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STRATEGY AND RESOURCES COMMITTEE

Tuesday 29 March 2022 at 7.30 pm

Place: Council Chamber, EpsomTown Hall

Link for public online access to this meeting:

<https://attendee.gotowebinar.com/register/7211822532760390924>

Webinar ID: 606-590-595

Telephone (listen-only): 0330 221 9922, Telephone Access code:251-908-345

The members listed below are summoned to attend the Strategy and Resources Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Colin Keane (Chair)
Councillor Hannah Dalton (Vice-Chair)
Councillor Kate Chinn
Councillor Bernice Froud
Councillor David Gulland

Councillor Graham Jones
Councillor Eber Kington
Councillor Lucie McIntyre
Councillor Clive Smitheram
Councillor Clive Woodbridge

Yours sincerely

Chief Executive

For further information, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live on the internet

This meeting will be open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. The Committee is likely to resolve to exclude the press and public during discussion of these matters by virtue of the private nature of the business to be transacted.

Questions from the Public

Questions from the public are permitted at meetings of the Committee. Any person wishing to ask a question at a meeting of the Committee must register to do so, as set out below.

Up to 30 minutes will be set aside for written or oral questions from any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough on matters within the Terms of Reference of the Strategy and Resources Committee which may not include matters listed on a Committee Agenda.

All questions whether written or oral must consist of one question only, they cannot consist of multi parts or of a statement.

The question or topic may not relate to a specific planning application or decision under the Planning Acts, a specific application for a licence or permit of any kind, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chairman are vexatious or frivolous will not be accepted.

To register to ask a question at a meeting of the Committee, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Written questions must be received by Democratic Services by noon on the tenth working day before the day of the meeting. For this meeting this is **Noon, 15 March**

Registration for oral questions is open until noon on the second working day before the day of the meeting. For this meeting this is **Noon, 25 March**

AGENDA

1. QUESTION TIME

To take any questions from members of the Public.

2. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

3. MINUTES OF PREVIOUS MEETING (Pages 5 - 10)

The Committee is asked to confirm as a true record the Minutes of the meeting of the Strategy and Resources Committee held on 27 January 2022 and to authorise the Chair to sign them.

4. THE WELLS SITE (Pages 11 - 106)

This report recommends the Council grants a long lease of the former Wells Community Centre site to Epsom Wells Community Association (EWCA) to support their proposals for community use of the site by this association.

5. PROCUREMENT STRATEGY UPDATE (Pages 107 - 120)

The Procurement Strategy sets out the Councils overall aim and objectives in relation to its procurement function in order to deliver value for money and our Future 40 vision and Four-Year Plan 2020-2024.

6. PLANNED MAINTENANCE PROGRAMME 2022-23 (Pages 121 - 130)

The report provides an update on the approved 2021-22 planned maintenance programme and requests approval for the planned maintenance programme for the next financial year 2022-23.

7. ICT PROGRAMME OF WORKS (Pages 131 - 144)

This report provides details of the strategic plans for a rolling programme of ICT works in line with the Four Year Corporate Plan and the funding details for the 2022/23 financial year.

8. TENNIS IN THE BOROUGH (Pages 145 - 150)

To present a non-repayable grant funding opportunity from the Lawn Tennis Association to refurbish and upgrade all tennis courts in the borough.
To seek approval for £10,330 to be released from capital reserves to provide a 10% match funding contribution.

9. CONSTITUTION WORKING GROUP (To Follow)

Report to follow.

10. EWELL COURT HOUSE (Pages 151 - 162)

This report seeks approval to award the service contract (including commercial lease) for a specialist weddings and events partner to manage the venues operation of Ewell Court House.

11. EXCLUSION OF PRESS AND PUBLIC (Pages 163 - 164)

The Committee is asked to consider whether it wishes to pass a resolution to exclude the Press and Public from the meeting in accordance with Section 100A (4) of the Local Government Act 1972 on the grounds that the business involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

12. COMMERCIAL TENANT UPDATE (Pages 165 - 186)

This report has not been published because the meeting is likely to be closed to the press and public in view of the nature of the business to be transacted/nature of the proceedings. The report deals with information relating to the financial or business affairs of the Committee and third parties and the public interest in maintaining the exemption currently outweighs the public interest in disclosing the information.

