



# Executive Committee

<b>Date:</b>	<b>9<sup>th</sup> December 2020</b>	<b>a g e n d a</b>
<b>Time</b>	<b>6.00 pm</b>	
<b>Venue:</b>	<p><b>This is a virtual meeting of the Executive Committee to be held using Zoom and live-streamed via YouTube</b></p> <p><i>To watch the live meeting on YouTube, please follow the instructions below:-</i></p> <ol style="list-style-type: none"> <li>1. Click or visit the following link <a href="http://www.kettering.gov.uk/youtube">www.kettering.gov.uk/youtube</a></li> <li>2. Select the following video (located at the top of the list) – “Executive Committee 9/12/2020”</li> </ol> <p><b>Committee Members, officers and previously-notified speakers will be sent Zoom meeting joining instructions separately.</b></p>	
<b>Committee Administrator:</b>	<p> <b>Anne Ireson (01536) 534398</b></p> <p> <b>anneireson@kettering.gov.uk</b></p>	
<p><b>HEADLINE ITEM:</b></p> <p><b>The Green Patch, Valley Walk, Kettering</b></p>		
<p>Occasionally, committees may have to consider some business in private and if this is the case the reason is indicated on the Order of Business.</p>		

Members of the Executive Committee:-

*Councillor Russell Roberts (Chair); Councillor Lesley Thurland (Deputy Chair), Lloyd Bunday, Mark Dearing, Scott Edwards, David Howes, Ian Jelley and Mark Rowley*

Working with and on behalf of local people

## Executive Committee Order of Business

Item	Item/ Report Title
1.	Apologies
2.	Declarations of Interest  <i>(Members are asked to make any declarations of financial or other interests they may have in relation to items on this agenda. Members are reminded to make a declaration at any stage throughout the meeting if it becomes apparent that this may be required when a particular item or issue is considered.)</i>  (a) Disclosable Pecuniary Interests  (b) Personal Interests
3.	The minutes of the meeting of the Executive Committee held on 14 <sup>th</sup> October 2020 to be approved as a correct record and signed by the Chair
4.	Any matters of urgency the Chair of the Committee decides should be considered
5.	<b><u>Issues referred from Scrutiny Committees</u></b>  None.
6.	<b><u>Issues referred from Forums</u></b>  None.
7.	<b><u>Issues referred from Council</u></b>  None.
8.	<b><u>The Council's Draft Work Programme</u></b>  <i>This plan gives at least 28 days' notice of any key decisions to be made. It also contains information on any meeting, or part of a meeting, that is likely to be held in private at least 28 days before the meeting is due to take place.</i>

Item		Work Prog Reference Number	Report Title	Officer Presenting Report
9.		A20/024	Covid-19: Additional Restrictions Grant	Rochelle Mathieson
10.		A20/021	The Green Patch, Valley Walk, Kettering	Sophie Snart

### **Private and Confidential Items**

The press and members of the public can be excluded from business of the meeting on the grounds that it involves items of business which include the likely disclosure of exempt information as defined by Paragraphs 1-7 of the Local Government (Access to Information) (Variation) Order 2006 in respect of Schedule 12A to the Local Government Act 1972. The reason for discussing the issue in private is indicated on the Order of Business and was advertised by way of a Public Notice in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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**BOROUGH OF KETTERING**

**EXECUTIVE COMMITTEE**

**14<sup>th</sup> October 2020**

**(Meeting held virtually)**

**Present:-**

Councillor Russell Roberts (Chair)  
Councillors Lloyd Bunday, Mark Dearing, Scott Edwards,  
David Howes, Mark Rowley and Lesley Thurland

**20.EX.15 APOLOGIES**

Apologies for absence were received from Councillor Ian Jelley.

**20.EX.16 DECLARATIONS OF INTEREST**

None

**20.EX.17 MINUTES**

**RESOLVED** that the minutes of the meeting of the Executive Committee held on 15<sup>th</sup> September 2020 be approved as a correct record and signed by the Chair.

**20.EX.18 URGENT BUSINESS**

None.

**20.EX.19 ISSUES REFERRED FROM SCRUTINY COMMITTEES**

None.

**20.EX.20 ISSUES REFERRED FROM FORUMS**

None.

