



## NOTICE OF MEETING

<b>Meeting:</b>	<b>'Virtual' Cabinet</b>
<b>Date and Time:</b>	<b>Thursday, 5 November 2020 at 7pm</b>
<b>Place:</b>	<b>Council Chamber, Civic Offices, Fleet</b>
<b>Telephone Enquiries to:</b>	<b>01252 774141</b> <b><a href="mailto:committeeservices@hart.gov.uk">committeeservices@hart.gov.uk</a></b>
<b>Members:</b>	<b>Ambler, Bailey, Cockarill, Kinnell, Neighbour (Leader), Oliver, Quarterman, Radley</b>

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

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## AGENDA

**This meeting is being administered under the provisioning of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 The provision made in this regulation applies notwithstanding any prohibition or other restriction contained in the standing orders or any other rules of the Council governing the meeting and any such prohibition or restriction has no effect.**

**This Agenda and associated appendices are provided in electronic form only and are published at <https://www.hart.gov.uk/council-meetings>**

### **1 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of 01 October 2020 are attached to be confirmed and signed as a correct record. **Paper A**

**2 APOLOGIES FOR ABSENCE**

**3 DECLARATIONS OF INTEREST**

To declare disclosable pecuniary or any other interests.

**4 CHAIRMAN'S ANNOUNCEMENTS**

**5 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)**

**6 REVISED FINANCIAL REGULATIONS**

To present the draft revised Financial Regulations to Members for discussion and consideration further to a review by The Councils Overview & Scrutiny Committee and further explanation of Sections 5.13 and 5.19. **Paper B**

**RECOMMENDATION**

That Cabinet approves and recommends the Financial Regulations to Council for inclusion in the Constitution.

**7 REVISED DRAFT UPDATE TO CONTRACT STANDING ORDERS**

To present the revised draft update to Contract Standing Orders to Members for discussion and consideration. **Paper C**

**RECOMMENDATION**

That Cabinet approves and recommends the Contracts and Standing Orders to Council for inclusion in the Constitution.

**8 SOUTHWOOD PAVILION**

This report invites Cabinet to consider and provide a strategic lead, on the options they would like the Council to pursue with regard to the management of Southwood Pavilion and associated sports ground. **Paper D**

**RECOMMENDATION**

**That;**

1. Cabinet states which of the three options for future of Southwood Pavilions it wishes to progress and should option A be chosen, further, Cabinet must state what option they choose should that contract lease agreement not be concluded by the 24<sup>th</sup> December 2020.
2. Provides delegated authority to the Joint Chief Executive in consultation with the Portfolio Holder for Finance and Corporate Services to:
  - a. In the event of option A being chosen, allow for final contract negotiations to be concluded and completed and if this cannot be concluded by the 24<sup>th</sup> December 2020 to carry out action in accordance to B or C below.

- b. In the event of option B being chosen, allow for the appointment of contractors and staff resources to ensure the safe management and maintenance of the site or
- c. In the event of option C being chosen, allow for a public tender to seek expressions of interest from all parties.

**9 MINUTES FROM CIVIC REGENERATION WORKING GROUP**

Minutes from meetings held on 06 October 2020 be noted. **Paper E**

**10 CABINET WORK PROGRAMME**

The Cabinet Work Programme is attached for consideration and amendment.  
**Paper F**

**Date of Despatch: 27 October 2020**

**CABINET**

**Date and Time:** Thursday, 01 October 2020 at 7pm

**Place:** Council Chamber, Civic Offices, Fleet

**Present:**

**COUNCILLORS**

Ambler, Bailey, Cockarill, Kinnell, Neighbour (Chairman), Oliver, Quarterman, Radley

**In attendance:** Axam, Crookes, Delaney, Dorn, Forster, Worlock

**Officers:**

Patricia Hughes	Joint Chief Executive
Emma Foy	Head of Corporate Services
Mark Jaggard	Head of Place
Daniel Hawes	Planning Policy Manager
Andrew Down	Commercial Director at Five Councils Partnership
Helen Vincent	Committee Services
Celia Wood	Committee Services

**36 MINUTES OF PREVIOUS MEETING**

The minutes of the meeting of 3 September 2020 were confirmed and signed as a correct record.

**37 APOLOGIES FOR ABSENCE**

None received.

**38 CHAIRMAN'S ANNOUNCEMENTS**

The Leader reminded the Committee that item 9 on the Agenda is exempt and would be discussed in order of the Agenda.

**39 DECLARATIONS OF INTEREST**

None received.

**40 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)**

None received.

## 41 UPDATE ON SUITABLE ALTERNATIVE NATURAL GREENSPACE (SANG)

The purpose of this report is to update Cabinet on the amount of SANG available in Hart, to consider how it should best be used, and what measures are needed to ensure Council has control of its own SANG assets.

Members noted:

- That access to Hart administered or controlled SANG capacity is strictly limited and prioritised solely for development that is needed to comply with Hart's identified Local Plan housing needs.
- Amended wording to bring the Policy in line with the new Local Plan, of note, the Interim Avoidance Strategy to be replaced by a technical advice note.
- The Strategic Access Management Monitoring (SAMM) is applied in Hart with immediate effect.

Members discussed:

- Whether Hart is short of SANG and if we are looking to acquire extra land.
- As a local planning authority our SANG is a finite resource therefore we enable developments which will significantly advance the allocation of affordable homes for rent.
- Hart have temporarily paused granting SANG to allow a catch up in the monitoring process however there is a reasonable amount to be released for future years.
- Opportunities to negotiate on appropriate land to support SANG provision for the future.

### DECISION

Cabinet accepted the Officer recommendations as follows:

1. That Cabinet notes the SANG monitoring figures at Appendix 1.
2. That access to Hart administered or controlled SANG capacity is strictly limited and prioritised solely for development that is needed to comply with Hart's identified Local Plan housing needs with the emphasis on supporting developments that provide affordable homes for rent.
3. That the Council's SANG allocation criteria is updated as set out at Appendix 2.
4. That the Interim Avoidance Strategy for the Thames Basin Heaths Special Protection Area, First Revision, Adopted November 2010 is withdrawn.
5. Subject to Recommendation 4, that the Strategic Access Management Monitoring (SAMM) tariff at Appendix 3 is applied in Hart with immediate effect.

6. Subject to Recommendation 4, that updated planning guidance in the form of a Technical Advice Note is prepared to replace the Interim Avoidance Strategy, to be approved by the Head of Place.

## **42 REVISED DRAFT BUDGET 2020/2021 AND OUTTURN PERIODS 1-4**

The report provides a summary of the revised revenue proposals for 2020/21 to enable Overview and Scrutiny Committee to forward its comments on the proposed draft revised budget and Council Tax levels to Cabinet.

Members considered:

- That the COVID-19 pandemic coincided with the start of the 2020-21 financial year and as a consequence, some regular services were suspended, and others introduced therefore the previously agreed budget has been re-cast to reflect the new situation.
- The timing and nature of the pandemic has limited our opportunities in increasing income.

Members discussed:

- When we can expect the confirmation that our estimate has been accepted for the new Government Scheme to compensate Authorities for lost fees due to the Covid-19 pandemic and were informed this should be within the next 2 weeks.
- 95% confidence that Hart will qualify for compensation for loss of income from Leisure Centres through the Government Scheme.
- What has been factored into the budget model to use for the shortfall.

Members thanked Officers for the accurate data and noted that the budget will continue to be vigorously reviewed during this uncertain period.

### **DECISION**

Cabinet agreed the draft revised budget and the funding of any shortfall in lost income due to Covid-19 from the General Fund after all Central Government funding schemes have been fully engaged with.

Cabinet noted the budget monitoring information provided in Appendix One for the period ended July 2020

## **43 FUTURE PROVISION OF CCTV SERVICE**

Following review of the Council's CCTV service and the associated costs required to operate and maintain it, this report outlined the options for and makes recommendations on future CCTV service delivery.

Members considered:

- The termination of the shared service agreement with Rushmoor Borough Council for the monitoring of Hart's CCTV cameras.
- The option to continue to run the service and establish a legal agreement with Runnymede Borough Council, who currently operate a

CCTV service for themselves and Spelthorne Borough Council, to monitor the cameras.

- The commencement of all necessary technical feasibility and other preliminary works to affect the proposed new service agreement.
- That a budget of £104K is allocated in the council's capital programme to fund implementation and decommissioning costs.
- That a budget of £15K per annum is allocated to the Council's capital programme for a 3-year period commencing in 2021/2022 to fund a rolling replacement of the Council's CCTV camera stock.

Members discussed:

- Runnymede operators in Runnymede will come to Hart to familiarise themselves with the Hart area.
- The level of service and how that may change recognising the benefits of the new service outweighing any disadvantages.
- Whether a consultation with Parish Councils has taken place.
- The cost of de-commissioning the service under the original Contract Hart inherited at the start of the service and asked Officers to double-check the break clause for a possibility to reduce the cost.

## DECISION

Cabinet Agreed:

- (i) the termination of the shared service agreement with Rushmoor Borough council for the monitoring of Harts CCTV cameras;
- (ii) (the establishment of a legal agreement with Runnymede Borough Council for the monitoring of Harts CCTV cameras as outlined in the below report;
- (iii) the commencement of all necessary technical feasibility and other preliminary works to affect the proposed new service agreement;
- (iv) that a budget of £104k is allocated in the council's capital programme to fund implementation and decommissioning costs.
- (v) that a budget of £15k per annum is allocated to the council's capital programme for 3-year period commencing in 2021/22 to fund a rolling replacement of the Councils CCTV camera stock.

## 44 EXCLUSION OF THE PUBLIC

The following item contained exempt information. Cabinet considered whether the public interest in maintaining an exemption outweighed the public interest in disclosing the information.

## DECISION

Cabinet agreed that, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to, on the grounds that they involved the likely disclosure of

exempt information, as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

#### **45 FIVE COUNCILS (5Cs) CONTRACT**

This report invited Cabinet to consider the current position with regard to the contract for Corporate Services, known as the Five Councils' Partnership.

##### **DECISION**

Cabinet considered the paper and agreed to the anticipated financial implications arising from the renegotiation of the Five Council's Corporate Services Contract with Capita Business Services.

#### **46 NEXT STEPS IN COVID-19 RECOVERY**

This report provided an update on the Council's work to support the district since the last report in July, in response to the outbreak of Coronavirus (COVID-19).

It also provided more detail on the work currently being undertaken to support the recovery phase, an overview of the 'lessons learnt' and our preparations for any local outbreaks. It is key to note that as before this report represented a high-level assessment of the current position. The situation remains live, the pandemic is still ongoing, and work continues to assess the implications on our residents and the Council.

Members discussed:

- Reflection on lessons learnt and emergency decisions made and noted that we are in a better position if we go into another lockdown situation.
- Communication improvement with more regular contact and faster responses.
- Joint Chief Executives to look at emergency points of information on our website with links to HCC outbreak plan, Keeping Hampshire safe website, LGINform covid website and BBC website for district information.
- Approval for the use of Hart Council's staff car park for the provision of testing or vaccinations facilities for Covid-19 or Influenza.
- Social isolation payments commenced Monday this week.

##### **DECISION**

Cabinet:

- (i) Noted and endorses the remaining decisions taken under emergency powers prior to cessation of the major incident response phase and the preparations for any second or local outbreak of coronavirus.
- (ii) Endorsed the Councils approach to the utilisation of the 'kick start' and apprenticeship schemes for both recovery and other roles within the organisation.

- (iii) Approved the Recovery Plans as outlined in appendix 1, subject to authorising the Joint Chief Executive, in consultation with the Leader, to agree any further variations to the Recovery Plans in recognition that the circumstances surrounding the Covid-19 pandemic does change, so there may be a need for these plans to evolve in light of emerging information.
- (iv) Noted the main 'lessons learnt' (appendix 2) from the first wave of the pandemic and endorsed the approach to building into second or local outbreak planning
- (v) Approved the use of the Councils Staff Car Park for use in provision of testing or vaccination facilities for Covid-19 or Influenza, seven days a week.