**Minutes of the Meeting of the STRATEGY AND RESOURCES COMMITTEE held on
27 January 2022**

PRESENT -

Councillor Colin Keane (Chair); Councillor Hannah Dalton (Vice-Chair); Councillors Kate Chinn, Bernice Froud, David Gulland, Graham Jones, Eber Kington, Clive Smitheram and Clive Woodbridge

Absent: Councillor Lucie McIntyre

Officers present: Kathryn Beldon (Chief Executive), Jackie King (Director of Corporate Services), Clare Lawrence (Director of Environment, Housing & Regeneration), Judith Doney (Head of Digital and Service Transformation), Brendan Bradley (Head of Finance), Gillian McTaggart (Head of Corporate Assurance), Mark Shephard (Head of Property and Regeneration), Sue Emmons (Chief Accountant), Patrick Lyons (Principal Lawyer) and Stephanie Gray (Democratic Services Officer)

38 QUESTION TIME

The Committee received one written question from a member of the public and noted that the Chair of the Strategy and Resources Committee had responded directly to the questioner. This response had also been published on the Council's website.

One supplementary verbal question was asked during the meeting and a response was given.

39 DECLARATIONS OF INTEREST

The following declaration was made by a Councillor in respect of an item on the agenda.

Local Council Tax Discount for Care Leavers

In the interests of openness and transparency, Councillor Hannah Dalton declared that her husband is the CEO of a charity organisation which works with cared-for and ex cared-for young people but that she came to the meeting with an open mind and without predisposition or predetermination.

40 MINUTES OF PREVIOUS MEETING

The Minutes of the previous meeting of the Strategy and Resources Committee held on 16 November 2021 and were agreed as a true record and signed by the Chair.

41 EXTERNAL AUDIT UPDATE

The Committee received a report presenting Grant Thornton's 2020/21 Annual Report to members.

The Committee considered the following matters:

- a) **New requirement:** under the 2020 Code of Audit Practise, a new requirement is for external auditors to issue an Auditor's Annual Report, to include commentary on the Council's arrangements to secure value for money, within three months of auditing the Statement of Accounts.
- b) **Positive report:** although five improvement recommendations were presented by the external auditors, the Annual Report was viewed as positive overall.
- c) **Statutory deadline:** the deadline for completing the Housing Benefit certification work is 31 January 2022, however Management has requested an extension of this deadline. DWP has confirmed that this extension will be in order and will not result in any penalties being levied.

Following consideration, the Committee resolved unanimously to:

- (1) Receive the Auditor's Annual Report;
- (2) Note the management responses to the auditor's recommendations at Appendix 1 to the report;
- (3) Confirm that the Auditor's Annual Report be presented to Full Council.

42 APPOINTMENT OF EXTERNAL AUDITOR FROM 2023/24

The Committee received a report setting out proposals for appointing the external auditor to the Council for the accounts for the five-year period from 2023/24.

Following consideration, the Committee resolved unanimously to:

- (1) Agree with Audit, Crime & Disorder and Scrutiny Committee's decision, to recommend to Full Council that EEBC should accept Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government bodies for five financial years from 1 April 2023.

43 2022/23 REVENUE BUDGET AND FEES & CHARGES

The Committee received a report setting out estimates for income and expenditure on services in 2022/23.

The following matters were considered by the Committee:

- a) **Council Tax Discount Scheme 2022/23:** it was noted that the scheme has proven simpler to administer, and that to uprate the Council Tax Discount for the new year will be a simpler exercise.

- b) **New initiatives:** the Committee considered the new initiatives set out in paragraph 5 of the report. Both of the proposed initiatives were supported, it having been confirmed that the budget amount in paragraph 5.1.2 was an estimate for a consultant to review the Council's ICT strategy. The normal procurement processes will be followed.

Following consideration, the Committee resolved unanimously to:

- (1) Recommend the 2022/23 service estimates for approval at the budget meeting of Full Council in February 2022;
- (2) Recommend the 2022/23 fees and charges, as set out in Appendix 1, for approval at the budget meeting of Full Council in February 2022;
- (3) Confirm that the two new initiatives in section 5 of the report are supported;
- (4) Note that any supported initiatives from section 5 will only be progressed if a funding option can be identified during the year, in accordance with the Council's Financial Regulations and budget virement policy.
- (5) Agree the Council Tax Discount bands for 2022/23, as set out in section 8 of the report.

44 LOCAL COUNCIL TAX DISCOUNT FOR CARE LEAVERS

The Committee received a report providing information to enable Committee to make a decision on whether it wishes to introduce a local care leavers discount from 01 April 2022.