**21.EX.21 ISSUES REFERRED FROM COUNCIL**

None.

**20.EX.22 THE COUNCIL'S DRAFT WORK PROGRAMME**

The Work Programme published on 14<sup>th</sup> October 2020 was noted, having been previously circulated by email.

**20.EX.23 HOUSING CAPITAL PROGRAMME 2020/21 – APPOINTMENT OF CONTRACTOR FOR REFURBISHMENT PROJECT**

A report was submitted which sought approval for the acceptance of a tender for a major project within the Housing Revenue Account (HRA) Capital Programme for 2020/21.

Councillor Anne Lee addressed the Committee indicating agreement with the renovation of kitchens and bathrooms in Avondale ward. Councillor Lee sought assurance that work would continue if the works overran. She also asked that, if there was any future flexibility in the Housing Revenue Account, consideration be given to further renovation work in Avondale and Piper's Hill Ward.

It was noted that work was expected to be conclude as scheduled. Should the programme overrun, existing commitments would be honoured by the new unitary authority. Some flexibility existed in the capital programme, which would be kept under review if there was any underspend. A rolling programme of work had been planned and the property services team were working on projects for future years based on stock condition. It was intended to continue with kitchen and bathroom renovations and the Homes for the Future programme within the HRA budget.

It was noted that councillors were not given any information on the identity of contractors who had submitted a tender for the works.

**RESOLVED** that

- (a) the tender from Contractor A in the sum of £426,158 to undertake the Kitchen and Bathroom Refurbishment project be accepted; and
- (b) authority be delegated to the Chief Legal Officer and Deputy Monitoring Officer in consultation with the Head of Housing to conclude and sign the contracts with the successful contractor for each project.

(Voting: Unanimous)

**20.EX.24     RE-DESIGNATION OF THE SOUTH WEST KETTERING  
(HEADLANDS COMMUNITY) NEIGHBOURHOOD FORUM**

A report was submitted which sought agreement for Members to re-designate the South West Kettering (Headlands Community) Neighbourhood Forum for the purposes of preparing the South West Kettering Neighbourhood Plan.

It was noted that, as there was no sponsoring Parish Council to sponsor the Neighbourhood Plan, a Neighbourhood Forum had been established five years ago and was now required to be re-designated.

It was noted that a significant amount of work on the Neighbourhood Plan had already been undertaken by residents.

**RESOLVED** that the South West Kettering (Headlands Community) Neighbourhood Forum be re-designated for the purposes of preparing the South West Kettering Neighbourhood Plan.

(Voting: Unanimous)

*(The meeting started at 6.00 pm and ended at 6.15 pm)*

Signed .....  
Chair

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<b>Report Originator</b>	Rochelle Mathieson	<i>Fwd Plan Ref No: A20/024</i>	
<b>Wards Affected</b>	All	9 <sup>th</sup> December 2020	
<b>Title</b>	<b>COVID-19: Additional Restrictions Grants</b>		

**Portfolio Holder: Cllr Lloyd Bunday**

**1 PURPOSE OF REPORT**

The purpose of the report is to apprise members of the Small Business Grants scheme(s) and seek delegated authority to amend the scheme, if required.

**2. BACKGROUND**

- 2.1. In June 2020 the Executive Committee Members were apprised of the Government response, in light of COVID-19, to the business grant support packages being devolved to local councils, as billing authorities, to deliver. These grant programmes were;
  - a. Small Business Grant Fund (SBGF)
  - b. Retail, Hospitality and Leisure Grant Fund (RHLGF)
  - c. Discretionary Grant Fund
- 2.2. Since April 2020 Kettering Borough Council has distributed around £16.8 million on behalf of Central Government, this represents support to over 1,400 businesses within our local economy.
- 2.3. Members will be acutely aware of the unprecedented times the country is operating within, and the lasting impact this is having on our local economy, residents and communities.
- 2.4. On 31 October 2020 the Government announced new national restrictions which came into force on 5th November 2020 to help manage the response to the global COVID-19 pandemic. At this time, they confirmed funding support which was to be directed to businesses that were required to close.
- 2.5. The Government also recognised that some businesses that were required to close may not have commercial premises, and others whilst not mandated to close would be significantly impacted as they support or supply these businesses.
- 2.6. Local authorities were therefore provided with a one-off funding allocation to administer the following grants to eligible businesses within their local economy;
  - a. **Local Restrictions Support Grant (LRSB)**. The scheme is specifically in response to the national lockdown imposed 5<sup>th</sup> November – 2<sup>nd</sup> December

