

Subject: RE: discretionary grants [BRS-DMS.FID2076119]

Dear Robin

Having read the Leeds CC correspondence with Richard Liles and in particular the assertion that *"it is where the trading happens"* and *"its trading address that's important"*, I have looked at some other authorities websites - Ashford and Doncaster, and at the 12th November Guidance for businesses setting out the eligibility. What is remarkable about the latter is that the central Government Guidance states; **"Local councils have the freedom to determine the eligibility criteria for these grants"**.

The Guidance for Local Authorities states which Local Authorities are eligible (which is basically all Local authorities) but does not say any more about which businesses are eligible except as I reported and summarised in the guidance document I sent you. So, for example, it states: **"Local Authorities can determine how much funding to provide to businesses from the ARG funding provided, and exactly which businesses to target"**. It is remarkably vague and unrestricted. But it goes on to encourage LAs to help those businesses *'outside the business rates system which are effectively forced to close'*.

Although neither Guidance document states in terms that businesses apply to the LA *"where the trading happens"* there are references to trade and trading in the Guidance to LAs which give the impression that it is those businesses, as opposed to businesses that are merely registered in a LA's area that qualify. Having said that I note that Ashford for example states: *"Businesses with a registered address in the Ashford Borough Council area will be eligible for this scheme"* BUT it goes on to say in the next sentence: *"The business will need to be trading (i. e. a business that even if not registered with the borough on Companies House has a presence in the area and is clearly trading from an address within the borough)"*. It also states: *"Where a business is registered in another council area (although has a presence in the Ashford Borough) the council will take a discretionary view on case by case basis"* and goes on to give the example of market traders and states remarkably *"that they will be paid by the LA where their home address or commercial premises address is. The location of the markets they attend will not be considered as part of this grant scheme apart from in exceptional circumstances"*.

So it does seem that LAs take a different view (as they are effectively encouraged to do by the Guidance).

I think individual Members should be prepared to challenge the rationale behind the exercise of the discretion by the LA and may have to assert that they are acting unlawfully because their approach is perverse and irrational.

Kind regards

David

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