The following matters were considered by the Committee:

- a) **Duration of the Discount:** it was confirmed that the Local Council Tax Discount would apply until the Care Leavers reached the age of 25.
- b) **Reimbursement by Surrey County Council:** it was confirmed that Surrey County Council have agreed to reimburse the Council under separate arrangements for what would have been its share of the council tax reduction until March 2024.

Following consideration, the Committee unanimously resolved:

- (1) To agree to introduce the Local Care Leavers Discount on Council Tax detailed in paragraph 3.1 of the report.

45 FUNDING FOR PLANNING APPEALS

The Committee received a report seeking a financial provision in respect of securing a planning consultant to prepare and submit the cases for two appeals in respect of two major applications.

The following matters were considered by the Committee:

- a) **Increase in number and complexity of Planning Applications:** it was noted that the amount of Planning Applications has increased, along with an increase in the complexity of the applications.
- b) It was confirmed that 2 of the Appeals were recommended for approval by officers but were refused by the Planning Committee and that the third appeal was recommended for refusal by officers and was refused by the Planning Committee.
- c) **Annual Budget Provision:** the annual budgetary provision for Planning appeals is £6500. To increase this funding in the annual revenue budget, funding from additional income or savings would need to be identified, or funds would have to be diverted from other services.

Following consideration, the Committee resolved unanimously:

- (1) To allocate up to £150,000 to engage consultancy and barrister support to defend the two appeals which are currently with the Planning Inspectorate and a third anticipated appeal relating to 22-24 West Street, Epsom
- (2) That the budget of up to £150,000 be funded from the Corporate Projects Reserve.

46 EPSOM & EWELL BOROUGH COUNCIL PAY POLICY STATEMENT 2022/23

The Committee received a report introducing the draft Epsom & Ewell Borough Council Pay Policy Statement for 2022/23 and seeking approval of the Statement prior to its approval of the Statement prior to its presentation to Full Council and subsequent publication on the Council website.

The report was introduced by the Director of Operational Services.

The Committee considered the following matters:

- a) **Section 38 of the Localism Act 2011:** this Section requires the Council to be transparent regarding its approach to setting the pay of its employees.
- b) **Pay Multiples (ratio):** it was noted that the figure in paragraph 4.2.1 of the report will be corrected to read "1:6.3%".

Following consideration, the Committee resolved unanimously to:

- (1) Approve the draft Pay Statement for 2022/23
- (2) Agree that the draft Pay Policy Statement for 2022/23 be referred to Full Council for approval.

47 ANNUAL PLAN 2022-2023

The Committee received a report setting out the Annual Plan for 2022/2023 outlining the key objectives to support the delivery of the Council's Four Year Plan 2020-2024.

The Committee received an introduction from the Head of Corporate Assurance.

The Committee considered the following matters:

- a) **Town Hall Asset Review:** caution should be exercised to not make decisions before all the facts have been ascertained.
- b) **Climate Change Action Plan:** the Annual Plan includes the Climate Change Action Plan as a deliverable. It was confirmed that the Environment and Safe Communities Committee have received an update on the Climate Change Action Plan.
- c) **Item 27 of the Annual Plan** (Supporting residents to feel safe and secure): The wording of this item will be reviewed in order to consider the inclusion of aspects such as violence against women and girls.
- d) The reviewed wording of certain items on the Annual Plan will be circulated to Committee Members prior to Full Council's consideration of the report and Plan.

Following consideration, the Committee resolved unanimously to:

- (1) Approve the draft key objectives and deliverables identified within the Annual Plan for 2022 -2023 and recommend approval by Council subject to approval of the 2022/23 budget proposal.

48 FINANCIAL REGULATIONS REVIEW

Following the Local Government Association (LGA) Finance Peer Review, The Committee received a report presenting a review of the Council's financial decision-making procedures, and recommending changes to the Financial Regulations, following the Local Government Association (LGA) Finance Peer Review. The report also provided an update on the LGA Peer Review Action Plan.

The Committee received an introduction from the Head of Finance.

Following consideration, the Committee resolved unanimously to:

- (1) Consider the proposed changes to Financial Policy Panel's and other Committee responsibilities, as set-out in sections 3 & 4 of the report;
- (2) Consider the proposed changes to Financial Regulations at Appendix 3 to the report;

- (3) Recommend that Full Council approve the proposed changes to the Financial Policy Panel's responsibilities and to the Financial Regulations, with effect from 1 April 2022.
- (4) Approve the proposed finance training for members, as set-out in section 6 of the report.

