

COUNCIL

TUESDAY, 29TH SEPTEMBER 2020, 6.30 PM

LANCASTRIAN, TOWN HALL, CHORLEY AND MICROSOFT TEAMS

I am now able to enclose, for consideration at the above meeting of the Council, the following reports that were unavailable when the agenda was published.

Agenda No	Item	
7	GOVERNANCE COMMITTEE	(Pages 55 - 58)
	To receive and consider the general report of the Governance Committee held on 16 September 2020.	
8	GENERAL PURPOSES COMMITTEE	(Pages 59 - 60)
	To receive and consider the general report of the General Purposes Committee held on 16 September 2020.	

GARY HALL
CHIEF EXECUTIVE

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REPORT OF GOVERNANCE COMMITTEE

1. This report summarises the business undertaken at the Governance Committee meeting held on 16 September 2020.

16 September meeting**Update on the Statement of Accounts**

2. Tony Furber, Principal Financial Accountant, gave a verbal update to the Committee. The draft Statements of Accounts are not yet available as there are a number of valuations outstanding. The rest of the accounts are ready, and it is hoped that the draft Statement of Accounts will be available in a few weeks.
3. There is no statutory requirement for the Committee to scrutinise the draft Statement of Accounts before it is signed by the Section 151 Officer before it is published on the Council's website, but it is stated within the Council's Constitution. The draft Statement was considered by the Committee a few days after it was published last year, but that will not be possible this year.
4. We agreed that the Chair and Vice-Chair be kept informed of progress and have sight of the draft Statement before it is signed by the Section 151 Officer.

Treasury Management Annual Report 2019/20 and Quarter One Monitoring 2020/21

5. Tony Furber, Principal Financial Accountant, presented the report of the Section 151 Officer which reports on Treasury Management performance and compliance with Prudential Indicators for the financial year ended 31 March 2020. The report also presents monitoring figures for the quarter ended 30 June 2020, including updated interest rate forecasts from Link Asset Services.
6. We considered the Capital Expenditure and Financing 2019/20. The large increase in the revised budget and actual levels of expenditure is attributable to the major asset purchase undertaken at the beginning of September 2020, at a cost of £33.7m.
7. The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). The CFR is not matched in full by external borrowing, so the Council is said to have under borrowed by using its own cash balances to finance capital expenditure. There is some loss of interest as a result, but had external loans been taken, then the interest payable would have been at a higher rate. Use of the Council's own cash helps to achieve savings in net interest.
8. The Council's treasury management debt and investment position is organised to ensure adequate liquidity for revenue and capital activities, security for investments, and to manage risks within all treasury management activities.
9. The working balances held at 31 March were higher than would normally be the case (the comparative figure for 2018/19 was £2.848m) because of the measures taken to ensure that sufficient funds were available to make the necessary payments of grant support to local businesses, in response to the onset of the Covid 19 pandemic.
10. Investment returns remained low during 2019/20. Given the relatively low returns available compared to borrowing rates, the Council has continued to achieve budget savings by maintaining a position of under borrowing, which means that it has used its

own cash balances to finance capital expenditure rather than taking additional external loans. The target to exceed for 2019/20 was 0.61% and this was achieved.

11. We noted the report.

External Audit Plan

12. Barrie Morris, Grant Thornton, presented the report and noted that the audit will commence later than anticipated due to the delay in signing off the draft Statement of Accounts. This may impact on the 30 November publication deadline.
13. Simon Hardman, Grant Thornton, reported that the risks requiring special audit consideration and procedures to address the likelihood of a material financial statement error have been identified as:
 - Management override of controls
 - Valuation of land and buildings
 - Valuation of net pension fund liability
 - Accounting for the purchase of Logistics House
 - Covid-19 Pandemic
14. Risk assessment regarding arrangements to secure value for money have identified significant risks as being financial sustainability and the purchase of Logistic House.
15. We noted the independence of the external auditors, their fees and the overall update.

