

NOT FOR PUBLICATION

Appendices A, B and C to this report contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972

Report to: **Executive**

Date: **22 October 2020**

Title: **Capital Programme Monitoring –
Cllr Bastone**

Portfolio Area: **Support Services**

Wards Affected: **ALL**

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

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Recommendations:

1. That the Executive notes the content of the Monitoring Report.
2. That the Executive notes that following the earlier consultation with the Executive, the decision of the Chief Executive and the S151 Officer, was to cease to pursue the Solar Investments, due to the risk exposure associated with the acquisitions, as set out in the report in 3.16 and Appendix C.
3. That the Executive recommends to Council that the anticipated underspend (£93,500) on Play Parks be used to set up a Play Area Renewals Revenue Earmarked Reserve to be used for replacement play area equipment as required, as per section 3.11.

1. Executive summary

1.1 The report advises Members of the progress on individual schemes within the approved capital programme, including an assessment of their financial position.

1.2 The monitoring of the capital programme at month 5 (end of August 20) has not highlighted any significant areas of overspend to report to Members. All of the capital projects are within the existing capital budgets approved by Members (Appendix A).

1.3 The report recommends to Council that the anticipated underspend (£93,500) on Play Parks be used to set up a Play Area Renewals Revenue Earmarked Reserve to be used for replacement play area equipment as required.

2. Background

2.1 The capital programme for 2020/21 was approved by Council on 13 February 2020 (72/19 and E.75/19 refer). This report provides an update on the Capital Programme and also on those schemes that remain outstanding from previous programmes.

2.2 A summary of the Capital Programme is shown in exempt Appendix A. The award of contracts is subject to the Council's procurement rules on competitive tendering and therefore the allocated budget is commercially sensitive.

3. Outcomes/outputs

3.1 Members are requested to endorse the following updates on the Capital Projects:

Capital Programme 2019/2020 and prior years

3.2 Langage Business Park

As part of the s106 agreement for the Langage Energy Park, the energy park operator, along with the owner of the land surrounding the park, jointly agreed a payment of £1,200,000 to SHDC towards the provision of 30,000ft² of industrial-use starter units. The Council is in receipt of this sum and is continuing discussion with the land owner (LEPL) to agree the timing, form and location of these starter units. The s106 also provides for LEPL to procure land and lease this to the Council on a peppercorn rent for the starter unit development, either on land surrounding the Energy Park or elsewhere within the South Hams.

The s106 agreement was prepared a number of years ago and many of the linked planning conditions are now being reviewed as the developer believes these should be discharged. The site developer is now progressing the planning application which will see these units through to fruition.

3.3 Affordable Housing Update

The table below gives an update on the various affordable housing capital budgets and schemes.

Affordable Housing Proposals 2013/14

Scheme	Budget	Narrative
Community Led Housing	£100,000	There is a balance of £50,000 remaining. This will be used as required for small top ups on schemes where viability is an issue. An application has been received from Newton & Noss CLT for £6,500.
Rural Affordable Housing	£400,000	There is a remaining balance of £78,654.
Existing Stock/Sustainability	£100,000	Available to reduce empty homes and make best use of the existing housing stock. £5,000 has been spent to date. Projects need to be worked up as part of the emerging housing strategy.

Affordable Housing Proposals 2014/15 – 2017/18

	Narrative	Budget for Scheme
BUDGET (4 years at £230,000 per annum)	An annual budget of £230,000 per annum was being made in the Capital Programme for Affordable Housing. This annual budget has now ceased due to the current uncommitted balance.	£920,000
Expenditure against the Affordable Housing Budget:		
6 Affordable Homes, Kingsbridge	This contribution has been made to Kingsbridge Feoffees to help with construction costs of these affordable homes.	£150,000