49 COMMITTEE TERMS OF REFERENCE REVIEW

The Committee received a report presenting the amended Terms of Reference for consideration by Members.

The Committee considered the following matters:

- a) **An amendment to the proposed wording of recommendation (2) of the report:** an amendment to the recommendation was proposed by Councillor Eber Kington and was seconded by Councillor Hannah Dalton. The reason for the amendment was to ensure that all work being done around the review of the Constitution would not become fragmented across different committees/working groups.

Following consideration the Committee resolved unanimously to:

- (1) Agree the amended Committee Terms of Reference and recommend approval by Council.
- (2) Agree the setting up of a cross-party working group to take forward the next phases of the Constitution review work, which will include but not be limited to: the number of members on committees, sub committees, the Constitution, standing orders and remaining Terms of Reference.

50 EXCLUSION OF PRESS AND PUBLIC

Under Section 100(A)(4) of the Local Government Act 1972, the Committee passed a resolution to exclude the public from the meeting for Part Two of the Agenda on the grounds that the business involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

51 COMMERCIAL TENANT UPDATE

The decision for this item is recorded in a separate (not for publication) restricted Minute.

The meeting began at 7.30 pm and ended at 9.58 pm

COUNCILLOR COLIN KEANE (CHAIR)

THE WELLS SITE

Head of Service:	Mark Shephard, Head of Property and Regeneration
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Confidential Appendix 1: Business Case, Reimagining The Wells Centre, Epsom Wells Community Association Confidential Appendix 2: Proposed terms and conditions

Summary

This report recommends the Council grants a long lease of the former Wells Community Centre site to Epsom Wells Community Association (EWCA) to support their proposals for community use of the site by this association.

Recommendation (s)

The Committee is asked to:

- (1) Note the Business Case, “Reimagining The Wells Centre” attached at Appendix 1 as provided by Epsom Wells Community Association (EWCA).**
- (2) Approve the grant of a Full Repairing & Insuring lease to EWCA of up to 125 years (subject to terms and conditions as set out in Appendix 2); to enable the former Wells Community them to operate a community use from the former Wells Community Centre site (such lease term of up to 125 years to comply with the requirements of Your Fund Surrey and / or National Lottery bid criteria).**
- (3) Agree a two year rent free period from the grant of the lease and thereafter, a rental reflecting a percentage of operating profit. The two year rent free period will provide EWCA the opportunity to secure their funding arrangements, undertake the initial works and open the Wells Centre.**
- (4) In the event that the Centre becomes financially unviable after expiry of the two year rent free period or subsequently closes for a continuous period of**

6 months, agree that the lease will terminate and the site will revert back to the Council.

(5) Note that the Council and EWCA will be responsible for their own legal costs.

(6) Authorise the Head of Property & Regeneration, in consultation with the Chief Finance Officer and Chair and Vice Chair of S&R Committee to progress the necessary legal documentation to completion.

1 Reason for Recommendation

1.1 The recommendations set out above, if approved, will allow the Council to demonstrate best value under s123 of the Local Government Act and facilitate the provision of community use of the former Wells Community Centre operated by EWCA.

2 Background

2.1 In December 2015, Council agreed to consolidate the Council's social centre provision to one site at the Community & Wellbeing Centre in Sefton Road.

2.2 This enabled the Wells site to be released from operational use which was unsustainable and running at a deficit of approximately £70k pa and to explore opportunities for alternative uses of the Wells site. Also, to consolidate and improve its community services provision through the Community & Wellbeing Centre.

2.3 In February 2018, Strategy & Resources Committee approved; *"the residential redevelopment of the Wells site, including the provision of a community facility of up to 1,500 sq ft (to be operated and managed by the community)."* At this time the Committee agreed that a planning application should be prepared for submission together with the establishment of a community led group to refine the community facility design and management arrangements.

2.4 On 9 July 2020, the Council's Planning Committee considered the planning application (Ref: 19/00929) for 23 flats (including 40% affordable housing), 27 parking spaces, 26 cycle spaces, a community facility of 1,625 sq ft, a new children's play area and the retention of the public right of way.

