

# Public Document Pack

## Executive Member Decisions

Friday, 13th November, 2020

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Date Published: 13<sup>th</sup> November 2020

Denise Park, Chief Executive



## EXECUTIVE MEMBER DECISION

**REPORT OF:** Executive Member for Finance and Governance

**LEAD OFFICERS:** Director of Finance

**DATE:** 30/10/2020

**PORTFOLIO/S AFFECTED:** Finance and Governance

**WARD/S AFFECTED:** Blackburn Central

**SUBJECT:** Disposal of property at Manner Sutton Street, Blackburn

### 1. EXECUTIVE SUMMARY

The Council owns a property at Manner Sutton Street and leases it to the occupational lessee, Speed Drop Logistics Limited.

It is recommended that the Council dispose of the property to the occupational lessee along with a small additional area of land.

### 2. RECOMMENDATIONS

That the Executive Members treats the lessee as a 'Special Purchaser,' and approves the disposal of the Council's interest in the property shown by red edge on the attached plan to the lessee.

### 3. BACKGROUND

This is an old, late Victorian commercial building about a quarter of a mile south-east of the town centre, formerly used as a bus depot. The building measures approximately 3,000 square metres on a site of about an acre.

The building is on a roughly rectangular shaped plot of land is in a largely commercial area. Its access is via secondary roads from the north, its southern boundary fronting the main road, Eanam. To the west is a Vauxhall car showroom occupying a much more prominent position overlooking an inner ring road roundabout near the cleared former Thwaites Brewery site. The car showroom adjoining the western boundary of the subject site is at a lower level than the subject site.

A railway tunnel passes under the southern half of the site, being the rail route between Blackburn and Burnley.

Ground level is above floor level to the building's eastern boundary, increasing the risk of penetrating dampness to the interior.

Formerly used by a bus operating company, the building is old and ageing, with brick walls and a multi-pitched asbestos profile-sheet covered roof. Demolition of the buildings is understood to have been considered by the Council in the past, prior to this lease being created.

Two past uses in 2013 and 2016 were attempted to third parties but this never progressed towards granting of any formal leases for a term.

This property has proved a difficult asset to manage in recent years, as although it is in an established location near the town centre, it is arguably constrained in its access and far from modern in design.

The current lease is for a 15 year term from 2018 on full repairing and insuring terms, for use for storage in connection with the tenant's courier and delivery business.

The tenant has an option to purchase were the property to be put up for sale by tender during the lease term, but the Council retains the option to auction should the Council so decide. (This would mean the tenant could still bid, but along with everyone else, as opposed to having the opportunity to exceed whatever the highest offer were to be following a tender exercise.)

As mentioned, this building is old and has been effectively empty for years prior to the current lease being agreed.

#### **4. KEY ISSUES & RISKS**

The offereror has advised the Council he wishes to further invest to improve the condition of the building and expand the logistics business.

The lessee has advised this investment is not worthwhile under the current lease, but if the long leasehold could be acquired, then the building fabric could be further repaired and the business expanded following the investment.

It is believed the enquirer, as lessee, is in a position to be considered a 'Special Purchaser.'

The advised further investment by the lessee to improve the condition of the building and expand the logistics business, would be of benefit and satisfy the Council's established objectives of business growth and continuing to make improvements to formerly vacant properties in the Borough.

At an Executive Member Briefing on 4<sup>th</sup> August 2020 approval was given, in principle, to negotiate with the offeror. This was subject to obtaining an impartial, independent registered valuer franking report, to confirm the offer from the lessee is considered a reasonable demonstration of Market Value when the lessee is being treated as a special purchaser. This has been confirmed.

Executive Member Briefing also recommended a small additional piece of land is included in the disposal, between the south-eastern boundary of the lease area and a fence line fronting Eanam, as this piece of land is of no particular benefit to the Council and would better serve the Council by being included in the proposed disposal. The proposed area of disposal is shown on the attached plan, the Council owned land south of the existing fence next to the bus stop fronting Eanam being retained.

#### **5. POLICY IMPLICATIONS**

The disposal method accords with the Council's approved policy for disposal.

#### **6. FINANCIAL IMPLICATIONS**

The Council would receive a capital receipt.

The proposed sale would end an income stream for the Council, but provide the Council with a capital receipt and remove an old property from its portfolio.

## 7. LEGAL IMPLICATIONS

Under S.123 of the Local Government Act 1972 the Council is obliged to obtain best consideration reasonably obtainable.

This is a site with a complicated history and will require further work and potential negotiation in order to convey satisfactory title.

## 8. RESOURCE IMPLICATIONS

Legal and surveyor resources are required to complete the transaction.

It has been agreed that each party bear their own costs.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

The proposal has been subject to consultation between Council officers and the relevant Executive Member.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

**VERSION:** 1

**CONTACT OFFICER:** Nicholas Garsrud

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<b>DATE:</b>	03/9/2020
<b>BACKGROUND PAPER:</b>	Site plan.