	Narrative	Budget for Scheme
Harberton Community Led Trust	The contribution has now been made to the Trust.	£104,500
Community Housing Scheme	Council Minute 88/19 from 30 th April 2020 – that £100,000 be allocated from the Affordable Housing Capital Programme Budget towards delivering St Ann’s Chapel Community Housing Scheme	£100,000
Set up costs of the Community Benefit Society (CBS) – Wholly Owned Company	As per the report to the Executive and approved at Council on 13 February 2020	£40,000
Funding set aside for the Tenants Incentive Scheme	Amount set aside from the Affordable Housing Earmarked Reserve	£30,000
Remaining Uncommitted Balance		£495,500*
*(This is the uncommitted balance on the Affordable Housing Earmarked Reserve)		

There is currently an uncommitted balance on the Affordable Housing Budget of £495,500. ***The developing Housing Strategy will identify the best approach to utilise this funding.***

There are a number of potential schemes that the Council is seeking to bring forward in the future. Where these are new initiatives, the Affordable Housing Team will be able to present these to the relevant Committees for approval. However, the schemes that could be implemented in a short timescale, subject to funding are:

Rural Housing Schemes: The Council can continue to provide small top up funding to our Community Housing team Registered Provider partners to increase the supply of affordable housing within the District. There are also likely to be other projects in the early

planning process that may need to also utilise this finance. The Council is starting to build its own community housing schemes and confidence for housing providers is starting to improve with the adoption of the Joint Local Plan and 'Made' neighbourhood plans which may require top up funding for projects to progress.

Downsizing Initiative: This initiative has been approved by Members and allows the Council to make payments to tenants in our current housing stock, to downsize to a smaller property. This then enables the larger property that they were moving from to be let to someone in housing need, thus reducing the Council's housing register. This scheme will be promoted again with the help of our Registered Provider partners to ensure that their tenants are aware of this. There have been a number of areas discussed which could be targeted and discussions have taken place with our main stock holder LiveWest about how we can raise awareness of this scheme in line with some of their other projects.

The schemes below are new initiatives that could also utilise some of the uncommitted balance, subject to Member approval.

Regeneration/Best use of stock – The Council will continue to work with our partners to improve the stock that currently exists in the South Hams. There are instances where the Council may be seeking to achieve an outcome which may be over and above what is required. Ultimately this could cost over and above what a Housing Association needs to achieve in terms of making the property suitable for occupation. Very early discussions are taking place regarding this.

Members will be aware of work on the Housing Strategy, updates to capital monitoring may be required in 6-12 months when Members have approved the emerging Strategy.

3.4 Market Square, Totnes

SHDC have been working with Totnes Town Council to identify the priority elements, specifications and programming. In order to control quality and minimise disruption there is a need to delay the procurement programme by 12 months.

3.5 Cemetery Expansion, Ivybridge

A budget of £30,000 was approved for this project as part of the 2018/19 capital budget. A contribution of £35,000 has recently been received by the Council from a s106 agreement related to a housing development in Ivybridge to put towards the cemetery expansion project and match fund our £30,000. Officers will commence preliminaries with the project in 2020/21 with the bulk of works and spend anticipated in 2021/22.

3.6 Ivybridge Depot

The project is currently in construction with hand over programmed for December this year.

3.7 Car Parks – Resurfacing

Officers have identified a number of car parks across the District which are in need of resurfacing.

3.8 Investing in Kingsbridge

The public consultation which concluded in February supported the provision of housing on the Ropewalk site. There was also some support for a hotel. Since then the economic consequences of Covid-19 have meant Members have yet to make a decision on the future of the site.

3.9 Dartmouth Health and Wellbeing Hub Development

A Collaboration Agreement has been now entered into with the NHS Trust. Initial surveys and the planning pre-application are completed. The Trust, through their Consultants, have submitted the planning application for the scheme. Further work is about to commence to enter into the required legal documents with the Trust. Subject to planning permission being granted, the Trust will procure a Contractor to build the Hub. Currently construction is expected to commence in early 2021.

3.10 Community Housing Schemes

The Community Housing Strategy was put in place to support the development of homes accessible to those with local connections for whom the cost of market housing (to purchase and rent) is beyond their reach. At Council in September 2020, it was approved to build out the first two community schemes at South Brent and St. Ann's Chapel.