#### **47 CAR BOOT SALES / SUNDAY MARKETS**

This report invited Cabinet to consider and provide a strategic lead on the options they would like the Council to pursue and further investigate, which would enable the delivery of Sunday Markets or Car Boot Sales to occur on Council owned car parks.

Members considered:

- To continue to run the (temporary) car boot sale in the Victoria Road car park and to provide car boot sales in the future.
- Longer term the Council will need a policy on car boot sales if it does continue.
- How the commercial value will be distributed in terms of an opportunity to provide all profits to agree Charities.
- Each car park is amenable to a separate choice, so there are many options.
- Would running the sale ourselves be a strain on resources.

In summing up, Cllr Quarterman suggested the paper be approved as presented in order to allow the existing car boot sale to continue and to take note of what has been discussed at this meeting, to gain an initial view of the potential strategic direction to enable further work on the preferred approach.

#### **DECISION**

Cabinet confirmed that it is interested in the exploration of options for the future delivery of Sunday car boot sale/ markets

Cabinet:

- A. (i) Endorsed the proposal by the Head of Corporate Services to use delegated powers to temporarily waive Contract Standing Orders for the period between the period 4th October and 1st November 2020 to enable Sunday car Boot sales to resume on Victoria Road car park; and (ii) agreed that a proper procurement exercise is undertaken in accordance with Contract Standing Orders to ensure that the Council

from 7th November 2020 secures value for money in the use of its assets and that equal, open, and fair opportunity is given to bid for the opportunity to run Sunday Car Boot sales on Victoria Road car park if options C(i) or C(ii) are sought for further investigation.

- B. Cabinet agrees that any proposed car boot sale/Sunday market policy should review all Council car parks, across the whole district
- C. In drafting a Car boot sale/Sunday market policy Cabinet authorised the Joint Chief Executive to carry out further investigations, with the expectation of a report to Cabinet in November 2020 on one of the following options; i) seeks a commercial value for the car boot sales, and to tender this opportunity ii) seeks a commercial value for the car boot sales, tender for this opportunity, and provide all profits to agreed charities iii) seeks to run the car boot sale by the Council, retaining or sharing proceeds as appropriate iv) establishes a policy whereby the Council will only consider car boot sales where run for charitable purposes.

*Meeting stopped for a break at 9.27pm and resumed at 9.35pm*

#### **48 MINUTES FROM CIVIC REGENERATION WORKING GROUP**

Members noted the minutes of the meeting held on 01 September 2020.

#### **49 FLEET ROAD PEDESTRIANISATION MOTION**

To give informal advice on a possible approach that could be followed to address the Motion adopted at Council on 24<sup>th</sup> September 2020.

It was explained that a Consultant had been engaged to carry out a detailed account of business views while measuring progress and benefits to understand and assess the nature of their concerns.

That the current traffic monitoring is being carried out by Hampshire County Council and supplemented by physical observation of the impact of traffic on neighbouring roads.

Members discussed:

- If it is possible to collate the turnover and footfall data within the tight timescale given.
- When a decision will be made and who ultimately will be responsible for that decision.

#### **DECISION**

Cabinet agreed:

- A. To give an objective, rigorous and detailed account of business views while measuring progress and benefits, a Consultant is engaged to actively engage with retailers to understand and assess the nature of their concerns.

- B. That the current traffic monitoring that is already being carried out by Hampshire County Council is supplemented by physical observation of the impact of traffic on neighbouring roads.
- C. The Portfolio Holder Place (in consultation with the Portfolio Holder for Environment) be authorised to have the road closures removed and Fleet Road reopened to traffic by 31 October at the very latest if, in his opinion, compelling and verifiable evidence has been gathered that indicates that the benefit to retailers does not outweigh any negative impact on businesses or residents.

## 50 CABINET WORK PROGRAMME

The Cabinet Work Programme was considered and amended.

- To bring back a further car boot sale report.
- Fleet road pedestrianisation – Cabinet Member is Cllr Cockarill and this update may be an oral report.
- There will be a formal Civic Quarter Regeneration Report on preliminary findings due January or February 2021.
- Asset based reports and leases will be coming soon.

The meeting closed at 10.15pm

**CABINET**

**DATE OF MEETING:** 5<sup>th</sup> NOVEMBER 2020

**TITLE OF REPORT:** REVISED FINANCIAL REGULATIONS

**Report of:** Head of Corporate Services

**Cabinet member:** Councillor James Radley, Deputy Leader and Finance

**1 PURPOSE OF REPORT**

- 1.1 To present the draft revised Financial Regulations to Members for discussion and consideration.
- 1.2 The Council's Overview and Scrutiny Committee reviewed this report at their meeting on the 20<sup>th</sup> October 2020. As a result of this review further explanation has been provided in Section 5.13 and 5.19.

**2 OFFICER RECOMMENDATION**

- 2.1 That Cabinet approves and recommends the Financial Regulations to Council for inclusion in the Constitution.

**3 BACKGROUND**

- 3.1 Financial Regulations set out the key rules, regulations and guidance which must be followed to maintain financial controls within the Council. The previous Financial Regulations had been in place for some time without formal review. These regulations have been updated to reflect practical arrangements in place and have been written in a way that is easily understandable and more easily adhered to. There is no substantial change to the regulations previously in place, these have purely been updated to be easily understandable and reflect changes in the structure of the organisation.
- 3.3 The revised draft Financial Regulations are set out in Appendix 1.

**CONTACT:** Emma Foy, Head of Corporate Services, [Emma.Foy@hart.gov.uk](mailto:Emma.Foy@hart.gov.uk)

**APPENDICES**

Appendix 1 – Draft Revised Financial Regulations

# FINANCIAL REGULATIONS



Version	Details	Responsible Officer	Date
1.0	New Financial Regulations replacing version dated April 2013	Emma Foy	August 2020

## PAPER B – Appendix 1

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# FINANCIAL REGULATIONS



## SECTION 1 INTRODUCTION AND SCOPE

### 1. DEFINITIONS

- 1.1. “approved” means either signed in writing or approved electronically by secured means.
- 1.2. “authorised officer” means an Officer who has had authorisation delegated to them by the S151 Officer, Chief Executive or Head of Service
- 1.3. “the budget” includes the allocation of financial resources to services and projects
- 1.4. “budget holder” means the relevant Head of Service, Chief Executive or other Officer authorised by such Head of Service to manage a budget
- 1.5. The ‘Capital Budget’ is the money available for the Council to spend on improving its assets
- 1.6. “Committee” means an ordinary committee of the Council
- 1.7. “Council” means Hart District Council
- 1.8. The ‘General Fund’ includes all income and expenditure incurred in the day to day running of the Council.
- 1.9. The ‘Leadership Team’ includes Chief Executives, Heads of Service and Service Managers.
- 1.10. “Head of Service” means those officers so described in the Council’s Constitution
- 1.11. “Portfolio Holder” means an individual member of the Cabinet with delegated responsibility for a portfolio of services.
- 1.12. ‘relevant Head of Service’ means the Head of Service to whom authority to act has been given by the Council, the Cabinet, a Committee or Sub-Committee whether by express resolution or under the Scheme of Delegation to Officers.
- 1.13. ‘S151 Officer’ (alternatively known as the Chief Financial Officer or Head of Corporate Services) means a suitably qualified officer appointed under section 151 of the Local Government Act 1972 to administer the Council’s financial affairs. Hereafter referred to as Head of Corporate Services.
- 1.14. ‘The Statement of Accounts’ summarises the Council’s financial performance during each year end and shows its overall financial performance at the end of that period.

# FINANCIAL REGULATIONS



## 2. OVERVIEW

- 2.1. The general principle behind these regulations is to ensure that all financial dealings are of the highest standard conducive with being custodians of public resources and assets.
- 2.2. The Financial Regulations provide the framework for managing the Council's financial affairs and contribute to good corporate governance, internal control, and the management of risks. In addition, they assist sound administration, reduce the risk of irregularities, and support the delivery of effective, efficient, and economic services.
- 2.3. These Financial Regulations are made pursuant to Section 151 of Local Government Act 1972, the Accounts and Audit Regulations 2015 (plus amendments) and all other enabling powers.
- 2.4. The Head of Corporate Services has responsibility for the preparation, review, and amendment of these Financial Regulations. They should be read in conjunction with the other governance rules and procedures contained within the Council's Constitution.
- 2.5. These Financial regulations apply to members, officers, employees, and anyone acting on the Council's behalf. Where work is carried out in partnership then the regulations of the 'principle' authority should be followed. Failure to comply may constitute misconduct and lead to formal disciplinary action

# FINANCIAL REGULATIONS



## 3. SCOPE

3.1. The financial regulations set out the Council's requirements in respect of:

- 3.1.1. Financial management roles and responsibilities
- 3.1.2. Financial planning and budgeting
- 3.1.3. Budget monitoring and control
- 3.1.4. Internal control and audit
- 3.1.5. Financial systems and procedures
- 3.1.6. Treasury management
- 3.1.7. External arrangements

3.2. These financial regulations are guided by the CIPFA Financial Management Code which applies a principles-based approach. There are six under-lying principles:

- 3.2.1. Organisational leadership – demonstrating a clear strategic direction based on a vision in which financial management is embedded into organisational culture.
- 3.2.2. Accountability – financial management is based on medium-term financial planning, which drives the annual budget process supported by effective risk management, quality supporting data and whole life costs.
- 3.2.3. Financial management is undertaken with transparency at its core using consistent, meaningful, and understandable data, reported with appropriate frequency and with evidence of periodic officer action and elected member decision making.
- 3.2.4. Adherence to professional standards is promoted by the leadership team and is evidenced.
- 3.2.5. Sources of assurance are recognised as an effective tool mainstreamed into financial management and include political scrutiny and the results of external audit, internal audit, and inspection.
- 3.2.6. The long-term sustainability of local services is at the heart of all financial management processes and is evidenced by prudent use of public resources.

3.3. It is not possible for Financial Regulations to anticipate all eventualities. Consequently, in any situation where there is no clear guideline reference should be made to these Principles.

# FINANCIAL REGULATIONS



## SECTION 2 FINANCIAL REGULATIONS

### 4. FINANCIAL MANAGEMENT ROLES AND RESPONSIBILITIES

- 4.1. The Head of Corporate Services has a statutory responsibility for proper administration of the Council's financial affairs. However, this cannot be done in isolation and a culture for good governance and financial management also rests with the Leadership Team.
- 4.2. All members and officers have a common duty to abide by the highest standards of integrity and propriety when making decisions about the use of public money. They need to be able to demonstrate that the services provided by the Council provide value for money.
- 4.3. The Council shall have in place a formal scheme of delegation, which sets out which individuals or committees are entitled to make which decisions. Specifically, it details which decisions are reserved for the Council acting as a corporate body, which can be taken by its committees, specified individual members of the leadership team, the chief executive, and specific officers.
- 4.4. The Council's scheme of delegation is defined in the Council's Constitution.
- 4.5. Heads of service may delegate budget responsibility to functional managers ensuring that the same officer is not responsible for receiving or paying monies and rendering accounts or issuing receipts for the same. The Contract Standing Order document contains details of delegated responsibilities of Managers.
- 4.6. The names and sample signatures of officers or members authorised to certify, or sign documents should be kept and maintained by the Head of Corporate Services.

