

# Public Document Pack



**West Devon  
Borough  
Council**

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Date:

Dear Councillor

**WEST DEVON COUNCIL - TUESDAY, 27TH MARCH, 2018**

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

**Agenda No    Item**

10.    **Waste Review (Pages 1 - 10)**
  
11.    **Commercial Acquisition Strategy Update (Pages 11 - 20)**
  
12.    **Treasury Management Strategy (Pages 21 - 58)**

Yours sincerely

Darryl White  
Senior Specialist – Democratic Services

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# Agenda Item 10

The appendices to this report are considered exempt under paragraph 3 of schedule 12A of the Local Government Act 1972 in that it concerns the financial or business affairs of the Council. The public interest has been assessed and it is considered that, the public interest is better served by non-disclosure to the press and public.

Report to: **Council**

Date: **27 March 2018**

Title: **Frontline Services (Waste & Cleansing Procurement)**

Portfolio Area: **Commercial Services**

Wards Affected: **All**

Relevant Scrutiny Committee: **Council**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately

Author: **Helen Dobby & Jane Savage on behalf of the Waste Board** Role: **Group Leader (Commercial Services) & Commissioning Manager (Waste)**

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## **Recommendations:**

1. It is **RECOMMENDED** that the Council note the progress of the project and endorse the view of the Frontline Services (Waste Procurement) Project Board to continue to the next stage of the competitive dialogue process for waste collection, recycling and cleansing services.

## 1. **Executive summary**

- 1.1. Members requested that key decisions during the procurement process be brought before Council. The procurement process goes through a number of stages – Outline Solutions, Detailed Solutions and Final Solutions. This report deals with the Outline Solutions Stage.
- 1.2. Bids have been received and evaluated for the Outline Solution Stage and proposals have been assessed as offering better quality against current service.

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- 1.3. Appendix B contains further information from the submissions and outlines any potential savings, and service design improvements contained within the bids.
- 1.4. It should be noted that if the Council approve Recommendation 1, the procurement process will continue to the Detailed Solutions Stage and a further report will be brought before Council in July 2018.
- 1.5. West Devon are legally required to test services in line with the Public Contract Regulations 2015. In order for South Hams to properly test service costs in the marketplace detailed solution information will be required.

## 2. **Background**

2.1 Members requested that key decisions during the procurement process be brought before Council. This report deals with the Outline Solutions Stage and the Board have based the recommendation on whether it is of benefit to both South Hams and West Devon Councils to continue with the procurement process. It should be noted that if Recommendation 1 is approved, the procurement process will continue to the Detailed Solutions Stage and a further report will be brought before Council in July 2018. Detailed solutions expand upon the specific detail of service benefits to the Council based upon a more thoroughly costed service solution rather than the indicative costs given at outline stage.

2.2 At the current stage of the procurement process an endorsement of the recommendation does not commit South Hams District Council to outsource the services. It does however recognise that the process is currently competitive and allows bidders to proceed to Detailed Stage. West Devon Borough Council are committed to continue with the process to be compliant with Public Contract Regulations 2015. Broadly costed parameters have been submitted at this outline stage and Detailed Stage solutions would offer more in-depth analysis of quality and cost in July 2018.

2.3 To ensure commercial confidentiality of bids and maintain the integrity of the procurement process, actual costings cannot be disclosed in this report. The Project Board have considered both service price and the quality of service offered by the bidders.

2.4 Following the Special Council meetings for West Devon and South Hams on the 31 October 2017, a number of recommendations were agreed which allowed for a Notice to be placed in the European Journal (OJEU) to invite suitable candidates to bid for the recycling and waste collection, street cleansing and public toilet cleaning services in both Council areas.

2.5 These respective reports set out the key objectives for the services as well as defining 'red lines' for service delivery. The market place was asked to cost the current service design as well as to provide optimum service solutions designed to meet the required objectives as detailed in the report. The optimum service solutions included the need to work towards the Devon aligned service. This is in line with the Waste and Resource Management Strategy for Devon to which the Council is committed.

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2.6 To ensure legal compliance in West Devon the procurement must be completed in time for a service commencement date of the 1st April 2019. South Hams are testing the market within the same timeframe to take advantage of a shared procurement, which has potential advantages for both Councils, in terms of procurement costs and economies of scale.

2.7 Recommendations at key points in the procurement process will come from the Frontline Services (Waste Procurement) Project Board who have access to all procurement information. It was requested that key gateway decisions during the process be brought before Council for consideration.

2.8 The latest Board Highlight Report is attached as Appendix A. This and previous Highlight Reports can be reviewed by all Members at: <http://is.swdevon.lan/members-west-devon/messages-from-officers/> . Please note the highlight Reports are not available to the general public. In summary, these reports set out progress to date, milestone activity, budget position, and the main project risks. The current position is summarised in the following paragraphs.

2.9 Detailed contract documents were developed by the waste working groups which included setting out the specific requirements of the two Councils and has produced detailed baseline data for both.

2.10 All bidders scored highly enough at the selection stage to be invited to take part in the next stage of the process, which was to submit Outline Solutions. The bidders understand the scale, scope and size of contract which we are procuring and the importance of each Council's identity. They are major market forces and have existing footholds in the South West – they are either already involved in, or have an interest in neighbouring South West contracts which are due to come to market shortly. As such our positioning and procurement timing should allow for a fully competitive testing of the market in relation to our services.

2.11 The process is divided into 3 parts, Outline Stage, Detailed Stage and Final Stage. This report deals with the Outline Stage where evaluation is based on 60% cost and 40% quality and whether solutions offer an advantage, in particular a financial advantage, over the current means of delivery.

2.12 Bidders were asked to provide bids on the basis of the services being split into 3 Lots:

- Lot 1 West Devon's waste and cleansing services
- Lot 2 South Hams' waste and cleansing services
- Lot 3 Both Councils' waste and cleansing services

### **3. Evaluation of Outline Solutions**

3.1 All proposals have been assessed as offering better quality against current service design.

3.2 To ensure a like for like comparison, proposals have been evaluated against current service costs taking into account considerations, such as depot

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usage, income from recyclables and customer support. At this stage due to the procurement methodology, exact specification of services cannot be determined as this would be refined during later dialogue stages and therefore the comparison of pricing against existing costings cannot be finalised but based on the solutions offered so far. However, an indication of current delivery costs against those proposed are shown in Appendix B. For commercial reasons, exact costings cannot be disclosed in this report but have been fully considered by the Project Board.

3.3 It should be noted that net costs for the provision of waste and cleansing services have risen in recent years, not least due to the introduction of the National Living Wage, fluctuations in the global recyclable materials markets including Chinese import restrictions and a national shortage of HGV drivers.

3.4 The next stage of the procurement involves a second round of dialogue with bidders to discuss optimum solutions for each Council after which invitations to submit Detailed Solutions will be issued.

**4. Options available and consideration of risk**

- 4.1 There is no material risk to the Council of continuing to the next stage of the procurement process and, if the recommendation is approved, a further recommendation on whether to continue with the process will come before Council in July.
- 4.2 There is a risk if West Devon choose not to endorse Recommendation 1 as failure to continue with the procurement process and award a contract by April 2019 would result in the Council being non-compliant with the Public Contract Regulations 2015.
- 4.3 All Devon districts have committed to move towards the Devon Aligned Service. Any delay may incur additional costs and the Council would miss out on opportunities that the aligned service could provide such as improvements to the customer, increase in recycling rate and income, increased opportunities for partnership working and cost reductions, and positive environmental impacts.
- 4.4 At this stage it is not necessary to make decisions such as opting for less frequent residual collections. However it is worth noting that any savings that can be achieved from this option will not be fully realised if a decision is made after the procurement process is concluded.

**5. Proposed Way Forward**

- 5.1. It is proposed that Council endorses the view of the Board to continue to the next stage of the competitive dialogue process for waste collection, recycling and cleansing services.
- 5.2. This recommendation fits with the corporate priorities of Environment, Infrastructure and Resources.

**6. Implications**

Implications	Relevant to	Details and proposed measures to address
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	proposals Y/N	
Legal/Governance	Y	The Council has a duty to arrange for collection and disposal of household waste. The legislative framework is to be found in the Environmental Protection Act 1990, Waste Framework Directive 2008, and Controlled Waste Regulations 2012. The procurement process is compliant with the Public Contract Regulations 2015. Any change in policy will need to be communicated to bidders so that they can consider the impact on their pricing strategy.
Financial	Y	Financial implications are set out in Appendix B.
Risk	Y	The risks are set out at section 4 of this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	Not applicable
Safeguarding	N	Not applicable
Community Safety, Crime and Disorder	N	Not applicable
Health, Safety and Wellbeing	N	Not applicable
Other implications	N	None

## **Supporting Information**

### **Appendices:**

Appendix A: Project Board Highlight Report February 2018 - **Exempt**

Appendix B: Outline Solutions Stage Council Position - **Exempt**

### **Background Papers:**

Council Report 31 October 2017

### **Approval and clearance of report**

<b>Process checklist</b>	<b>Completed</b>
Portfolio Holder briefed	<b>Yes</b>
SLT Rep briefed	<b>Yes</b>
Relevant Exec Director sign off (draft)	<b>Yes</b>
Data protection issues considered	<b>Yes</b>
If exempt information, public (part 1) report also drafted. (Cabinet/Scrutiny)	

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Report to: **Council**

Date: **27 March 2018**

Title: **Commercial Property Acquisition Strategy Update**

Portfolio Area: **Cllr Philip Sanders, Leader of the Council, Strategy & Commissioning**

Wards Affected: **All**

Relevant Scrutiny Committee: **Overview & Scrutiny Committee**

Date next steps can be taken: **After Meeting**

Authors: Invest to Earn Working Group, Members:  
**Cllrs Baldwin, Edmonds & Jory**  
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## **Recommendations:**

**That Council APPROVE & IMPLEMENT the updated commercial property acquisition strategy as detailed in Appendix A.**

- 1.0 **Executive Summary**
- 1.1 On 5<sup>th</sup> December 2017 Council approved the recommendations of a report entitled "Commercial Property Acquisition Update". This agreed borrowing of up to £37.45m to implement the adopted updated strategy.
- 1.2 This report seeks to update Members on that decision and recommends updating the strategy in light of the Council's business rates pilot status and the recently issued MHCLG guidance in relation to prudential borrowing and investment.
- 1.3 Appendix A shows the recommended adopted strategy.
- 1.4 No purchases have been completed to date. As at the time of writing (16<sup>th</sup> March 2018) two bids have been accepted for off-market properties and these transactions are well advanced.
- 1.5 There are multiple objectives to this strategy, these are set out below:
  - To help the Council continue to deliver and/or improve frontline services in line with the Council's adopted strategy & objectives.
  - To support regeneration and the economic activity of the Borough, the LEP area and the South West Peninsula (in that priority order)
  - To enhance economic benefit/business rates growth
  - To assist with the financial sustainability of the Council through yield being an ancillary benefit.
- 1.6 West Devon Borough Council is a business rates pilot area for 2018/19, which sets out the economic objectives of the pilot area.

Each acquisition will be assessed on its fit with meeting the objectives stated above, on a case by case basis.