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

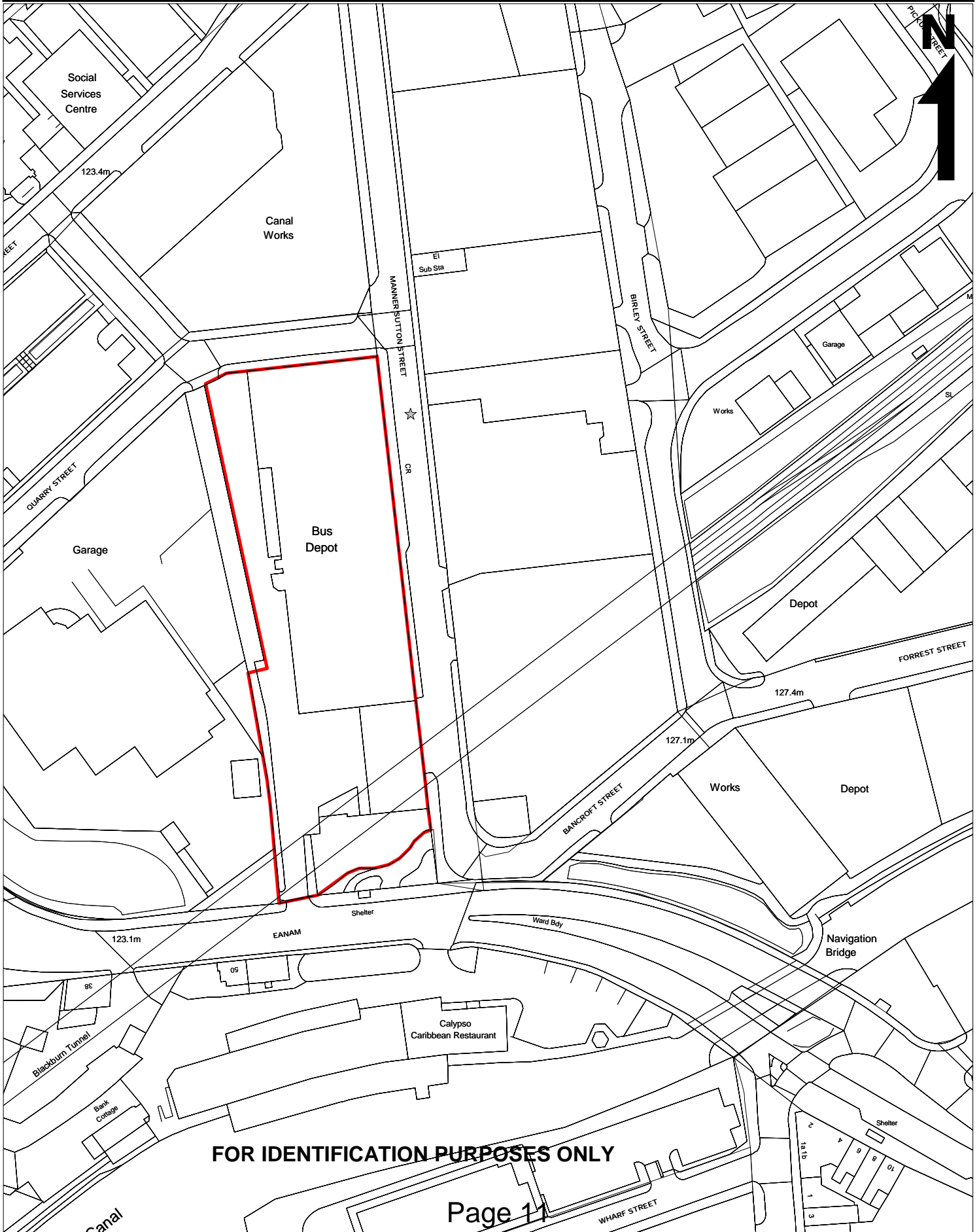
Document is Restricted



TITLE: MANNER SUTTON STREET, BLACKBURN

DATE : 3RD SEPTEMBER 2020

SCALE : 1:1250



FOR IDENTIFICATION PURPOSES ONLY

## EQUALITY IMPACT ASSESSMENT CHECKLIST

***This checklist is to be used when you are uncertain if your activity requires an EIA or not.***

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

<b>Service area &amp; dept.</b>	Finance and Governance	<b>Date the activity will be implemented</b>	30/10/2020
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<b>Brief description of activity</b>	Disposal of property at Manner Sutton Street, Blackburn
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Budget changes - Change to existing Council policy/strategy	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	<b>Does this activity:</b> Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
<b>FOR = 0</b>	<b>TOTAL</b>	<b>AGAINST = 6</b>

**Will you now be completing an EIA?**

Yes

No

The EIA toolkit can be found [here](#)

<b>Assessment Lead Signature</b>	
<b>Checked by departmental E&amp;D Lead</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>Gwen Kinloch</b>
<b>Date</b>	03/11/2020





**BLACKBURN**  
*with*  
**DARWEN**  
BOROUGH COUNCIL

## EXECUTIVE MEMBER DECISION



<b>REPORT OF:</b>	Executive Member for Growth and Development Executive Member for Finance and Governance
<b>LEAD OFFICERS:</b>	Director of Growth and Development
<b>DATE:</b>	5 <sup>th</sup> November 2020

<b>PORTFOLIO/S AFFECTED:</b>	Growth and Development	Finance and Governance
<b>WARD/S AFFECTED:</b>	Ewood	

**SUBJECT: Compulsory Purchase of an Individual Residential Property at 132 Infirmary Street, Blackburn. BB2 3SF**

**1. EXECUTIVE SUMMARY**

To seek approval to initiate compulsory purchase action on the above privately owned property as part of the Council's Empty Property Strategy to reduce the number of long term empty properties and provide much needed accommodation for the Borough.

**2. RECOMMENDATIONS**

That the Executive Member:

Upon being satisfied that:

- a) it would contribute to the economic, social and environmental well-being of the borough;
- b) there is a compelling case in the public interest as the interference with Human Rights involved is proportionate in the interests of bringing empty properties back into use;
- c) sufficient funds exist for carrying the resolution into effect;
- d) no impediments exist to the implementation of the scheme to redevelop the property (subject to the making of the order) and there is a reasonable prospect of its implementation, should the order be made;
- e) the whole of the legal estate could not be acquired by agreement.

- 2.1 Authorise the Director of Growth and Development, in conjunction with the Director of HR, Legal and Governance to prepare and make a Compulsory Purchase Order (CPO) under section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981, for the purpose of acquiring the property to bring about its re-use.
- 2.2 Authorise the Director of Growth and Development to negotiate terms for the acquisition by agreement of any outstanding interests in the land within the Order prior to its confirmation.
- 2.3 Authorise the Director of HR, Legal and Governance (in the event that the Secretary of State notifies the Council that it has been given the power to confirm the Order) to confirm the order if he is satisfied that it is appropriate to do so.