## 5. FINANCIAL PLANNING & BUDGETING

- 5.1. Effective governance and financial management are focused on ensuring that the authority can operate sustainably in the long term. The medium-term financial plan translates the financial strategy into the near future and the budget into the current.
- 5.2. The Council operates within an annual cash limit set by the approval of a balanced budget – a budget in which revenues are equal to expenditures including any balances brought forward from previous years.
- 5.3. The budget is the responsibility of the Head of Corporate Services but should be owned and articulated by the Leadership Team.
- 5.4. The budget is set annually, in advance, to control expenditure and establish priorities. The Head of Corporate Services shall assess its robustness alongside the appropriate level of reserves.
- 5.5. The budget shall be developed alongside the Medium-Term Financial Strategy (MTFS) which considers all known factors affecting the Councils financial position and financial sustainability over a longer term (3 years)

### **Budget Planning**

- 5.6. Each year the Heads of Service, and/or other authorised officers, shall in accordance with a timetable and strategy prescribed by the Head of Corporate Services commence the budget process by:
  - 5.6.1. Reviewing existing income and expenditure commitments
  - 5.6.2. Identifying any areas for growth or reduction
  - 5.6.3. Identifying any capital or revenue projects
  - 5.6.4. Reviewing sources and projections for income and expenditure and proposing them to the Head of Corporate Services for inclusion in the draft budget.
- 5.7. When considering items for inclusion in the draft budget the Heads of Service shall consider, as a minimum, the following:
  - 5.7.1. Any financial or other strategies adopted by the Council
  - 5.7.2. Prescriptions, restrictions, or guidelines issued by Central Government
  - 5.7.3. Guidelines issued by the Council, Cabinet or Head of Corporate Services
  - 5.7.4. Any pending pay awards, both actual and forecast
  - 5.7.5. Any change in members allowances, both actual and forecast
  - 5.7.6. Opportunities for reducing expenditure
  - 5.7.7. Opportunities for increasing income
  - 5.7.8. Any changes in fee or grant income already sanctioned or prescribed by statute or Central Government
  - 5.7.9. Any changes to charges already sanctioned or prescribed by statute or Central Government
  - 5.7.10. The outcome of any internal or external consultation

## **Draft Budget**

- 5.8. The Head of Corporate Services shall prepare the initial Draft Budget and present to the Overview and Scrutiny Committee. The report should provide a summary of the revenue and capital budget proposals and should reflect and highlight the considerations made in 5.7 above. Feedback from this committee will be incorporated into the Proposed Draft Budget and Council Tax levels before presentation to Cabinet.
- 5.9. The Draft Budget shall be presented in a timely manner before the start of the new financial year with consideration of its need for subsequent approval by Cabinet (refer to 5.8)

## **Budget Approval**

- 5.10. The Head of Corporate Services shall present the Proposed Draft Budget and Council Tax levels to Cabinet for approval. The presentation shall include the statutory statement on the robustness of the estimates and adequacy of reserves.
- 5.11. The Proposed Budget shall be presented for consideration in advance (LGFA 1992 states– before 11<sup>th</sup> March) of the start of the new financial year. Failure to set a budget may lead to intervention from the Secretary of State.
- 5.12. The Proposed Budget can only be adopted, and proposed expenditure executed if approved by Cabinet.

## **Variation of the Councils Approved Budget**

- 5.13. Variations to the Approved Budget can be made during the financial year by Cabinet. These variations to budgets are temporary and in year. The following exceptions do not require prior approval:
- 5.13.1. Any change in remuneration or other conditions or benefits of employment required by Central Government or a recognised negotiating body
- 5.13.2. Any other unexpected statutory change by Central Government
- 5.13.3. The scheme of Virements:
- i) These rules apply to virements within the General Fund and the Capital Budget. It is not possible to vire between these budgets
  - ii) Heads of Service may approve the virement of budgeted expenditure not exceeding £10,000 between services after consultation with the relevant Portfolio Holder and the Head of Corporate Services.
  - iii) No virement shall be used to fund new services or projects that will create additional budget commitment in future years without the approval of Cabinet.

## **Medium Term Financial Strategy (MTFS)**

- 5.14. The MTFS is the responsibility of the Head of Corporate Services and will be produced and reported in conjunction with the annual budget and council tax proposals to the Overview and Scrutiny Committee and Cabinet before 11 March of the preceding financial year. Further updates on the MTFS may be reported during the year.
- 5.15. The MTFS should critically assess the Council's financial resilience and test the sensitivity of its financial sustainability to alternative plausible scenarios for the key drivers of cost, service demands and resources.

## **Capital Projects**

- 5.16. Capital Projects will be considered by the Head of Service together with Head of Corporate Services before being presented to Cabinet detailing the purpose and the amount of expenditure required. No capital expenditure shall be incurred until specific approval has been given by Cabinet.
- 5.17. Additional considerations to be applied to Capital projects:
- 5.17.1. The total estimated cost of the project, including provision for inflation, fees, salaries, and incidentals
  - 5.17.2. Annual cost of maintenance, debt charges and other revenue expenditure, plus anticipated annual income
  - 5.17.3. Details and estimated cost of any consequential or incidental works
  - 5.17.4. Details of the proposed use and a scheme of management of the project after completion, including any manpower changes.
  - 5.17.5. Details and the cost of any works to be superseded
  - 5.17.6. Details and estimates of any expected capital grants
- 5.18. No specific approval shall be required if approval was obtained in the annual budget process.
- 5.19. There is specific approval required for property transactions pursuant to the [Commercialisation Strategy](#). This a streamlined approval process and has been designed to assist the asset purchase programme by making the Council competitive in the open market whilst still giving the appropriate controls for decision making.

## **Budget monitoring and control**

- 5.20. Regular budget monitoring is an important process in how the Council ensures that its services or capital expenditure operate within the limits of its budget. It also enables budget managers to take appropriate and timely action when variances are forecast.
- 5.21. Heads of Service may delegate budget monitoring activities to function managers. Functional Budget responsibility is defined in individual job descriptions. Delegation is activated via the Financial Accounting system ensuring transparency and appropriate control.
- 5.22. The Head of Corporate Services will publish a budget monitoring timetable so that timely consideration of the numbers can be planned.
- 5.23. The Head of Corporate Services will ensure that each delegated budget manager is adequately trained in the process and purpose of budget monitoring.
- 5.24. The Head of Corporate Services will present a consolidated budget monitoring report to the Senior Leadership Team and Cabinet at the end of each quarter, or more frequently if appropriate. The report will outline any areas of material overspends or income shortfall along with explanations from Heads of Service as to the actions that are recommended to address the concerns.
- 5.25. There should be minimal delay between the period to which the performance information relates and the reporting of this information to the leadership team. This may require the authority to streamline the way in which it collects, collates, analyses and reports performance information.

## **Capital Monitoring**

- 5.26. The principles and framework for managing the revenue budget apply equally with regards to the monitoring and management of individual capital projects.

## 6. INTERNAL CONTROL AND AUDIT

### Internal Control

- 6.1. Internal control refers to the systems of controls devised by management to ensure the Council's objectives are achieved in a manner which promotes effective, efficient, and economical use of resources and the Council's assets and interests are safe-guarded.
- 6.2. For the Leadership Team to demonstrate responsibility for governance and internal control, consideration should be given to the effectiveness of the arrangements in place including:
  - 6.2.1. establishing a clear framework for governance and internal control across the Council, including for those entities with which the Council works in partnership
  - 6.2.2. establishing clear arrangements for accountability and assurance. Any behaviour that falls short of the required standards of governance and internal control shall be dealt with promptly and effectively.
  - 6.2.3. espousing high standards of governance and internal control in its own activities
  - 6.2.4. creating, maintaining, and nurturing a culture in which governance and internal control are embedded into the way in which the Council works.

### Internal Audit

- 6.3. The role of Internal Audit is to provide assurance that the Council's risk management, governance and internal control processes are operating effectively. The Internal Audit function should conform to the Public Sector Internal Audit Standards.
- 6.4. Internal audit should work to an agreed plan, which is based on a robust analysis of the Council's governance and internal control arrangements, the environment within which the Council operates and the risks and challenges that it faces. Internal audit should be adequately resourced and report to the Audit Committee.
- 6.5. The Audit Committee is responsible for reporting to Cabinet and Council on matters arising from its review of internal control and governance and the Annual Governance Statement.

## 7. FINANCIAL SYSTEMS AND PROCEDURES

### Accounting System

- 7.1. An accounting system is an organized set of manual and computerised accounting methods, procedures and controls established to gather, record, classify, analyse, summarise, interpret and present accurate and timely financial data which can be retrieved for decision making.
- 7.2. The Head of Corporate Services must ensure that all accounting and other financial systems, and procedures adopted by the Council adhere to published standards and codes of practice and are acceptable to the Council's external Auditor.
- 7.3. All accounting and financial systems in use must provide a comprehensive, consistent, and accurate record of the Council's financial transactions. They should be sufficient to show and explain the Council's transactions and enable accurate recording of income, expenditure, statement of balances and documentary evidence of adherence to scheme of delegation.
- 7.4. Financial systems of control must be designed so that no one individual is solely responsible for an entire process. They must be designed to prevent and detect inaccuracy and fraud.
- 7.5. Financial reports must be timely, clear, accurate, relevant, reliable, consistent. They should be complete, free from deliberate or systematic bias and material error.

### Accounting Policy and Statement of Accounts

- 7.6. The Head of Corporate Services is responsible for the following:
  - 7.6.1. determining the Council's accounting policies and ensuring that they are applied consistently.
  - 7.6.2. issuing guidelines on reporting standards to ensure that the annual Statement of Accounts is produced accurately, in line with published standards, within statutory time limits and that good documentation is available to support the Statement.
  - 7.6.3. Reporting to audit committee on the annual accounts and publishing the Statement of Accounts in line with Statutory requirements
  - 7.6.4. Liaising with external audit on the completion of the Statement of Accounts and the arrangements for their audit.

# FINANCIAL REGULATIONS



## 8. TREASURY MANAGEMENT

- 8.1. Treasury Management is the management of all money and capital market transactions in connection with cash and funding resources of the Council. It does not include management of Pension Fund money.
- 8.2. All investment and borrowing activity shall be undertaken in a manner which complies with statutory requirements, the CIPFA Prudential Code for Capital Finance in Local Authorities and the Council's Treasury Management Policy Statement including those parameters agreed annually within the Treasury Strategy Report.
- 8.3. CIPFA's Prudential Code provides a framework for the self-regulation of the Council's capital financing arrangements. It requires local authorities to determine that capital expenditure and investment decisions are affordable, prudent, and sustainable, and to set limits on the amount they can afford to borrow in the context of wider capital planning.
- 8.4. The Head of Corporate Services shall submit a report bi-annually to Cabinet detailing the investment and borrowing activity on behalf of the Council for that period and demonstrating compliance with the Treasury Management Statement. All investments shall be made in the name Constitution of the Council. The investment of available funds shall be the responsibility of the Head of Corporate Services.
- 8.5. The Head of Corporate Services is responsible for the operation of bank account(s) necessary to carry out the Council's day to day banking transactions. All bank accounts shall be in the name of Hart District Council. An officer can be nominated by The Head of Corporate Services to administer the bank accounts including ordering and safe keeping of cheque books. Administration does not grant access to funds but facilitates, for example the issue and withdrawal of bank cards, credit cards and the set-up of extraordinary payments for dual authorisation in line with policy.
- 8.6. No banking or credit card account shall be opened on behalf of or in the name of the Council at any bank or financial institution unless in accordance with dual signature requirements of the Treasury Management Policy.

## 9. EXTERNAL ARRANGEMENTS

- 9.1. The Council must act to achieve the promotion or improvement of the economic, social, and environmental well-being of its area.
- 9.2. All partnerships and joint working arrangements with outside bodies must be properly evaluated for risk before they are executed, and be supported by clear governance, accounting, and audit arrangements.
- 9.3. External funding can prove an important source of income, but funding conditions must be carefully examined before any agreement is entered into to ensure they are compatible with the aims and objectives of Council.
- 9.4. Legislation enables the Council to trade and provide services to third parties. All such work must be within the legal powers of the council (intra vires) and the respective risks and financial benefits associated with such work must be properly considered and a business case approved before any trading activities take place.
- 9.5. Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs. Contractual arrangements with any third parties or external bodies shall adhere to the scheme of delegation.
- 9.6. The Head of Corporate Services must ensure that the accounting and auditing arrangements to be adopted relating to partnerships, joint ventures and accountable bodies are satisfactory. They must also consider the overall corporate governance arrangements when arranging contracts with external bodies. They must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- 9.7. Budget Holders are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

# FINANCIAL REGULATIONS



## 10. OTHER FINANCIAL REGULATIONS

### **Orders and Payments**

- 10.1. The procurement of services, supplies and works shall comply with the Council's Contract Standing Orders.
- 10.2. Except as provided for in clause 5.13 no member, officer, employee, or anyone acting on the Council's behalf shall incur unbudgeted expenditure or reduce budgeted income without prior approval of the Council.
- 10.3. Purchase Orders should be raised for all procurement unless an exemption applies. Exceptions include regular payments to utilities, or purchases made by Corporate Credit Card (separate rules apply)
- 10.4. Invoices received that do not quote a valid purchase order will be rejected.
- 10.5. Each budget holder shall check and certify that optimum payments terms are agreed, taking account of the need to maintain a good relationship with its suppliers and to secure any discounted payment options.
- 10.6. Each budget holder shall ensure that, when appropriate, VAT is included on invoices.
- 10.7. Each budget holder will be required to document expenses which relate to expenses which are invoiced after the 31<sup>st</sup> March year end but relate to periods prior to this. The Head of Corporate Services will ensure that these values are accrued.