- 1.7 It is important to note that the elected 'Invest to Earn' working group will consider each and every acquisition on its own merits and how it meets the Council's multiple objectives. Building a balanced property portfolio conforming to the proposed strategy could take up to two years. If approved, the Council will implement this strategy with the aid of commissioned property experts, whose costs are included within the financial projections.
- 1.8 The proposed strategy and/or implementation could be updated or ceased at any point prior to the full acquisition budget being expended, if Members determine that market conditions have deteriorated enough to make it financially unattractive. The 'Invest to Earn' working group retain the right to review the acquisition strategy at any time.
- 1.9 At this point, there is no recommendation to increase the first tranche of approved borrowing.

## 2. **Background**

- 2.1 On 25<sup>th</sup> July 2017 Council approved the recommendations of a report entitled "Commercial Property Investment". This agreed borrowing of up to £26.75m to implement the first tranche of the adopted Commercial Property Acquisition Strategy. On 5<sup>th</sup> December 2017 Council approved increased borrowing of up to £37.45m and increased the flexibility of the approved strategy.
- 2.2 This report seeks to update Members since that decision and recommends updating the strategy in response to recently published MHCLG guidance.
- 2.3 It is not proposed that the adopted strategy's upper spend limit of £75m or 1<sup>st</sup> tranche limit of £37.45m is updated. Appendix A shows the recommended changes to the adopted strategy. There are no additional financial implications of these changes.
- 2.4 The MHCLG (Government) guidance on Investments has stated that Councils will need to disclose several recommended indicators in their treasury management strategies going forward, for reports published after 1 April 2018.
- 2.5 The indicators that need to be disclosed after 1 April 2018 include an indicator on proportionality. This indicator assesses the amount of debt an Authority holds in relation to its Net Service Expenditure (NSE). The purpose of this indicator is to allow the reader to assess how proportional a Council's borrowing is, in relation to its Net Service Expenditure.
- 2.6 The level of borrowing for the Council's Commercial Property Acquisition Strategy has been approved at £37.45 million. This is a factor of 5.5 times the Council's Net Service Expenditure (which was £6.8 million in the Council's 2016/17 Audited Accounts).
- 2.7 There are no Government guidelines on what is an acceptable level of proportionality and it is for each Council to assess this

level themselves. The Council has carried out benchmarking on the debt levels of 200 Shire District Councils. The average debt level is £50.2 million amongst 200 Shire District Councils.

- 2.8 The Council will consider proportionality on a case by case basis for each acquisition as part of the decision making process, with information provided to the Invest to Earn Member group, the s151 officer, the Head of Paid Service and the Leader of the Council.

### **3.0 Commercial Property Acquisition**

- 3.1 The Member 'Invest to Earn' working group have reviewed a number of potential acquisitions since the strategy was adopted last July.
- 3.2 No purchases have been completed to date. As at the time of writing (16<sup>th</sup> March 2018) two bids have been accepted for off-market properties and these transactions are well advanced and due diligence checks are being undertaken. Assuming satisfactory results, these transactions will move towards exchange and completion.
- 3.3 A number of other opportunities have been considered by officers and the 'Invest to Earn' group with two proceeding to unsuccessful bid stage. Officers continue to scour the market in conjunction with the retained advisors.
- 3.4 At this point, there is no recommendation to increase the first tranche of approved borrowing. As at the time of writing (16<sup>th</sup> March 2018), no borrowing has yet taken place in relation to this strategy. Borrowing will not be taken in advance of need to facilitate this strategy – borrowing will only be undertaken when a bid has been accepted, a transaction is progressing towards exchange and the s151 officer is confident that the results of the due diligence completed necessitates that borrowing.
- 3.5 It is the intention of this report to make clear the Council's multiple objectives of this strategy, in light of the recently published MHCLG guidance. Legal counsel has been undertaken as part of this process. The legal powers by which the Council can implement this strategy are unchanged.
- 3.6 The adopted strategy is shown in Appendix A. All other elements are to remain as per the current strategy (i.e. delegations / governance arrangements). There are no financial implications of this change.

### **4.0 Options available and consideration of risk**

- 4.1. The overall objectives of this strategy are set out below:
- To help the Council continue to deliver and/or improve frontline services in line with the Council's adopted strategy & objectives
  - To support regeneration and the economic activity of the Borough, the LEP area and the South West Peninsula (in that priority order)

- To enhance economic benefit/business rates growth
  - To assist with the financial sustainability of the Council through yield being an ancillary benefit.
- 4.2. West Devon Borough Council is a business rates pilot area for 2018/19, which sets out economic objectives of the pilot area. The Council's 2018/19 budget includes income from the implementation of this Commercial Property Acquisition Strategy, as an ancillary benefit. Each acquisition will be assessed on its fit with meeting the objectives stated above, on a case by case basis.
- 4.3. Property acquisition is a dynamic area which generally does not sit well with traditional officer, committee and Council meeting schedules and structures. Decisions often need to be made quickly otherwise opportunities can be missed. Research shows that where Councils undertake this activity, there is an increasing level of delegation, enabling them to move quickly when properties come to market. This is implicit within the adopted and recommended strategy.
- 4.4. Members could opt to follow, amend or reject the recommendations.
- 4.5. Legal counsel has been undertaken as part of this process. The legal powers by which the Council can implement this strategy are unchanged from before.
- 4.6. The strategy looks to mitigate risks by setting specific criteria for purchases and necessary due diligence must be completed before officers and the 'Invest to Earn' group recommend any purchase.
- 4.7. The Council cannot remove all risk from this strategy, but the strategy is built in such a way to mitigate the risk as much as possible.

### **Proposed Way Forward**

- 5.1 It is proposed that if the Council approve this report's recommendations, the new strategy will be adopted immediately.

### **6.0 Implications**

<b>Implications</b>	<b>Relevant to proposals Y/N</b>	<b>Details and proposed measures to address</b>
Legal/ Governance	Y	<p>Advice on the relevant powers and appropriate vehicles for delivering these proposals has been sought from external specialist advisers and legal counsel. Legal counsel opinion has been obtained which sets out the various powers available to the Council, which supports the Council's proposed strategy as described in this report.</p> <p>This proposal is consistent with the Council's powers to borrow and invest under the Local Government Act 2003 and section 1 Localism Act 2011 (the general power of competence) and / or section 120 Local Government Act 1972 (power to acquire land).</p> <p>The Council is empowered to buy pursuant to section 120 of the Local Government Act 1972. Section 1 of the Local Government</p>

		<p>Act 2003 provides a power to the Council to borrow for the purposes of any enactment.</p> <p>Disposal of any of the acquired properties will have to be undertaken in accordance with the provisions of section 123 Local Government Act 1972.</p> <p>In order to lawfully implement the acquisition strategy, each proposal (including the funding strategy for purchases) should be reviewed as part of a decision to purchase or sell, and tested for value for money, and regulatory compliance.</p> <p>There is an overriding duty toward prudent management of risk, and officers, including the Council's section 151 officer owe a fiduciary duty in relation to given transactions.</p> <p>There is a duty on the Council to have regard to Statutory Guidance on Local (the New Guidance) Government Investments. As such, as part of the due diligence, officers consideration of each particular investment will need to include consideration of all the legal circumstances of the particular case, including, with respect to the utilisation of the investment power, whether having given due regard to the New Guidance, there is, exceptionally, scope for nonetheless borrowing in order to make the investments.</p>
Financial	Y	<p>The Council will purchase assets directly on balance sheet and therefore the direct costs of purchase and acquisition can be capitalised. This will include costs such as stamp duty, legal fees, due diligence and agency fees.</p> <p>When individual purchase decisions are made, a bespoke business case will be produced alongside a package of due diligence information to support the decision making process. The delegated authorities approving a purchase will need to be satisfied that any proposed acquisition not only delivers best value but also meets the criteria contained within the Commercial Property Acquisition Strategy and has proper regard to how the acquisition meets the Council's multiple objectives of the strategy.</p> <p>Part of the business case for each commercial property acquisition will be an assessment of the Internal Rate of Return (IRR) calculation.</p> <p>Any PWLB borrowing to fund the acquisition of commercial property is not secured on the property acquired.</p> <p>PWLB borrowing rates are fixed for the term of the loan. Individual borrowing decisions will be taken prudently in line with the Council's treasury management strategy and by officers within that function. The Council will not exceed its affordable borrowing limit to implement this strategy.</p> <p>The Council has adopted the CIPFA Code Of Practice for Treasury Management and produces an Annual Treasury Management Strategy and Investment Strategy in accordance with CIPFA guidelines.</p> <p>This amended Commercial Property Acquisition Strategy does not create a direct financial impact.</p>

Risk	Y	<p>The security risk is that the capital value of an acquired property falls. Whilst this would have an effect on the Council's balance sheet, this loss will only be realised if the Council chooses to sell the property and incurs a capital loss. The liquidity risk is the risk of failure of a tenant within one of the acquired properties.</p> <p>The yield risk is that the ancillary income derived from the acquired assets will alter during the life of the asset. This will be actively managed; with specialist agents commissioned to manage the asset and its tenants. Properties will only be acquired if they have a minimum of 5 years unexpired lease term and are located in areas deemed to be attractive for future lettings / sales, limiting the risk to the Council's portfolio.</p> <p>The Council already owns and operates a property estate valued at circa £20m. It therefore has experience of managing such an estate and can act as an intelligent client to fulfil the proposed strategy, with the aid of commissioned property experts. The cost of these experts has been included in the financial projections from this strategy.</p>
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity	N	Not Applicable
Safeguarding	N	Not Applicable
Community Safety, Crime and Disorder	N	Not Applicable
Health, Safety and Wellbeing	N	Not Applicable
Other implications	N	Not Applicable

### **Supporting Information**

#### **Appendices:**

Appendix A – Recommended Commercial Property Acquisition Strategy & Criteria

#### **Background Papers:**

- Commercial Property Acquisition Strategy Update, presented to Council December 5<sup>th</sup>, 2017
- Investment in Commercial Property, presented to Council July 25<sup>th</sup> 2017
- Investment in Commercial Property, presented to Hub Committee June 20<sup>th</sup> 2017
- Statutory Guidance On Local Government Investments (3rd Edition)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/678866/Guidance\\_on\\_local\\_government\\_investments.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/678866/Guidance_on_local_government_investments.pdf)
- Proposed Changes To The Prudential Framework Of Capital Finance  
<https://www.gov.uk/government/consultations/proposed-changes-to-the-prudential-framework-of-capital-finance>

## **Appendix A – WDBC Commercial Property Acquisition Strategy & Criteria**

### **Overall Objectives:**

**The Council's commercial property acquisition strategy has multiple objectives as stated below:**

- To help the Council continue to deliver and/or improve frontline services in line with the Council's adopted strategy & objectives
- To support regeneration and the economic activity of the Borough, the LEP area and the South West Peninsula (in that priority order)
- To enhance economic benefit/business rates growth
- To assist with the financial sustainability of the Council through yield being an ancillary benefit.

West Devon Borough Council is a business rates pilot area for 2018/19, which sets out the economic objectives of the pilot area.

Each acquisition will be assessed on its fit with meeting the objectives stated above, on a case by case basis.