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2020. Grants are only available to those who pay business rates, including businesses who receive Small Business Rate Relief, and whom have been mandated to close by the Government. Eligibility and grant allocations are governed by the guidelines set by the Government.

b. **Additional Restrictions Grant (ARG).** The primary focus for this scheme, as set out by the Government, is on delivering grant funding to businesses who are mandated to close but do not have a premises with a rateable value, or businesses who, whilst not mandated to close, are severely impacted by the national restrictions (i.e.: they supply or service the closed businesses). The Government have confirmed that, whilst the primary focus is for it to deliver grants, other business support can be provided. It is to be administered and delivered across financial years 2020/21 and 2021/22. Eligibility, grant allocations and business support, whilst guided by Government, is for the individual local council to determine using the discretion and consideration for local economic need.

2.7. Table 1 below details the financial split allocated to Kettering Borough Council;

**Table 1**

<b>Grant</b>	<b>Allocation</b>
Local Restrictions Support Grant (LRSG)	£1,341,432
Additional Restrictions Grant (ARG)	£2,035,520

### **3. ADDITIONAL RESTRICTIONS GRANT – THE APPROACH**

- 3.1 In order to respond efficiently, and implement a scheme aligned to the Government criteria, the Council determined a phased approach, with the strategic goal being: To recognise firstly the adverse financial impact caused by the national lockdown, between 5th November - 2nd December 2020, and secondly to recognise the ongoing support, both financial and business support, required for key 'locally critical' impacted sectors.
- 3.2 This phased approach proposed to first, focus on ensuring swift payment to those impacted, and bring consistency across both LRSG and phase one of ARG, ensuring all businesses across impacted sectors are able to receive similar financial support, as set within national guidance context. The council then looks to, funding allowing, develop further grants and business support programmes across financial years 2020/21 and 2021/22, where appropriate opportunities to collaboratively develop a programme across the geographical area of North Northamptonshire will be explored with other Councils.
- 3.3 On 20 November 2020 the Council launched the first phase 'Additional Restrictions Grants (Discretionary)' programme, information released included

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detailed guidance (**Appendix A – Kettering Additional Restrictions Grant (Discretionary) Guidance 2020**) and an online application form.

- 3.4 The application window remained open between 20 November until 2 December 2020, this was to align to the national lockdown period and to ensure payments are processed prior to Christmas 2020.
- 3.4.1 The Kettering ARG Discretionary guidance developed aligned closely to both the ARG and the LRSG Government Guidance issued to local councils in November 2020 (*see background papers*).

#### **4. ELIGIBILITY AND GRANT AWARDS**

- 4.1 These grants were aimed at micro, small and medium sized businesses that;
- a. Were forced to close under the governments mandatory closure guidance, **but do not have** a commercial property with a Rateable Value
- OR**
- b. While not legally forced to close, were nonetheless severely impacted by the restrictions, with or without a commercial property (for example businesses which supply or service those mandated to close).
- 4.2 Businesses eligible for the Local Restrictions Grant were not eligible to apply for the first phase 'Additional Restrictions Grant (Discretionary)', however will be eligible to apply for future related phases under the Additional Restrictions Grant scheme. This is to ensure a consistent approach is taken across the sectors most impacted by the national lockdown between 5 November and 2 December 2020.
- 4.3 The government asked local authorities to exercise their local knowledge and discretion according to local economic need, therefore where all other qualifying factors were met priority was given to businesses that fall within the following categories, and those that supply the following:
- Bed & Breakfast
  - Charities
  - Creative & Cultural
  - Hospitality, Leisure and Retail
  - Non-essential Market Trader
- 4.4 In order for this first grant phase to benefit the maximum number of eligible businesses, it set out three levels of grant (**see Table 2**), which aligned to the Local Restrictions Support Grant allocations, and which were directly

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proportionate to the rateable value of the business property or, where a rateable value did not exist, the size of the business applying.