### **Payment of Salaries, Wages and Other Emoluments**

- 10.8. The payment of all salaries and other payments to employees shall be made under arrangements approved by the Head of Corporate Services.
- 10.9. Responsible Officers must follow any corporate processes put in place to control changes made to their employee establishment or salary and allowance payments associated with a post, seeking guidance from finance and Human Resources as needed.
- 10.10. Responsible Officers must follow any corporate processes in place to manage appointments, resignations, dismissals, absences from duty and other such information required in connection with the calculation and payment of salaries and wages. These must be done promptly to avoid unnecessary salary corrections after payment is made.
- 10.11. Responsible Officers must ensure proper financial control of their employee budgets in accordance with their revenue expenditure responsibilities.

# FINANCIAL REGULATIONS



## **Employee Expenses and Deductions**

- 10.12. Expense Claims made must contain all necessary information, be made promptly, and be authorised by an appropriate manager before being considered for payment. Corporate processes are in place to ensure these requirements are met.
- 10.13. VAT receipts as proof of expenditure must be obtained and submitted with the claim form before reimbursement is made. Car park tickets are acceptable for proof of parking expenditure.
- 10.14. An authorising officer certifying a claim must be satisfied that:
- 10.14.1. the time or expenditure claimed is reasonable and accurate.
  - 10.14.2. the duties or activities described have been performed
  - 10.14.3. payment is in accordance with the employee's contract of employment
- 10.15. Deductions from salaries must be in accordance with the Wages Act 1986, which requires specific written employee authorisation before any deduction can be made, unless covered by statute or other legal order. These should then be appropriately accounted for and paid promptly to the receiving bodies.
- 10.16. Travel Claims: Individuals are responsible for establishing the most economical and feasible method of transport to make work related journeys.
- 10.17. Any use of personal cars for work related travel be adequately insured for business use.
- 10.18. When travelling from home, claims should only be made for expenditure above that which would normally be incurred by an employee travelling from home to the normal place of duty.
- 10.19. Rail Warrant Books: Rail warrants should only be used for authorised work-related journeys. All books of rail warrants must be accounted for and records maintained of their use.

## **Payments to Members**

- 10.20. Allowances and expenses paid to members shall be in accordance with the Council's approved scheme.
- 10.21. Payments to members will be paid in accordance with the procedure approved by the Council.
- 10.22. VAT receipts as proof of expenditure must be obtained and submitted with the claim form before reimbursement is made. Car park tickets are acceptable for proof of parking expenditure

# FINANCIAL REGULATIONS



## **Income Collection and Banking**

- 10.23. Except where the Council has no discretion, all fees and charges should be reviewed at least annually and approved by Cabinet.
- 10.24. The income collection methods employed should ensure the efficient and prompt collection of income due and comply with the Council's Collection and Recovery Policy.
- 10.25. There should be more than one person involved in the process for raising accounts, receiving, and banking the income and reconciling or verifying the reconciliation of income collected.
- 10.26. All arrangements for the collection of income are subject to the approval of the Head of Corporate Services. Budget holders are responsible for ensuring that all income due is collected in accordance with Council policy.
- 10.27. Income should be collected in advance wherever possible and appropriate, or at the point of sale.
- 10.28. Appropriate arrangements must be made for all income collected to safeguard against loss or theft.
- 10.29. Where cash is collected, appropriate consideration should be given to the security arrangements for both the cash and the personnel involved.
- 10.30. All income received should be banked in full as soon as practical and within 5 working days. All income received should be processed promptly into the Council's financial accounting systems.
- 10.31. Appropriate arrangements should be used to confirm that all monies collected have been accounted for.
- 10.32. Officers may not substitute personal cheques for cash payment received on behalf of the Council.

# FINANCIAL REGULATIONS



## **Excusal of Debts**

- 10.33. Debts up to the value of £5,000 may be written off on the authority of the Head of Corporate Services where the debt is deemed irrecoverable or is unlikely to be recovered at economic cost.
- 10.34. Debts over £5,000 must be referred to the Head of Corporate Services who will seek approval from the Cabinet Member with responsibility for Finance. All write-offs must be reported to the next meeting of Cabinet.
- 10.35. Sufficient information about the debt and recovery action taken must be provided and documented before authorisation for write-off can be given.

## **Physical Assets**

- 10.36. The Head of Corporate Services will maintain the Asset Register' which contains details of all assets leased or owned by the Council which exceed the Capital de-minimis levels. This must be maintained in accordance with the accounting policies of the Council.
- 10.37. The Head of Service, responsible for land shall maintain an up to date terrier of all land owned, leased, or licensed by the Council and of land sold or leased off. The terrier must
- record the purpose for which the land is held and
  - record the location, extent, and plan reference of the land
- 10.38. Heads of Service shall supply any information required to maintain these registers.
- 10.39. Heads of Service are responsible for maintaining proper security, care and protection of all building, equipment, vehicles, stocks, stores and cash under their control. This includes minimising the risks of natural hazards, theft, damage and misuse.
- 10.40. The Head of Corporate Services shall be informed, as soon as possible, of any break-in, theft or attempt at such, and any loss otherwise suffered.

# FINANCIAL REGULATIONS



## **Insurance and Assessment of Risk**

- 10.41. The Head of Corporate Services shall establish appropriate insurance cover for the Council and review it annually in consultation with relevant managers. Responsibility for managing insurance can be delegated to a nominated Officer.
- 10.42. Managers should give notification to the nominated insurance officer of any circumstances, risks, purchases, or disposals which may affect the insurance cover required.
- 10.43. The Head of Corporate Services shall be notified immediately in writing by the relevant Head of Service of any loss, liability or damage suffered by or occasioned to any person, property or thing.
- 10.44. Heads of Service shall bring to the attention of their staff any situation where they think the Council may be at risk from an insurance claim or where immediate action may minimise the risk of such a future claim.
- 10.45. The Head of Corporate Services shall deal with claims against or on behalf of the Council arising from insured risk. Where any claim is made against the Council and is recoverable under a policy of insurance, the Head of Corporate Services is authorised to incur any necessary expenditure in meeting the claim subject to prior consultation with the Council's insurers.
- 10.46. Managers should ensure that suppliers, contractors, consultants or agents engaged must have insurance arrangements that adequately protect the Council's interests.
- 10.47. The Council is responsible for putting in place arrangements for the management of risk. The Council will annually review the Council's Corporate Risk Assessment policy.
- 10.48. A corporate risk assessment will be prepared detailing those risks which may adversely impact on the achievement of the Council's objectives and the controls in place and planned to mitigate them. The corporate risk assessment will be annually reviewed by the Council.
- 10.49. All project plans and business cases that consider major financial investment by the Council must be subject to a sufficiently robust and documented risk assessment that is reviewed as part of their appraisal by the appropriate Committee or Council. No commitment may be entered into until the appraisal is completed and reviewed.

**CABINET**

**DATE OF MEETING:** 5<sup>th</sup> NOVEMBER 2020

**TITLE OF REPORT:** REVISED DRAFT UPDATE TO CONTRACT  
STANDING ORDERS

**Report of:** Head of Corporate Services

**Cabinet member:** Councillor James Radley, Deputy Leader and  
Finance

**1 PURPOSE OF REPORT**

1.1 To present the revised draft update to Contract Standing Orders to Members for discussion and consideration.

**2 OFFICER RECOMMENDATION**

2.1 That Cabinet approves and recommends the Contracts and Standing Orders to Council for inclusion in the Constitution.

**3 BACKGROUND**

3.1 The purpose of Contract Standing Orders (CSO) is to set clear rules for the procurement of goods, works and services for the Council. The rules should ensure that the Council is fair and accountable in its dealings with contractors and suppliers. Contract Standing Orders are also intended to ensure that the Council obtains value for money and that it is taking good care of public funds.

3.2 Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contract Standing Orders (CSOs) is to provide a structure within which purchasing decisions are made and implemented. These Contract Standing Orders are made in accordance with the requirements of Section 135 of the Local Government Act 1972. The previous Contract Standing Orders had been in place for some time without formal review. There is no substantial change to the regulations previously in place, these have purely been updated to be easily understandable and reflect changes in the structure of the organisation.

3.3 The revised draft Contract Standing Orders are set out in Appendix 1.

**4 CONSULTATION**

4.1 This draft update was presented to the Council's Overview & Scrutiny Committee and whilst discussing and exploring the document, no suggestions or amendments were proposed. It has been through internal consultation including the Legal Team.

**CONTACT:** Emma Foy, Head of Corporate Services, [Emma.Foy@hart.gov.uk](mailto:Emma.Foy@hart.gov.uk)

**APPENDICES**

Appendix 1 – Draft Contract Standing Orders.

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# CONTRACT STANDING ORDERS



Version	Details	Responsible Officer	Date
1.0	New CSOs replacing version dated April 2013	Ashley Grist	June 2020

## PAPER C – Appendix 1

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# CONTRACT STANDING ORDERS



## SECTION 1 INTRODUCTION AND SCOPE

### 1. Purpose

- 1.1. The purpose of Contract Standing Orders (CSOs) is to set clear rules for the procurement of Supplies, Services and Works for the Council, and the disposal of land.
- 1.2. Following the rules should ensure that the Council:
  - i) is fair and accountable in its dealings with Contractors and in the award of Contracts.
  - ii) obtains value for money for the Council taxpayer. Value for money is defined as the optimum combination of whole life cost and quality (or fitness for purpose) to meet the end users' requirements.
  - iii) maintains the highest standards of integrity
  - iv) complies with all legal requirements
- 1.3. By law (Section 135 of the Local Government Act 1972) the Council must have CSOs which guide the letting of contracts and which cover securing competition and regulating the Tender process.
- 1.4. The CSOs are set within the context of EU and UK legislation and EC Treaty provisions and principles, such as non-discrimination, equal treatment and transparency, which apply generally in the award of public contracts, including those below the EU threshold values. It is therefore important to ensure in all the Council's procurements that nothing is done which is discriminatory or distorts competition, and that there is a clear audit trail to evidence the decision-making process.
- 1.5. The Contracts and Procurement Officer will provide advice to Officers on CSO considerations as well as best practice procurement relative to the specific project being planned.
- 1.6. The proposed contract standing orders require that consideration is given to carbon reduction factors at the pre-procurement stage of any procurement process for a contract with a value of at least £75,000.

# CONTRACT STANDING ORDERS



## 2. Scope

2.1. CSOs apply to procurements and contracts entered by, or on behalf of, the Council for:

- v) the provision of goods, services and works regardless of their value,
- vi) concession contracts, (these are subject to the Concession Contracts Regulations 2016).
- vii) the disposal of land, property, or other assets (including surplus goods),
- viii) involvement by the Council in partnerships and other joint working where the money, including external funding, passes through the Council's accounts.