This strategy will be achieved by the focussed acquisition of existing commercial property assets using predominantly prudential borrowing or any other unallocated or available Council reserve or capital receipt.

The strategy criteria below are based on an overall spend profile of £75m + costs, recognising that approval has only been granted for an initial tranche of £35m + costs.

### **Strategy**

- To achieve the overall multiple objectives as set out above
- Achieve a spread of risk across a greater number of assets and by acquiring properties across a range of different property asset classes, namely retail, office, industrial or alternative (e.g. leisure, health, private rented sector, energy)
- Properties will be acquired to hold for the short to medium term rather than to dispose
- The Council will acquire properties where the ancillary yield benefit delivers sufficient income to fund the initiative, with a minimum gross yield target of 5.85% across the portfolio (once completed)
- Acquisition costs are forecast not to exceed 7% (Stamp Duty Land Tax (SDLT) / Legal / Agents / Due Diligence). These services are to be commissioned via a procurement exercise.
- Management of the acquired assets will be outsourced to property professionals where appropriate. The cost of this management is to be included within the target return
- The legal work required to complete transactions may be outsourced
- Specialists will be commissioned to act on behalf of the Council to source suitable properties and manage the acquisition due diligence process

### **Risk**

- The risks of acquiring property may be mitigated through the acquisition of assets with secure, long income streams
- Acquisitions are to be made in a careful and controlled manner, with specific analysis of risk criteria carried out in the 'due diligence' stage prior to the completion of each purchase
- Should the portfolio yield drop below 5.85%, a review of the strategy will be triggered in terms of value for money

- The portfolio of properties being acquired should be diversified in order to spread risks via a balanced portfolio, such diversification principally being across geographical locations and the use type of properties
- The portfolio will be relatively risk-averse, when appropriate, limiting fresh acquisitions to properties with minimum unexpired lease terms of four years at the date of acquisition, and tenants of strong financial standing

The final decision over the definition of “good”, “strong”, “spread”, “balanced”, “prime”, “well-let” and “sound” will be agreed between the property acquisition advisers (including legal due diligence) and the individuals delegated with the responsibility to conclude the acquisition of the properties. This discretion will be based on both the risk to the capital value of the asset and its revenue returns.

***Initially, acquisition decisions will be taken as long as they fit within the below criteria:***

**Location:**

- Wherever opportunities arise in order to acquire good properties which deliver the Council’s multiple objectives stated above and are deemed an acceptable risk
- Acquisitions will seek not to over expose the Council to one particular geographical area - As the portfolio gets larger, a mix of locations will be sought to create a balanced portfolio
- Good, commercially strong locations to protect capital value and ensure ongoing occupier demand, E.g. for retail - good out-of-town retail clusters/parks; for offices - close to transport infrastructure and catchment for employees; for industrial - close to major road / rail hubs

**Sector:**

- Neutral – Wherever opportunities arise in order to acquire good properties which deliver the Council’s multiple objectives and are deemed an acceptable risk
- As the portfolio gets larger, a mix of sectors will be sought to create a balanced portfolio

**Tenant mix:**

- As the portfolio gets larger, a mix of tenants will be sought to create a balanced portfolio
- The final decision over the appropriateness of any tenant would be reviewed at the time of acquisition

**Lease length:**

- Minimum 4 years unexpired (mean unexpired term for multi-let properties)
- Unless the property is being purchased with a view to redevelopment or the property is located in a prime location, or let to a strong covenant, single-let properties will not be favoured
- For multi-let properties, a mix of lease expiry dates are preferred, thereby limiting void risk (unless the property is purchased with a view to re-development)
- Properties are to be well-let to sound tenants on leases with a preference for ‘Full Repairing and Insuring’ leases for single occupiers and through internal repair obligations and a service charge for multi-let properties

**Yield:**

- Per lot, a minimum gross yield of 4.0% is envisaged, before management, maintenance and funding costs
- A maximum gross yield in excess of 11% will not normally be sought
- As the portfolio gets larger, a mix of yields will create a balanced portfolio
- It is envisaged that the yield (an ancillary benefit) will average 5.85%

**Cost:**

- Larger lot sizes are favoured - smaller size properties have disproportionately higher management costs and expose the Council to greater property void risks
- All acquisitions will normally be subject to a minimum lot size of £2m

**For all of the above, flexibility of +/- 15% (relative to the measure) is allowable in order to conclude a deal without recourse to reviewing the terms of this strategy. The overall budget for acquisitions is not subject to this flexibility.**

**Funding:**

- This is to be secured on a case by case basis on the most favourable terms available predominantly through prudential borrowing or any other unallocated or available Council reserve or capital receipt
- The term will not exceed the expected remaining life of the property, but as a rule, the Council wishes to secure borrowing over a maximum 50 year term
- The Council will opt to borrow monies on the most commercially advantageous terms, seeking advice from its retained Treasury Management Advisors

**Exit Strategy:**

- The Council is acquiring to hold for the short to medium term. It is not looking to actively trade commercial property in this timeframe
- If capital values determine that the most prudent action is to sell an individual asset, this will be considered on a case by case basis and will be acted upon in consultation with the 'Invest to Earn' group Chair, Leader, S151 officer and Head of Paid Service
- It is proposed that all properties will be held as Council Assets. This may change if the Council were to set-up an arms-length management organisation (ALMO) or trading company and it was found to be commercially advantageous for such a vehicle to hold the asset
- It is important to note that there would be early repayment charges if the loan used to acquire the commercial property were to be repaid before the end of the loan term. However, Public Works Loan Board (PWL) lending is not secured against property, so this would not inhibit the asset being traded during the loan period. An alternative asset could be purchased (& held) with any sale proceeds

**Tax Implications:**

- Due to the Council holding the asset, it is not anticipated that there will be any corporation tax or income tax implications from this strategy
- Some properties may be VAT elected, meaning VAT must be charged to tenants. This will be dealt with on a case by case basis and will be covered by the due diligence connected with that acquisition. The Council is able to charge and recover VAT

- Capital Gains Tax would not apply to assets sold from Council ownership. This position may change if a company were to be used to hold the acquired asset

### **Governance Arrangements:**

#### ***Purchase***

Purchases must conform to the adopted commercial property acquisition strategy. Any deviation from the agreed strategy (beyond the flexibility parameters) will require Council approval.

Delegated authority to be given to the Head of Paid Service, in consultation with the S151 officer and Leader and Chair of the 'Invest to Earn' group (or their deputy). Each receive one vote to proceed with purchase. In the event of a split decision, the S151 officer has the casting vote. Only purchases which are in line with the agreed strategy will be considered by this group.

The Council will consider proportionality on a case by case basis for each acquisition as part of the decision making process, with information provided to the Invest to Earn Member group, the s151 officer, the Head of Paid Service and the Leader of the Council.

The 'Invest to Earn' group will determine its chair and will receive details of potential purchases from the Assets CoP. They will vote on whether to bring a potential purchase decision to the Head of Paid Service.

#### ***Running / Review***

Unless located within the Borough, assets will most likely be managed by a contracted third party, with overview by the Assets CoP, Group Manager, Business Development and the S151 officer. Invest to Earn group to receive regular reporting to confirm portfolio composition and performance. Regular reporting to Audit Committee.

#### ***Disposal***

Once acquired, decisions relating to the ownership of any acquired properties will be dealt with in-line with the Council's constituted scheme of delegation.

Disposal will be considered if the portfolio breaches the approved strategy. Decisions to be made in consultation with the 'Invest to Earn' group Chair, Leader, S151 officer and Head of Paid Service.

Report to: **Council**

Date: **27th March 2018**

Title: **2018/19 Treasury Management Strategy**

Portfolio Area: **Support Services – Cllr C Edmonds**

Wards Affected: **All**

Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: After Full Council

Authors: Alexandra Walker Role: **Specialist Accountant**

Contact: **Email [Alexandra.walker@swdevon.gov.uk](mailto:Alexandra.walker@swdevon.gov.uk)**  
**01803 861345**

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**Recommendations: It is recommended that the Council approve:**

1. The prudential indicators and limits for 2018/19 to 2020/21 contained within Appendix A of the report.
2. The Minimum Revenue Provision (MRP) statement contained within Appendix A which sets out the Council's policy on MRP
3. The Treasury Management Strategy for 2018/19 and the treasury prudential indicators 2018/19 to 2020/21 contained within Appendix B.
4. The Investment Strategy 2018/19 Appendix C and the detailed criteria included in Appendix D (The Council's counterparty list from applying the criteria is shown in Appendix E).

## 1. Executive summary

This report seeks approval of the 2018/19 Treasury Management and Investment Strategies together with their associated prudential indicators. Good financial management and administration underpins the entire strategy.

The budget for investment income for 2018/19 has been set at £90,321. This is £20,000 higher than for 2017/18, due to higher bank rate and returns from long dated investments and extending credit rating criteria.

The Council currently has a £2.1 million loan with the Public Works Loan Board. In December 2017, the Council approved an amendment to the Property Acquisition Strategy (Minute CM45), which enables the Council to borrow up to £37.45 million (for a £35 million portfolio plus acquisition costs of 7%).

Further borrowing of £2.55 million to fund a Residential Property Purchase (Minute HC53) was also approved. This borrowing will not take place until 2019/20 at the earliest.

The following changes have been made to 2018/19 Treasury Management Strategy,

- **Country and sector limits** – the Council has the opportunity to lift the restriction to only use UK registered banks. Widening this limit allows the use of approved counterparties from countries with a minimum sovereign credit rating of AA- (see Appendix C and Appendix E).
- **Counterparty list** – the Council has the opportunity to lift the restriction to only use UK registered banks, the Council's approved counterparty list has been included in Appendix E.
- **Capital Strategy** - In December 2017, CIPFA issued revised Prudential and Treasury Management Codes. As from 2019/20, all local authorities will be required to prepare an additional Capital Strategy report. Details of what this report is intended to provide can be found at point 2.2 of this report.
- **Prudential Indicators** – the estimates of the incremental impact of capital investment decisions on council tax indicator has been removed from the revised 2017 Prudential Code.
- The Council's prudential indicators have been revised to reflect the current schedule of borrowing for the leisure, commercial property and residential property investment, and the purchase of the waste fleet (see Appendix A).

## **2. Background**

The Council is required to operate a balanced revenue budget, which broadly means that cash raised during the year will meet cash expenditure. Part of the treasury management operation is to ensure that this cash flow is adequately planned, with cash being available when it is needed. Surplus monies are invested in low risk counterparties or instruments commensurate with the Council's risk appetite on investments, providing adequate liquidity initially before considering investment return.

The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning, to ensure that the Council can meet its capital spending obligations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses.

CIPFA defines treasury management as:

"The management of the local authority's borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

### **2.1 Reporting requirements**

The Council is required to receive and approve, as a minimum, three main reports each year, which incorporate a variety of policies, estimates and actuals.

#### **Prudential and treasury indicators and treasury strategy** (this report)

The first, and most important report covers:

- The capital plans (including prudential indicators);
- A minimum revenue provision (MRP) policy
- The treasury management strategy (how the investments and borrowings are to be organised) including treasury indicators; and
- An investment strategy (the parameters on how investments are to be managed).