2.5 The debate at Planning Committee indicated that the submitted scheme could not be supported and it was agreed to defer the matter; *"to give Officers the opportunity to discuss concerns raised by the Committee."*

3 Reimagining The Wells Centre

- 3.1 Recently, a local charitable community group, the Epsom Wells Community Association (EWCA), has been working on a proposal to reopen the centre as a community run venue.
- 3.2 To explore the proposal, Council officers have held several meetings with EWCA and provided their surveyor with access to the Wells Centre. EWCA's surveyor has prepared a condition report to estimate the initial investment required to operationally open the Wells Centre.
- 3.3 EWCA has produced a business case for a community run proposal for a "reimagined centre" which will mix community group use, private hire, business hub and hot desk space with a community café.
- 3.4 EWCA argue that this facility will attract residents from the immediate area and across the county, as well as offering something for local businesses, tourists and community groups. It is proposed that this will attract users, regardless of age, ethnicity, gender or political affiliation.
- 3.5 The business case produced by EWCA is the first time a viable business case has been received by the Council since S&R made its decision in February 2018, to establish a community led group to refine the community facility design and management arrangements. The Council has worked with EWCA to understand their offer, ambition, and the viability of their business case.
- 3.6 EWCA's ambition is to:
- *Reinvigorate the offering on the premises to deliver a modern, forward-looking, multi-generational community centre. The centre will support Epsom & Ewell's "Future 40" plans, helping to make the borough an even better, brighter place.*
 - *Reflect the needs of a 21st century, post-COVID community, delivering social, educational and health-focused services that appeal across age, race, gender and socio-economic boundaries. Reducing or removing these boundaries will be a key ambition.*
 - *Create a pro-active and responsive establishment in the heart of the community and with the community at its heart.*
- 3.7 EWCA's confidential business plan (including financial model) is attached at Appendix 1 and briefly comprises the following:
- EWCA would be responsible for all running costs associated with the Wells Centre and fund the refurbishment of the centre to enable the community facility to be reused. EWCA has had a condition survey undertaken to access the initial investment required in the building.

- The building would provide rooms for rent to the community and run a range of community led activities from the site.
- A café would form the heart of the proposal and provide the community with the opportunity to meet and bring people together.
- A modest membership fee would apply.
- EWCA propose to lease the site from the Council and pay a rent reflecting a percentage of operating profit.

3.8 As a charity, EWCA has access to progress the following funding routes:

- **Your Fund Surrey** - Surrey County Council's community projects fund. EWCA has met Your Fund Surrey on site and subject to the preparation of a full bid, EWCA has indicated the proposal is supported in principle. As part of the funding criteria, Your Fund Surrey will require the Council to grant a long lease of the site.
- **The National Lottery** – The National Lottery would require EWCA to hold a long lease of the site in order to support any funding bid. The National Lottery previously supported the funding of the children's play area at the site.
- **The Community Foundation for Surrey** – EWCA is approaching this foundation to assist with the purchase of replacement equipment throughout the centre.
- **My Community** – There is potential access to smaller grants for staff training and other smaller, but essential costs.
- **Generous benefactor** - (who wishes to remain anonymous) has pledged to finance the running costs of the centre initially for its first year and perhaps longer
- **Local fundraising events** – EWCA propose that this will form an on-going part of the new Wells Centre.

3.9 EWCA propose to be responsible for the Wells site in its entirety and release the Council from any ongoing financial responsibility. In addition, the Council would receive rental income from the commencement of the third year of the lease.

4 Proposal

4.1 To support EWCA to deliver the Wells Centre as a viable ongoing multi-generational community centre, it is proposed the Council progresses a disposal of the site (via a long lease) on the terms in Appendix 2, the key provisions of which are outlined below.

- A lease term of up to 125 years would enable EWCA to comply with the requirements of Your Fund Surrey and / or National Lottery bid criteria.
 - A two year rent free period from the grant of the lease to provide EWCA the opportunity to secure their funding arrangements, undertake the initial works and open the Wells Centre.
 - The income from the lease reflects a percentage of EWCA's forecasted operating profit. This basis was proposed by EWCA and is considered appropriate as it allows EWCA to grow the Centre's cash flow in the early years and provide the Council with an income stream in subsequent years.
 - The lease will be granted on an FRI (Full Repairing & Insuring) basis. This means that EWCA will be fully responsible for the maintenance and repair of the Wells Centre and site.
 - The permitted use will be for the purpose of operating a community use for the benefit of the community. Ancillary commercial activities will be acceptable to support the overarching community use.
 - In the event that the centre becomes financially unviable and / or closes for a continuous period of 6 months (excluding the initial 2 year rent free period), the lease will terminate and the site will revert back to the Council.
- 4.2 The Council and EWCA will each be responsible for their own legal fees in this matter and the Council should allow a budget of up to £7,500 for its external legal costs.
- 4.3 As detailed in Appendix 2, officers are satisfied that the above proposed terms allow the Council to dispose of the site in compliance with section 123 of the Local Government Act 1972 and the General Disposal Consent Order (England) 2003. This provides for local authorities to dispose of any interest in land held by them for less than the best consideration reasonably obtainable providing the undervalue does not exceed two million pounds, where the authority considers that this will help it to contribute to the promotion or improvement of the economic social or environmental well being of its area.
- 4.4 The proposal allows the Council to support the site's community use by offering appropriate lease and rent commitments. The Council remains protected in the event that community use ever ceases as the lease terms enable the site to revert back to the Council.
- 4.5 It is recommended the outlined terms of the lease are approved by Committee to allow the Council and EWCA progress the necessary legal documentation.