**Table 2.**

<b>Qualifying description</b>	<b>Award</b>
For properties with a rateable value of £15,000 or under <b>OR</b> Micro Business with no rateable value	£1,334 grant
For properties with a rateable value of over £15,000 and below £51,000 <b>OR</b> Small Business with no rateable value	£2,000 grant
For properties with a rateable value of £51,000 or over <b>OR</b> Medium Business with no rateable value	£3,000 grant

- 4.5 The LRSB parameters and funding levels were defined by Government – the Additional Restrictions Grant scheme widens access for support to businesses, and, as with the first scheme launched earlier this year, authorities were asked to make payments as quickly as possible to support businesses. Owing to the short timeframe members are asked to endorse the approach to the Additional Restrictions Grant scheme, and delegate authority to the Head of Commercial & Economic Development (Rochelle Mathieson), in consultation with the Finance Portfolio Holder, to further develop the current scheme, to fit local circumstances to ensure that the budget allocation is utilised and businesses in the borough receive the maximum amount of financial and business support as swiftly as possible.

## **5 CLIMATE CHANGE IMPLICATIONS**

- 5.1 The Council remains committed to the climate change agenda as approved by Council in July and this remain a key consideration in any future decisions.

## **6 USE OF RESOURCES / POLICY IMPLICATIONS**

- 6.1 An internal governance and risk mitigation process has been developed with committed resource from various teams, including; Economic Development, Finance and Business Rates. These teams are working collaboratively to ensure due process and consideration is taken throughout the design, implementation, post-payment check and validation stages.
- 6.2 The implementation process is subject to an audit review.

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### 7. RECOMMENDATIONS

That the Executive Committee endorse the previous action of the council regarding; the criteria and processes for the administration of phase one of the Additional Restrictions Grants (Discretionary), and grant delegated authority for the Head of Commercial & Economic Development, Rochelle Mathieson, (in consultation with the Finance Portfolio Holder) to further develop future phasing of the Additional Restrictions Grant programme to ensure that it continues to fit local circumstances and business need.

#### **Background Papers:**

Local Restrictions Support Grant

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/935131/local-restrictions-support-grant-CLOSED-ADDENDUM-la-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935131/local-restrictions-support-grant-CLOSED-ADDENDUM-la-guidance.pdf)

Additional Restrictions Grant

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/935130/additional-restrictions-grant.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935130/additional-restrictions-grant.pdf)

Contact Officers: R Mathieson

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## Guidance for applications to Kettering Borough Council Local Authority Additional Restrictions Grant (Discretionary)

### Introduction

1. This guidance is intended to support businesses which are based in the geographical area of the Borough of Kettering, applying to Kettering Borough Council for a grant from the Additional Restrictions Grant (Discretionary) Fund.
2. On 31 October 2020 the Government announced new national restrictions which came into force on 5<sup>th</sup> November 2020 to help manage the response to the global COVID-19 pandemic. At this time, they confirmed funding support which is to be directed to [businesses that were required to close](#). The Government recognised that some businesses that were required to close may not have commercial premises, and others whilst not mandated to close would be significantly impacted as they support or supply these businesses.
3. Local authorities have been provided a one-off funding allocation and are to administer the following grants to their local economy;
  - Local Restrictions Support Grant (LRSB). The scheme is only available to those who pay business rates, including businesses who receive Small Business Rate Relief, and whom have been mandated to close by the Government. Businesses can apply and find more information by visiting <https://www.kettering.gov.uk/lrsb>
  - Additional Restrictions Grant (ARG). This scheme will be delivered in a phased approach. The first phase '**Discretionary**' is detailed within these guidance notes and applications can be made by visiting [www.kettering.gov.uk/arg](http://www.kettering.gov.uk/arg) Further information on future phases will be published in December 2020.
4. The Additional Restrictions Grant will primarily focus on delivering a grant funding scheme to be administered within 2020/21, however funding allowing, a programme of further grants and business support delivered across financial years 2020/21 and 2021/22 will be considered and developed in due course.
5. This guidance sets out the criteria under which businesses will qualify to make an application to the Additional Restrictions Grant (Discretionary) fund, and the evidence required to support an application, and is aligned with the Government guidance issued to Local Authorities in November 2020.  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/932623/V.1\\_Additional\\_Restrictions\\_Grant\\_-\\_FINAL\\_LA\\_guidance\\_03112020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/932623/V.1_Additional_Restrictions_Grant_-_FINAL_LA_guidance_03112020.pdf)
6. This is an additional fund to the Local Restrictions Grant, however the first phase 'Additional Restrictions Grant (Discretionary)' is aligned closely to ensure consistency across those business sectors impacted by mandatory closure.