**A mid year treasury management report** – This will update members with the progress of the capital position, amending prudential indicators as necessary, and whether any policies require revision.

**An annual treasury report** – This provides details of a selection of actual prudential and treasury indicators and actual treasury operations compared to the estimates within the strategy.

**Scrutiny** - The above reports are required to be adequately scrutinised before being recommended to the Council. The scrutiny of Treasury Management reports are the responsibility of the Audit Committee. The three reports above are presented to the Audit Committee at the relevant times in the calendar year.

(The Audit Committee scrutinised the Treasury Management Strategy on 20<sup>th</sup> March 2018 and this report was also considered by the Hub Committee on 13<sup>th</sup> March 2018. Neither Committee recommended any changes to the strategy contained in this report).

## **2.2 Capital Strategy**

In December 2017, CIPFA issued the Prudential and Treasury Management Codes. As from 2019/20, all local authorities will be required to prepare an additional Capital Strategy report, which is intended to provide the following:-

- A high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services
- An overview of how the associated risk is managed
- The implications for future financial sustainability arising from longer term capital objectives

The aim of this report is to ensure that all elected members on the full council fully understand the overall strategy, governance procedures and risk appetite entailed by the Capital Strategy. The Capital Strategy will include capital expenditure, investments and liabilities and treasury management in sufficient detail to allow all members to understand how stewardship, value for money, prudence, sustainability and affordability will be secured. The Council will prepare a Capital Strategy in 2018/19.

## **2.3 Treasury Management Strategy for 2018/19**

The strategy for 2018/19 covers two main areas:

### **Capital issues**

- The capital plans and the prudential indicators;
- The minimum revenue provision (MRP) policy.

### **Treasury management issues**

- The current treasury position;
- Treasury indicators which limit the treasury risk and activities of the Council;
- Prospects for interest rates;
- The borrowing strategy;
- Policy on borrowing in advance of need;
- The investment strategy;
- Creditworthiness policy; and
- Policy on use of external service providers.

These elements cover the requirements of the Local Government Act 2003, the CIPFA Prudential Code, MHCLG MRP Guidance, the CIPFA Treasury Management Code and MHCLG Investment Guidance.

It is noted that MHCLG released revised Investment and MRP Guidance on 2<sup>nd</sup> February and the Council will adopt any relevant changes in an updated Strategy during the 2018/19 financial year.

The MHCLG (Government) guidance on Investments has stated that Councils will need to disclose several recommended indicators in their treasury management strategies going forward, for reports published after 1 April 2018.

The indicators that need to be disclosed after 1 April 2018 include an indicator on proportionality. This indicator assesses the amount of debt an Authority holds in relation to its Net Service Expenditure (NSE). The purpose of this indicator is to allow the reader to assess how proportional a Council's borrowing is, in relation to its Net Service Expenditure.

The level of borrowing for the Council's Commercial Property Acquisition Strategy has been approved at £37.45 million. This is a factor of 5.5 times the Council's Net Service Expenditure (which was £6.8 million in the Council's 2016/17 Audited Accounts).

There are no Government guidelines on what is an acceptable level of proportionality and it is for each Council to assess this level themselves. The Council has carried out benchmarking on the debt levels of 200 Shire District Councils. The average debt level is £50.2 million amongst 200 Shire District Councils.

The Council will consider proportionality on a case by case basis for each acquisition as part of the decision making process, with information provided to the Invest to Earn Member group, the s151 officer, the Head of Paid Service and the Leader of the Council.

It is also a requirement of the new Government Guidance for a Council to set out its Non-Treasury Investment Schedule. This is attached at Appendix H and this is the Appendix to the commercial property acquisition strategy.

## **2.4 Training**

The CIPFA Code requires the responsible officer to ensure that Members with responsibility for treasury management receive adequate training in treasury management. This training has recently been widened to include Non-Treasury Investment. Treasury management training will be organised for Members during the 2018-19 financial year.

The training needs of treasury management officers are periodically reviewed. Officers received treasury management training on 31<sup>st</sup> January.

## **2.5 Treasury management advisors**

The Council uses Link Asset Services, Market Services as its external treasury management advisors. The Council recognises that responsibility for treasury management decisions remains with the organisation at all times and will ensure that undue reliance is not placed upon our external service providers. It also recognises that there is value in employing external providers of treasury management services in order to acquire

access to specialist skills and resources. The Council will ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review.

The Commercial Property Acquisition Strategy update was approved by Council on 5<sup>th</sup> December 2017. It was approved as part of that report to gain specialist treasury management advice in order to develop a full business case for the commercial property acquisition proposals set out in the report.

### **3. Outcomes/outputs**

The budget for investment income for 2018/19 has been set at £90,321. This is £20,000 higher than for 2017/18, due to higher bank rate and returns from long dated investments.

### **4. Options available and consideration of risk**

In order to maximise investment returns the Council needs to be able to either increase our investment portfolio which could potentially mean increasing the risk factor or maintain the current list of Counterparties but further increase the limit we can invest in each to avoid using those with the lowest rate of return. The Commercial Property Acquisition Strategy update was approved by Council on 5<sup>th</sup> December 2017.

### **5. Proposed Way Forward**

It is recommended for the Council to approve the Treasury Management and Investment Strategy.

### **6. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The elements set out in paragraph 2.2 cover the requirements of the Local Government Act 2003, the CIPFA Prudential Code, the CIPFA Treasury Management Code, the Department for Communities and Local Government (DCLG) Investment Guidance and the DCLG MRP Guidance.</p> <p>It is within the Terms of Reference of the Audit Committee to scrutinise the Treasury Management and Investment Strategy.</p>

Financial	Y	<p>Good financial management and administration underpins the entire strategy. The budget for investment income for 2018/19 is £90,321.</p> <p>As at 31/3/17 (Balance Sheet position), the Council had £8,450,000 in investments.</p> <p>In December 2017, the Council approved an update to the Commercial Property Acquisition Strategy.</p> <p>It was resolved that the proposed commercial property acquisition strategy (as detailed in Appendix A of the report) be implemented and to borrow funds on fixed rate terms to pursue the strategy. This requires borrowing of up to £37.45 million (£35 million plus acquisition costs of up to 7%).</p>
Risk	Y	<p>The security risk is the risk of failure of a counterparty. The liquidity risk is that there are liquidity constraints that affect the interest rate performance. The yield risk is regarding the volatility of interest rates/inflation.</p> <p>The Council has adopted the CIPFA Code Of Practice for Treasury Management and produces an Annual Treasury Management Strategy and Investment Strategy in accordance with CIPFA guidelines.</p> <p>The Council engages a Treasury Management advisor and a prudent view is always taken regarding future interest rate movements. Investment interest income is reported quarterly to SLT and the Hub Committee as part of the budget reports.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	N/a
Safeguarding	N	N/a
Community Safety, Crime and Disorder	N	N/a
Health, Safety and Wellbeing	N	N/a
Other implications	N	none

## **Supporting Information**

### **Appendices:**

Appendix A - The Capital Prudential indicators 2018/19 to 2020/21.

Appendix B - The Treasury Management Strategy 2018/19

Appendix C - The Investment Strategy

Appendix D - Treasury Management Practice (TMP 1) – Credit and Counterparty Risk Management

Appendix E – Counterparty List as at 16<sup>th</sup> February 2018

Appendix F - Treasury Management Scheme of delegation

Appendix G - Glossary of Terms Appendix

Appendix H – Non-Treasury Investment Schedule

### **Background Papers:**

Audit Committee: 21/03/17 - TMS & Annual Investment Strategy 2017-18

Audit Committee: 30/01/18 - TMS (Mid Year Update)

Hub Committee: 13/03/18 – Treasury Management Strategy 2018-19

Audit Committee: 20/03/18 – Treasury Management Strategy 2018-19

<b>Process checklist</b>	<b>Completed</b>
Portfolio Holder briefed	<b>Yes</b>
SLT Rep briefed	<b>Yes</b>
Relevant Exec Director sign off (draft)	<b>Yes</b>
Data protection issues considered	<b>Yes</b>
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	<b>N/a</b>

## APPENDIX A

### THE CAPITAL PRUDENTIAL INDICATORS 2018/19 – 2020/21

The Council's capital expenditure plans are the key driver of treasury management activity. The output of the capital expenditure plans is reflected in the prudential indicators, which are designed to assist Members' overview and confirm capital expenditure plans.

#### Capital expenditure

This prudential indicator is a summary of the Council's capital expenditure plans, both those agreed previously, and those forming part of this budget cycle. Members are asked to approve the capital expenditure forecasts:

Capital expenditure	2016/17 Actual £000	2017/18 Estimate £000	2018/19 Estimate £000	2019/20 Estimate £000	2020/21 Estimate £000
<b>Total</b>	<b>651</b>	<b>7,838</b>	<b>34,698</b>	<b>3,144</b>	<b>551</b>

The capital expenditure estimates have been increased by £37.45 million in 2018/19 in line with the commercial property acquisition strategy. Similarly estimates for 2019/20 have been increased by £2.55 million for the Residential Property Purchase (HC 53).

Note: The Council has not yet purchased any commercial property at the time of writing this report but the table reflects the approved strategy. As at the time of writing (16<sup>th</sup> March 2018) two bids have been accepted for off-market properties and these transactions are well advanced.

The table below summarises the above capital expenditure plans and how these plans are being financed by capital or revenue resources. Any shortfall of resources results in a funding borrowing need.

Capital expenditure	2016/17 Actual £000	2017/18 Estimate £000	2018/19 Estimate £000	2019/20 Estimate £000	2020/21 Estimate £000
<b>Total</b>	<b>651</b>	<b>7,838</b>	<b>34,698</b>	<b>3,144</b>	<b>551</b>
<b>Financed by:</b>					
Capital receipts	0	0	0	0	0
Capital grants	239	402	450	450	450
Earmarked Revenue Reserves	0	80	0	0	0
New Homes Bonus	412	88	65	101	101
<b>Net financing need for the year</b> (This is the prudential borrowing required for the capital investment in leisure, the waste fleet and commercial property)	<b>Nil</b>	<b>7,268</b>	<b>34,183</b>	<b>2,593</b>	<b>Nil</b>

## **The Council's borrowing need (the Capital Financing Requirement)**

The second prudential indicator is the Council's Capital Financing Requirement (CFR). It is essentially a measure of the Council's underlying need to borrow. Any capital expenditure above, which has not immediately been paid for, will increase the CFR.

The CFR does not increase indefinitely, as the minimum revenue provision (MRP) is a statutory annual revenue charge which broadly reduces the indebtedness in line with each assets life.

In 2016/17 the Council has agreed to undertake prudential borrowing for the new leisure contract. The Council has also agreed borrowing for the waste fleet vehicles.

The Capital Financing Requirement has been increased by £37.45 million in 2018/19 to reflect the recommendations within the commercial property acquisition strategy. This is further explained within the Executive Summary of this report.