2.2. CSOs do not apply to:

- i) Goods, services or works purchased through an existing, valid Corporate Contract
- ii) Contracts of employment
- iii) The purchase or hire of property
- iv) To grants given by the Council
- v) In exceptional circumstances where it can be demonstrated that there is an urgent and immediate requirement to secure the provisions of works, services, or supplies.
- vi) To works, services or supplies required that are of a specialist nature such that competitive quotations are not possible.
- vii) When there are justifiable technical, specialist or supply market reasons and the works, goods, materials, or services can only be obtained from one firm, and no reasonably satisfactory alternative is available.
- viii) You are requested to purchase something by the Chief Executive making an emergency decision under special powers.
- ix) Services procured through a shared services arrangement e.g. 5 Councils.

If you are procuring any of the above; please seek approval for your route of purchasing from either the Contracts and Procurement Manager or Section 151 Officer.

# CONTRACT STANDING ORDERS



## 3. Principles

- 3.1. All monetary values referred to in these rules are total contract values, not annual values, and exclude VAT unless otherwise stated. They cover expenditure contracts and income generating contracts.
- 3.2. These Rules apply to all procurement decisions, regardless of the source of funding, or the status of the contractor (i.e. they apply equally to selection of both main contractors and nominated sub-contractors or suppliers).
- 3.3. Every contract must be let in compliance with The Public Contracts Regulations 2015 with applicable European and domestic legal requirements.
- 3.4. Any person procuring on behalf of the Council must ensure that procurements undertaken comply with the requirements of the Council's Scheme of Delegation and Financial Procedure Rules.
  - 3.4.1. The Section 151 Officer maintains a list of authorisation limits. This list specifies a maximum financial limit for each transaction for each authorised person. These limits must not be exceeded (**See Annex A**).
- 3.5. Officers must ensure that procurement is undertaken by persons who can demonstrate knowledge and understanding of these Rules and have the skills appropriate to the task. These Persons should already have authority under the list of authorisation limits and, if not, must be granted authority by the Responsible Officer or such person who has been delegated with the authority before undertaking any procurement. These limits are provided in the Constitution.
- 3.6. There must be funds available and all the necessary approvals in place prior to commencing a procurement procedure. This will need to be evidenced.
- 3.7. Contracts will typically be awarded on the most "advantageous value for money basis", assuming all specified criteria are met.

# CONTRACT STANDING ORDERS



## 4. Responsibilities and Conduct

- 4.1. These CSOs apply to every Member, Officer, Consultant, or other external Agents appointed to act on behalf of the Council in procurement matters.
- 4.2. Any personal interest which may affect or be seen by others to affect a procurement must be declared. It is expected that the highest standards of honesty, integrity, impartiality, and objectivity are maintained.
- 4.3. The appropriate procurement route, determined by the value and nature of the goods, service or works being purchased must be followed.
- 4.4. Officers are expected to manage contracts to cost, quality, time, and budget
- 4.5. Compliance with the rules is mandatory. Failure to follow these rules and/or failure to enter a Contract in accordance with them could lead to disciplinary actions.

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# CONTRACT STANDING ORDERS



## SECTION 2 – PURCHASING PROCESS

### 1. Value of Contract

- 1.1. The financial values stated throughout these CSOs represent the total value of the Contract over its whole life and are not, for example, the estimated annual value of the Contract. Where the duration of the contract is indeterminate, the contract value should be the estimated value of the contract over a period of four years
- 1.2. Where the Contract is for Supplies or Services, the value of the Contract shall include all options under the Contract. For example, if the Contract allows the Council to either purchase additional Supplies or Services, or to extend the Contract beyond its original term, the financial implications of these must be included in the value of the Contract, even if the likelihood of taking up these options is small.
- 1.3. The value of contracts must not be deliberately or artificially underestimated, split or disaggregated to avoid the application of the financial thresholds in these CSOs or the Regulations.

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# CONTRACT STANDING ORDERS



## 2. Pre-procurement Checks

- 2.1. Appraise the need for the expenditure and its priority
- 2.2. Assess if a Data Protection Impact Assessment is required (DPIA). A [quick checklist](#) is available to evaluate if a full [DPIA](#) is required. Refer to the Data Protection Officer for assistance.
- 2.3. Ensure there is budgetary provision for the goods/services
- 2.4. Check the authorisation route for the procurement. Some procurement will need Member approval before starting, some procurement will only need Member approval when any tendering process is complete, and the financial impact is known. You will need to check before starting what authority or delegation you do, or don't have.

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# CONTRACT STANDING ORDERS



## 3. Quotation and Tender Procedures

3.1. The Quotation and Tender Procedures vary according to the value of the contract, with stricter more rigorous procedures for higher value transactions. This is to ensure that the benefits of a more thorough, complex process are not outweighed by the cost relative to the value of supplies, services or works in question.

3.2. The table below indicates the relevant procedure to be followed for different levels of contract value:

Estimated Contract Value	Section	Procedure
<u>Low value contracts</u>  Below £5000		Check if an existing supply contract is appropriate to use.  If not obtain at least one quotation, three if possible.  Follow value for money criteria and be transparent and fair  Retain documentation to evidence adherence to policy
<u>Medium value contracts</u>  Between £5000 & £75,000		Use Procurement Framework or the Capita Procurement service
<u>High Value contracts</u>  Between £75,000 and EU threshold for Services, Supplies and Works,		Use Open Tender Process or Capita Procurement service
Above EU threshold for Services, Supplies and Works		Use EU Procurement procedures  Involve Legal Services

# CONTRACT STANDING ORDERS



## 4. Medium Value Contracts

4.1. A Procurement Framework is an agreement put in place with a provider or range of providers that enables buyers to place orders without running a tendering process. These suppliers would have already been assessed for quality and terms and conditions agreed. These agreements may have been established by the Council, by other public bodies or by public buying consortia.

4.1.1. Hart District Council (HDC) have established frameworks for frequently purchased goods/services. The Contracts and Procurement Officer can advise.

4.2. HDC have a framework agreement with Capita who offer a procurement service. Capita will manage the advertising process and provide guidance to ensure that [requests for quotations](#) are issued effectively.

4.3. Alternatively, this process can be run in-house. A pre-defined [template](#) is available. Any contracts worth over £10,000 should be advertised on <https://www.gov.uk/contracts-finder>. The Contracts and Procurement Officer manages this process.

## 5. High Value Contracts

5.1. Open tendering is a competitive public procurement process.

5.2. The HDC framework agreement with Capita offers a request for [tender service](#). Capita will manage the advertising process and provide guidance to ensure that tender requests are issued effectively.

5.3. Alternatively, this process can be run in-house. A pre-defined [template](#) is available. Any contracts worth over £10,000 should be advertised on <https://www.gov.uk/contracts-finder>. The Contracts and Procurement Officer manages this process

# CONTRACT STANDING ORDERS



## 6. EU Procurement Procedures

- 6.1. Where the estimated value of the contract is more than the relevant EU threshold, the procedures set out in the EU Public Procurement Directives as well as CSO's must be followed.
- 6.2. For current EU procurement procedures refer to [GOV.UK](https://www.gov.uk).

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# CONTRACT STANDING ORDERS



## 7. Evaluation of Tenders for High Value Contracts in excess of £75,000

- 7.1. It is expected that tenders will be submitted electronically. The submitted tenders will be held securely in a 'locked box' identified by a unique email address.
- 7.2. Late tender submissions will not be accepted unless exceptional circumstances prevail. Seek advice from the Contracts and Procurement Officer.
- 7.3. All Tenders will be opened at the same time, by a suitably trained Officer (and observed by at least one other suitably trained officer) or appointed agent. This process must be recorded
- 7.4. Tenders will be evaluated against the criteria defined in the tender documentation.
- 7.5. An assessment of contractor suitability will form part of the evaluation, including but not limited to:
  - 7.5.1. Valid business address and contact details
  - 7.5.2. minimum insurance provision
  - 7.5.3. demonstratable expertise and experience
  - 7.5.4. registered for VAT with a valid VAT certificate
- 7.6. **Transfer of Undertakings (Protection of Employment) Regulations (TUPE):** Where the letting of a contract will affect any employee, either of the Council or of a contractor, the Head of Service shall inform Human Resources in order that, where applicable, the requirements of TUPE can be considered and managed correctly.
- 7.7. **Parent Company Guarantees** may be sought if the risk of using a contractor warrants additional security against loss.
- 7.8. **Climate Emergency** ; Consideration is given to carbon reduction factors at the pre-procurement stage of any procurement process for a contract with a value of at least £75,000.

# CONTRACT STANDING ORDERS



## 8. Acceptance of Quotations and Tenders

- 8.1. The results of the tender/quotation award process must be recorded. A contract may only be awarded by a Head of service or other nominated Officer(s), as authorised under the scheme of delegation.
- 8.2. Contracts procured under the EU Procurement Directives have a specific award procedure. For current guidelines refer to [GOV.UK](http://GOV.UK).
- 8.3. Once a contract has been awarded the [Corporate Contract Register](#) must be updated.
- 8.4. If an existing Framework Agreement is utilised inform the Contracts and Procurement Officer.
- 8.5. Following completion of the tender award process, all tenderers must be notified in writing of the results. This should include:
  - 8.5.1. Where based on price alone, unsuccessful tenderers should be informed of the winning price; or
  - 8.5.2. Where based on the “value for money criteria”, tenderers should be given sufficient information to explain how the Council applied its selection and how the final award decision was made.
  - 8.5.3. Further guidance can be sought from the Contracts and Procurement officer.

# CONTRACT STANDING ORDERS



## 9. Contents of orders and Contracts

- 9.1. Purchase Orders should be raised for all procurement unless an exemption applies. Exceptions include regular payments to utilities, or purchases made by Corporate Credit Card (separate rules apply).
- 9.2. In addition, procurement of goods, services or works which are complex and carry a level of risk must be supported by a suitably drafted set of terms and conditions. Consult Legal Services for guidance.
- 9.3. All purchase orders and contracts should be state clearly and carefully:
  - Purpose of the contract, specifying the services, goods or works to be supplied.
  - Agreed programme of delivery and terms for any sub-contracting.
  - Price and terms for payment including but not limited to agreed deductions, discounts, or penalties.
  - The requirement for employers, public liability, product liability or any other form of insurance, and the level of insurance required.
  - Contracts must be written, subject to English Law and, unless under seal, signed by a person authorised to do so under the scheme of delegation
  - Every contract should seek to protect the Council's legal and financial position and reputation.
- 9.4. The Officer managing the Contract must ensure that contractors are fully aware of the Council's responsibilities when acting on its behalf. Failure to comply will lead to the contract being terminated immediately and the contractor liable for consequential damages.
- 9.5. Where, prior to completion of the contract acceptance documentation, it is considered advantageous to advise a contractor of the Council's intention to enter into a contract, perhaps to reserve resources or to allow a sufficient lead-in period before commencement of works, the Head of Service concerned or Legal (if so instructed by the relevant Head of Service) may send a letter of intent or similar.
- 9.6. A tender that cannot be contained within approved budgets (capital or revenue) shall not be accepted until the Head of Finance/Chief Executive and /or Cabinet has considered a report from the relevant Head of Service and the required additional funds have been properly authorised.
- 9.7. The individual managing and procuring the contract must ensure that any contractual terms include where necessary reference to GDPR, Security, Climate Change, Safeguarding and Social and Economic wellbeing; the Data Protection Officer, S.151 Officer and Contracts and Procurement Manager can provide further guidance on this.

# CONTRACT STANDING ORDERS



## 10. Managing Contracts

- 10.1. For each medium-value contract, e.g. over £50,000, the Head of Service must designate an appropriate lead officer as primary contact and Contract Manager.
- 10.2. For particularly large and/or strategically important contracts, the Head of Service should consider the appointment of a dedicated project manager, who should be supported by other professional disciplines, prior to the award of the contract.
- 10.3. Liquidated Damages – where appropriate the contractor shall be required to pay liquidated damages to the Council if the contract is not completed within the specified period. The amount to be included for liquidated damages in a contract must represent the anticipated loss or expense likely to be incurred by the council as result of any delay in completion of the contract, rather than a penalty payment. Examples of expenses likely to be incurred by the Council include cost of capital used; loss of income; additional staff or consultant fees.
- 10.4. Surplus Goods - Online auction and informal routes for disposal are appropriate where the anticipated value of the goods does not exceed £2,500.
- 10.5. Disclosure As part of the Council's commitment to be open and transparent with its residents, a list of all payments over [£500](#) made to suppliers and contractors will be published monthly on the Council website. In addition, disclosure of expenditure details may be required under the Freedom of Information Act.