5 Risk Assessment

Legal or other duties

5.1 Impact Assessment

5.1.1 Not applicable.

5.2 Crime & Disorder

5.2.1 Not applicable.

5.3 Safeguarding

5.3.1 Not applicable.

5.4 Dependencies

5.4.1 Not applicable

5.5 Other risks:

5.5.1 Not applicable

6 Financial Implications

6.1 The proposed lease provides the Council with the opportunity to receive a rental stream, based on a percentage of EWCA's forecasted operating profit.

6.2 The Council currently incurs basic annual running costs of circa £14,000 at the Wells, on utilities, insurance and business rates. The proposed lease will remove this liability from the Council and generate a modest income instead.

6.3 The proposal, if agreed, would mean that council tax money is no longer being used for the maintenance and security of the Wells Centre.

6.4 **Section 151 Officer's comments:** Financial implications are included in the body of the report.

7 Legal Implications

7.1 The long lease would in effect be a disposal. Local Authorities are given powers under section 123 of the Local Government Act 1972 and the General Disposal Consent Order 2003 to dispose of land at an undervalue provided it contributes to the promotion or improvement of the economic social or environmental well-being of its area. It is considered that the proposal satisfies this requirement.

7.2 The proposals outlined in paragraph 4 and Appendix 2 have been assessed and are considered to represent best value.

- 7.3 The proposed terms of the lease are considered to be sufficient to protect the Council's interests
- 7.4 **Legal Officer's comments:** Legal implications are included in the body of the report.

8 Policies, Plans & Partnerships

- 8.1 **Council's Key Priorities:** The following Key Priorities are engaged: Opportunity and Prosperity, Effective Council, Cultural and Creative. The community facility would support the principle that enhances the 'Cultural and Creative' opportunities in the Borough "*where people work together for the benefit of the community*".
- 8.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 8.3 **Climate & Environmental Impact of recommendations:** None arising from this report.
- 8.4 **Sustainability Policy & Community Safety Implications:** The proposal will encourage greater community cohesion and could help to support community safety objectives.
- 8.5 **Partnerships:** The Council are working in partnership with Epsom Wells Community Association to facilitate the site for community use.

9 Background papers

- 9.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Strategy & Resources Committee, 27 October 2000
The Wells Redevelopment
<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=132&MId=1046>
- Planning Committee, 9 July 2020
The Wells planning application reference: 19/00929/FUL
<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=145&MId=1020>
- Strategy & Resources Committee, 27 November 2018
Future Use of The Wells Site
<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=132&MId=601>

Other papers:

None

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REVIEW OF PROCUREMENT STRATEGY

Head of Service:	Gillian McTaggart; Head of Corporate Assurance
Wards affected:	(All Wards);
Urgent Decision? (yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Updated Procurement Strategy Appendix 2 – Current Procurement Strategy Appendix 3 – Contract Standing Orders (CSO's)

Summary

The Procurement Strategy sets out the Councils overall aim and objectives in relation to its procurement function in order to deliver value for money and our Future 40 vision and Four-Year Plan 2020-2024.

Recommendation (s)

The Committee is asked to:

- (1) That the Committee approves the amendments to the Procurement Strategy**

1 Reason for Recommendation

- 1.1 By adopting the updated Procurement Strategy, the Council will bring it in line with the newly updated Contract Standing Orders (CSO's) with a commitment to delivering efficient and cost-effective procurements.

2 Background

2.1 What is a Procurement Strategy?

- 2.1.1 The Councils procurement Strategy works to enable the delivery of a cost effective, quality and innovative service that meets Council's priorities.
- 2.1.2 The Strategy has not been updated since 2017. The new strategy has been redrafted to reflect the Councils Future 40 vision.
- 2.1.3 Procurement is a key function that is embedded across Council Services. This Strategy details the principles that will be adopted for future procurements and provisions of services.