A monthly update is issued by the Community Housing Officer and published in the Members' Bulletin.

Capital Programme 2020/21

3.11 Play Parks (owned by SHDC) – replacement of play equipment in SHDC owned play parks

2020/21 is the final year of a three year programme as shown below:

Capital budget for Play Parks (2017/2018, 2019/20 and 2020/21)

2017/18	2018/19	2019/20	2020/21	Total
£190,000	Nil	£190,000	£140,000	£520,000

New/enhanced play areas have now been completed at eight play areas across the South Hams owned by SHDC:

- Woodburn Close, Ivybridge
- Lower Brook Park, Ivybridge
- Barn Close, Ivybridge
- Weatherdon Drive, Ivybridge
- Duncombe Park, Kingsbridge
- Montagu Road, Kingsbridge
- Cann Wood View, Woolwell
- Courtenay Park, Salcombe

Consultation with the community has been undertaken for Collapark and Westonfields in Totnes, and Ermington play area – a tender will be advertised in autumn 2020 for these three sites.

A transfer of play areas in Marlborough and Berry Pomeroy from SHDC to the Parish Councils are due to complete in October 2020 along with a capital contribution towards the Parishes improving these sites. A further Parish led scheme on the SHDC owned Yealmpton Stray Park is expected to be delivered in 20/21.

The final sites requiring consideration in 2021/22 are Icy Park (Aveton Gifford), Gidley's Meadow (Dartington), Crowder Meadow and St Michaels Close (South Brent) and Beesands (Stokenham).

It is anticipated that once all the work detailed above is complete there will be a potential underspend of approximately £93,500 against the original £520,000 allocation. In the most part this is due to success in securing match funding for projects undertaken to date and those which will be completed this financial year.

It is recommended that the anticipated underspend be used to set up a Play Area Renewals Revenue Earmarked Reserve to be used to fund the future replacement of equipment/play areas as they arise. Officers estimate that c£20,000 per annum might be called upon from this Earmarked Reserve for this purpose. Such an approach would reduce the likelihood of officers requesting a larger capital allocation in the future for more significant site renewals.

3.12 Coastal Assets

5 year programme 2015/16 – 2019/20

Approved budget and capital expenditure for Coastal Assets

	15/16 £000's	16/17 £000's	17/18 £000's	18/19 £000's	19/20 £000's	Total £000's
Budget	300	300	300	300	300	1,500
Expenditure (financed by SHDC)	64	161	80	507	230	1,042
Balance remaining in 2019/20						458

There is a balance of £458,000 brought forward from the previous 5 year programme as shown above.

5 year programme 2020/21 – 2024/25

2020/21 is the first year of a 5 year programme of planned Coastal Assets repairs. Capital budget and capital expenditure for Coastal Assets (2020/21 approved, 2021/22 – 2024/25 budgets to be confirmed)

	Balance b/f £000's	20/21 £000's	Total £000's
Budget	458	300	758
Expenditure (financed by SHDC)		-	-
Balance remaining in 2020/21			758

Work is currently taking place to finalise the 2020 Coastal asset condition report which will help to identify and prioritise a work schedule for the next 5 years.

3.13 Vehicle Fleet Replacement

As per the final accounts for 2019/20 the balance brought forward on the Vehicle and Plant Renewals Reserve is £1,183,148. The contribution into the Reserve in 2020/21 is £550,000 giving a total budget of £1,733,148.

The new recycling fleet is expected to be delivered in December along with other equipment such as a recycling bank lorry and the two telehandlers required for moving waste and recycling within the depots.

3.14 Private Sector Renewals including Disabled Facilities Grants (DFG's)

The budget for 2020/21 is £1.5m including budgets carried forward from the 19/20 programme. Expenditure to the end of August was £281,072 with a further £124,129 committed. Additional Statements of Need are also being progressed in the sum of £237,750. Due to the COVID-19 pandemic the number of DFG applications significantly reduced in the first part of the year. Following the relaxing of the lockdown measures the number of applications has started to increase.

Spend on DFG's is based on demand, over which the Council has no control, and at present the service is processing and approving applications in line with this demand.

