

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200004EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	24 April 2020

Decision(s) and Reason(s)

Advance Payment to the Leisure Trust under the Cabinet Office's Procurement Policy Note (PNN) – Supplier Relief due to COVID-19

(LGA 1972 Schedule 12A Paragraph 3 – Financial or business affairs of any particular person)

In response to Government's requirements around COVID-19 the Borough Council's leisure facilities, managed by the Leisure Trust, had been closed and the majority of staff furloughed. In order to stabilise cash-flows the Trust was taking the opportunity to defer payments such as VAT, PAYE and national insurance and would apply to the Government's furlough scheme.

In accordance with the Cabinet Office's 'Procurement Policy Note (PPN) - Supplier relief due to COVID-19' all contracting authorities were required to put in place the most appropriate payment measures to support supplier cash-flow.

A summary of the financial implications and reasons were set out in an annex (containing exempt information) submitted to the Leader and Chairman of the Overview and Scrutiny Committee in accordance with the Emergency Provisions set out in Part 7 Paragraph 1.3 of the Constitution.

RESOLVED: That:

In accordance with the Procurement Policy Note it was appropriate to pay in advance an 'assessed' sum of £300,000 to the Tonbridge and Malling Leisure Trust to support supplier cash-flow.

This sum to be invoiced to the Borough Council by the Trust and a reconciliation

completed throughout the year against the invoiced sum. If the advanced amount proved to be too high, the Leisure Trust would pay back any balance at the year end. If this proved to be too little, a further invoice would be raised by the Trust and the balance paid.

(This was based on the assumption that the current situation did not continue for a prolonged period of time, in which case it was possible a sum of £300,000 might not be sufficient).

Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 24 April 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.