2.2 Procurement

2.2.1 Procurement is defined as the process of acquiring goods, works and services. The procurement function sits within the Corporate Assurance team and consists of one Procurement and Contracts Manager leading on procurements (as defined in the Contract Standing Orders) and advising all other officers on Procurement related matters.

2.2.2 The Councils spends approximately £14m per year on goods, works and services.

2.3 Contract Standing Orders (CSO's)

2.3.1 The Contract Standing Orders (CSO's) were updated and approved at Full Council in December 2021. They form part of the Constitution and set out how the Council manages its spending and relate to the purchasing of all goods, works & services. They ensure that prior to any expenditure Officers give proper consideration as to whether the purchase is required, and that Contracts are entered into in a fair, open and transparent way.

2.3.2 It is essential that the CSO's and Procurement Strategy align and help ensure that the importance of procurement continues to be embedded across all Council Services.

2.4 Proposal

2.4.1 The updated strategy demonstrates how the Council can use its spending power to deliver its vision and ensure that proper procedures are followed and expenditure is governed by suitable contractual arrangements.

2.4.2 The updated Strategy was refreshed with the aim of developing a procurement model across all services that offers;

- Value for Money
- Quality and Social Value
- Innovative services.

2.4.3 **Value for Money** - Price will be an important criterion in the procurement process and therefore to achieve cost effectiveness the Council will be committed to competitive tendering. The use of the e-tendering system will assist this. Framework agreements and collaborating with other public bodies can also be used to reduce the cost of procurement.

- 2.4.4 **Quality** – The Council has high expectations of its contractors and suppliers to deliver quality goods and services effectively, efficiently, economically, on time and to the satisfaction of residents and officers. To ensure these expectations are met, strong contract management skills and procedures are necessary.
- 2.4.5 **Innovative Services** - The use of outcome-based specifications. This will enable the market to use their commercial expertise to bring forward innovative and efficient ways to deliver better services at better cost.
- 2.4.7 **Governance** - To monitor spend and compliance a Board to review corporate procurements will be established and Procurement will be reported to the Strategic Management Team (SMT) to provide visibility of spend. A report detailing the performance will be presented to SMT regularly.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

- 3.1.1 As the procurement strategy forms part of the overall procurement governance, it is essential that it is kept up to date.
- 3.1.2 If the Council does not endorse the Procurement Strategy, there is a risk that they will not be fully compliant with the relevant legislation and fails to achieve value for money.
- 3.1.3 The Procurement Strategy will be published on the Councils intranet and external web pages.
- 3.1.4 The Procurement and Contracts Manager is responsible for updating the strategy. Following this refresh the Strategy will be reviewed again and updated if required in 2024 in line with the expiration of the four-year plan.

3.2 Crime & Disorder

- 3.2.1 No specific issues

3.3 Safeguarding

- 3.3.1 No specific issues

3.4 Equality Impact Assessment

- 3.4.1 No specific issues

- 3.5 Dependencies
 - 3.5.1 No specific issues
- 3.6 Other
 - 3.6.1 No specific issues

4 Financial Implications

- 4.1 There are no direct financial implications by adopting the new Procurement Strategy.
- 4.2 **Section 151 Officer's comments:** The procurement strategy provides an important framework to ensure the Council achieves value for money in its use of resources.

5 Legal Implications

- 5.1 There are no direct legal implications arising out of the report. Public procurement is highly regulated and governed by EU legislation and internally by the Contract Standing Orders and Financial Regulations.
- 5.2 **Monitoring Officer's comments:** An up-to-date procurement strategy is key in helping officers ensure that they are procuring effectively, and in accordance with the law and good practice.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following key priorities are engaged:
 - 6.1.1 Effective Council
- 6.2 **Service Plans:** The updating of the Procurement Strategy is included within the Service Delivery Plan 2021-22.
- 6.3 **Climate & Environmental Impact of recommendations:** There is specific reference to Social Value, Modern Slavery, and delivering Sustainable Procurement within the Procurement Strategy (section 8, page 6) ensuring that they are considered when procuring.
- 6.4 **Sustainability Policy & Community Safety Implications:** There are no specific concerns.
- 6.5 **Partnerships:** The Councils Procurement and Contracts Manager continues to work closely with its counterparts within the Surrey Procurement Group and have a commitment to work collaboratively where appropriate.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