The Council is asked to approve the CFR projections below:

	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
	<b>Actual £000</b>	<b>Estimate £000</b>	<b>Estimate £000</b>	<b>Estimate £000</b>	<b>Estimate £000</b>
<b>Capital Financing Requirement (CFR)</b>					
Total CFR	1,715	8,941	42,680	44,509	43,720
Movement in CFR	-42	7,226	33,739	1,829	-789
<b>Movement in CFR represented by:</b>					
Net Financing need for the year	0	7,268	34,183	2,593	0
Less MRP and other financing movements	-42	-42	-444	-764	-789
Net borrowing requirement	-42	7,226	33,739	1,829	-789

## **Minimum revenue provision (MRP) policy statement**

Regulation 28 of the Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2003 states that 'A local authority shall determine for the current financial year an amount of minimum revenue provision which it considers to be prudent'. The provision is made from revenue in respect of capital expenditure financed by borrowing or credit arrangements.

With all options MRP should normally commence in the financial year following the one in which expenditure was incurred. Regulation 28 does not define 'prudent'. However MRP guidance has been issued, which makes recommendations to authorities on the interpretation of that term. Authorities are legally obliged to 'have regard' to the guidance.

The first recommendation given by the guidance is to prepare, before the start of each financial year, an annual statement of the policy on making MRP in respect of that financial year and submit this to Full Council for approval.

The guidance aims to ensure that the provision for the repayment of borrowing which financed the acquisition of an asset should be made over a period bearing some relation to that over which the asset continues to provide a service.

The MRP policy to be adopted is as below:-

<b>Borrowing</b>	<b>MRP Methodology</b>
Commercial Property acquisition (Borrowing of up to £37.45 million) Residential Property Purchase	<p><b>Annuity Method (over the 50 years)</b></p> <p>Under this calculation, the revenue budget bears an equal annual charge (for principal and interest) over the life of the asset by taking into account the time value of money. Since MRP only relates to the 'principal' element, the amount of provision made annually gradually increases during the life of the asset. The interest rate used in annuity calculations will be referenced to prevailing average PWLB rates. Under this example, the MRP charge in Year 1 on a £37.45 million borrowing would be £367,000, this rises to £377,000 in Year 2 etc.</p>
Waste Fleet, Leisure Investment and Kilworthy Park	<p><b>Asset Life Method</b></p> <p>MRP is charged using the Asset Life method – based on the estimated life of the asset.</p> <p>This option provides for a reduction in the borrowing need over approximately the assets' life.</p>

### **Affordability prudential indicators**

The previous sections cover the overall capital and control of borrowing prudential indicators, but within this framework prudential indicators are required to assess the affordability of the capital investment plans. These provide an indication of the impact of the capital investment plans on the Council's overall finances. The Council is asked to approve the following indicators:

#### **Ratio of financing costs to net revenue stream**

This indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream. It is calculated by dividing investment income and interest received by the Council's Net Budget Requirement.

The financing costs have been increased to reflect the proposals within the commercial property acquisition strategy. These proposals have increased this indicator in 2018/19 and 2019/20.

	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
	<b>Actual</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
Ratio of net financing cost to net revenue stream. This is a net cost.	1.2%	2.3%	21.3%	26.5%	27.7%

## APPENDIX B

### TREASURY MANAGEMENT STRATEGY (BORROWING)

#### Introduction

The capital expenditure plans set out in Appendix A provide details of the service activity of the Council. The treasury management function ensures that the Council's cash is organised in accordance with the relevant professional codes, so that sufficient cash is available to meet this service activity. This will involve both the organisation of the cash flow and, where capital plans require, the organisation of appropriate borrowing facilities. The strategy covers the relevant treasury / prudential indicators, the current and projected debt positions and the annual investment strategy.

#### Current Portfolio Position

The Council's treasury portfolio position at 31 March 2017, with forward projections are summarised below. The table shows the actual external debt (the treasury management operations), against the underlying capital borrowing need (the Capital Financing Requirement - CFR), highlighting any over or under borrowing.

	2016/17	2017/18	2018/19	2019/20	2020/21
	Actual	Estimate	Estimate	Estimate	Estimate
	£000	£000	£000	£000	£000
<b>External Debt</b>					
Debt at 1 April	2,100	2,100	9,900	43,650	46,200
<b>Expected change in debt</b>					
Debt at 31 March	2,100	9,900	43,650	46,200	46,200
CFR	1,715	8,941	42,680	44,509	43,720
Under/(over) borrowing	-385	-959	-970	-1,691	-2,480
<b>Investments</b>					
Total Investments at 31 March	8,450	8,000	8,000	8,000	8,000
Net (Investment)/Debt	-6,350	1,900	35,650	38,200	38,200

Within the prudential indicators there are a number of key indicators to ensure that the Council operates its activities within well defined limits. One of these is that the Council needs to ensure that its gross debt does not, except in the short term, exceed the total of the CFR in the preceding year plus the estimates of any additional CFR for 2018/19 and the following two financial years. This allows some flexibility for limited early borrowing for future years, but ensures that borrowing is not undertaken for revenue purposes.

The Capital Financing Requirement has been increased by £37.45 million in 2018/19 to reflect the recommendations within the commercial property acquisition strategy. This is further explained within the Executive Summary of this report.

The S151 Officer reports that the Council complied with this prudential indicator in the current year and does not envisage difficulties for the future. This view takes into account current commitments, existing plans, and the proposals in this budget report.

### **Treasury Indicators: Limits to borrowing activity**

**The Operational Boundary** – This is the limit beyond which external debt is not normally expected to exceed. This is the maximum level of external debt for cash flow purposes.

<b>Operational Boundary</b>	<b>2017/18 Estimate £</b>	<b>2018/19 Estimate £</b>	<b>2019/20 Estimate £</b>	<b>2020/21 Estimate £</b>
Borrowing	11,000,000	47,500,000	47,500,000	47,500,000
Other long term liabilities	-	-	-	-
<b>Total</b>	<b>11,000,000</b>	<b>47,500,000</b>	<b>47,500,000</b>	<b>47,500,000</b>

**The Authorised Limit for External Debt** – A further key prudential indicator represents a control on the overall level of borrowing. This represents a limit beyond which external debt is prohibited, and this limit needs to be set or revised by Full Council. It reflects the level of external debt which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. This provides headroom over and above the operational boundary for unusual cash movements. This is the maximum amount of money that the Council could afford to borrow.

1. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003. The Government retains an option to control either the total of all councils' plans, or those of a specific council, although no control has yet been exercised.

The Operational Boundary has been increased by £37.45 million in 2018/19 to reflect the recommendations within the commercial property acquisition strategy. This is further explained within the Executive Summary of this report. Similarly the limits in 2019/20 have been increased by £2.55 million for the residential property purchase (HC 53).

**2. The Council is asked to approve the following Authorised Limit:**

<b>Authorised limit</b>	<b>2017/18 Estimate £</b>	<b>2018/19 Estimate £</b>	<b>2019/20 Estimate £</b>	<b>2020/21 Estimate £</b>
Borrowing	13,000,000	50,500,000	50,500,000	50,500,000
Other long term liabilities	-	-	-	-
<b>Total</b>	<b>13,000,000</b>	<b>50,500,000</b>	<b>50,500,000</b>	<b>50,500,000</b>

The figures in 2017/18 have increased to reflect the proposed borrowing for the new leisure contract and the borrowing for the waste fleet.

The Authorised Limit has been increased by £37.45 million in 2018/19 to reflect the recommendations within the commercial property acquisition strategy. Similarly the limits in 2019/20 have been increased by £2.55 million for the residential property purchase (HC 53).

**Prospects for interest rates**

The Council has appointed Capita Asset Services as its treasury advisor and part of their service is to assist the Council to formulate a view on interest rates. The following table gives their central view.

	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21
Bank rate	0.50%	0.75%	0.75%	1.00%	1.00%	1.00%	1.00%	1.25%	1.25%	1.25%	1.50%	1.50%	1.50%
5yr PWLB rate	1.90%	2.00%	2.10%	2.10%	2.20%	2.30%	2.30%	2.40%	2.40%	2.50%	2.50%	2.60%	2.60%
10yr PWLB rate	2.50%	2.50%	2.60%	2.70%	2.70%	2.80%	2.80%	2.90%	3.00%	3.00%	3.10%	3.10%	3.20%
25yr PWLB rate	2.80%	2.90%	3.00%	3.10%	3.20%	3.20%	3.30%	3.30%	3.40%	3.50%	3.50%	3.60%	3.60%
50yr PWLB rate	2.60%	2.70%	2.80%	2.90%	3.00%	3.00%	3.10%	3.10%	3.20%	3.30%	3.30%	3.40%	3.40%

As expected, the Monetary Policy Committee (MPC) delivered a 0.25% increase in Bank Rate at its meeting on 2 November. This removed the emergency cut in August 2016 after the EU referendum. The MPC also gave forward guidance that they expected to increase Bank rate only twice more by 0.25% by 2020 to end at 1.00%. The Link Asset Services forecast as above includes increases in Bank Rate of 0.25% in May and November 2018, November 2019 and August 2020.

## **Investment and borrowing rates**

- Investment returns are likely to remain low during 2018/19 but to be on a gently rising trend over the next few years.
- Borrowing interest rates increased sharply after the result of the general election in June and then also after the September MPC meeting when financial markets reacted by accelerating their expectations for the timing of Bank Rate increases. Since then, borrowing rates have eased back again. Apart from that, there has been little general trend in rates during the current financial year. The policy of avoiding new borrowing by running down spare cash balances, has served well over the last few years. However, this needs to be carefully reviewed to avoid incurring higher borrowing costs in later times when authorities will not be able to avoid new borrowing to finance capital expenditure and/or to refinance maturing debt;
- There will remain a cost of carry to any new long-term borrowing that causes a temporary increase in cash balances as this position will, most likely, incur a revenue cost – the difference between borrowing costs and investment returns.

## **Borrowing Strategy**

In July 2016 (Minute CM28) the Council agreed to undertake prudential borrowing for the new leisure contract. There is predicted to be £1.2 million of Leisure investment in 2017/18 (this is shown in the movement in CFR). The remaining leisure investment occurs in 18/19. The interest rate will be around 2.5% for a 24 year term.

Also at Council on 26 July 2016 (Minute CM27), Council agreed that the Council enters into an external Waste Management arrangement; for a 2 year period and that the Council proceeds to acquire the fleet required to satisfy the West Devon Waste specification as set out in Appendix D of the July 2016 agenda report. The cost of the fleet is to be financed through prudential borrowing. The interest rate will be around 1.85% for a 9 year term.

In December 2017, the Council approved an amendment to the Commercial Property Acquisition Strategy. It was resolved as part of that report to borrow funds on fixed rate terms to pursue the strategy. To complete Tranche 1, this requires borrowing of up to £37.45 million (£35 million plus acquisition costs of up to 7%). Borrowing will only be taken out once the property acquisition is at an advanced stage (e.g. at exchange).

Further borrowing of £2.55 million to fund a Residential Property Purchase (Minute HC53) was also approved. This borrowing will not take place until 2019/20 at the earliest

### **Treasury management limits on activity**

There are two related treasury activity limits. The purpose of these are to restrain the activity of the treasury function within certain limits, thereby managing risk and reducing the impact of an adverse movement in interest rates. However if these are set to be too restrictive they will impair the opportunities to reduce costs/improve performance. The indicators are:

- Upper limits on fixed interest rate exposure – This covers a maximum limit on fixed interest rates.
- Upper limits on variable interest rate exposure – This covers a maximum limit for variable interest rates.