- 2.4 Authorise the Director of Growth and Development to approve agreements with the land owner setting out the terms of withdrawal of objections to the Order (including the power to defer implementation post confirmation) and in consultation with the Director of HR, Legal and Governance to make deletions from and/or minor amendments and modifications to the proposed Order and Order plans.

### **3 BACKGROUND**

- 3.1 As part of the Council's commitment to bringing empty properties back into use, this property has been evaluated using the priority scoring matrix (Appendix 1). It scores highly due to the fact that the property has been empty since the 4<sup>th</sup> June 2018 and is in disrepair with significant fly tipping at the rear. The Council has also received multiple complaints concerning this property and it is within an investment area.
- 3.2 The proposed CPO site is outlined in red on the attached plan (Appendix 2).
- 3.3 The freehold mid terraced property is situated in the Ewood ward of the Borough and is set in a row of pre-1919 two storey terraced houses built of stone, with pitched blue slate roofs. Infirmary Street is a residential street consisting of 40 terraced properties and is situated within close proximity to 2 modern housing developments comprising mixed housing types.
- 3.4 It is anticipated that the property comprises a living room, a dining room, and a kitchen on the ground floor, 2 bedrooms and a bathroom at the first floor level. The assumption is based on previous inspections of similar neighbouring properties that were built at the same time and are of a similar size.
- 3.5 Externally, the property is in a poor state of repair. Currently, the front door and ground floor window is boarded together with the rear ground floor window, which had been open to access following an alleged attempted break in July 2019. Despite it being secured, further attempts have been made by intruders to access the property. The rear yard has also been open to access for over 2 years and is now completely overrun with significant fly tipping, spilling out into the rear alleyway making access impossible. The property owners were prosecuted on the 17<sup>th</sup> March 2020, fined £300, and ordered to pay £250 but the rubbish remains at the rear.
- 3.6 Substantial efforts have been made by the Project Manager (Empty Housing) to contact the owners to encourage them to bring the property back into use. The council has tried to correspond with the owners since the 3<sup>rd</sup> August 2018 and multiple letters have been sent.
- 3.7 Despite these attempts, the owners have only made contact twice following council intervention. Once on the 13<sup>th</sup> June 2019 following the erection of a notice on the property on the 12<sup>th</sup> June 2019 requesting the owners to contact as the council was considering enforcement action. At that time one of the owners advised that he intended to start work on the property in July 2019 and expected it to be completed in 8 weeks. On the 8<sup>th</sup> July 2019, Environmental Health spoke to one of the owners and requested the property to be secured, as it was open to access. The owner advised that the window would be secured. On the 9<sup>th</sup> July 2019, the other owner stated that the property had been broken into and the police and the insurance company had been informed. At the property inspection on the 17<sup>th</sup> July 2019, it was confirmed that the rear ground floor window had been secured, although the yard was still open to access.
- 3.8 On the 27<sup>th</sup> August 2019, Planning Enforcement also wrote the other owners explaining that the external appearance of the property was a source of concern and that work to remedy the concerns should be carried out in within the 21 days. The work was not undertaken.

3.9 The property has been the subject of many complaints from local residents regarding its condition. Over 20 complaints have been received, including,

- Fly tipping and accumulation of waste in the rear yard.
- Causing dampness to a neighbouring property.
- The property being open to access.
- Flood damage & theft.
- The general condition of the building and the fact it continues to remain empty.

3.10 Regular external property inspections have been undertaken since June 2018 but the property continues to remain in a state of disrepair. No apparent refurbishment work has taken pace and no attempts have been made to remove the significant fly tipping from the rear yard. Letters have continued to be sent to the owners and very little response has been received. As refurbishment works have still not commenced and the fly tipping has not been removed from the property, it is recommended that approval to move to CPO is given to ensure that this property is satisfactorily refurbished and brought back into use in a timely manner.

#### **4. KEY ISSUES & RISKS**

4.1 Tackling empty properties supports the key priorities in the Council's Corporate Plan and the Empty Property Strategy.

4.2 There are currently around here are currently around 2,897 empty properties (4.7% of the total stock) in the Borough, of which 1,989 (3.2%) are classified as empty and unfurnished. 393 of those homes have stood empty for over 2 years and are being charged a Premium rate for Council Tax (as at 02.11.20). Contact has been made with many owners of long term empty properties and as a direct result of that intervention, 764 empty properties were brought back into use in 2019/20. However, as quickly as properties are removed from the empty property list, others are added to it.

4.3 Continued efforts are required to ensure that properties are empty for a minimum period of time and the Council's message that long term empty properties will not be tolerated, continues to be communicated.

4.4 There are currently no grant funding opportunities available to support empty homes refurbishment (previous HCA initiatives ended in March 2015). Direct support and signposting is offered to help owners to bring their properties back into use. Where owners are unwilling or unable to bring their properties back into use, enforcement action is considered to be the most appropriate course of action to be taken.

4.5 Engagement with the owner of the property has been exhausted and compulsory purchase action is now considered to be the only course of action left to the Council to ensure that the property is brought back into use.

4.6 Empty properties in the borough can have negative environmental impacts on neighbourhoods in addition to being a wasted housing resource. At neighbourhood level, empty properties attract fly tipping, crime, arson and nuisance. It is a priority to tackle these problems through enforcement as part of the wider effort to improve neighbourhoods and prevent blight.

4.7 Bringing empty properties back into use creates extra accommodation for rent or sale and could also generate additional income for the Council via New Homes Bonus (NHB) payment.

- 4.8 The costs will be funded from the Neighbourhood Intervention Fund which is part of the Council's Housing Capital Programme; there are sufficient uncommitted funds available within the programme to support the making of this individual CPO.
- 4.9 Once acquired by CPO, the property will be offered for sale via a local estate agent to the highest bidder with preference given to buyers who intend to owner/occupy the property once renovated. A building licence will be granted to the buyer and formal sale is completed once the property has been renovated to the Council's required standard. This approach also encourages the use of local labour and local spend.
- 4.10 To date, 23 properties have been acquired using Neighbourhood Intervention Project funding. Of these, 17 have been successfully refurbished and occupied and 4 are in the process of being refurbished following the exchange of contracts. 2 properties are with our legal department awaiting exchange of contracts.

