds maintenance contracts into one tender process. This provides the potential to change working practises to help achieve the Wilder Horsham District aims, protect the environment and gain efficiencies.
- 1.7 In order to achieve a combined new contract in 2022, it is recommended that the current grounds maintenance contract is extended by 13 months.
- 1.8 In April (if the spring weather is sunny) the growing season is underway which means that it is a key month for grass cutting. It is therefore less of a risk to start a new grounds maintenance contract in February, this allows for the change in staffing and introduction of a revised specification before the grass starts to grow fast. For these operational reasons, it is recommended that the current grounds maintenance contract is extended for 13 months – until 31 January 2022. This will mean that the new grounds maintenance element of the new contract begins on 1 February 2022 (and is followed by the new arboriculture element of the same new contract on 1 April 2022).

### **2 Relevant Council policy**

- 2.1 The 13 month extension to the grounds maintenance contract and subsequent full tender process supports the council's aim within the corporate plan to ensure 'a cared for environment', specifically:
  - 'prioritised protection of the environment and increased biodiversity'
  - 'Improved award-winning parks and open spaces'
  - 'Move towards a carbon neutral organisation'

- 2.2 The proposal also supports the council's aim within the corporate plan to be 'a modern and flexible council', specifically:
- 'the council continues to provide quality, value for money services that people need throughout the 2020s.'
- 2.3 The proposed 13 month extension fulfils the council's procurement code requirements and EU procurement regulations. The Procurement Manager has also been consulted.

### **3 Details**

- 3.1 In choosing a 13 month extension to align with the arboriculture contract, the subsequent re-tender process provides an opportunity for the council to fully test the market, refine the specification to meet the council's sustainability ambitions and look to gain resource efficiencies.
- 3.2 The re-tender process also provides an opportunity for the council to incorporate relevant aspects of the Wilder Horsham District initiative to improve the ecology, wildlife and biodiversity of the council's parks, open spaces and countryside.
- 3.2 The council would also be able to ensure that a new specification includes the requirement for all machinery and tools to be electric and therefore carbon neutral.
- 3.3 When refining the specification there will be the opportunity to look at whether it would be beneficial for additional elements currently managed within the Parks and Countryside team to be included within the contract. Equally, it may be advantageous to review whether any aspects should be removed or amended.

### **4 Next Steps**

- 4.1 Officers are required to inform the incumbent contractor of the extension decision by 30 June 2020.

### **5 Views of the Policy Development Advisory Group and Outcome of Consultations**

- 5.1 The Leisure and Culture Policy Development Advisory Group was consulted on Wednesday 13 May 2020. Two options were presented to the group – a short-term extension and a longer seven year extension. Both options were presented as valid subject to finalisation of details.
- 5.2 The Monitoring Officer and Director of Corporate Resources have been consulted.

### **6 Other Courses of Action Considered but Rejected**

- 6.1 A full tender process open to the market or via a framework was investigated. The opportunity to delay this process in order to align with the arboriculture tender was seen as having more potential value for the council.

- 6.2 A maximum seven year extension period was also considered. The existing contract enables a maximum extension period of seven years. This was examined as a potential option to enable the council to have certainty over its financial commitment for a longer period – particularly due to the current Covid 19 uncertainties. This option was deemed to be viable particularly as there is the ability for minor variations within the contract period. On balance, the thresholds for variations within the contract were felt to be too limiting. The opportunity to refine the specification to be in-line with the Wilder Horsham District ambitions as well as gaining potential efficiencies through a new tender process in 2022 were deemed to be more attractive.
- 6.3 Other extension lengths were also looked at but were not found to be of financial benefit for the council.

## **7 Resource Consequences**

- 7.1 The current contract increases each year in-line with the Consumer Price Index (CPI). The current contract is divided into the 'core contract' and then 'additional work' that is separated out to aid flexibility. The additional work has agreed rates that also increase in-line with CPI each year. See Appendix 1.
- 7.2 The proposed 13 month extension includes a payment to enable the current contractor to meet its obligations regarding the National Living Wage increase. This is seen as a reasonable request from the contractor and enables the council to support those contracted staff on the lowest wages. See Appendix 1.
- 7.3 A small increase in other costs is unavoidable to extend the current contract by 13 months. However, this is more than offset by the savings produced from an ongoing review of the content in the core contract during 2019/20 which has resulted in a reduction in cost for 2020/21. The non-scheduled additions have also been scaled back in 2020/21 to produce an overall cost saving. This is despite the inflationary pressures and costs for the change in contract length. The variable aspects of the contract will continue to be managed tightly throughout the extension period and any opportunities to reduce costs without affecting the end service will be reviewed. See Appendix 1.
- 7.4 The Council expects that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) and the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 will apply on this Contract. This allows staff who work on the current contract to transfer to a new contractor.