7. Businesses eligible for the Local Restrictions Grant are not eligible to apply for the first phase 'Additional Restrictions Grant (Discretionary)', however will be eligible to apply for future related phases under the Additional Restrictions Grant scheme. This is to ensure a consistent approach is taken across the sectors most impacted by the national lockdown between 5<sup>th</sup> November and 2<sup>nd</sup> December.
8. In determining the appropriate level of grant, the local authority have aligned it closely with the grant awards being made under the Local Restriction Support Grant, this will be determined by the associated business premises rateable value, or where a rateable value doesn't exist, the size of the business as categorised by;
  - **Micro Business**; you must meet at least two of the following conditions:
    - a turnover of £632,000 or less
    - £316,000 or less on its balance sheet
    - 10 employees or less
  - **Small Business**; you must meet at least two of the following conditions:
    - a turnover of £10.2 million or less
    - £5.1 million or less on its balance sheet
    - 50 employees or less
  - **Medium Business**; you must meet at least two of the following conditions:
    - annual turnover must be no more than £36 million
    - the balance sheet total must be no more than £18 million
    - the average number of employees must be no more than 250.

If the applicant does not disclose the associated business rate number (where applicable), or incorrectly categorises their business, this could lead to a delay in processing your application or being refused a grant.

9. Applicants will be expected to provide evidence to support their application, please see section 27 for more information.
10. The grant will be subject to state aid limits and businesses will be required to complete a state aid declaration as part of the application process.

## Eligibility

11. The Government guidance issued in November 2020 gives the Council discretion over the grant scheme, and the Councils decisions regarding the scheme will be final.
12. These grants are aimed at micro, small and medium sized businesses that;
  - Have been forced to close under the governments mandatory closure guidance <https://www.gov.uk/guidance/new-national-restrictions-from-5-november?priority-taxon=09944b84-02ba-4742-a696-9e562fc9b29d#businesses-and-venues> **but do not have** a commercial property with a Rateable Value (and therefore not eligible for LRSG)

**OR**



- While not legally forced to close are nonetheless severely impacted by the restrictions, with or without a commercial property (for example businesses which supply or service those mandated to close). In the event the business does have a commercial property with a rateable value, the businesses who, according to the billing authority's records, was the ratepayer in respect of the hereditament on 5<sup>th</sup> November is eligible to apply
13. The government has asked local authorities to exercise their local knowledge and discretion according to local economic need, where all other qualifying factors are met (as above) priority will then be given to businesses that fall within the following categories, and those that supply the following:
- B&B
  - Charities
  - Creative & Cultural
  - Hospitality, Leisure and Retail
  - Non-essential Market Trader
14. The business must have been open and trading on 4th November 2020.
15. Companies that are in administration, are insolvent or where a striking-off notice has been made are not eligible for funding under this scheme.
16. Grants will not be paid in respect of properties that were empty or unoccupied on 4<sup>th</sup> November 2020, even if business rates were charged.

## **The Council's approach**

17. In order to ensure all eligible businesses can apply for the scheme, the Council will administer a phased approach to the grant scheme. This will enable the Council to assess and quantify the level of demand for funding from businesses that fall within the priority areas and meet the eligibility criteria.
18. After the Council has processed grant allocations for all applications from the first phase, there will be an assessment regarding any Government funding remaining. The Council may then offer a future round of grant funding and/or business support, further information about this is anticipated in December 2020.
19. In line with the guidelines, the first phase will include any businesses falling within the categories outlined in section 13 above and that meets the criteria set out.
20. 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.
21. The Council has created an online form for applications. This is the only mechanism through which the Council will accept applications. For businesses who do not have access to the internet, the Council will be able to assist you in completing the form by taking your information over the phone and putting it onto the online application form. You will need to provide documentary evidence to support your application, so please ensure you have collated relevant documentation prior to seeking support from the Council