***The Council is asked to approve the following treasury indicators and limits:***

<b>Interest rate Exposures</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
	<b>Upper</b>	<b>Upper</b>	<b>Upper</b>
<b>Limits on fixed interest rates based on net debt</b>	100%	100%	100%
<b>Limits on variable interest rates based on net debt</b>	50%	50%	50%
<b>Limits on fixed interest rates: Debt only</b>	47,500,000	47,500,000	47,500,000
<b>Limits on variable interest rates: Debt only</b>	3,500,000	3,500,000	3,500,000
<b>Maturity Structure of fixed interest rate borrowing 2018/19</b>			
	<b>Lower</b>	<b>Upper</b>	
Under 12 months	0%	10%	
12 months to 2 years	0%	10%	
2 years to 5 years	0%	30%	
5 years to 10 years	0%	50%	
10 years and above	0%	100%	

These are limits that apply to the total portfolio for in house investments.

## **Policy On Borrowing In Advance Of Need**

The Council will not borrow more than or in advance of its needs purely in order to profit from the investment of the extra sums borrowed. Any decision to borrow in advance will be within forward approved Capital Financing Requirement estimates, and will be considered carefully to ensure that value for money can be demonstrated and that the Council can ensure the security of such funds.

Borrowing in advance will be made within the constraints that:

- The Council would not look to borrow more than 18 months in advance of need.

Risks associated with any advance borrowing activity will be subject to prior appraisal and subsequent reporting through the mid-year or annual reporting mechanism.

If the Council had to borrow temporarily for cash flow purposes only in an emergency, then the S151 Officer, under delegated powers, will take the most appropriate form of borrowing depending on the prevailing interest rates at the time, taking into account the risks. A report will subsequently be reported to Council. In all other circumstances, approval to borrow money will be a decision that can only be made by Full Council and a full report will be brought to Members.

## **Debt Rescheduling**

As short term borrowing rates will be considerably cheaper than longer term fixed rates, opportunities to generate savings by switching from long term debt to short term debt are regularly evaluated. However, these savings will need to be considered in the light of the current treasury position and the size of the cost of debt repayment (premiums incurred).

The reasons for any rescheduling to take place will include:

- The generation of cash savings and/or discounted cash flow savings
- Helping to fulfil the treasury strategy
- Enhance the balance of the portfolio (amend the maturity profile and/or the balance of volatility).

Consideration will also be given to identify if there is any residual potential for making savings by running down investment balances to repay debt prematurely as short term rates on investments are likely to be lower than rates paid on current debt. In light of current interest rates and penalties incurred in repaying debt it is unlikely that debt rescheduling will be undertaken in the near future.

The Council has enquired as to whether there is any opportunity to reschedule the PWLB loan of £2.1 million but the associated early repayment charge and premium that would be charged makes this uneconomic at this stage.

All rescheduling will be reported to the Council, at the earliest meeting following its action.

### **Municipal Bond Agency**

It is possible that the Municipal Bond Agency will be offering loans to local authorities in the future. The Agency hopes that the borrowing rates will be lower than those offered by the Public Works Loan Board (PWLB). This Authority may make use of this new source of borrowing as and when appropriate.

**The Investment Strategy****Investment policy**

The Council's investment policy has regard to the CLG's Guidance on Local Government Investments ("the Guidance") and the revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectorial Guidance Notes 2017 ("the CIPFA TM Code"). The Council's investment priorities will be security first, liquidity second, then return.

In accordance with the above guidance from the CLG and CIPFA, and in order to minimise the risk to investments, the Council applies minimum acceptable credit criteria in order to generate a list of highly creditworthy counterparties which also enables diversification and thus avoidance of concentration risk. The key ratings used to monitor counterparties are the Short Term and Long Term ratings.

Ratings will not be the sole determinant of the quality of an institution; it is important to continually assess and monitor the financial sector on both a micro and macro basis and in relation to the economic and political environments in which institutions operate. The assessment will also take account of information that reflects the opinion of the markets. To this end the Council will engage with its advisors to maintain a monitor on market pricing such as "credit default swaps" and overlay that information on top of the credit ratings.

Other information sources used will include the financial press, share price and other such information pertaining to the banking sector in order to establish the most robust scrutiny process on the suitability of potential investment counterparties.

Investment instruments identified for use in the financial year are listed in appendix D under the 'specified' and 'non-specified' investments categories. Counterparty limits will be as set through the Council's treasury management practices – schedules.

**Creditworthiness policy**

This Council applies the creditworthiness service provided by Link Asset Services. This service employs a sophisticated modelling approach utilising credit ratings from the three main credit rating agencies - Fitch, Moody's and Standard and Poor's. The credit ratings of counterparties are supplemented with the following overlays:

- credit watches and credit outlooks from credit rating agencies;
- CDS spreads to give early warning of likely changes in credit ratings;
- sovereign ratings to select counterparties from only the most creditworthy countries.

This modelling approach combines credit ratings, credit Watches and credit Outlooks in a weighted scoring system which is then combined with an overlay of CDS spreads for which the end product is a series of colour coded bands which indicate the relative creditworthiness of counterparties. These colour codes are used by the Council to determine the suggested duration for investments. The Council will therefore use counterparties within the following durational bands:

- Yellow 5 years \*
- Dark pink 5 years for Enhanced money market funds (EMMFs) with a credit score of 1.25
- Light pink 5 years for Enhanced money market funds (EMMFs) with a credit score of 1.5
- Purple 2 years
- Blue 1 year (only applies to nationalised or semi nationalised UK Banks)
- Orange 1 year
- Red 6 months
- Green 100 days
- No colour not to be used

*\* Please note: the yellow colour category is for UK Government debt, or its equivalent, money market funds and collateralised deposits where the collateral is UK Government debt –see appendix D.*

The Link Asset Services' creditworthiness service uses a wider array of information than just primary ratings. Furthermore, by using a risk weighted scoring system, it does not give undue preponderance to just one agency's ratings. Typically the minimum credit ratings criteria the Council use will be a Short Term rating (Fitch or equivalents) of F1 and a Long Term rating of A-. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances consideration will be given to the whole range of ratings available, or other information, to support their use.

All credit ratings will be monitored weekly. The Council is alerted to changes to ratings of all three agencies through its use of the Link Asset Services' creditworthiness service.

- if a downgrade results in the counterparty / investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.
- in addition to the use of credit ratings the Council will be advised of information in movements in credit default swap spreads against the iTraxx benchmark and other market data on a daily basis via its Passport website, provided exclusively to it by Link Asset Services. Extreme market movements may result in downgrade of an institution or removal from the Council's lending list.

Sole reliance will not be placed on the use of this external service. In addition this Council will also use market data and market information, information on any external support for banks to help support its decision making process.

### **Country and sector limits**

The Council has determined that it will only use approved counterparties from countries with a minimum sovereign credit rating of AA-.

### **Investment strategy**

**In-house funds.** Investments will be made with reference to the core balance and cash flow requirements and the outlook for short-term interest rates (i.e. rates for investments up to 12 months).

**Investment returns expectations.** Bank Rate is forecast to stay flat at 0.50% until quarter 4 2018 and to rise to 1.25% by quarter 1 2021. Bank Rate forecasts for financial year ends (March) are:

- 2017/18 0.50%
- 2018/19 0.75%
- 2019/20 1.00%
- 2020/21 1.25%

The suggested budgeted investment earnings rates for returns on investments placed for periods up to 100 days during each financial year are as follows:

- |           | <b>Now</b> |
|-----------|------------|
| • 2017/18 | 0.40%      |
| • 2018/19 | 0.60%      |
| • 2019/20 | 0.90%      |
| • 2020/21 | 1.25%      |

The overall balance of risks to these forecasts is currently probably slightly skewed to the upside and are dependent on how strong GDP growth turns out, how quickly inflation pressures rise and how quickly the Brexit negotiations move forward positively.

**Investment treasury indicator and limit** - total principal funds invested for greater than 365 days. These limits are set with regard to the Council's liquidity requirements and to reduce the need for early sale of an investment, and are based on the availability of funds after each year-end.

The Council is asked to approve the treasury indicator and limit: -

<b>Maximum principal sums invested &gt; 365 days</b>			
<b>£m</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Principal sums invested > 365 days	£2 million	£2 million	£2 million

### **End of year investment report**

At the end of the financial year, the Council will report on its investment activity as part of its Annual Treasury Report.

**Treasury Management Practice (TMP1) – Credit and Counterparty Risk Management**

**Specified investments** – These investments are sterling investments of not more than one-year maturity, or those which could be for a longer period but where the Council has the right to be repaid within 12 months if it wishes. These are considered low risk assets where the possibility of loss of principal or investment income is small. These would include sterling investments which would not be defined as capital expenditure with:

1. The UK Government (such as the Debt Management Account deposit facility, UK treasury bills or a gilt with less than one year to maturity).
2. Supranational bonds of less than one year’s duration.
3. A local authority.
4. Pooled investment vehicles (such as money market funds) that have been awarded a high credit rating by a credit rating agency.
5. A body that is considered of a high credit quality (such as a bank or building society)

**Non-specified investments:** These are any investments which do not meet the Specified Investment criteria.

CCLA Property Fund investment will be the Council’s only Non-Specified Investment and there is a limit of £0.5 million for this asset class.

A variety of investment instruments will be used, subject to the credit quality of the institution, and depending on the type of investment made it will fall into one of the above categories. The criteria, time limits and monetary limits applying to institutions or investment vehicles are:

	<b>Minimum credit criteria / colour band</b>	<b>Max % of total investments / £ limit per institution</b>	<b>Max. maturity period</b>
DMADF – UK Government	N/A	100%	6 months
Money Market Funds	AAA	£3 million	Liquid
Ultra Short Dated Bond Funds	AAA	£6 million	T + 2
Local authorities	N/A	£3 million	5 years

	<b>Minimum credit criteria / colour band</b>	<b>Max % of total investments / £ limit per institution</b>	<b>Max. maturity period</b>
Property Investment Funds – CCLA	N/A	£500,000	No fixed maturity date but will generally be up to 7 years
Term deposits with banks and building societies	Yellow	£3 million (£4 million for Lloyds – the Council’s Bank)	Up to 5 years
	Purple		Up to 2 years
	Blue		Up to 1 Year
	Orange		Up to 1 Year
	Red		Up to 6 months
	Green		Up to 100 days
	No Colour		Not for use
<b>The Council is not recommending using the following investment vehicles and this is reflected by showing 0% against the limit per institution.</b>			
UK Government gilts	AAA	0%	Yellow (5 years)
UK Government Treasury bills	AAA	0%	6 months
Bonds issued by multilateral development banks	AAA	0%	Yellow ( 5 years)
CDs or corporate bonds with banks and building societies	Yellow	0%	Up to 5 years
	Purple		Up to 2 years
	Blue		Up to 1 year

	<b>Minimum credit criteria / colour band</b>	<b>Max % of total investments / £ limit per institution</b>	<b>Max. maturity period</b>
	Orange		Up to 1 year
	Red		Up to 6 months
	Green		Up to 100 days
	No colour		Not for use

### **SPECIFIED INVESTMENTS:**

All such investments will be sterling denominated, with maturities up to maximum of 1 year, meeting the minimum 'high' rating criteria where applicable.