## **5. HUMAN RIGHTS IMPLICATIONS**

- 5.1 A Compulsory Purchase Order should only be made where there is a compelling case in the public interest. Members should be sure that the purposes for which it is making a CPO sufficiently consider the human rights of those with an interest in the land affected. In particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights (which provides that every natural or legal person is entitled to peaceful enjoyment of his possessions) and Article 8 of the European Convention on Human Rights (which provides every person is entitled to respect for his home and private life).
- 5.2 Notwithstanding the acknowledged impact that the CPO will have with regard to some aspects of the Human Rights Act 1998, the benefits identified in this report present a compelling case in the public interest for making the proposed CPO and compensation will be payable under the statutory compensation code.
- 5.3 The making of the proposed CPO is in the public interest because: -
- It will promote the social, environmental and economic well-being of the area and increase residents' confidence in the area.
  - It will create extra accommodation for sale or rent.
  - It will reduce the negative environmental impacts on the neighbourhood as empty properties attract fly-tipping, crime arson and nuisance.

## **6. POLICY IMPLICATIONS**

- 6.1 The Corporate Plan prioritises new house building and improvement of conditions in older housing. Bringing empty properties back into use is an alternative means of increasing supply and also improves housing conditions and is, therefore, relevant to both of the key corporate objectives.
- 6.2 Bringing housing back into use would increase housing supply in the borough. Properties may be occupied by owner/occupiers or be available as private rented accommodation. It would also free the local community of the problems created by properties standing empty and derelict for such a long time.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The funding for Orders made pursuant to section 17 of the Housing Act 1985 is available in the Neighbourhood Intervention Fund which is part of the Council's Housing Capital Programme.
- 7.2 The costs will be funded from the Neighbourhood Intervention Fund which is part of the Council's Housing Capital Programme; there are sufficient uncommitted funds available within the programme to support the making of this individual CPO.
- 7.3 Some revenue budget will be required to fund the CPO action and subsequent sale of the property. The amount required will be approximately £3,000 for the appropriate service of the required legal notices and £1,000 for the estate agent's fees. The total figure of £4,000 will be funded from within existing budgets.
- 7.4 Capital receipts from sale of assets funded by the Neighbourhood Intervention Fund are recycled back into the project so that further CPO's can be undertaken as and when required.

## **8. LEGAL IMPLICATIONS**

- 8.1 Under the provisions of section 17 of the Housing Act 1985, the local authority may acquire houses or buildings which may be suitable as houses, together with any land occupied with the houses or buildings. The power is available even if the ownership of the property is to be transferred to someone else.
- 8.2 The Council also needs to consider the Guidance on Compulsory Purchase Process and the Crichel Down Rules published by the Ministry of Housing Communities & Local Government.
- 8.2 Legal challenges to compulsory purchase are always a possibility and can lead to a Public Local Inquiry, which would incur additional costs for the Council. A CPO on an unoccupied single property is likely to have a very limited number of possible statutory objectors, although in this case the registered owner is known. The owner will be served with the relevant statutory notices in accordance with the Acquisition of land Act 1981.
- 8.3 The making of a CPO does not prevent negotiations with any person holding an interest in land affected by the CPO as these negotiations can proceed in parallel with the statutory process. Indeed, it is advised that where possible, negotiations can continue throughout the process even up to confirmation of the Order.

## **9 RESOURCE IMPLICATIONS**

- 9.1 Resources needed to make the CPO and serve the relevant statutory notices will be provided by the Empty Properties Team. Some support will be required from the legal team which will increase if the CPO action results in a Public Local Inquiry.
- 9.2 Some support will be required from the property services team and Capita Symonds to carry out a valuation of the property concerned.

## **10. EQUALITY AND HEALTH IMPLICATIONS**

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

## 11. CONSULTATIONS

- 11.1 Comprehensive consultation has been undertaken to understand the impacts of empty properties on local communities. The Strategic Housing Market Assessment (SHMA) supports bringing empty properties back into use. This has also been reflected in the Council's Local Plan which treats empty properties as a valuable resource towards meeting housing need within the borough.
- 11.2 The further development of the Council's Empty Property Strategy has also consulted stakeholders and agencies prior to consideration of further tools to tackle empty properties.

## 12. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 13. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

<b>VERSION:</b>	<b>0.01</b>
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<b>CONTACT OFFICER:</b>	<b>Nicola Fox – Project Manager (Empty Housing)</b>
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<b>DATE:</b>	<b>5<sup>th</sup> November 2020</b>
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<b>BACKGROUND PAPER:</b>	<b>Empty Property Strategy</b>
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## PRIORITY SCORING MATRIX

Maximum Points: 38 (must score 26 or over)

<b>Address: 132 Infirmary Street, Blackburn.</b>		<b>Score</b>	<b>32</b>
How long has the property been Empty?	Less than 6 months	0	
	6 months to 2 years	1	
	2 – 5 years	2	
	Over 5 years	4	
Is the property in disrepair?	No	0	
	Minor disrepair	1	
	Serious disrepair	2	
	Severe disrepair	4	
Have complaints been received in Respect of this property?	No complaints	0	
	Under 3 complaints	1	
	5 to 9 complaints	2	
	10 complaints or over	4	
Is the property within an Intervention area?	No	0	
	Yes	2	
Is the property within an Investment area?	No	0	
	Yes	2	
Is the property within a selective Licensing area?	No	0	
	Yes	2	
Adequate evidence of attempted previous contact with owner?	No	0	
	Yes	20	
<b>TOTAL SCORE</b>			<b>32</b>



# 132 INFIRMARY STREET, BLACKBURN



Scale 1:1000 @ A4

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# Health Impact Assessment Screening Tool