## Grant Amounts and how payments will be made

22. The Council anticipates that the demand for the Addition Restrictions Grant (Discretionary) will be high, and as such it is important that we clearly set out the principles that will guide the council in determining which business it is able to help and which it will not.
23. The goal is to try to support as many businesses as possible, with the money received from government while keeping the individual grant amounts high enough that will still provide meaningful support to those businesses. The first phase 'Discretionary' focuses on aligning support to those sectors impacted by the recent national lockdown (5<sup>th</sup> Nov – 2<sup>nd</sup> Dec 2020), we anticipate further support to be provided in early 2021.
24. In order for this grant to benefit the maximum number of eligible businesses, it is proposed to have 3 levels of grant, which align to the Local Restrictions Support Grant allocations, and which will be directly proportionate to the rateable value of the business property or, where a rateable value doesn't exist, the size of the business applying (see section 8):

For properties with a rateable value of £15,000 or under <b>OR</b> Micro Business with no rateable value	£1,334 grant
For properties with a rateable value of over £15,000 and below £51,000 <b>OR</b> Small Business with no rateable value	£2,000 grant
For properties with a rateable value of £51,000 or over <b>OR</b> Medium Business with no rateable value	£3,000 grant

25. Applications for the grant can be made online at [www.kettering.gov.uk/arg](http://www.kettering.gov.uk/arg) and payments will be made directly to approved recipients' bank account by electronic transfer, this will be subject to verification of bank details.

## Timeline for the grant scheme

26. The timeline for the scheme is:

- Application window open – **Friday 20<sup>th</sup> November 2020.**
- Application window closed – **Midnight on Wednesday 2<sup>nd</sup> December**

## Evidence Required to support the Application

27. In order for the application to be considered, we require businesses to demonstrate that they meet the eligibility criteria as outlined in this guidance. We anticipate that to do this, you will need to provide (**See Appendix 1**):

- Declaration of business meeting the guidance as set out by the Government and Kettering Borough Council
- Declaration of the significant adverse impact to business operations caused by the national lockdown period of 5<sup>th</sup> Nov – 2<sup>nd</sup> Dec (*this is especially relevant to those applying who have not been mandated to close and/or sole traders*)
- Evidence of the business trading on or before 4<sup>th</sup> November 2020
- Proof of business activity and ownership/authority

Applicants must provide the above information within 3 working days of their application. In order to assess applications appropriately the council may request further evidence in regard to business fixed costs and income loss.

28. If you applied for the previous Kettering Discretionary Grant Fund which was launched following the first national lockdown, the Council may hold information and evidence which supports your application, to avoid duplicating information you will be required to confirm you have previously been successful with a DFG grant. This will support the assessment and verification process of your application.

## Other information

29. There is a requirement for all grants made under this scheme to be state aid compliant, please see further guidance by visiting <https://www.gov.uk/guidance/check-if-youre-eligible-for-the-coronavirus-additional-restrictions-grant>

30. Grant income received by a business is taxable therefore funding paid under the Additional Restrictions Grant Fund will be subject to tax. Only businesses which make an overall profit once grant income is included will be subject to tax.

31. The Government and the Council will not accept deliberate manipulation and fraud - and any 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. Applicants will be asked to complete a declaration as part of the application process.

32. The Council does not accept any liability for any issues that may arise for businesses because of applying for, receiving, or not receiving grant payments under this scheme.

33. Enquiries about the scheme can be emailed to [kbcdgf@kettering.gov.uk](mailto:kbcdgf@kettering.gov.uk).

## Privacy Statement

34. The Council privacy statement relating to this scheme 'Business Support Measures' can be found on the Council's website at <https://www.kettering.gov.uk/privacy>.

## Appendix 1 - Guidance for Evidence

The following list is not exhaustive. Other evidence will be considered where it is relevant to the application.