# CONTRACT STANDING ORDERS



## ANNEX A – Scheme of Delegation

Maximum Authorisation Value	Role	
Up to £20,000	Budget Manager  List of authorisers available in Integra: "REQNPTAUTHLEVELS"	Role responsibility defined In Job Description.
£20,000 to £100,000	Heads of Service	
Over £100,000	S151 Officer and Chief Executive Officer	

# CONTRACT STANDING ORDERS



## ANNEX B – Land Disposals

### 1. Introduction

- 1.1. Council decisions to dispose of land are subject to statutory provisions; in particular, under section 123 of the Local Government Act 1972, to obtain the best consideration that can be reasonably obtained for the disposal of land. This duty is subject to certain exceptions that are set out in a government document, referred to as “the [General Disposal Consent \(England 2003\)](#)”
- 1.2. If the Council wishes to dispose of land for less than best consideration, and it is not covered by the General Disposal Consent, the Council can resolve to do so, but will require the formal consent of the Secretary of State. The General Disposal consent allows the Council to dispose of sites at an under value of up to £2m in the interests of social, economic, and environmental well-being of the community.

### 2. Definition

- 2.1. Land means any freehold disposal, by sale or exchange, of Council owned land or buildings and any disposal by the granting of a lease.
- 2.2. This excludes:
  - 2.2.1. the granting of licences, easements, rights of way, wayleaves,
  - 2.2.2. tenancies-at-will, periodic hiring arrangements
  - 2.2.3. the renewal of leases under the Landlord and Tenant Act 1954,
- 2.3. A decision to dispose of land or property and the terms for that disposal will be determined depending upon the Delegation Scheme set out in the Constitution.

### 3. Valuation

- 3.1. This will be arranged by the Head of Technical Services who will engage a specialist Valuer in accordance with the Royal Institute of Chartered Surveyors guidelines.
- 3.2. Where there is likely to be a delay in completing a sale/lease, such that the Council may be in danger of not obtaining the best consideration, the Head of Technical Services will ensure that prior to finalisation, a current valuation is undertaken.

# CONTRACT STANDING ORDERS



## **4. Methods of Disposal**

4.1. Disposals shall normally be by formal tender, informal tender, public auction, or private treaty.

## **5. Formal Tender**

5.1. With a formal tender, potential purchasers must make binding offers in a specified form, by a specified date and within a specified deposit.

5.2. Sale of land by formal tender is likely to be appropriate in the case of freehold land disposals and where the land ownership and corporate sale objectives are not complex.

5.3. The Council will place a public advertisement seeking expressions of interest and publicise the selection criteria by which it will assess tenders. The tender process will be carried out in accordance with the Council's CSO's.

## **6. Informal Tender – with post tender negotiations**

6.1. With an informal tender, non-binding offers are secured by a specified date and preferred bidder(s) is/are selected. Terms are negotiated with selected bidder(s) which may include the nature of development proposals. This method also allows for the use of conditional contracts, including clauses linked to planning permission.

6.2. This method is likely to be particularly useful for freehold land disposals for large or complex development or regeneration sites where the proposals need to be developed in co-operation with the preferred bidder to meet the Council's corporate objectives and to achieve the best consideration that can be reasonably obtained.

6.3. The Council will ensure a competitive process is followed and participants will be informed in advance of the procedures and criteria for assessing proposals. Tender bids will be invited in accordance with the Council's CSO's adapted and recorded, as necessary.

## **7. Disposal by Informal Tender – without post tender negotiations**

7.1. With such an informal tender, non-binding offers are secured by a specified date and a preferred bidder is selected. This can be on a conditional basis, including obtaining planning consent as well as being subject to contract. This method is likely to be particularly useful for freehold land disposals which are simpler.

7.2. The Council will ensure a competitive process is followed to seek expressions of interest and participants will be informed in advance of the procedures and criteria for assessing proposals. Tender bids will be invited in accordance with the CSO's adapted and recorded, as necessary.

# CONTRACT STANDING ORDERS



## **8. Disposal by Public Auction**

- 8.1. Sale by public auction may be appropriate in certain cases to achieve best consideration and where speed and certainty is required.
- 8.2. In the event of a disposal by auction, a reserve price, based on the Head of Technical Services valuation, will be imposed, which must first be approved within the Scheme of Delegation.
- 8.3. The contract for sale or auction must be ready for exchange at the auction where a binding contract will be made on acceptance of the highest bid providing it has reached any reserve price.

## **9. Disposal by Private Treaty – through Open Marketing**

- 9.1. With such a private treaty sale the property is first marketed, including advertising to generate interest, normally with an asking or guide price, with the aim of achieving a bid (without there being a need to have a specified time limit for obtaining bids) representing the best consideration that can be reasonably obtained. The Council may as part of this process and after the commencement of marketing, request best and final offers be made by a specified date. This method is applicable to freehold disposals of lower value, or non-development property.
- 9.2. Negotiations will take place between the Council and the prospective purchasers (or their respective agents). A letting/sale by this method will only take place once the terms have been approved within the Council's Scheme of Delegation.

# CONTRACT STANDING ORDERS



## 10. Disposal by Private Treaty – off Market

10.1. With such a private treaty sale the land is not offered on the open market as a first stage, but negotiations will take place between the Council and one party.

This may be justified where:

- i) The land is small in size/value
- ii) The purchaser is an adjoining or closely located landowner, and the only potential or likely purchaser
- iii) the nature of the Council's land ownership is such that the land must be sold to adjoining or surrounding landowners if best consideration is to be obtained
- iv) where there is a special purchaser for whom the land has a higher value than anyone else e.g. ransom strips, or where there is marriage value
- v) where Council objectives would be best met by undertaking private treaty negotiations with a single party who would bring social environmental or economic benefit
- vi) where the proposed transaction involves a party who already had a property interest in the land in question

10.2. The reasons justifying an off market private treaty sale must be recorded in writing and must be approved by the authorising party under the Scheme of Delegation.

## 11. Negotiations with Prospective Developers/Purchasers/Tenants

11.1. Generally, these will take place either at the Council's offices, on site, at an agent's office, or at the purchasers/tenants office, within normal office hours. Where possible, in relation to higher value disposals, two officers should be present. However, it is accepted that this will not always be possible / a sensible use of resource. File notes are kept of all negotiations with prospective developers / purchasers or tenants. The progress of negotiations will, where appropriate, be reported to relevant Members, however, Councillors will not be directly involved in negotiating the disposal of land.

11.2. Prior to completion of legal documentation all proposed transaction details and negotiation details will remain confidential.

## 12. Late Bids

12.1. The Council discourages the submission of late bids in all cases when it is disposing of land. It will attempt to minimise problems by aiming for early exchange of contracts.

12.2. Each "late bid" must be considered in the context of the individual circumstances at the time. The Council's approach to "late bids" will vary depending upon the method of land disposal used. In each case the overriding duty will be to obtain the best consideration that can reasonably be obtained (subject to any exceptions in the General Disposal Consent).

# CONTRACT STANDING ORDERS



## 12.3. Late bid approach:

- i) Where land is disposed of by way of formal tender, bids received after the deadline for tenders, will not be considered.
- ii) Late bids cannot be considered where land is being disposed of by public auction after a successful bid has been accepted.
- iii) Except as provided in points (i) & (ii) above, until the Council has entered into legally binding agreement with another party, it will consider late bids unless there are good commercial reasons for not doing so. This must be explained to any purchaser when disposal by private treaty or informal tender is agreed.

The Council may, in appropriate circumstances, ask both the late bidder, the person to whom the land was previously to have been sold, and any other relevant interested parties (e.g. previous bidders) to submit their last and final bids in a sealed envelope by a set deadline.

- 12.5. A decision on whether to accept a late bid for a private treaty sale or informal tender will be made based on the value of the land and within the Scheme of Delegation as appropriate

## 13. Public Open Space

- 13.1. Land which is designated as public open space will not be sold/leased by the Council until the applicant has first obtained the necessary planning consent, the proposal has been advertised and local Ward Members have been consulted, and observations/objections received have been considered.

## 14. The Crichel Down Rules

- 14.1. When disposing of land which has been acquired by the Council by use of Compulsory Purchase powers, the Cabinet will consider the Crichel Down Rules which state that former owners or their successors should be given first opportunity to repurchase the land, provided that it has not been materially changed in character since acquisition.

## 15. Works in Lieu of Payment

- 15.1. In some cases, it may be appropriate for the purchaser to be required to provide replacement facilities or other works such as highways or landscaping as part consideration for the land/property.
- 15.2. Any proposed works in lieu of payment should be thoroughly examined at the option appraisal stage to ensure value for money and the Head of Finance (s151) should be consulted to determine the accounting treatment. The works required should be clearly specified in any marketing package in order that there is competition between bidders in relation to procurement of the works.

## 16. Disposals for Less than Best Consideration

# CONTRACT STANDING ORDERS



- 16.1. In certain circumstances, the Council may dispose of land for less than the full market value. Those circumstances are clearly defined by law and in any other cases specific consent is needed from the Secretary of State. General Disposal Consents have been given by the Secretary of State for certain transactions.
- 16.2. The General Disposal Consent makes provision for the Council to dispose of land at less than full market value, known as “under-value”. Specified circumstances must apply as follows:
  - i) The Council considers that the purpose for which the land is to be disposed of is likely to contribute to the promotion or improvement of the economic, social or environmental wellbeing of the whole or part of its area, or any person resident or present in its area.
  - ii) The difference between the unrestricted or market value of the land to be disposed of and the consideration for the disposal does not exceed £2million.
- 16.3. The Council must still comply with its duty to obtain best consideration for the restricted value and must also comply with normal and prudent commercial practices including obtaining professional valuer advice on the likely amount of any under-value.
- 16.4. All disposals covered by the definition of less than best consideration must be referred to Cabinet for approval.
- 16.5. The General Consent does not override restrictions on state aid arising under European Legislation

**CABINET**

**DATE: 5 NOVEMBER 2020**

**TITLE OF REPORT: SOUTHWOOD PAVILION**

**Report of: Joint Chief Executive**

**Portfolio Holder: Councillor James Radley, Portfolio Holder for Finance and Corporate Services**

**1 PURPOSE OF REPORT**

- 1.1 This report invites Cabinet to consider and provide a strategic lead, on the options they would like the Council to pursue with regard to the management of Southwood Pavilion and associated sports ground.

**2 RECOMMENDATION**

**That;**

1. Cabinet states which of the three options for future of Southwood Pavilions it wishes to progress and should option A be chosen, further Cabinet must state what option they choose should that contract lease agreement not be concluded by the 24<sup>th</sup> December 2020.
2. Provides delegated authority to the Joint Chief Executive in consultation with the Portfolio Holder for Finance and Corporate Services to
  - a. In the event of option A being chosen, allow for final contract negotiations to be concluded and completed and if this cannot be concluded by the 24<sup>th</sup> December 2020 to carry out action in accordance to B or C below.
  - b. In the event of option B being chosen, allow for the appointment of contractors and staff resources to ensure the safe management and maintenance of the site or
  - c. In the event of option C being chosen, allow for a public tender to seek expressions of interest from all parties.

**3 BACKGROUND**

- 3.1 Hart District Council is the owner of Southwood Pavilion, and associated sports ground; a site located in Rushmoor Borough Council (due to the boundary changes back in the 1990's) – see appendix 1
- 3.2 The site was previously under Military ownership and is subject to a covenant which requires the site to be used for leisure purposes. The covenant also limits the site to one building, of a size to be agreed by the MoD.

- 3.3 Up to August 2018, the site was under a long lease to Southwood Management Operating Limited, a company set up to manage and maintain the site for an on behalf of the Fleet Spurs Football Club.