The Council has a healthy budget as a result of good performance and astute negotiations. With a wider Private Sector Renewal (PSR) Policy which has been recently approved, the Council is able to spend the Better Care Fund on other areas such as home assistance and Energy Company Obligation top-ups. Some of these areas take a while to publicise and be put into action but progress is being made.

The Council is also looking at how the funding could be used to support wider fuel poverty interventions that would also have a positive impact on climate change by supporting lower income households to access Air Source Heat Pumps, Photovoltaic cells etc. in the future.

3.15 Ivybridge Regeneration (E.14/19)

Following a report to the Executive (18 June 2020) regarding the Ivybridge regeneration project at Leonards Road Car Park to boost footfall to the town, the following recommendation was approved:

To spend a further £65,000 from the Economic Regeneration Earmarked Reserve, on commissioning further work to provide advice in order to move the project forward in the following areas:

- Planning
- Ecology
- Automated Number Plate Recognition (ANPR) & car park lease structure to facilitate a pay on exit solution
- Agreement to lease documents
- Treasury management advice

By December 2020, it is anticipated there will be adequate information available in relation to key project risks to make a recommendation as to whether to proceed to the planning, tender and ultimate construction stage of the Ivybridge Regeneration Scheme.

At Council on 24 September 2020, it was resolved that further to the update provided by the report, to continue to support the project as it moves forward to planning and tender stage and make a decision on progressing the project further at a subsequent meeting of the Executive and Council.

3.16 Solar Parks Investment update

Appendix C sets out a report to the Informal Executive on the Solar Farm Investment update.

It is recommended that the Executive notes that following the earlier consultation with the Executive, the decision of the Chief Executive and the S151 Officer, was to cease to pursue the Solar Investments, due to the risk exposure associated with the acquisitions, as detailed in Appendix C.

The main reason it was recommended not to pursue the Solar investment was the proposed changes to the Public Works Loan Board (PWLB) lending terms set out in the Government consultation. This was a key consideration regarding the timing of the decision. It was clear from the consultation that investment out of area (the solar investment was not within the District area) and investments primarily for yield, were very unlikely to be allowable for borrowing from the PWLB in the future. The PWLB consultation was issued after the original consideration of the opportunity and had a major bearing on its suitability for the Council.

In addition, geopolitical factors outside of the Council's control continued to have a significant impact on oil pricing and as a result there was a significant degree of volatility in energy prices. Although energy prices were predicted to stabilise in the medium to long term, in June 2020 there was lower confidence in the short term prices on which the business case modelling had been based.

The impact of Covid19 on the Council's finances overall was also an important consideration. The Covid pandemic made investment at the time uncertain, within the timeframe within which the Council had to conclude a negotiation (due to other external market interest in the scheme) and the Council's exclusivity agreement reaching an end date. Therefore timing of the decision played a part too.

Appendix C sets out the position in more detail.

3.17 S106 Deposits

The list of S106 Deposits are shown in Appendix D. Some of these S106 Agreements have a clause within the S106 Agreement which states that the Council shall be entitled to use up to a five per cent (5%) part of the total payments and contributions payable pursuant to the provisions of the Agreement, towards the costs to be

reasonably and properly incurred by the Council in monitoring compliance with the S106 Agreement and in assessing the details submitted to the Council for approval pursuant to the S106 Agreement.

For clarity, the figures shown in Appendix D are before any monitoring fee has been deducted by the Council.

In 2015 a case against Oxford County Council held that a monitoring fee was an administrative function of the Council and could not be sought by the County Council. The Court accepted that there may be occasions where monitoring fees could be sought, for example, on large scale developments where obligations are phased. The Government is currently consulting on the Community Infrastructure Regulations reforming Developer Contributions. This includes an intention to clarify that local planning authorities can seek a sum as part of a section 106 planning obligation for monitoring planning obligations.

4. Options available and consideration of risk

This is considered on a project by project basis as part of the project appraisal document and initial business case for each capital project.