## **8 Legal Consequences**

- 8.1 The council has complied with the procurement code in proposing the 13 month extension. It also fulfils the requirements of the existing contract.

## **9 Risk Assessment**

- 9.1 Due to the current uncertainty with Covid 19, it is difficult to predict the grounds maintenance market in 13 months' time. There is the risk that a new tender process

at this point does not provide financial efficiencies for the council or the market may dictate that costs will increase.

- 9.2 As the recommendation is to combine the grounds maintenance with the arboriculture contract – this expanded offer is likely to be more appealing to the market and so reduces the risk of costs increasing substantially.

## **10 Other Considerations**

- 10.1 The report supports the council's sustainability and environmental ambitions as laid out in the Corporate Plan.
- 10.2 It is not seen as necessary to carry out an Equalities Impact Assessment for the 13 month extension to the current contract. The existing service and the council's expectations of the contractor will simply continue in-line with the present arrangement.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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**Parkside, Chart Way, Horsham,  
West Sussex RH12 1RL**

## FORWARD PLAN

This notice sets out details of key decisions that the Cabinet or a Cabinet Member intend to make, and gives 28 days' notice of the decision under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The notice also includes details of other decisions the Council intends to make.

The reports and any background documents that have been used to inform the decisions will be available on the Council's website ([www.horsham.gov.uk](http://www.horsham.gov.uk)) or by contacting Committee Services at the Council Offices.

Whilst the majority of the Council's business will be open to the public, there will be occasions when the business to be considered contains confidential, commercially sensitive or personal information. This is formal notice under the 2012 Regulations that part or all of the reports on the decisions referred to in the schedule may be private because they contain exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and the public interest in withholding the information outweighs the public interest in disclosing it.

If you wish to make representations about why part or all of the papers should be open to the public, please contact Committee Services at least 10 working days before the date on which the decision is to be taken.

If you wish to make representations to the Cabinet or Cabinet Member about the proposed decisions, please contact Committee Services to make your request.

Please note that the decision date given in this notice may be subject to change.

To contact Committee Services:

E-mail: : [committeeservices@horsham.gov.uk](mailto:committeeservices@horsham.gov.uk)

Tel: 01403 215123

Published on 01 June 2020

### **What is a Key Decision?**

A key decision is an executive decision which, is likely –

- (i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District.

	<b>Subject/Decision</b>	<b>Decision Taker</b>	<b>Date(s) of decision</b>	<b>Is all or part of this item likely to be dealt with in private</b>	<b>Contact Officer</b> <b>Cabinet Member</b> (NB include name, title and email address)
1.	<b>Renewal of energy purchasing contract through LASER</b>	Cabinet	4 Jun 2020	Open	Brian Elliott, Head of Property & Facilities brian.elliott@horsham.gov.uk  Leader and Cabinet Member for Finance and Assets (Councillor Ray Dawe)
2.	<b>Review of fees for High Hedge Disputes</b>	Cabinet	4 Jun 2020	Open	Barbara Childs, Director of Place barbara.childs@horsham.gov.uk  Cabinet Member for Planning and Development (Councillor Claire Vickers)
3.	<b>Purchase of four 3.5 Tonne Vehicles for use by the Litter and Cleansing Department</b>	Cabinet Member for Environment, Recycling and Waste	Not before 4th Jun 2020	Open	John McArthur, Head of Waste, Recycling, Street Scene & Fleet Services john.mcarthur@horsham.gov.uk  Cabinet Member for Environment, Recycling and Waste (Councillor Philip Circus)
4.	<b>Grounds maintenance contract</b>	Cabinet	4 Jun 2020	Open	Vicky Wise, Head of Leisure and Culture Vicky.Wise@horsham.gov.uk  Deputy Leader and Cabinet Member for Leisure and Culture (Councillor Jonathan Chowen)