Information	Evidence Required	Guide
Payment Details and active trading on or before 4 <sup>th</sup> November 2020	Copy of <b>latest business bank statement</b> showing, name address, sort code, account number and activity of trade	Must match the name of the business or individual listed on the business rates bill or any other business related information.
Business Name and Categorisation	<b>Business Rate number</b> (where applicable), <b>confirmation of being micro, small or medium business</b> and <b>tax return information</b>	Must demonstrate correct categorisation and meeting criteria of eligible business sector. The council will verify all applicant evidence using information including; business name and registration, VAT number, Self-Assessment UTR
Significant adverse impact due to national lockdown (5 Nov – 2 Dec 2020)	<b>Declaration</b> and further information on request	This primarily relates to businesses who are not mandated to close but adversely impacted and/or Sole Traders

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<b>Report Originator</b>	Sophie Smart – Asset Manager	<i>Fwd Plan Ref No:</i> A20/021	
<b>Wards Affected</b>	All	9 <sup>th</sup> December 2020	
<b>Title</b>	<b>THE GREEN PATCH, VALLEY WALK, KETTERING</b>		

**Portfolio Holder: Councillor Lloyd Bunday**

**1. PURPOSE OF REPORT**

To consider granting Groundworks Northamptonshire a lease of The Green Patch, Kettering at an undervalue rent.

**2. BACKGROUND CONTEXT**

- 2.1 The Council owns the freehold of the Green Patch, Valley Walk, Kettering. Groundworks Northamptonshire (GN) had a lease of the Land at £1 per annum for a term from 1<sup>st</sup> April 2009 until 31<sup>st</sup> March 2019. They have continued to occupy the land whilst discussions over their occupation have taken place.
- 2.2 GN are committed to the site and have indicated they would commit to a new 99 year lease at a peppercorn rent. Due to the length of term and the nominal rent, Committee approval is sought.
- 2.3 This report recommends granting a new Lease to enable GN to continue using the Land as a community market garden and smallholding for a further 99 years.

**3. REPORT**

- 3.1 The Land is currently leased to Groundworks Northamptonshire (GN) as tenant for use ‘as a community market garden and small holding organised using the principles of organic cultivation’ and that the tenant is responsible for keeping the land in repair.
- 3.2 The current lease was for a term of 10 years from 1<sup>st</sup> April 2009 and included various opportunities for both parties to terminate the lease. GN have indicated that they would be willing to take on a new Lease of the Land and commit to the facility for a longer term as follows:
  - 99 years term
  - £1 rent per annum
  - Tenant Responsible for repairs, business rates, utilities and any other operating costs

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- User restricted to a community market garden and small holding organised using the principles of organic cultivation.
  - Operational Covenant must be observed and performed - To deliver projects which improve poor physical and mental health and increase self-esteem through environmental and outdoor socially based activities.
- 3.3 The proposed lease renewal enables a community facility to continue to be provided in the town.
- 3.4 It is not anticipated that this community facility would achieve a significant rental income if it were to be let on the open market for the current use, however it is likely to hold a small value. Part of this site had previously been included within plans to facilitate the road widening for the Kettering east development, however, at this stage these are not active discussions.
- 3.5 If the Council were to take back possession and run the facility in-house the upkeep and maintenance of the entire site would revert to the Council. It is likely this would result in a budget pressure.

#### **4. POLICY IMPLICATIONS**

- 4.1 The proposed use of the Land fits with the Council's ambition for promoting Improved health and wellbeing in the borough.

#### **5. FINANCE IMPLICATIONS**

- 5.1 Financial implications as detailed in the report.
- 5.2 Whilst it is not directly linked to the Land, the Council pays Groundworks as an organisation a grant payment of £10,000 pa, with the Core Service Objective being:
- To deliver projects which improve poor physical and mental health and increase self-esteem through environmental and outdoor socially based activities.

#### **6. LEGAL IMPLICATIONS**

- 6.1 Following negotiations with the tenant, solicitors will be instructed to formalise their occupation under a new lease. The lease will be a protected lease under the

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Landlord and Tenant Act 1954 Pt II, therefore the tenant will have a right to renew at the end of the term.

- 6.2 Ordinarily, best consideration should be obtained for short tenancy lettings, unless there are justifiable social, economic or environmental benefits derived from the letting. The circumstances of the proposed letting will give rise to positive social benefits.
- 6.3 Members should note that freehold ownership of the land transfers to the new Kettering Town Council on 1<sup>st</sup> April 2021

### 7. CLIMATE CHANGE

- 7.1 None directly arising from this report.