5. Proposed Way Forward

This is considered on a project by project basis.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>Statutory powers are provided by the S1 Localism Act 2011 general power of competence. The capital programme is implemented in line with the Council's legal requirements, which are examined on a project-by-project basis. To date there are no undue legal concerns.</p> <p>Since there is commercially sensitive information in Appendix A, B and C regarding the budgets for individual projects, there are grounds for the publication of these appendices to be restricted, and considered in exempt session.</p>

		<p>The public interest has been assessed and it is considered that the public interest will be better served by not disclosing the information in the appendices.</p> <p>Accordingly this report contains exempt Information as defined in paragraph 3 of Schedule 12A to the Local Government Act 1972.</p>
<p>Financial Implications to include reference to Value for Money</p>		<p>The monitoring of the capital programme at month 5 (end of August 20) has not highlighted any significant areas of overspend to report to Members. The majority of capital projects are within the existing capital budgets approved by Members.</p> <p>That the Executive notes that following the earlier consultation with the Executive, the decision of the Chief Executive and the S151 Officer, was to cease to pursue the Solar Investments, due to the risk exposure associated with the acquisitions, as set out in the report in 3.16 and Appendix C.</p> <p>The report recommends to Council that the anticipated underspend (£93,500) on Play Parks be used to set up a Play Area Renewals Revenue Earmarked Reserve to be used for replacement play area equipment as required.</p> <p>The regular monitoring of the Capital Programme ensures the Council has arrangements in place to secure economy, efficiency and effectiveness in its use of resources.</p>
<p>Risk</p>		<p>There is a risk that the Capital Programme does not meet the Council's corporate priorities in line with the Council's Asset Strategy and the opportunity to assess emerging projects, which could contribute to the Council's priorities. The mitigation is that there is a project appraisal for each proposal.</p>

		<p>This is taken into account when assessing possible implementation timescales. Complex capital programmes have a relatively long lead-in period.</p> <p>The Council demonstrates that capital investment contributes to corporate priorities, provides value for money and takes account of the revenue implications of the investment. Regular monitoring of the capital programme and consideration of new pressures enables Members to control the programme and secure appropriate mitigation where problems arise.</p> <p>There is regular quarterly monitoring of the Capital Programme to Members where any cost overruns are identified at an early stage.</p>
Supporting Corporate Strategy		<p>The Capital Programme supports all six of the Corporate Themes of the Council, Homes, Enterprise, Communities, Environment and Wellbeing.</p>
Climate Change - Carbon / Biodiversity Impact		<p>A climate change action plan was presented to Members at the Council meeting on 19th December, 2019.</p> <p>Following this report, a strategy will be implemented as to how the Council could finance the items within the Action Plan, whether that is from external grant sources or some funding from the Council's own resources.</p> <p>The Council has Earmarked £400,000 in a Climate Change Earmarked Reserve as part of the 2020-21 Budget.</p> <p>A further update report 'Climate Change and Biodiversity Strategy and Action Plan Update was presented to Council on 24 September 2020.</p>

		With regards to future fleet provision further reports will be presented to Members containing a business case.
Comprehensive Impact Assessment Implications		
Equality and Diversity		This matter is assessed as part of each specific project.
Safeguarding		This matter is assessed as part of each specific project.
Community Safety, Crime and Disorder		This matter is assessed as part of each specific project.
Health, Safety and Wellbeing		This matter is assessed as part of each specific project.
Other implications		

Supporting Information

Appendices:

EXEMPT - Appendix A – Summary of the approved programme plus allocated budget

EXEMPT - Appendix B – Details of capital projects that are commercially sensitive

EXEMPT - Appendix C – Solar Farm Investment Update

Appendix D - Summary of S106 Deposits

Background Papers:

Climate Change and Biodiversity Strategy and Action Plan Update – Council 24 September 2020

Capital programme for 2020/21 – Council 13 February 2020

Capital programme for 2020/21 – Executive 6 February 2019

(72/19 and E75/19 refer)

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Heads of Practice sign off (draft)	Yes
Data protection issues considered	Yes
Accessibility checked	Yes