	<b>Subject/Decision</b>	<b>Decision Taker</b>	<b>Date(s) of decision</b>	<b>Is all or part of this item likely to be dealt with in private</b>	<b>Contact Officer</b> <b>Cabinet Member</b> (NB include name, title and email address)
5.	<b>Approval of the Council's policy for the award of discretionary small business grants</b>	Cabinet	4 Jun 2020	Open	Jane Eaton, Director of Corporate Resources jane.eaton@horsham.gov.uk  Leader and Cabinet Member for Finance and Assets (Councillor Ray Dawe)
6.	<b>Cash Collection Service Tender</b>	Cabinet	23 Jul 2020	Part exempt	Jane Eaton, Director of Corporate Resources jane.eaton@horsham.gov.uk  Leader and Cabinet Member for Finance and Assets (Councillor Ray Dawe)
7.	<b>Community Lottery</b>	Cabinet	23 Jul 2020	Open	Rob Jarvis, Head of Housing & Community Services. robert.jarvis@horsham.gov.uk  Cabinet Member for Community Matters and Wellbeing (Councillor Tricia Youtan)
8.	<b>Medium Term Financial Strategy - Update</b>	Cabinet	23 Jul 2020	Open	Jane Eaton, Director of Corporate Resources jane.eaton@horsham.gov.uk  Leader and Cabinet Member for Finance and Assets (Councillor Ray Dawe)

	<b>Subject/Decision</b>	<b>Decision Taker</b>	<b>Date(s) of decision</b>	<b>Is all or part of this item likely to be dealt with in private</b>	<b>Contact Officer</b> <b>Cabinet Member</b> (NB include name, title and email address)
9.	<b>Review of Southwater Country Park car parking</b>	Cabinet	23 Jul 2020	Open	Vicky Wise, Head of Leisure and Culture Vicky.Wise@horsham.gov.uk  Deputy Leader and Cabinet Member for Leisure and Culture (Councillor Jonathan Chowen)
10.	<b>Transformation fund - top up from the 2019/20 budget surplus</b>	Cabinet	23 Jul 2020	Open	Dominic Bradley, Head of Finance dominic.bradley@horsham.gov.uk  Leader and Cabinet Member for Finance and Assets (Councillor Ray Dawe)
11.	<b>Grant of an option over surplus land in Storrington</b>	Cabinet	23 Jul 2020	Open	Brian Elliott, Head of Property & Facilities brian.elliott@horsham.gov.uk  Leader and Cabinet Member for Finance and Assets (Councillor Ray Dawe)
12.	<b>Conservation Area Appraisal - Warnham and Slinfold</b>	Cabinet	23 Jul 2020	Open	Barbara Childs, Director of Place barbara.childs@horsham.gov.uk  Cabinet Member for Planning and Development (Councillor Claire Vickers)

	<b>Subject/Decision</b>	<b>Decision Taker</b>	<b>Date(s) of decision</b>	<b>Is all or part of this item likely to be dealt with in private</b>	<b>Contact Officer</b> <b>Cabinet Member</b> (NB include name, title and email address)
13.	<b>Amendment to the Council's Private Sector Housing Policy to reflect changes to the Electrical Safety SitPRSE Regulations</b>	Cabinet	23 Jul 2020	Open	Adam Chalmers, Director of Community Services. adam.chalmers@horsham.gov.uk  Cabinet Member for Community Matters and Wellbeing (Councillor Tricia Youtan)
14.	<b>Housing Strategy 2019 - 2024</b>	Cabinet	26 Nov 2020	Open	Rob Jarvis, Head of Housing & Community Services. robert.jarvis@horsham.gov.uk  Cabinet Member for Community Matters and Wellbeing (Councillor Tricia Youtan)
15.	<b>Medium Term Financial Strategy</b>	Cabinet	26 Nov 2020	Open	Jane Eaton, Director of Corporate Resources jane.eaton@horsham.gov.uk  Leader and Cabinet Member for Finance and Assets (Councillor Ray Dawe)
16.	<b>Council Tax Reduction Scheme</b>	Cabinet  Council	28 Jan 2021  10 Feb 2021	Open	Jane Eaton, Director of Corporate Resources jane.eaton@horsham.gov.uk  Leader and Cabinet Member for Finance and Assets (Councillor Ray Dawe)
17.	<b>Budget 2021/2022</b>	Cabinet  Council	28 Jan 2021  10 Feb 2021	Open	Jane Eaton, Director of Corporate Resources jane.eaton@horsham.gov.uk  Leader and Cabinet Member for Finance and Assets (Councillor Ray Dawe)