Due to concerns regarding the adequate maintenance and health and safety, as a short term solution at the conclusion of the above mentioned lease, the Council entered into a Tenancy At Will with two named officials of Fleet Spurs Football Club which ensured the club could continue to operate, short term, from that site.

A Tenancy at Will is a form of tenancy that allows either party to end the lease 'at will' therefore it provides no long-term security for either party.

- 3.4 The ambition in providing the Tenancy at Will was to enable the Football Club time to provide the information required to reassure the Council that it could and would in the future be able to manage the site safely and securely.

- 3.5 Considerable effort has been put in, to try to ensure that the Football Club provides the required information – with engagement of the Joint Chief Executive, the Leader, as well as Cllr Delaney who has sought to act as a mediator between both parties.

- 3.6 At time of writing this report, the following information required to confidently enter into a lease with the Football Club, remains outstanding;

1. Who will actually sign the lease from the Sports Club?
  - We need confirmation of Sports Clubs Legal status and details of any trustees who will sign the lease and they will need to understand the potential personal legal liabilities that come with this.
2. Who will actually manage the site and ensure that it is safe?
  - We need detail of who the Committee members and what roles and responsibilities they hold, including who is responsible for health and safety of the premises and maintenance
  - The latest copy of the Sports Clubs Constitution and last AGM Minutes (to confirm above)
3. Evidence that the Sports Club is sufficiently financially stable that they will remain able, throughout the duration of the lease, sufficiently financially secure to ensure the health and safety of the premises and maintain the building including
  - We need a copy of Treasurers Report from AGM as well as details of the last 3 years accounts. They need to confirm if these have been independently examined and they must include full disclosure of reserves or capital the club hold and details of the bank account

4. Evidence of how they intend to fund any improvements to the site? E.g. What income will they have including actual and anticipated e.g. do they intend to hold fundraising events, intend to apply for by way of grants?

#### **4 CONSIDERATIONS**

4.1 The Tenancy at Will has been in place for over two years and it is not legally viable to continue under a Tenancy at Will – they are designed purely as a ‘stop gap’ and leaves both parties at risk.

4.2 Therefore, Cabinet must consider the potential options;

##### **4.2.1 Option A**

Assuming the Football Club provides the information outlined in 3.6 the Council could enter into a 5-year contracted out lease. It could include a short “recital” clause, indicating that if all goes well with the running of the sports facilities by the club, the council may be minded to grant a longer term interest upon expiry of the 5 year term, but without any binding commitment being given by the Council.

The lease would include milestones, requiring certain elements of maintenance and repair to be carried out and there would be a ‘rolling break clause’ enabling the Council to ‘step in’ if it did not consider that the Football Club were keeping the site safe and secure. An early surrender of the lease and a new longer lease could be agreed by all parties, if things progressed well.

##### **4.2.2 Option B**

The Council terminates the Tenancy at Will, and resumes management of the site and offers the site up for rental from the Football Club (and any other appropriate users). It is anticipated that taking into account some capital contribution to larger maintenance items, this may cost the Council around £100K per annum.

Set against this would be income generated from the site. Benchmarking with similar football clubs in the area, and the charges made from such sites, we anticipate the income could be in the region of £24K

##### **4.2.3 Option C**

The Council terminates the Tenancy at Will, and resumes control of the site, closing it temporarily, whilst seeking expressions of interest from sports clubs in the area who may wish to take on a lease with conditions as outlined in option 1.

This provides an opportunity for a range of local sports clubs to consider the opportunity to take on this facility, which may go beyond football and include other sports.

The evidence that would be required as a minimum for any organisation who expressed an interest in the site would be as set out in 3.6.

The final decision to enter into a lease with an alternative sports club would be a decision of Cabinet (as outlined in the scheme of delegation) however it would be predicated on the provision of a wide range of policies to ensure the appropriate safeguards were in place including (but not exhaustive) safeguarding, health and safety, insurance, planned preventative maintenance.

- 4.2.4 Whilst clearly the existing Football Club would wish for a longer lease than that set out in paragraph 4.2.1, opening up the opportunity for grant funding applications, this approach has been excluded from consideration due to
- The Club failing to provide the information and assurance requisite for a longer term lease
  - The Club has not been clear that they are active in seeking grant funding; some became available due to Covid-19 which did not require a long lease, the application system was simple but we remain unaware if any of that funding was sought
  - The Club could (as many others have done) sought to fund raise through a variety of alternative measures. Yateley Sports Community Investment Company is a great example of this, running Gig on the Green and a variety of other events.

## **5 FINANCIAL IMPLICATIONS**

- 5.1 Clearly, taking direct management responsibility for Southwood Pavilions (option B) carries with it a liability of approximately £100K per annum and a risk, particularly during Covid-19, that the Council is unable to recoup its losses through income generation.
- 5.2 Options A and C provide the opportunity for a Sports Club to take on the full repairing lease and lower those costs, often through the use of volunteers and open up opportunities for fund raising.

## **6 LEGAL AND EQUALITIES IMPLICATIONS**

- 6.1 Legal Services have been consulted throughout the ongoing engagement regarding this site and concur with agreed the options as set out.

## **7 ACTION**

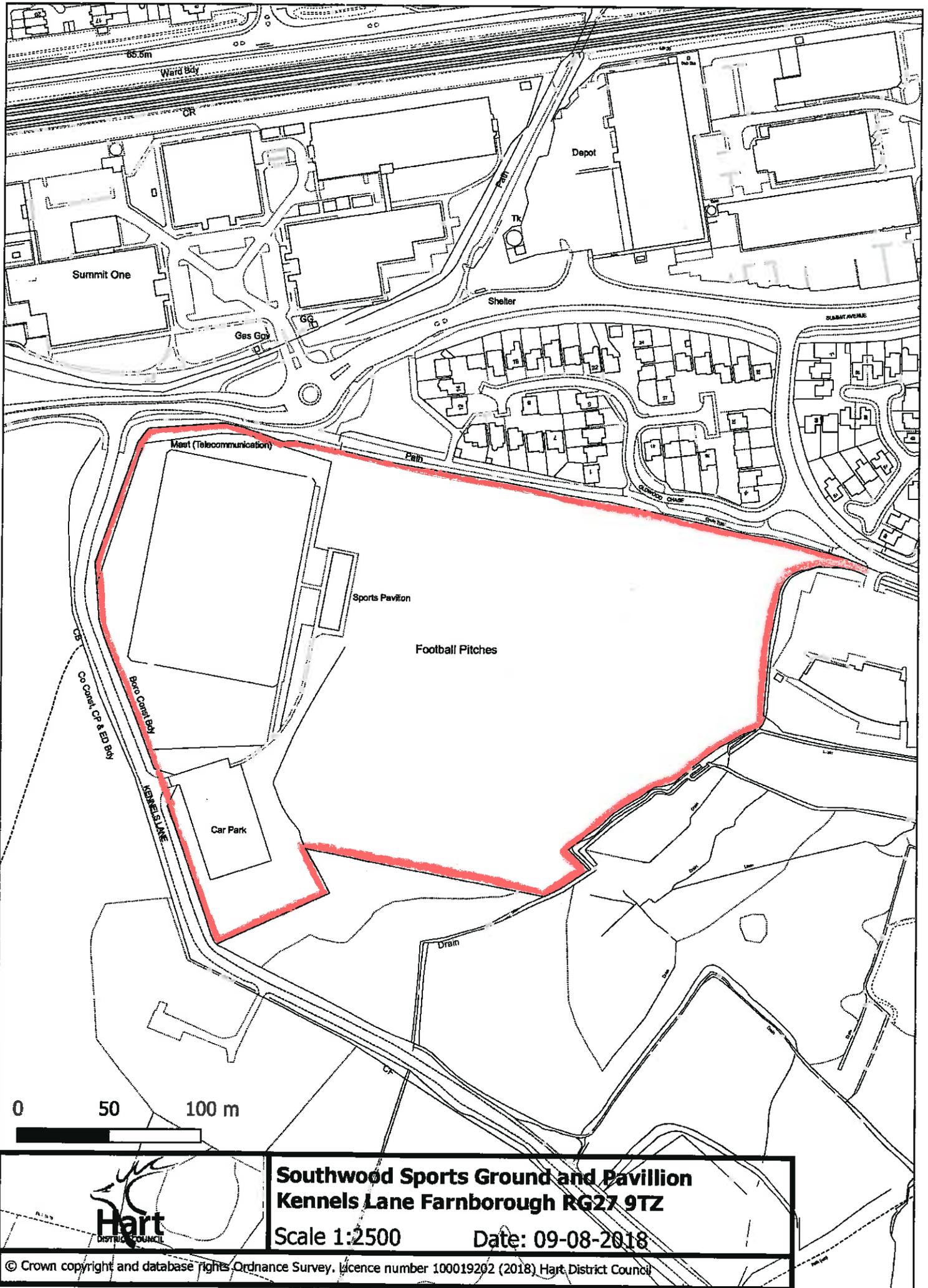
- 7.1 Subject to the decision of Cabinet the Joint Chief Executive will, alongside colleagues from Legal and our Corporate team, implement as appropriate

**Contact:** Patricia Hughes, x 4450, [patricia.hughes@hart.gov.uk](mailto:patricia.hughes@hart.gov.uk)

**Background Reports:** None

**Appendices:**

Appendix 1 – Map of Southwood Plan



**Southwood Sports Ground and Pavilion**  
**Kennels Lane Farnborough RG27 9TZ**  
Scale 1:2500      Date: 09-08-2018

## Civic Campus Regeneration Working Group

### Minutes

06 October 2020 – 11:00

### Virtual Teams Call

#### Attendees

Cllr Richard Quarterman  
 Cllr Anne Crampton  
 Cllr Chris Dorn  
 Cllr Wendy Makepeace-Browne  
 Cllr David Neighbour  
 Cllr James Radley  
 Patricia Hughes  
 Mark Jaggard  
 Glyn Lloyd  
 Celia Wood (notes)

Cllr Bob Schofield	Fleet Town Council
Samantha Whiting	HCC
Olivia Paine	HLM Architects
Simon Hope	Montagu Evans
David Milner	Create Streets
Nicholas Boys-Smith	Create Streets

Apologies: none received.

1.	<b>The Chair welcomed attendees and introduced Samantha Whiting representing Hampshire County Council.</b>	
2.	<b>HLM presented feedback on key constraints on the site and the sort of opportunities the site may offer</b>	
	<b>Fleet Civic Hub - Critical Success Factors:</b>	
	<ul style="list-style-type: none"> <li>• Links to the Views and wider network of green spaces such as Calthorpe Park</li> </ul>	
	<ul style="list-style-type: none"> <li>• Creation of meaningful public realm to potentially reinvigorate Gurkha Square</li> </ul>	
	<ul style="list-style-type: none"> <li>• Continuity of services for the Harlington and Fleet library</li> </ul>	
	<ul style="list-style-type: none"> <li>• Creation of 'right-sized' contemporary office space for the Council(s)</li> </ul>	
	<ul style="list-style-type: none"> <li>• Consideration of parking provision across Fleet town centre</li> </ul>	
	<ul style="list-style-type: none"> <li>• Maximisation of active frontages and creation of a complimentary mix of uses</li> </ul>	