Toolkit produced by: Public Health  
Toolkit version: 1.2  
HIA version: 1.0  
Date HIA completed: 31<sup>st</sup> January 2017

***Health is not merely the absence of disease or infirmity but a state of complete physical, mental, social and spiritual well-being.  
(modified by M. Birley (2013) from World Health Organisation's definition – 1948)***

**Title of policy, programme or project ("activity") to be assessed:**

**Compulsory Purchase of individual empty properties within Blackburn with Darwen Borough**

**What is the activity about? What is the context outlined for the activity? (e.g. policy context, history, background)**

Tackling empty properties supports the key priorities of the council's corporate plan and the Empty Property Strategy. Empty properties in the borough can have a negative environmental impact on neighbourhoods in addition to being a wasted housing resource. At neighbourhood level, empty properties attract fly-tipping, crime, arson and nuisance. It is a priority to tackle these problems by agreement or enforcement as part of the wider effort to improve neighbourhoods and preventing blight.

**Does this activity have the potential to impact on health? Explain**

*(please consult appropriate Public Health colleague if you are unsure or require further information)*

Bringing empty properties back into use through the Empty Property Strategy enables the authority to ensure the removal of category 1 and 2 hazards from properties prior to occupation as defined by the Housing Health and Safety Rating System 2004. This will have a positive impact upon health for the residents by contributing to the improvement of housing conditions in the Borough.

Re-occupation of these empty properties will also deter fly-tipping, reduce crime, arson and nuisance which contribute to the improvement of health and safety in homes and neighbourhoods.

Whilst no negative impacts have been identified for the compulsory purchase of empty properties, we will continue to complete the full HIA screening as the reasons surrounding the need for a Compulsory purchase Order (CPO) may vary between each individual property. As a result of this it would be wise to further explore this activity to ensure that all aspects have been considered.

***\*If no health impacts are identified then the screening does not need to continue, but please ensure that this has been discussed with the appropriate Public Health colleague prior to discontinuation\****

**Does this activity relate to / impact on any of the Health & Wellbeing Strategy objectives?**

- Best start for children and young people**
- Health & Work**
- Safe & healthy homes & neighbourhoods**
- Promoting health and supporting people when they are unwell**
- Older people's independence and social inclusion**

<b>Does the activity concern any of the following determinants?</b>	
Lifestyle	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Physical environment	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Social / economic environment	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Other, please specify	

<b>What are the potential positive impacts?</b>
<p>Bringing this long term empty property back into use enables the authority to ensure the removal of category 1 and 2 hazards from the property prior to re-occupation as defined by the Housing health and Safety Rating System 2004. This will have a positive impact upon health for the residents by contributing to the improvement of housing conditions in the Borough.</p> <p>Re-occupation of this empty property will also deter fly-tipping, reduce crime, arson and nuisance in the area which will contribute to the improvement of safe and healthy homes in this neighbourhood. Which in turn will offer children and younger people a much better setting to grow up in.</p>

<b>What are the potential negative impacts?</b>
No negative impacts on health have been identified in association with this activity. The activity seeks to ensure that a greater number of houses are used for their purpose.

<b>What are the assumptions/risks embedded in or underpinning the activity?</b>
No assumptions or risks have been identified with this activity.

<b>Are there any external factors which identify the nature and extent of the impacts on health for this type of proposal (e.g. research; policy changes etc.)</b>
<p>Local Government Association, action to tackle empty homes - <a href="http://www.local.gov.uk/c/document_library/get_file?uuid=5416e10f-218a-4994-811f-0e96ce93227c&amp;groupId=10180">http://www.local.gov.uk/c/document_library/get_file?uuid=5416e10f-218a-4994-811f-0e96ce93227c&amp;groupId=10180</a></p> <p>House of Commons, Empty Housing Briefing Paper - <a href="http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN03012#fullreport">http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN03012#fullreport</a></p> <p>Housing Health and Safety rating System – <a href="https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals">https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals</a></p>

<b>List the groups most likely to be affected by this proposal</b>
This proposal will contribute positively to the overall health and safety off all members of the community and neighbourhood affected.

<b>What are some of the potential equity issues?</b>
The re-occupation of these empty, and potentially problematic properties, will contribute to the reduction of nuisance, crime, arson and fly-tipping resulting in an overall improvement to the social and physical environment of the neighbourhood. This will be to the benefit of all residents regardless of any individual characteristics.

## CHECKLIST

Answers favouring doing an HIA	To your knowledge	Answers favouring not doing a HIA
<b>Health impacts</b>		
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does the initiative affect health directly?	<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does the initiative affect health indirectly?	<input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Are there any potential serious negative health impacts that you currently know of?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Is further investigation necessary because more information is required on the potential health impacts?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No	Are the potential health impacts well known and is it straightforward to identify effective ways in which beneficial effects can be maximised and harmful effects minimised?	<input checked="" type="checkbox"/> Yes
<b>Community</b>		
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Is a large proportion of the population likely to be affected by the initiative ( <i>over 25% of the resident population</i> )?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Are there any socially excluded, vulnerable, disadvantaged groups likely to be affected?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Are there any community concerns about any potential health impacts?	<input checked="" type="checkbox"/> No
<b>Initiative</b>		
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is there some reason to suspect that health issues not considered in the planning process of this initiative might become more visible by doing an HIA?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is the cost of the initiative high ( <i>over £100,000</i> )?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is the nature and extent of the disruption to the affected population likely to be major?	<input checked="" type="checkbox"/> No
<b>Organisation</b>		
<input checked="" type="checkbox"/> Yes	Is the initiative a high priority/important for the organisation/partnership?	<input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Are the individuals and organisations with a stake in this initiative likely to buy into the HIA process?	<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is there potential to change the proposal? Will there be any other similar proposals in the future?	<input type="checkbox"/> No
<b>FOR = 3</b>	<b>TOTAL</b>	<b>AGAINST = 11</b>

