

**BRECKLAND COUNCIL**  
**DELEGATED DECISION AUTHORISATION RECORD (Blue Form)**

<b>PORTFOLIO:</b>	Leader of the Council		
<b>REPORT TITLE:</b>	Contractual Relief Payments to the Council's Leisure Provider		
<b>AUTHOR:</b>	Chris Brooks, Contracts and Procurement Officer		
<b>URGENCY -</b> Delete as appropriate:	<b>None</b> – 5-day Scrutiny Delay		<b>URGENT</b> – sign form overleaf
<b>CHECKLIST – Please Tick</b>	<b>KEY DECISION – Tick as appropriate</b>		
1.	Financial Report Considered	✓	This <b>IS NOT</b> a Key Decision
2.	VAT Implications have been considered	✓	This <b>IS</b> a Key Decision <b>already included in Forward Plan</b> ✓
3.	Legal Advice included	✓	This <b>IS</b> a Key Decision <b>NOT</b> in Forward Plan, <b>BUT PUBLICISED FIVE DAYS PREVIOUSLY</b> or agreed by Chairman of Overview & Scrutiny Commission – Form over
4.	Within Policy Framework		
5.	Risk Assessment statement included.		
6.	Crime & Disorder, Equalities, Human Rights, S40 Environment and other assessments are addressed in the report		Delegation under: Contract procedure rules
<b>CONFIDENTIALITY:</b> Delete as appropriate	No confidential or exempt information to be excluded from the Press and Public		
<b>Decision: Wording For Decision Record</b>			
<b>ACTION AGREED</b>	<ol style="list-style-type: none"> <li>1) That contractual relief provided under the contract for the qualifying change in law is continued for the period 1<sup>st</sup> July 20 to 31<sup>st</sup> March 21.</li> <li>2) That the normal monthly unitary charge will continue to be paid in full, as required by the contract.</li> <li>3) That the Council offers, under the contract, to make an additional payment to the contractor for a sum of £355,859 for the period 1<sup>st</sup> July 20 to 31<sup>st</sup> January 21. The Council will receive a credit of £17,927 for the period 1<sup>st</sup> April 20 to 30<sup>th</sup> June 20 from the contractor, due to the agreed change in methodology.</li> <li>4) The contractor's forecast losses for February 21 and March 21 total £50,584. Before payments for any actual losses incurred for the periods February 21 and March 21 are agreed, the project team will scrutinise these figures to ensure they comply with the methodology agreed with the contractor and authority is given to pay up to £50,584 for February 21 and March 21.</li> <li>5) That the offer be subject to the following terms and conditions along with any other terms advised by the Council's lawyers: <ol style="list-style-type: none"> <li>a) The monthly review and reconciliation of invoices shall continue, with the Council being able to terminate the payments/waiver of income at such time as it determines at its absolute discretion</li> <li>b) That payments continue to be subject to full transparency/open book accounting on the Contractor's part</li> </ol> </li> </ol>		

<b>REASON(S)</b>  (Continue overleaf if necessary)	<p>1) As a result of the Covid-19 crisis and the Coronavirus Act 2020, the contractor and the Council's Solicitor have confirmed that the enforced closure periods for the leisure centres and the operational restrictions that have been applied, constitute a qualifying change in law under the contract. As a result, the Council is required to continue to make a monthly relief payment to the contractor.</p> <p>2) In order to safeguard the contractor's position, and the longer-term delivery of the contract and leisure services, the decision cannot reasonably be deferred.</p> <p>3) A project team has been formed to scrutinise the losses submitted by the contractor and comprises representatives from several departments, including both Finance and Legal Services. Having confirmed that the figures are reasonable and subject to open book accounting, an urgent decision is now required to process payment.</p> <p>4) The Council's application to the National Leisure Recovery Fund was successful and the Council received £300,000 to support the reopening of leisure facilities. This funding can be used for the period 1<sup>st</sup> December 20 to 31<sup>st</sup> March 21 and can be used to pay for utilities, staffing costs (non-furloughed staff), essential asset maintenance and security. This will therefore mitigate the financial impact on the Council's budget for these areas of cost during this period.</p>
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**Signatures: Authority for Action**

<b>Chief Officer Comments:</b>	Recommendation:  Signature and date .....
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1.	<b>I agree the above decision as a matter falling within my delegated powers.</b>  Executive Member: ..... Date: .....
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2.	<b>Does this have political sensitivity or strategic importance?</b> <b>If Yes:</b> Leader (Please delete * as appropriate): *I agree above decision/*Refer to Cabinet  Signed: ..... Date: .....
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**Additional Options Considered and/or Reasons for Decision**

**Exceptional Urgency**

I certify that this matter is so urgent that the normal five-day scrutiny delay on action should not apply.

..... Dated: .....  
 Chief Officer

.....  
Executive Member

Dated: .....

.....  
Leader

Dated: .....

<b>KEY DECISION</b> not on the Key Decision Plan or publicised.	<b>TO BE COMPLETED BY DEMOCRATIC SERVICES:</b>
I agree to the Decision proceeding:  ..... Chairman of Overview & Scrutiny Commission  Dated:.....	Decision Record Ref No.:D11 21 ..... Entry on Decision Record: Confirmed:JB..... Date of Entry:1/3/21 ..... For action on:8/3/21 ..... Passed to:Chris Brooks.....

**Executive Meeting**

This form has been authorised at the Executive meeting: YES / NO