## Report to Cabinet

4 June 2020

By the Leader

**DECISION REQUIRED**



Not Exempt

### COVID-19 Discretionary Grants Fund Scheme

#### Executive Summary

On 1 May the Government announced that it would provide Local Authorities with additional funding to target small businesses with high fixed property-related costs not eligible for the current grant schemes. Government issued guidance for the scheme on 14 May. Government gave Horsham District another £513,000 for the scheme in addition to the money it has left from the money it received for Small Business, Retail, Hospitality and Leisure Grants, which the Government expects to be £917,000. This report asks Cabinet to approve Horsham District Council's Discretionary Grants Fund Scheme to enable applications for the scheme to begin on 5 June 2020 and payment of the £1.43m fund to be made by 30 June.

#### Recommendations

Cabinet is recommended:

- i) To approve the Horsham District Council Discretionary Grants Fund Scheme attached at appendix A.

#### Reasons for Recommendations

The Cabinet needs to approve a Discretionary Grants Fund Scheme to enable distribution of money given by the Government to support small businesses in Horsham District affected by the COVID-19 lock down, and not helped under any other scheme.

#### Background Papers

Grant Funding Schemes Local Authority Discretionary Grants Fund – guidance for local authorities V2 (May 2020)

West Sussex Councils' Guidelines – Discretionary Top-Up Grants

**Contact:** Jane Eaton, Director of Corporate Resources, 01403 213500.

## **Background Information**

### **1. Introduction and Background**

- 1.1. On 1 May the Government announced that it would provide Local Authorities with additional funding to target small businesses with high fixed property-related costs but that are not eligible for the current grant schemes set up to offset the impact of the COVID-19 lockdown. Guidance for the scheme was issued on 14 May. The extension of the scheme followed lobbying from Local Authorities and businesses that had missed out on the Small Business, Retail, Leisure and Hospitality Grants scheme.
- 1.2. In its guidance, issued on 14 May, the Government asked Councils to prioritise the following types of businesses in our scheme:
  - small businesses in shared offices or other flexible workspaces (e.g. units in industrial parks, science parks and incubators with no business rates assessment);
  - regular market traders with fixed building costs, such as rent, who do not have their own business rates assessment;
  - Bed & Breakfasts which pay Council Tax instead of business rates; and
  - charity properties in receipt of charitable business rates relief which would otherwise have been eligible for Small Business Rates Relief or Rural Rate Relief.
- 1.3. Government said this money would be an uplift of 5% uplift to the £12.33 billion previously announced for the Small Business Grants Fund and the Retail, Hospitality and Leisure Grants Fund. On 20 May the Government told Horsham District Council its share of the fund would be £513,000 topping up the unspent funds which the Government expects to be £917,000 from the £29.5m already received. This gives the Council a fund of £1.43m to spend on this new scheme.
- 1.4. West Sussex Chief Executives asked their Chief Finance Officers to ensure the local schemes in West Sussex covered the same criteria. The joint guidance was issued by Mid Sussex following consultation with the countywide Economic Development Officers.

### **2. Relevant Council policy**

- 2.1. A key theme of the Corporate Plan is “A thriving economy.” While the COVID-19 lockdown has severely limited the economic activity in the District issuing these grants swiftly and appropriately will assist with its recovery.

#### **2.2. Details**

- 2.2.1. Appendix 1 contains the Council’s scheme for discretionary grants based on the criteria in the Government’s guidance:
  - Small businesses in shared offices or other flexible workspaces. Examples could include units in industrial parks, science parks and incubators which do not have their own business rates assessment;

- Regular market traders (with fixed building costs in Horsham District, such as rent) who do not have their own business rates assessment;
- Bed & Breakfasts which pay Council Tax instead of business rates; and
- Charity properties in receipt of Charitable Business Rates relief which would otherwise have been eligible for Small Business Rates Relief or Rural Rate Relief.

2.2.2. The scheme also includes the criteria the Government wanted included as well as those we need to address locally:

- businesses who missed out on the original grant scheme through a legitimate issue with their VOA status on 11 March;
- leisure, retail and hospitality businesses and those in the supply chain not eligible in other schemes; and
- Cultural and creative businesses not eligible in other schemes.