	<ul style="list-style-type: none"> <li>• Creation of a viable, deliverable scheme</li> </ul>	
	<b>Opportunities</b>	
	<ul style="list-style-type: none"> <li>• Enhancement of the southern Gateway into Fleet Town Centre</li> </ul>	
	<ul style="list-style-type: none"> <li>• Utilisation of level changes to maximise use of the site</li> </ul>	
	<ul style="list-style-type: none"> <li>• Creation of a cyclical circulation route which will reduce the linear nature of the High Street</li> </ul>	
	<ul style="list-style-type: none"> <li>• Maximisation of active frontages creating an experiential anchor on the high street</li> </ul>	
	<ul style="list-style-type: none"> <li>• Tall buildings opposite the site create precedent for acceptable scale of development</li> </ul>	
	<b>Constraints</b>	
	<ul style="list-style-type: none"> <li>• Existing access routes may be retained or re-provided</li> </ul>	
	<ul style="list-style-type: none"> <li>• Gurkha Square is a key link to the high street and any potential change into public realm will require considerate design of other car parks in Fleet</li> </ul>	
	<ul style="list-style-type: none"> <li>• Continuity of services for the Harlington limits plots for new community building</li> </ul>	
	<ul style="list-style-type: none"> <li>• Fleet library is located in a challenging position should this building not be re-developed</li> </ul>	
	<ul style="list-style-type: none"> <li>• Moving the war memorial may be contentious and will create additional challenges</li> </ul>	
3.	<b>Executive Summary of Appraised Options</b>	
	<p>Cllrs want to encourage visitors to Fleet Town Centre. There is an opportunity for parking capacity in Victoria Road CP and therefore there is further work to do on this subject if Gurkha Square is proposed to be open public realm space.</p>	
	<p>Possibility of moving the existing skate park is a flexible option to a suitable location within the Views.</p>	
	<p>Topographical survey when available, will be factored in further down the line.</p>	
	<p>Library should be moved or retained, not lost. All agreed.</p>	
4.	<b>Create Streets discuss draft engagement strategy</b>	
	<ul style="list-style-type: none"> <li>• Engaging early with the public is the right approach to bring people into the discussion which results in better and more positive comments and a more successful planning process.</li> </ul>	

	<ul style="list-style-type: none"> <li>• There may be some good thoughts and suggestions that from the community and early engagement will encourage that interaction.</li> </ul>	
	<ul style="list-style-type: none"> <li>• Listening exercise asking local users what their hopes and thoughts are for the site.</li> </ul>	
	Timelines – the draft timescale of end of October for the current stage will need to be agreed by the WG. Post viability engagement throughout November	
5.	<b>Questions:</b>	
	Until you go out to the post-viability tier of engagement that is when you would go out to engagement further. Our advice for first level engagement is a more general question of the public on what they think about the site and what they like, which places they would use / how they access the Views park etc.	CS
	we will be organising meetings with HCC to go through details with yourself and colleagues at HCC.	GL
	the Neighbourhood plan gives a framework for the conversation.	PH
	Due to time constraints, if any Cllrs have additional comments or feedback, these can be provided to GL by no later than Tues 13 <sup>th</sup> October.	
6.	<b>AOB</b>	
	Next WG meeting – Tues 3 <sup>rd</sup> Nov – 11:00 Virtual call	

MEETING ENDED AT 12:43PM.

**CABINET**

**KEY DECISIONS/ WORK PROGRAMME, AND EXECUTIVE DECISIONS MADE**

**November 2020**

Cabinet is required to publish its Key Decisions and forward work programme to inform the public of issues on which it intends to make policy or decisions. The Overview and Scrutiny Committee also notes the Programme, which is subject to regular revision.

<b>Report Title</b>	<b>Date item agreed for report</b>	<b>Outline/Reason for Report/Comments</b>	<b>Original Due Date</b>	<b>Revised Due Date</b>	<b>Key Decision Y? Note 1</b>	<b>Cabinet Member (Note 2)</b>	<b>Service (Note 3)</b>	<b>* This item may contain Exempt Information</b>
Updated Financial Regulations and Procurement Regulations	Oct 20	Review and update of the Financial Regulations and the Procurement Regulations	Nov 20			JR	F	
Harlington Roof Repairs	Jul 20	Post consideration by Cabinet in August for updates to future works	Sep 20	Dec 20	Y	RQ	CS	
Car Boot Sales	Sep 20	To update Cabinet on car boot sales	Dec 20			RQ	JCX	
Budget Monitoring	Quarterly	Post consideration by Overview & Scrutiny Committee, to consider a report on Quarterly Budget Monitoring	Dec 20 Mar 21 Jun 21			JR	F	

Report Title	Date item agreed for report	Outline/Reason for Report/Comments	Original Due Date	Revised Due Date	Key Decision Y? Note 1	Cabinet Member (Note 2)	Service (Note 3)	* This item may contain Exempt Information
Planning Management Development Peer Review	Aug 19	Post consideration by Overview and Scrutiny in November to consider the Action Plan for Planning Management post the Peer Review	Feb 20	Dec 20		GC	P	
Treasury Management 2020/21 (Half Year Report)	Annual	Post consideration by Overview & Scrutiny Committee, to consider a Half Year review report on Treasury Management Strategy 2020/21	Dec 20			JR	F	
Next Steps in COVID-19 Recovery	Jul 20	To provide an update on work to support the district since last July	Jan 21			JR	JCX	
Civic Regeneration Working Group	Jan 21	To update on the discussions of the Working Group	Jan 21	Feb 21		RQ	CS	
Draft 2021/22 Revenue Budget, Capital Programme and Council Tax Proposals	Annual	Post consideration by Overview & Scrutiny Committee, to agree to recommend to Council the 2021/22 Revenue Budget, Capital Programme and Council Tax Proposals	Feb 21			JR	F	

Report Title	Date item agreed for report	Outline/Reason for Report/Comments	Original Due Date	Revised Due Date	Key Decision Y? Note 1	Cabinet Member (Note 2)	Service (Note 3)	* This item may contain Exempt Information
Draft 2021/22 Capital Strategy, Treasury Management Strategy Statement and Asset Management Plan	Annual	Post consideration by Overview & Scrutiny Committee, to agree to recommend to Council the 2021/22 draft Capital Strategy, the 2021/22 Treasury Management Strategy Statement and Asset Management Plan	Feb 21			JR	F	
Housing Re-Procurement	Sep 20	To inform Cabinet of new software to manage the allocations, choice-based lettings, housing options and homelessness aspects of Housing Services	Feb 21			SB	H	
Service Plans	Annual	Post consideration by Overview & Scrutiny Committee, agree the 2021/22 Service Plans	Apr 21			DN	All	
Outside Bodies	Annual	Post consideration by Overview & Scrutiny of the effectiveness of the Council's involvement with outside bodies.	Jun 21			DN	JCX	

Report Title	Date item agreed for report	Outline/Reason for Report/Comments	Original Due Date	Revised Due Date	Key Decision Y? Note 1	Cabinet Member (Note 2)	Service (Note 3)	* This item may contain Exempt Information
Food and Health and Safety Service Plan	Annual	Recommend to Council that the annual Food Safety Plan be adopted	Jul 21			SK	P	
Revenue and Capital Outturn 2020/2021	Annual	Post consideration by Overview & Scrutiny Committee, to consider the Annual report on outturn	Aug 21			JR	F	
Treasury Management 2020/2021 (Annual Report)	Annual	Post consideration by Overview & Scrutiny Committee, to consider the Annual report on Treasury Management Activities 2020/21	Aug 21			JR	F	

**Note 1**

A “key decision” means an executive decision which, is likely to -

- a) result in Council incurring expenditure or the making of savings which amount to £30,000 or 25% (whichever is the larger) of the budget for the service or function to which the decision relates; or
- b) be significant in terms of its effects on communities living or working in an area comprising two or more wards within the area of the district of Hart.

**Note 2**

**Cabinet Members**

DN	Leader	SA	Digital	RQ	Commercialisation (Cn)	SB	Community
SK	Regulatory	AO	Environment	JR	Finance and Corporate Services	(Cy) GC	Place

**Note 3**

**Service:**

JCX	Joint Chief Executive	CS	Corporate Services	P	Place Services
CSF	Community Safety	PP	Planning Policy	TS	Environmental & Technical Services
F	Finance	H	Community Services		
SLS	Shared Legal Services	MO	Monitoring Officer		

**Note 4**

\* **This item may contain Exempt Information** - Regulation 5 of the Local Authority (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

**EXECUTIVE DECISIONS**

21/10/20	Cllr Bailey	Recruitment of Temporary Housing Projects Officer	
30/10/20	Cllr Cockarill	Removal of the Fleet Road Pedestrianisation Scheme	

## **CABINET**

**Date and Time:** Thursday, 05 November 2020 at 7pm

**Place:** Council Chamber, Civic Offices, Fleet

**Present:**

## **COUNCILLORS**

Ambler, Bailey, Kinnell (7.03pm), Neighbour (Chairman), Oliver, Quarterman, Radley

**In attendance:** Axam, Forster, Smith

### **Officers:**

Patricia Hughes      Joint Chief Executive  
Helen Vincent      Committee Services

## **51 MINUTES OF PREVIOUS MEETING**

The minutes of the meeting of 01 October 2020 were confirmed and signed as a correct record.

## **52 APOLOGIES FOR ABSENCE**

Apologies received from Cllr Cockarill.

## **53 DECLARATIONS OF INTEREST**

None declared.

## **54 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had nothing to announce.

## **55 PUBLIC PARTICIPATION (ITEMS PERTAINING TO THE AGENDA)**

None received.

## **56 REVISED FINANCIAL REGULATIONS**

Members considered the revised Financial Regulations.

Members discussed and asked for clarification on whether the approach taken on Parish precepts was different this year, due to the new Financial Regulations. It was confirmed that until adopted at Council, the existing Financial Regulations were being used and the alteration of approach was aimed to provide Parishes with further information.

## **RECOMMENDATION to Council**

That the revised Financial Regulations recommend to Council for their inclusion in the Constitution.

## **57 REVISED DRAFT UPDATE TO CONTRACT STANDING ORDERS**

Members considered the revised Contract Standing Orders.

Members discussed:

- Ensuring the Contract Standing Orders sufficiently encompassed the Councils ambitions around Climate Change and the inclusion of contract conditions relating to this.
- If consideration had been given to EU policies after 31<sup>st</sup> December 2020. Members agreed that the successor statues will hold sway.
- Ensuring contracts placed with suppliers are not split – either by time span or function, to prevent a higher level of governance within the Contract Standing Orders being utilised. It was confirmed that the Contract Standing Orders made clear that procurements and contracts must not be split in this way.

### **RECOMMENDATION to Council**

That the updated Contract Standing Orders be included in the Constitution.

## **58 SOUTHWOOD PAVILION**

Members considered the options they would like the Council to pursue with regard to the management of Southwood Pavilion and associated sports ground.

Councillor Radley moved a new recommendation, based on updated information as follows:

That,

Cabinet approves the creation of a 15 year contracted out lease to include milestones, requiring maintenance, and repair to be carried out and a 'rolling break clause' enabling the Council to 'step in' if it did not consider that the Football Club were keeping the site safe or secure or responsibly.

Cabinet delegates to the Joint Chief Executive, in consultation with the Portfolio Holder for Finance and Corporate Services powers to complete negotiations and the lease agreement subject to instruction of solicitors on agreed heads of terms by 24th December 2020.

In the event that it is not possible to conclude these negotiations by the 24th December, Cabinet agrees to:

- a. the provision of a 5 year lease on the same terms outlined above and if that was not achievable,
- b. In the event of a 5 year lease also not being able to be completed - the Council would allow for public tender to seek expressions of interest from all parties to lease the premises for leisure purposes.

## **DECISION**

- A. Cabinet approves the creation of a 15 year contracted out lease to include milestones, requiring maintenance, and repair to be carried out and a 'rolling break clause' enabling the Council to 'step in' if it did not consider that the Football Club were keeping the site safe or secure or responsibly.
- B. The Joint Chief Executive, in consultation with the Portfolio Holder for Finance and Corporate Services be authorised to complete negotiations on the lease agreement by 24th December 2020.
- C. In the event that it is not possible to conclude these negotiations by the 24th December, Cabinet agrees to:
  - a) the provision of a 5 year lease on the same terms outlined above and if that was not achievable, or
  - b) in the event of a 5 year lease also not being completed - the Joint Chief Executive is authorised through public tender expressions of interest from all parties to lease the premises for leisure purposes

### **59 MINUTES FROM CIVIC REGENERATION WORKING GROUP**

Members were informed that Hampshire County Council Property Services and Library Services were being consulted by the Working Group and early engagement with the community is prioritised.

The minutes of the meeting held on 06 October 2020 were noted.

### **60 CABINET WORK PROGRAMME**

The Cabinet Work Programme was considered and amended.

- Car boot sales to Cabinet in January 2021.

The meeting closed at 7.51pm