Internal Audit Annual Plan Progress Report Q1

16. Chris Moister, Director of Governance, presented his report which informs members of proposed restructures to the internal audit team and updates on the progress of the development of the audit plan for 2020/21.
17. 2020 has been particularly challenging. In addition to planned changes to the shared services being progressed, the unexpected consequences of the Covid-19 pandemic have led to reprioritisation of work to ensure continuity of service delivery.
18. Covid-19 has had particular impacts for the Internal Audit team. Work which would usually be delivered has been delayed although it is important to note that statutory requirements remain fulfilled. There has been a change in staffing in Internal Audit limiting both experience and capacity.
19. We noted the progress of the Annual Governance Statement Action Plan and the proposed audit plan for the year 2020/21. The audit plan is based on reviewing the actions carried over from last year and a risk based assessment of areas requiring audit. In addition, the commitments from the AGS are incorporated into the plan. It is intended to deliver the higher risk audits and report back to Governance Committee with more detail as to the audits to be undertaken this year and the capacity.
20. We noted the report and that Chorley Council has a strong Governance environment.

RIPA Application Update

21. Chris Moister, Director of Governance, reported that no RIPA applications had been made. A desktop audit has been undertaken by the Information Commissioners Office which found no significant issues. Two actions, to update the RIPA policy and revisit the protocol with the Police are being undertaken.

Recommendation

22. To note the report.

COUNCILLOR DEBRA PLATT
CHAIR OF GOVERNANCE COMMITTEE

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GENERAL PURPOSES COMMITTEE

1. This report summarises the business undertaken at the General purposes Committee meeting held on 16 September 2020.

16 SEPTEMBER 2020**LEISURE CONTRACT**

2. Chris Sinnott, Deputy Chief Executive presented his confidential report which provided an update on recent negotiations with the preferred bidder for the council's leisure contract which was due to commence on 1 October 2020 and sought approval for budget provision to be made for the council to step in and directly manage the leisure centres..
3. We recognised that Covid-19 has had a fundamental impact on leisure operators. The lockdown and subsequent measures needed for social distancing means that the income streams available had all but disappeared for a significant part of the year.
4. As a result, the council's preferred bidder to take over the operation of its leisure centres at the expiry of the current contract at the end of September had very recently withdrawn from the process. This left a small number of options available to provide continuity of employment for the staff and continuity of service for residents. The proposed approach was for the council to take over the management of the centres and the report sought approval for the necessary budget provisions.
5. We considered the options in the report to address this issue in the immediate future and the longer-term options. It was proposed that during the transfer of management, the council should examine its long term options, which included the establishment of a Local Authority Trading Company, or other special purpose vehicle, or going back to the market through an open procurement process.
6. Councillor Bev Murray, as Executive Member for Early Intervention expressed her disappointment at the current situation and urged Members to make a decision which would support the staff currently employed at the leisure centres to ensure they were not affected by this.
7. Councillor Peter Gabbott recognised the council's need to act immediately but queried why the finances in the report only covered 6 months when the council was proposing to run the centres for 18 months. Officers advised that the finances were based on the projections from the preferred contractor and would need to be reviewed over time. It was estimated that the leisure centres would no longer be making losses after 18 months and subsequently move into surplus. Work would commence immediately to examine options for the longer-term management, with subsequent reports presented to Executive Cabinet or Council.
8. Councillor Graham Dunn understood that the current contractor, Active Nation were pursuing the council for the losses accrued as a result of Covid-19 and the closures during lockdown and queried whether other local authorities were in a similar position. We were advised that there were ongoing deliberations with Active Nation in regard to a clause in the contract however this was currently with the council's solicitors who would be responding to this. It was recognised that many other local councils across the country were in similar situations with their leisure contractors and it was agreed that the council would take this into consideration when reviewing the options in future.
9. Following discussion, we approved (unanimously) that up to £450,000 be made available from Government Covid-19 Funding and/or General Reserves to pay for set up costs in the council taking over the running of its leisure centres. As well as approving the use of up to £800,000 from the Government Covid-19 Funding and/or General Reserves to fund the support running

the leisure centres to the end of 2020/21 (including funding expenditure to develop the future options for the delivery of leisure service in the borough).

10. We also noted the intention to explore the potential to establish a Local Authority Trading Company or other special purpose vehicle to manage the council's leisure centres, subject to further agreement and approval from the council.

Recommendation

11. To note the report

COUNCILLOR AARON BEAVER
CHAIR OF THE GENERAL PURPOSES COMMITTEE

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