## Choosing which HIA to do


Health Impact Statement	Type of HIA	Comprehensive
<input checked="" type="checkbox"/> Yes	Is there only limited time in which to conduct the HIA?	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	Is there only limited opportunity to influence the decision?	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	Is the timeframe for the decision-making process set by external factors beyond your control?	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	Are there only very limited resources available to conduct the HIA?	<input type="checkbox"/> No

## Deciding who should do the HIA

External	Assessors	Internal
<input type="checkbox"/> No	Do personnel in the organisation or partnership have the necessary skills and expertise to conduct the HIA?	<input checked="" type="checkbox"/> Yes
<input checked="" type="checkbox"/> No	Do personnel in the organisation or partnership have the time to conduct the HIA?	<input type="checkbox"/> Yes

<b>Is an HIA appropriate?</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Why or why not?</b>		
No negative impacts to health have been identified. All impacts on health will be positive ones including the removal of category 1 and 2 hazards from houses and the reduction of fly-tipping, crime, arson and nuisance to neighbourhoods.		
<b>If yes, what type and how?</b>		
N/A		
<b>Recommendations / comments</b>		
none		

Completed by: \_\_\_\_\_



Date: 16<sup>th</sup> January 2017

Approved by

(Head of Service/Director):



Date: 16<sup>th</sup> January 2017

*This signature signifies the acceptance of the responsibility and ownership of the HIA and the resulting action plan (if applicable).*

Approved by

(Public Health):



Date: 31/01/2017

*This signature signifies the acceptance of the responsibility to publish the completed HIA.*

**\*Once this form has been completed and approved, this document should be saved as the Health Impact Statement for the specified activity, any actions should be monitored appropriately\***

## EQUALITY IMPACT ASSESSMENT CHECKLIST

***This checklist is to be used when you are uncertain if your activity requires an EIA or not.***

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

<b>Service area &amp; dept.</b>	Growth Team, Growth and Development.	<b>Date the activity will be implemented</b>	01/12/2020
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<b>Brief description of activity</b>	Compulsory Purchase of an Individual Residential Property at 132 Infirmary Street, Blackburn.
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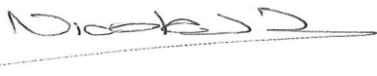
Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Budget changes - Change to existing Council policy/strategy	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	<b>Does this activity:</b> Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
<b>FOR =0</b>	<b>TOTAL</b>	<b>AGAINST =6</b>

**Will you now be completing an EIA?**

Yes

No

The EIA toolkit can be found [here](#)

<b>Assessment Lead Signature</b>	
<b>E&amp;D Lead Signature</b>	Gwen Kinloch
<b>Date</b>	09/11/2020

## EXECUTIVE MEMBER DECISION



<b>REPORT OF:</b>	Executive Member for Finance and Governance Executive Member for Growth and Development
<b>LEAD OFFICERS:</b>	Director of Growth and Development Director of Finance and Customer Services
<b>DATE:</b>	<b>11 November 2020</b>

<b>PORTFOLIO/S AFFECTED:</b>	Growth and Development	Finance and Governance
<b>WARD/S AFFECTED:</b>	All	

**SUBJECT:** Second COVID Discretionary Business Grant Programme

### 1. EXECUTIVE SUMMARY

Members will recall that the Council's First COVID Discretionary Business Grant Programme was agreed in May 2020 and operated until September. The Programme was consistent with then Government guidance with agreed local discretion in certain policy areas.

A further national lockdown was agreed by Government with effect from 5 November. The purpose of this report is to seek approval for the proposed Council policy and guidance supporting a Second COVID Discretionary Business Grant Programme that will operate within new national guidance. A level of local discretion will once again be applied in the management and design of the Council's Second Programme.

### 2. RECOMMENDATIONS

That the Executive Members:

1. Approve the policy and guidance in support of the Council's Second COVID Discretionary Business Grants Programme, as set out in this report and Annex 1 and 2;
2. Delegate responsibility to the Director of Growth and Development, in conjunction with the Director of Finance, to vary levels of grant payments, by exception subject to business case, and given the number of applications expected and the limited funding support made available by Government; and
3. Agree a report detailing the grants paid under the Second Programme will be presented to a future meeting of the Executive Board, once the Programme has completed.

### 3. BACKGROUND

Members will recall that the Council's First COVID Discretionary Business Grant Programme was agreed in May 2020 and operated until September. The Programme was consistent with then Government guidance with agreed local discretion in certain policy areas. This Programme complemented a much larger mandatory grants and Business Rates relief programme aimed at the hospitality and retail sector.



A second national lockdown was agreed by Government with effect from 5 November. A number of national economic support measures have been announced, including a second local discretionary business grant.

This report seeks approval for the proposed Council policy and guidance supporting a Second COVID Discretionary Business Grant Programme that will operate within new national guidance. A level of local discretion will once again be applied in the management and design of the Council's Second Programme, while remaining fully aligned with the Government's Additional Restrictions Grant guidance for local authorities – the key guidance for this Programme.

The Government has determined the Council will receive a discretionary funding allocation of £2.99M to deliver a Second Programme. This funding will need to be deployed by March 2022, though given the on-going scale and duration of COVID local economy impacts this funding support is unlikely to last until March 2021.

The Second Programme will operate alongside the Government's mandatory Local Restrictions Support Grant (Closed) Addendum. This grant is aimed at businesses closed from 5 November with a Business Rates assessment and managed by Councils applying fixed criteria and payments set by national guidance.

It should be noted the Council is already providing a level of mandatory financial support to a relatively small number of local businesses closed from 17 November – 4 December by Tier 3 national restrictions, consistent with fixed criteria and payments set by Local Restrictions Support Grant (Closed) guidance.

At the time of writing this report, details were still pending regarding a Local Restrictions Support Grant (Open) to enable Councils to provide a level of financial support to open businesses severely impacted by COVID since 1 August. Though based on an assessment of the number of closed businesses in a local area, Councils can use their discretion to allocate this funding support. Subject to further Government detail, it is proposed that this funding be prioritised to support both closed and open businesses that have been severely impacted during the period 1 August – 16 October.