2.2.3. Payments will be made between £2,000 and £10,000 depending on the size of business and the extent to which each business has been impacted by Covid-19.

### **2.3. Next Steps**

2.3.1. If the Discretionary Grants Fund Scheme is approved on 4 June the application process will go live on 5 June by way of an online application. The Council will close the applications on 16 June to allow time to evaluate the merits of all applications rather than operate on a first come first serve basis.

2.3.2. Between 17 and 22 June officers will process the applications and an officer led panel will decide who receives a grant and for how much. We will make payment in the week beginning 22 June.

### **2.4. Views of the Finance & Assets Policy Development Advisory Groups and Outcome of Consultations**

2.4.1. This Discretionary Grants Fund Scheme has not been considered by the Finance and Assets Policy Development Advisory Group because Government guidance was not received until 14 May, after the Group had met for the June Cabinet. Overview and Scrutiny were informed of this report going to Cabinet under the General Exemption because it was not included on the forward plan. Overview and Scrutiny will have the opportunity to consider the Discretionary Grants Fund Scheme at its meeting on 1 June. Any views from Overview and Scrutiny will be considered by Cabinet at its meeting.

2.4.2. The Monitoring Officer and the Director of Corporate Resources have reviewed the report. The Monitoring Officer gave guidance on how to obtain this key decision without time to include it on the forward plan.

### **2.5. Other Courses of Action Considered but Rejected**

2.5.1. Not setting a local scheme is not an option because the grants cannot be issued without one, further damaging the local economy. However, various priorities within the scheme have been discussed with the Leader and Cabinet Lead for the Local Economy and Parking.

## **2.6. Resource Consequences**

- 2.6.1. There should be no financial consequences for the Council from the Discretionary Grants Fund Scheme. However the overlap of the funding between the small businesses, retail, hospitality and leisure grants and these grants carries a risk of loss to the Council if late applications on the former fund mean the Council runs out of money for grants agreed under this policy and the Government does not reimburse the Council. The Council is likely to incur further unbudgeted costs for work by LGSS Revenues and Benefits and Internal Audit in relation to the work in implementing the policy. These costs were reported to Council on 30 April.

## **2.7. Legal Consequences**

- 2.7.1. If approved by Cabinet the recommendation will enable the Council to carry out the provisions of this policy in accordance with its legal powers and obligations and in accordance with local government legislation including that which is applicable to the Covid19 pandemic legislation.

## **2.8. Risk Assessment**

- 2.8.1. The application of the Discretionary Grants Fund Scheme carries a risk of negative publicity from businesses who receive no funding or insufficient funding for their needs. The Council has focussed the policy on Government guidance to mitigate this.
- 2.8.2. Failure to apply the Discretionary Grants Fund Scheme quickly carries a high risk of censure from the Government. Based on the earlier tranche of grants the Government will publish league tables and is likely to call the Council to ask for explanations if grants are not issued promptly. As with the earlier grants the Council will use LGSS and Council employed staff to process as quickly as it is safe to do so.
- 2.8.3. The application process carries a high risk of fraud, especially given the timescale involved in its implementation. The Government will not reimburse the Council for fraudulent claims approved. As with earlier grants the Council will use LGSS Internal Audit to carry out pre-payment checks to reduce this fraud risk.

## **2.9. Other Considerations**

- 2.10. The Discretionary Grants Fund Scheme does not prioritise businesses for their green or equalities credentials because this would make a complicated scheme even slower to administer and is not a requirement in the Government guidance. There is a small risk the frustrations that will arise from the application of this scheme could lead to disorder from disappointed applicants.

## Appendix 1

### Horsham District Council COVID-19 Discretionary Grant Fund Scheme

#### Priority Businesses

In accordance with Government guidelines the following types of businesses will be prioritised for grants:

- Small businesses in shared offices or other flexible workspaces. Examples could include units in industrial parks, science parks and incubators which do not have their own business rates assessment;
- Regular market traders (with fixed building costs in Horsham district, such as rent) who do not have their own business rates assessment;
- Bed & Breakfasts which pay Council Tax instead of business rates; and
- Charity properties in receipt of Charitable Business Rates relief which would otherwise have been eligible for Small Business Rates Relief or Rural Rate Relief.