	<b>Minimum 'High' Credit Criteria</b>	<b>Use</b>
Debt Management Agency Deposit Facility	-	In-house
Term deposits – local authorities	-	In-house
Term deposits – banks and building societies	Green	In-house

Term deposits with nationalised banks and banks and building societies

	<b>Minimum Credit Criteria</b>	<b>Use</b>	<b>Max total investment</b>	<b>Max. maturity period</b>
UK part nationalised banks	Blue	In-house	£3 million	Up to 1 year

<b>Collective Investment Schemes structured as Open Ended Investment Companies (OEICs): -</b>		
1. Government Liquidity Funds	MMF Rating	In-house
2. Money Market Funds	MMF Rating	In-house
3. Ultra Short Dated Bond Funds	EMMF	In-house

**Accounting treatment of investments.** The accounting treatment may differ from the underlying cash transactions arising from investment decisions made by this Council. To ensure that the Council is protected from any adverse revenue impact, which may arise from these differences, we will review the accounting implications of new transactions before they are undertaken.

<b>A Guide to Money Market Funds</b>	
<b>Definition</b>	A pool of cash managed by an independent fund management company. Frequently these are well known banks or investment houses.
<b>Investment</b>	Investors purchase units (shares) of the fund which are held on their behalf in a custody account.
<b>Returns</b>	Returns in line with either 7-day or 1-month LIBID are targeted by most funds.
<b>Liquidity</b>	The funds are very liquid. Shares can be purchased and sold on the same day if necessary and without penalty. Deals are subject to a cut-off time which varies from manager to manager but can be as late as 2pm.
<b>Variety</b>	Two types of classes exist – <ol style="list-style-type: none"> <li>1) Stable Net Asset Value (SNAV) – the most common variety. Prices are fixed and interest is credited to investors in the form of a dividend.</li> <li>2) Accumulating Net Asset Value (ANAV) – interest is credited to the shares and the price rises to reflect the return achieved.</li> </ol>
<b>Accounting</b>	Purchases of MMF shares do not score as capital expenditure. Sales do not score as capital receipts.
<b>Legality</b>	Local authorities are permitted to invest in sterling denominated funds with an AAA credit rating and domiciled in the EU.
<b>Regulation</b>	UK-based Funds are regulated by the Financial Services Authority. Those domiciled in other EU zones (the majority) are regulated via the Undertakings for Collective Investment in Transferable Securities (UCITS) Code. The Code lays down strict common standards of investment and management.

<b>Portfolio holdings</b>	Cash is invested in a selection of high quality, high liquidity securities including: time deposits, certificates of deposit, short-dated gilts, corporate bonds and notes, commercial paper etc.
<b>Credit rating</b>	Local authorities are empowered to place funds in investment schemes with a high credit rating. Money Market Funds fall into this category and are all rated by one or more of the three rating agencies. Credit Quality – measures the financial strength of the fund (not the manager) and the probability of it defaulting.
<b>Risk management</b>	<p>The funds eligible for local authority investment score highly on credit quality and low volatility. All have an AAA rating which means that the chances of default are considered minimal.</p> <ol style="list-style-type: none"> <li>1) Rating requirements – in order to maintain an AAA rating fund managers must adhere to requirements specified by the rating agencies. These include: <ul style="list-style-type: none"> <li>• A maximum exposure to any one counterparty (concentration ratio) between 5% &amp; 10%</li> <li>• A maximum weighted average maturity (WAM) for the entire fund – typically 60 days</li> <li>• A minimum level of overnight investments to ensure high liquidity</li> <li>• A lower limit on quality of investment counterparty</li> </ul> </li> <li>2) Ring fencing – monies received from share purchases are invested in financial instruments by the managing organisation. Deposits/security investments are held in custody by a non-related company that specialises in custody services. Counterparty exposure of the fund (and of the investor) is to the underlying securities and not to the management company.</li> </ol>
<b>Exposure limits</b>	In view of the funds’ low concentration ratios; quality of asset holdings; maximum WAM and ring-fencing arrangements, counterparty risk is spread widely. MMFs possess the same status as external fund managers operating cash/gilt funds for local authorities. They should have their own counterparty limit which can be considerably greater than that accorded to individual investment counterparties.

# The Council's Counterparty List

# Appendix E

Counterparty as at 16th Feb 2018		Fitch Rating				Moody's Ratings				S&P Ratings		Suggested Duration			
		Long Term	Short Term	Viability	Support	Long Term	Short Term	Long Term	Short Term						
<b>United Kingdom</b>															
	Collateralised LA Deposit*											Y - 60 mths			
	Debt Management Office											Y - 60 mths			
	Multilateral Development Banks											Y - 60 mths			
	Supranationals											Y - 60 mths			
	UK Gilts											Y - 60 mths			
<b>Banks</b>	Abbey National Treasury Services	PW	A	F1		1	SB	Aa3		P-1		R - 6 mths			
	Bank of Scotland PLC	SB	A+	F1	a	5	SB	Aa3		P-1	PO	A	A-1	R - 6 mths	
	Barclays Bank PLC	PW	A	F1	a	5	NO	A1		P-1	SB	A	A-1	R - 6 mths	
	Close Brothers Ltd	SB	A	F1	a	5	SB	Aa3		P-1				R - 6 mths	
	Goldman Sachs International Bank	SB	A	F1			SB	A1		P-1	SB	A+	A-1	R - 6 mths	
	HSBC Bank PLC	SB	AA-	F1+	a+	1	NO	Aa3		P-1	SB	AA-	A-1+	O - 12 mths	
	Lloyds Bank Plc	SB	A+	F1	a	5	SB	Aa3		P-1	PO	A	A-1	R - 6 mths	
	Santander UK PLC	PW	A	F1	a	2	SB	Aa3		P-1	SB	A	A-1	R - 6 mths	
	Standard Chartered Bank	SB	A+	F1	a	5	SB	A1		P-1	SB	A	A-1	R - 6 mths	
	Sumitomo Mitsui Banking	SB	A	F1		1	SB	A1		P-1	SB	A	A-1	R - 6 mths	
	UBS Ltd.	SB	AA-	F1+		1	SB	A1		P-1	SB	A+	A-1	O - 12 mths	
<b>Building Societies</b>	Coventry Building Society	SB	A	F1	a	5	SB	A2		P-1				R - 6 mths	
	Leeds Building Society	SB	A-	F1	a-	5	SB	A3		P-2				G - 100 days	
	Nationwide Building Society	NO	A+	F1	a	5	SB	Aa3		P-1	SB	A	A-1	R - 6 mths	
	Skipton Building Society	SB	A-	F1	a-	5	SB	Baa1		P-2				G - 100 days	
	Yorkshire Building Society	SB	A-	F1	a-	5	SB	A3		P-2				G - 100 days	
<b>Nationalised and Part Nationalised Banks</b>	National Westminster Bank	PW	BBB+	F2	bbb+	5	PW	A2		P-1	PO	BBB+	A-2	B - 12 mths	
	Royal Bank of Scotland Group Plc	SB	BBB+	F2	bbb+	5	SB	Baa3		P-3	SB	BBB-	A-3	B - 12 mths	
	The Royal Bank of Scotland Plc	SB	BBB+	F2	bbb+	PW	5	NW	A2	NW	P-1	SB	BBB+	A-2	B - 12 mths

Key	
Watches and Outlooks	Duration
SB Stable Outlook	Yellow - Y 60 Months
NO Negative Outlook	Blue - B 12 Months
NW Negative Watch	Orange - O 12 Months
PO Positive Outlook	Red - R 6 Months
PW Positive Watch	Green - G 100 Days
EO Evolving Outlook	
EW Evolving Watch	

**Treasury Management Scheme of Delegation**

**Full Council:**

- Receiving and reviewing reports on treasury management policies, practices and activities
- Approval of annual strategy
- Approval of/amendments to the organisation's adopted clauses, treasury management policy statement and treasury management practices
- Budget consideration and approval
- Approval of the division of responsibilities
- Receiving and reviewing regular monitoring reports and acting on the recommendations
- Approving the selection of external service providers and agreeing terms of appointment

**The treasury management role of the Section 151 Officer:**

- Recommending clauses, treasury management policy/practices for approval, reviewing the same regularly, and monitoring compliance
- Submitting regular treasury management policy reports
- Submitting budgets and budget variations
- Receiving and reviewing management information reports
- Reviewing the performance of the treasury management function
- Ensuring the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function
- Ensuring the adequacy of internal audit, and liaising with external audit
- Recommending the appointment of external service providers
- To ensure that members with responsibility for treasury management receive adequate training in treasury management.
- To review the training needs of treasury management officers periodically

GLOSSARY OF TERMS

**Basis Point**

1/100<sup>th</sup> of 1%, i.e., 0.01%

**Base Rate**

Minimum lending rate of a bank or financial institution in the UK

**Benchmark**

A measure against which the investment policy or performance of a fund manager can be compared

**Bill of Exchange**

A financial instrument financing trade

**Callable Deposit**

A deposit placed with a bank or building society at a set rate for a set amount of time. However, the borrower has the right to repay the funds on pre-agreed dates, before maturity. This decision is based on how market rates have moved since the deal was agreed. If rates have fallen, the likelihood of the deposit being repaid rises, as cheaper money can be found by the borrower

**Cash Fund Management**

Fund management is the management of an investment portfolio of cash on behalf of a private client or an institution, the receipts and distribution of dividends and interest, and all other administrative work in connection with the portfolio

**Certificate of Deposit (CD)**

Evidence of a deposit with a specified bank or building society repayable on a fixed date. They are negotiable instruments and have a secondary market; therefore the holder of a CD is able to sell it to a third party before the maturity of the CD

**Commercial Paper**

Short-term obligations with maturities ranging from 2 to 270 days issued by banks, corporations and other borrowers. Such instruments are unsecured and usually discounted, although some may be interest bearing

**Corporate Bond**

Strictly speaking, corporate bonds are those issued by companies. However, the term is used to cover all bonds other than those issued by governments in their own currencies and includes issues by companies, supranational organisations and government agencies

**Counterparty**

Another (or the other) party to an agreement or other market contract (e.g., lender/ borrower/writer of a swap, etc)

**CPI**

Consumer Price Index – calculated by collecting and comparing prices of a set basket of goods and services as bought by a typical consumer, at regular intervals over time.

**CDS**

Credit Default Swap – a swap designed to transfer the credit exposure of fixed income products between parties. The buyer of a credit swap receives credit protection, whereas the seller of the swap guarantees the credit worthiness of the product. By doing this, the risk of default is transferred from the holder of the fixed income security to the seller of the swap

**Derivative**

A contract whose value is based on the performance of an underlying financial asset, index or other investment, e.g., an option is a derivative because its value changes in relation to the performance of an underlying stock.