Government has also announced the Local Restrictions Grant (Sector) aimed at nightclubs that have been closed since 23 March but with monthly financial support only available from 1 November. BWD has one nightclub in scope.

BWD has been impacted harder and for longer by COVID. The Government's latest local business support measures have a level of retrospection but they fail to reflect the scale of economic impact and BWD's experience in enduring national restrictions for longer than most places.

The Council is working hard to provide a degree of clarity and certainty to a complex picture. The Council's webpage and communications will aim to support local businesses in navigating their way through the financial support available from the Council.

However, the primary focus of this report is to set out the key criteria and supporting evidence required for those intending to apply to the Council's Second COVID Discretionary Business Grant Programme. The Council's proposed policy and grant framework are set out in detail in Annexes 1 and 2, respectively, which are enclosed. Key highlights include the following:

- A primary focus on closed businesses without a Business Rate assessment, therefore unable to access the mandatory grant programme;

- Support for open businesses severely impacted by businesses / supply chains required to close by Government;
- Support for open businesses of local importance with no dependency on closed businesses but severely impacted by the economic downturn;
- By exception, reserve discretion to the Council to vary and/or provide additional payments to severely impacted closed or open business, subject to business case;
- Grant payments will primarily be determined by the level of fixed property costs. The maximum grant available is £3,000 per month for closed businesses and £2,100 for open but severely impacted businesses, values consistent with Government guidance on on-going and retrospective grant payments;
- Given the likely demand for discretionary grant support the Council will operate an initial 14-day application window to allow eligible local businesses to submit their application forms. However, further calls for applications will be issued, subject to demand and available funding;
- Council officers will aim to ensure the application process is as streamlined as possible with compliance and anti-fraud requirements consistent with Council standards and Government guidance; and
- We will also work with eligible closed and severely impacted businesses supported by the Council's first discretionary grant programme to fast track payments and minimise their administrative burden.

Finally, it is worth noting that unlike the first discretionary grants programme, any unallocated funding can be retained by the Council and used to support other economic interventions.

#### **4. KEY ISSUES & RISKS**

It is likely that business demand for grant support will be over-subscribed given the limited level of funding made available by Government. Given the economic downturn, there is a risk that a significant number of local businesses and jobs may not be safeguarded.

#### **5. POLICY IMPLICATIONS**

The proposed policy and guidance has been amended to better respond to local business needs but the scale of resource available is not commensurate with level of likely demand.

#### **6. FINANCIAL IMPLICATIONS**

There are no direct financial implications. The Council will operate and deliver the Programme within the agreed funding allocation set by Government, which is currently £2.99M. Unlike the previous discretionary grant programme, any unallocated funding can be retained by the Council to support other economic interventions.

#### **7. LEGAL IMPLICATIONS**

There are no direct implications. Successful applicants will be responsible for ensuring they are fully compliant with all requirements set out in Council and Government guidance with risks of prosecution and claw-back for any manipulated and/or fraudulent claims. The Localism Act 2011 provides the Council powers to administer the Programme. State funded support to businesses will be subject to State Aid law and the threshold/limits will apply.

## 8. RESOURCE IMPLICATIONS

A significant amount of officer time and capacity in the Council's Growth & Development and Finance teams has been (and will be) focused on the management and delivery of previous and proposed COVID business grant programmes.

## 9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

Officers and Members have been involved in developing the overarching policy and approach to the Council's approach within the scope of Government guidance.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

<b>VERSION:</b>	<b>1</b>
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<b>CONTACT OFFICER:</b>	Martin Kelly
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<b>DATE:</b>	11 November 2020
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<b>BACKGROUND PAPER:</b>	N/A
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**ANNEX 1 – Second COVID Discretionary Business Grant Framework**

(From 5 November 2020 onwards)	£1334 grant per 28-day period	£2,000 grant per 28-day period	£3,000 grant per 28-day period
<b>FOR INFO - Local Restrictions Support Grant (mandatory scheme). Businesses with a BR listing required to close by Government</b>	Premises required to CLOSE by law with a Business Rate assessment and property with a RV of £15K or less	Premises required to CLOSE by law with a Business Rate assessment and property with a RV of over £15K / less than £51K	Premises required to CLOSE by law with a Business Rate assessment and property with a RV of £51K and over
<b>Additional Restriction Grant (new discretionary scheme). Priority Group 1 - Businesses with NO BR listing required to close by Government</b>	Businesses required to CLOSE by law but <b>NO</b> BR/RV assessment (e.g. occupy shared premises) – premises have an annual rent/mortgage of £3,600 or less, or applications with no property costs	Businesses required to CLOSE by law but <b>NO</b> BR/RV assessment (e.g. occupy shared premises) – premises have an annual rent/mortgage of over £3,600 and less than £7,200	Businesses required to CLOSE by law but <b>NO</b> BR/RV (e.g. occupy shared premises) – premises have an annual rent/mortgage of over £7,200
	<b>£934 grant per 28-day period (70% of closed amounts)</b>	<b>£1,400 grant per 28-day period (70% of closed amounts)</b>	<b>£2,100 grant per 28-day period (70% of closed amounts)</b>
<b>Additional Restriction Grant (new discretionary scheme). Priority Group 2 - Businesses still open but severely impacted by businesses required to close by Government (supply chain impacts)</b>	Businesses which can OPEN but have been severely impacted by dependence on businesses required to close – premises have an annual rent/mortgage of £3,600, or RV of £15K or less, or applications with no property costs	Businesses which can OPEN but have been severely impacted by dependence on businesses required to close – premises have an annual rent/mortgage of over £3,600 and less than £7,200, or RV of over £15K / less than £51K	Businesses which can OPEN but have been severely impacted by dependence on businesses required to close – premises have an annual rent/mortgage of over £7,200, or RV of £51K and over
<b>Additional Restriction Grant (new discretionary scheme). Priority Group 3 – Businesses of local importance, still open, with no dependency on businesses required to close, but severely impacted by economic downturn</b>	Businesses which can OPEN but have been severely impacted by economic downturn – premises have an annual rent/mortgage of £3,600, or RV of £15K or less, or applications with no property costs	Businesses which can OPEN but have been severely impacted by economic downturn – premises have an annual rent/mortgage of over £3,600 and less than £7,200, or RV of over £15K / less than £51K	Businesses which can OPEN but have been severely impacted by economic downturn – premises have an annual rent/mortgage of over £7,200, or RV of £51K and over
<b>RESERVED DISCRETION – top-up / additional payments for severely impacted closed or open businesses. Consideration of such factors as:</b> <b>1. Impact of backdated/ongoing restrictions</b> <b>2. Level of other substantial fixed costs</b> <b>3. Other business characteristics – e.g. number of employees/jobs at risk</b>	£934, £1334 or another amount, to recognise the scale and duration of COVID impacts – subject to evidence	£1,400, £2,000 or another amount, to recognise the scale and duration of COVID impacts – subject to evidence	£2,100, £3,000 or another amount, to recognise the scale and duration of COVID impacts – subject to evidence