### 8. RECOMMENDATION

The Executive is recommended to grant Groundworks Northamptonshire a 99 year lease of The Green Patch, Kettering, at a peppercorn rent on terms outlined in the report.

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Background Papers:

**Appendices:**

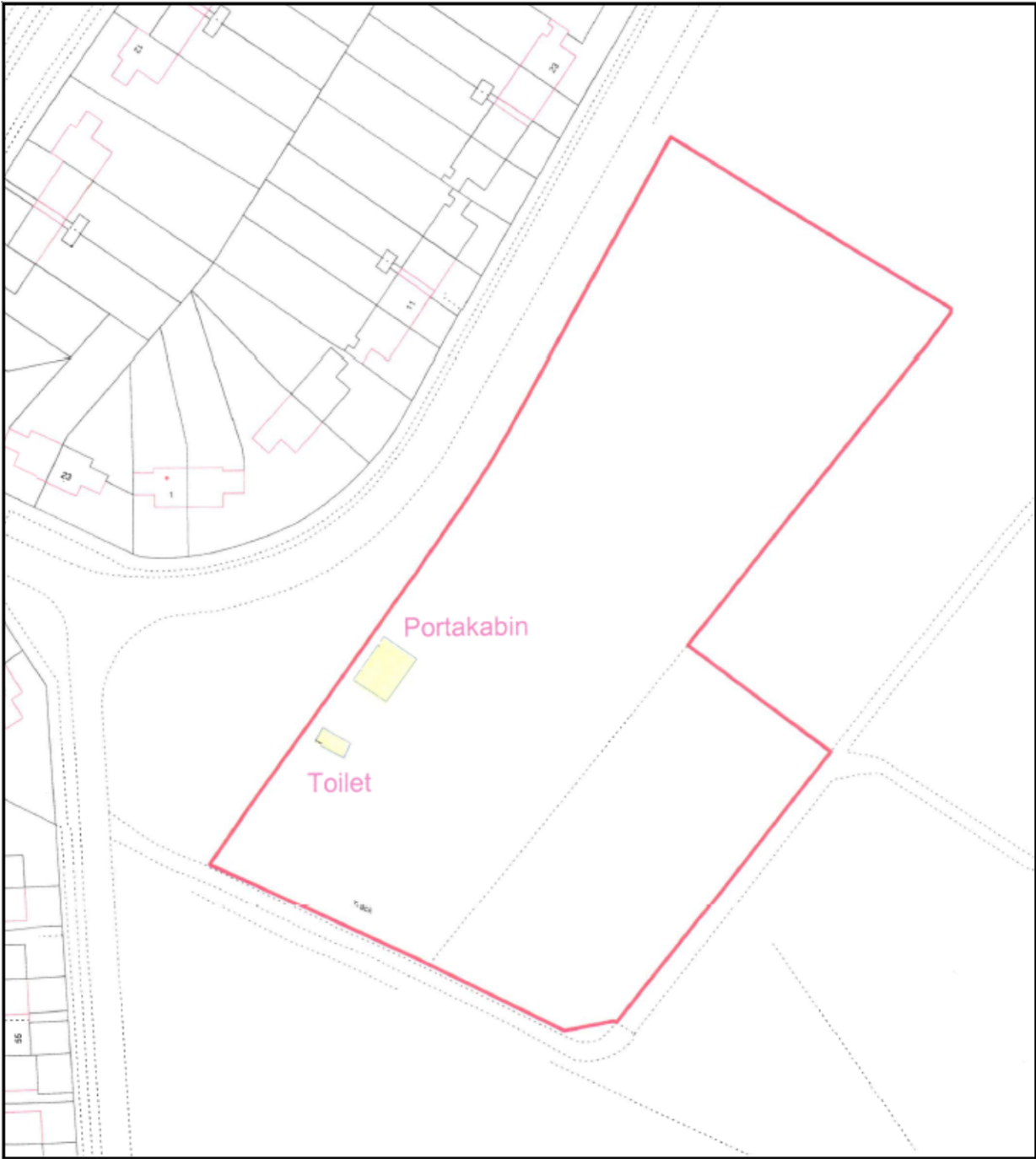
Plan of the Land

Previous Reports/Minutes:

- None

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**The Green Patch, Valley Walk, Kettering**

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