#### Secondary Priority Group

Subject to any remaining monies following expenditure on the Government's priorities, a secondary priority group will also be considered. The following are local priorities that have been identified:

- Businesses who missed out on the original grant scheme through a legitimate issue with their VOA status on 11 March;
- Leisure, retail and hospitality businesses and those in the supply chain not eligible in other schemes; and
- Cultural and creative businesses not eligible in other schemes.

#### Eligibility

In accordance with Government guidelines, the criteria for eligibility are as follows:

- Businesses with ongoing fixed building-related costs
- Businesses which can demonstrate that they have suffered a significant fall in income due to the Covid-19 crisis
- Small Businesses as defined by the Company Act 2006
- Businesses which occupy property, or part of a property, with a rateable value or annual rent or annual mortgage payments below £51,000
- Businesses that were trading on 11 March 2020.

Small Businesses must satisfy two or more of the following requirements in a year:

- Turnover: Not more than £10.2 million
- Balance sheet total: Not more than £5.1 million
- Number of employees: a headcount of staff of less than 50

If businesses have applied for the Furlough Scheme (Coronavirus Job Retention Scheme) they are still eligible to apply to this scheme.

If businesses have applied for the Self Employment Income Support Scheme they are eligible to apply for this scheme.

Businesses that occupy more than one property will only be eligible for one grant payment under this scheme.

### Evidence

In applying for the discretionary grant businesses will need to provide evidence of the financial impact and demonstrate fixed building-related costs. Businesses will need to provide the following evidence when requested on the online form:

Evidence to demonstrate the financial impact of Covid-19 on their business:

- 4 months of bank statements (January – April 2020)
- Profit and loss account, balance sheet and cash flow statement
- Evidence of payroll (if applicable)
- Statement of accounts (if applicable)
- Management accounts (if applicable)
- Statement from the business' accountant (if applicable)
- Order books and evidence of cancellations (if applicable)

Evidence to demonstrate fixed building-related costs:

- Rental, lease or mortgage statement
- Utility bills
- Insurance certificate
- Any evidence to support your other fixed building-related costs

### Companies House – ‘Spotlight Check’

If a business is a Limited Company, Charity or Limited Liability Partnership, a Government “Spotlight” check will be carried out to verify with Companies House that they have properly filed their Accounts, that their Confirmation Statement is up to date and that there are no outstanding Winding Up Orders or First Gazette Notices. An application will only proceed if the Company passes the “Spotlight” check.

### Grant Value

Grants are expected to be issued for amounts between £2,000 and £10,000. Horsham District Council will be restricting grants to this level in order to help as many businesses as possible. Situations of exceptional hardship will however be considered. Horsham District Council will allocate grants according to how many eligible applications are received and the extent to which each business has been impacted by Covid-19.

### Ineligible

In accordance with Government guidelines businesses which have received cash grants from any central Government Covid-19 related scheme are ineligible for funding from the Discretionary Grants Fund.

This includes but is not limited to:

- Small Business Grant Fund
- Retail, Hospitality and Leisure Grant
- The Fisheries Response Fund
- Domestic Seafood Supply Scheme (DSSS).
- The Zoos Support Fund
- The Dairy Hardship Fund

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

Other exclusions from the scheme are:

- Businesses who have received a grant under the LADG scheme from another local authority
- Businesses operating as Bed and Breakfast that are not registered as a food business with the Council; Airbnb's that do not serve breakfast and not registered with the Council as a food business are specifically excluded from this scheme.

The Council reserves the right to vary the terms of the scheme at any time, and without notice, should it be necessary to do so.

### State Aid

It is necessary for businesses applying to confirm compliance with State Aid rules, as the UK remains within the transition period, and the Council must be satisfied that State Aid requirements have been fully met and complied with when making grant payments. Government guidance provides further detail regarding State Aid provisions.

### Tax

The grant income received by a business is taxable therefore funding paid under this funding scheme will be subject to tax. Guidance clarifies that only businesses which make an overall profit once grant income is included will be subject to tax.

### Application Process

Applications can only be submitted using an online application form, that will go live on 5 June 2020 and must be received by 16 June 2020.

Any applications outside this period will only be considered in exceptional circumstances.

Supporting information must be provided as part of the application process.

Payments are expected to commence from the week beginning Monday 22 June 2020.

Unsuccessful applicants will be notified in writing.

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