## Second COVID Discretionary Business Grant Programme

### Policy and Guidance – November 2020

#### Introduction

1. This policy and guidance sets out the national context, local criteria and information required for those businesses intending to apply to the Council's Second COVID Discretionary Business Grants Programme.
2. This programme is aligned with the Government's [Additional Restrictions Grant guidance](#) issued to local authorities at the beginning of November 2020.

#### Scope and eligibility

3. Discretionary Grants awarded by the Council will predominantly support the following:
  - 3.1 Businesses, which as a result of the national lockdown commencing on the 5 November 2020, have been required to [close by law](#), but who do not qualify for a Local Restriction Support Grant (see [Business Grants section of Council website](#) for further information and how to apply). This will focus on businesses who fall outside of the Business Rates system, such as those who operate within shared accommodation and who do not have their own Business Rates assessment.
  - 3.2 Businesses which, while not legally required to close, can demonstrate that they are severely impacted by the national lockdown or local restrictions since the 1 August 2020. This could include – for example – businesses which operate within or supply to the retail, hospitality, and leisure sectors, businesses in the events sector, or businesses which have been severely impacted by the wider economic downturn.
4. Eligible businesses applying to the Council's Discretionary Business Grant Programme must be able to evidence that the business was trading on the 17 October 2020.
5. Companies that are in administration, insolvent or where a striking-off notice has been issued against it are not eligible to apply for this grant.

#### Council Approach

6. The Council expects local business demand for grant support from this programme to outstrip the funding made available by Government. To help manage and assess the overall level of business demand for grant support,



the Council will establish an initial window for applications.

7. **As a minimum, the Council's Discretionary Business Support Programme will be open for applications, via the Council's website, from 16 November and close on midnight 2 December 2020.**
8. Grant applications must be made online via the Business Grants section of the [Council's website](#).
9. Approved payments will be made to business accounts by BACS transfer.
10. A further call for applications will be announced by the Council, subject to business demand and available funding support for this Programme.

### **Grant Values**

11. Eligible businesses which do not have a Business Rates assessment and have been mandated to close as a result of the national lockdown period 5 November to 2 December 2020, will receive a grant payment of either £1,334, £2,000 or £3,000, in-line with the Government's guidance to local authorities. The grant amount will be primarily determined by the level of fixed property costs. Further payments may be made subject to available funds and any changes to national or local restrictions.
12. Eligible businesses which are still open but can demonstrate that they have been severely impacted by the national lockdown will receive a grant payment of either £934, £1,400 or £2,100, in-line with the Government's guidance to local authorities. The grant amount will be primarily determined by the level of fixed property costs.
13. Additional discretionary payments may be made to either close or open businesses, in-line with the amounts detailed above, subject to available funds and any changes to national or local restrictions. Businesses which are assessed to have been most impacted by continued local COVID restrictions since the 1 August 2020, particularly those settings which were prevented from re-opening once the first national lockdown had ended, will be prioritised for additional support.
14. Only in exceptional circumstances will consideration be given to grant funding requests outside of the parameters set out in this guidance, subject to business case. The Council also reserves the right to vary the terms of the programme at any time, and without notice, should it be necessary to do so.



### State Aid and Other Matters

15. There is a requirement for all grants made under this programme to be State Aid compliant.
16. Grant income received by a business is taxable therefore funding paid under this Programme will be subject to tax. Only businesses which make an overall profit once grant income is included will be subject to tax.
17. The Council and Government will not accept any deliberate manipulation or fraud. 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.
18. The final part of the application form is the personal declaration. At the start of the application process, businesses who are applying for a discretionary grant will be required to declare that they have read and understood the Guidance document. The declaration will confirm that they agree to abide with other obligations, including those set out at 17 above.
19. 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 Programme.
20. Any grants awarded are discretionary and the Council's decision will be final.
21. Enquiries about this programme can be emailed to [businessgrowth@blackburn.gov.uk](mailto:businessgrowth@blackburn.gov.uk)

## EQUALITY IMPACT ASSESSMENT CHECKLIST

***This checklist is to be used when you are uncertain if your activity requires an EIA or not.***

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

<b>Service area &amp; dept.</b>	Growth and Development	<b>Date the activity will be implemented</b>	16/11/2020
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<b>Brief description of activity</b>	Policy and guidance in support of the Council's Second COVID Discretionary Business Grant Programme.
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy - Budget changes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	<b>Does this activity:</b> Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
<b>FOR =0</b>	<b>TOTAL</b>	<b>AGAINST =6</b>

**Will you now be completing an EIA?**

Yes

No

The EIA toolkit can be found [here](#)

<b>Assessment Lead Signature</b>	Martin Kelly
<b>Checked by departmental E&amp;D Lead</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      Gwen Kinloch
<b>Date</b>	12/11/2020