**DMADF**

Deposit Account offered by the Debt Management office, guaranteed by the UK government

**ECB**

European Central Bank – sets the central interest rates in the EMU area. The ECB determines the targets itself for its interest rate setting policy; this is to keep inflation within a band of 0 to 2%. It does not accept that monetary policy is to be used to manage fluctuations in unemployment and growth caused by the business cycle

**EMU**

European Monetary Union

**Equity**

A share in a company with a limited liability. It generally enables the holder to share in the profitability of the company through dividend payments and capital gain

**Fed.**

Federal Reserve Bank of America – sets the central rates in the USA

**Floating Rate Notes**

Bonds on which the rate of interest is established periodically with reference to short-term interest rates

**Forward Deal**

The act of agreeing today to deposit funds with an institution for an agreed time limit, on an agreed future date, at an agreed date

**Forward Deposits**

Same as forward dealing (above)

**Fiscal Policy**

The Government policy on taxation and welfare payments

**Gilt**

Registered British Government securities giving the investor an absolute commitment from the government to honour the debt that those securities represent

**Gilt Funds**

Pooled fund investing in bonds guaranteed by the UK government

**Money Market Fund (MMF)**

A well rated, highly diversified pooled investment vehicle whose assets mainly comprise of short term instruments. It is very similar to a unit trust, however in a MMF

**Monetary Policy Committee (MPC)**

Government body that sets the bank rate (commonly referred to as being base rate). Their primary target is to keep inflation within plus or minus 1% of a central target of 2.5% in two year's time from the date of the monthly meeting of the Committee. Their secondary target is to support the Government in maintaining high and stable levels of growth and employment

**Open Ended Investment Companies**

A well diversified pooled investment vehicle, with a single purchase price, rather than a bid/offer spread

**Other Bond Funds**

Pooled funds investing in a wide range of bonds

**Reverse Gilt Repo**

This is a transaction as seen from the point of view of the party which is buying the gifts. In this case, one party buys gifts from the other and, at the same time and as part of the same transaction, commits to resell equivalent gifts on a specified future date, or at call, at a specified price

**Retail Price Index (RPI)**

Measurement of the monthly change in the average level of prices at the retail level weighted by the average expenditure pattern of the average person

**Sovereign Issues (Ex UK Gilts)**

Bonds issued or guaranteed by nation states, but excluding UK government bonds

**Supranational Bonds**

Bonds issued by supranational bodies, e.g., European investment bank. These bonds – also known as Multilateral Development Bank bonds – are generally AAA rated and behave similarly to gilts, but pay a higher yield (“spread”) given their relative illiquidity when compared with gilts

**Term Deposit**

A deposit held in a financial institution for a fixed term at a fixed rate

**Treasury Bill**

Treasury bills are short term debt instruments issued by the UK or other governments. They provide a return to the investor by virtue of being issued at a discount to their final redemption value

**WARoR**

Weighted Average Rate of Return is the average annualised rate of return weighted by the principal amount in each rate

**WAM**

Weighted Average Time to Maturity is the average time, in days, till the portfolio matures, weighted by principal amount

**WATT**

Weighted Average Total Time is the average time, in days, that deposits are lent out for, weighted by principal amount

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## Appendix H – Non-Treasury Investment Schedule

(This is an extract from the Commercial Property Acquisition Strategy & Criteria)

### Overall Objectives:

The Council's commercial property acquisition strategy has multiple objectives as stated below:

- To help the Council continue to deliver and/or improve frontline services in line with the Council's adopted strategy & objectives
- To support regeneration and the economic activity of the Borough, the LEP area and the South West Peninsula (in that priority order)
- To enhance economic benefit/business rates growth
- To assist with the financial sustainability of the Council through yield being an ancillary benefit.

West Devon Borough Council is a business rates pilot area for 2018/19, which sets out the economic objectives of the pilot area.

Each acquisition will be assessed on its fit with meeting the objectives stated above, on a case by case basis.

This strategy will be achieved by the focussed acquisition of existing commercial property assets using predominantly prudential borrowing or any other unallocated or available Council reserve or capital receipt.

The strategy criteria below are based on an overall spend profile of £75m + costs, recognising that approval has only been granted for an initial tranche of £35m + costs.

### Strategy

- To achieve the overall multiple objectives as set out above
- Achieve a spread of risk across a greater number of assets and by acquiring properties across a range of different property asset classes, namely retail, office, industrial or alternative (e.g. leisure, health, private rented sector, energy)
- Properties will be acquired to hold for the short to medium term rather than to dispose
- The Council will acquire properties where the ancillary yield benefit delivers sufficient income to fund the initiative, with a minimum gross yield target of 5.85% across the portfolio (once completed)
- Acquisition costs are forecast not to exceed 7% (Stamp Duty Land Tax (SDLT) / Legal / Agents / Due Diligence). These services are to be commissioned via a procurement exercise.
- Management of the acquired assets will be outsourced to property professionals where appropriate. The cost of this management is to be included within the target return
- The legal work required to complete transactions may be outsourced
- Specialists will be commissioned to act on behalf of the Council to source suitable properties and manage the acquisition due diligence process

## **Risk**

- The risks of acquiring property may be mitigated through the acquisition of assets with secure, long income streams
- Acquisitions are to be made in a careful and controlled manner, with specific analysis of risk criteria carried out in the 'due diligence' stage prior to the completion of each purchase
- Should the portfolio yield drop below 5.85%, a review of the strategy will be triggered in terms of value for money
- The portfolio of properties being acquired should be diversified in order to spread risks via a balanced portfolio, such diversification principally being across geographical locations and the use type of properties
- The portfolio will be relatively risk-averse, when appropriate, limiting fresh acquisitions to properties with minimum unexpired lease terms of four years at the date of acquisition, and tenants of strong financial standing

The final decision over the definition of "good", "strong", "spread", "balanced", "prime", "well-let" and "sound" will be agreed between the property acquisition advisers (including legal due diligence) and the individuals delegated with the responsibility to conclude the acquisition of the properties. This discretion will be based on both the risk to the capital value of the asset and its revenue returns.

***Initially, acquisition decisions will be taken as long as they fit within the below criteria:***

### **Location:**

- Wherever opportunities arise in order to acquire good properties which deliver the Council's multiple objectives stated above and are deemed an acceptable risk
- Acquisitions will seek not to over expose the Council to one particular geographical area - As the portfolio gets larger, a mix of locations will be sought to create a balanced portfolio
- Good, commercially strong locations to protect capital value and ensure ongoing occupier demand, E.g. for retail - good out-of-town retail clusters/parks; for offices - close to transport infrastructure and catchment for employees; for industrial - close to major road / rail hubs

### **Sector:**

- Neutral – Wherever opportunities arise in order to acquire good properties which deliver the Council's multiple objectives and are deemed an acceptable risk
- As the portfolio gets larger, a mix of sectors will be sought to create a balanced portfolio

### **Tenant mix:**

- As the portfolio gets larger, a mix of tenants will be sought to create a balanced portfolio
- The final decision over the appropriateness of any tenant would be reviewed at the time of acquisition

### **Lease length:**

- Minimum 4 years unexpired (mean unexpired term for multi-let properties)
- Unless the property is being purchased with a view to redevelopment or the property is located in a prime location, or let to a strong covenant, single-let properties will not be favoured

- For multi-let properties, a mix of lease expiry dates are preferred, thereby limiting void risk (unless the property is purchased with a view to re-development)
- Properties are to be well-let to sound tenants on leases with a preference for 'Full Repairing and Insuring' leases for single occupiers and through internal repair obligations and a service charge for multi-let properties

#### **Yield:**

- Per lot, a minimum gross yield of 4.0% is envisaged, before management, maintenance and funding costs
- A maximum gross yield in excess of 11% will not normally be sought
- As the portfolio gets larger, a mix of yields will create a balanced portfolio
- It is envisaged that the yield (an ancillary benefit) will average 5.85%

#### **Cost:**

- Larger lot sizes are favoured - smaller size properties have disproportionately higher management costs and expose the Council to greater property void risks
- All acquisitions will normally be subject to a minimum lot size of £2m

**For all of the above, flexibility of +/- 15% (relative to the measure) is allowable in order to conclude a deal without recourse to reviewing the terms of this strategy. The overall budget for acquisitions is not subject to this flexibility.**

#### **Funding:**

- This is to be secured on a case by case basis on the most favourable terms available predominantly through prudential borrowing or any other unallocated or available Council reserve or capital receipt
- The term will not exceed the expected remaining life of the property, but as a rule, the Council wishes to secure borrowing over a maximum 50 year term
- The Council will opt to borrow monies on the most commercially advantageous terms, seeking advice from its retained Treasury Management Advisors

#### **Exit Strategy:**

- The Council is acquiring to hold for the short to medium term. It is not looking to actively trade commercial property in this timeframe
- If capital values determine that the most prudent action is to sell an individual asset, this will be considered on a case by case basis and will be acted upon in consultation with the 'Invest to Earn' group Chair, Leader, S151 officer and Head of Paid Service
- It is proposed that all properties will be held as Council Assets. This may change if the Council were to set-up an arms-length management organisation (ALMO) or trading company and it was found to be commercially advantageous for such a vehicle to hold the asset
- It is important to note that there would be early repayment charges if the loan used to acquire the commercial property were to be repaid before the end of the loan term. However, Public Works Loan Board (PWLB) lending is not secured against property, so this would not inhibit the asset being traded during the loan period. An alternative asset could be purchased (& held) with any sale proceeds

**Tax Implications:**

- Due to the Council holding the asset, it is not anticipated that there will be any corporation tax or income tax implications from this strategy
- Some properties may be VAT elected, meaning VAT must be charged to tenants. This will be dealt with on a case by case basis and will be covered by the due diligence connected with that acquisition. The Council is able to charge and recover VAT
- Capital Gains Tax would not apply to assets sold from Council ownership. This position may change if a company were to be used to hold the acquired asset

**Governance Arrangements:*****Purchase***

Purchases must conform to the adopted commercial property acquisition strategy. Any deviation from the agreed strategy (beyond the flexibility parameters) will require Council approval.

Delegated authority to be given to the Head of Paid Service, in consultation with the S151 officer and Leader and Chair of the 'Invest to Earn' group (or their deputy). Each receive one vote to proceed with purchase. In the event of a split decision, the S151 officer has the casting vote. Only purchases which are in line with the agreed strategy will be considered by this group.

The Council will consider proportionality on a case by case basis for each acquisition as part of the decision making process, with information provided to the Invest to Earn Member group, the s151 officer, the Head of Paid Service and the Leader of the Council.

The 'Invest to Earn' group will determine its chair and will receive details of potential purchases from the Assets CoP. They will vote on whether to bring a potential purchase decision to the Head of Paid Service.

***Running / Review***

Unless located within the Borough, assets will most likely be managed by a contracted third party, with overview by the Assets CoP, Group Manager, Business Development and the S151 officer. Invest to Earn group to receive regular reporting to confirm portfolio composition and performance. Regular reporting to Audit Committee.

***Disposal***

Once acquired, decisions relating to the ownership of any acquired properties will be dealt with in-line with the Council's constituted scheme of delegation.

Disposal will be considered if the portfolio breaches the approved strategy. Decisions to be made in consultation with the 'Invest to Earn' group Chair, Leader, S151 officer and Head of Paid Service.