1. Procurement Strategy [2017]

<http://th-modgov-01/ieListDocuments.aspx?CId=132&MID=417>

2. Contract Standing Orders [2021]

<http://th-modgov-01/documents/s9879/Update%20to%20Contract%20Standing%20Orders.pdf>

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Epsom and Ewell Borough Council



Owned by:	Corporate Assurance
Approved by:	Strategy and Resources Committee
Date Approved:	
Date for review:	March 2022
Version:	2

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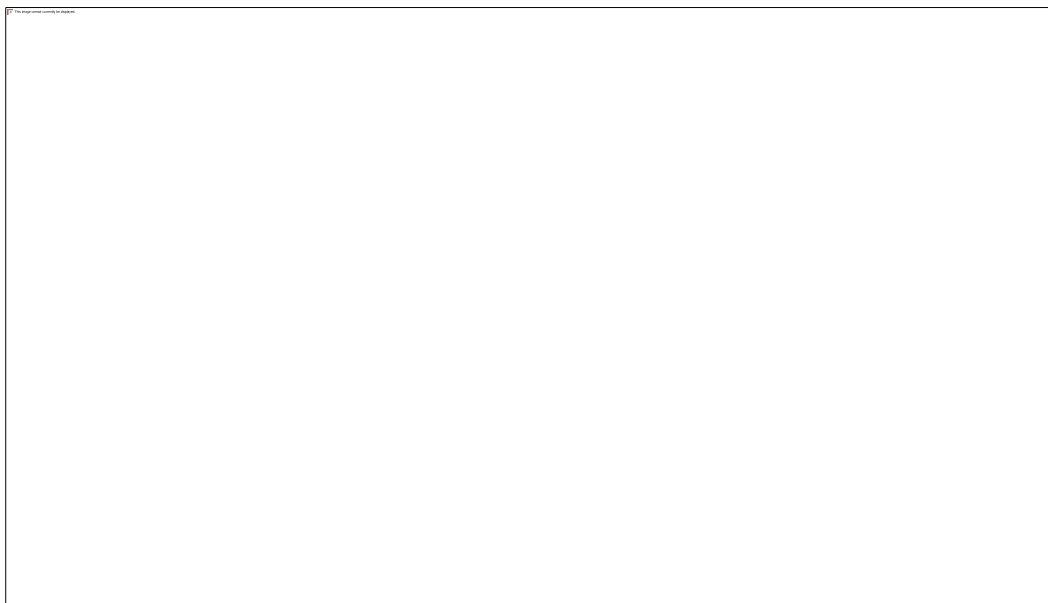
1	Introduction
2	Our Visions
3	Aims and Objectives
4	We will delivery this strategy through:
5	Procurement Cycle
6	What do we mean by Procurement
7	Compliance and Governance
8	Supporting Sustainable Procurement <ul style="list-style-type: none">• Social Value• Modern Slavery• Delivering Sustainable Procurement• Embracing Innovation
9	Supplier Management <ul style="list-style-type: none">• SME's and Local Businesses
10	Reducing Carbon Emissions and Single use Plastics
11	Risks
12	Contract Management
13	Reporting and Accountability

1. Introduction:

- 1.1 Epsom and Ewell Borough Council is a medium sized Local Authority within the County of Surrey and spends approximately £14 million every year on goods, services and works through revenue and capital programs. Therefore, it is essential that this money is spent responsibly, effectively and in a way that maximises spending power whilst benefiting the Borough and its residents.
- 1.2 The Council recognises that good procurement processes have the power to transform public services and improve outcomes for its residents. Good procurement contributes to boosting our local economy, adding social value and environmental sustainability by bringing in long-term benefits to Epsom and Ewell.
- 1.3 This Strategy sets the framework in which the Council will work to deliver value for money and deliver our Future 40 vision and Four-Year Plan 2020-2024. Requirements of tendering need to be kept reasonable, manageable and proportionate to its Vision, whilst acknowledging the obligations placed upon it as a public sector organisation.
- 1.4 The Council works with a wide range of suppliers both small and large with a focus on obtaining best value for the Council.

2. Our vision:

- 2.1 Our vision and purpose are clear, as we work together to deliver cost effective, quality and innovative services that meet our priorities; keeping the borough green and vibrant; harnessing opportunity and prosperity; building a cultural and creative place; keeping residents safe and well; and being smart and connected - all delivered by an effective Council.



3. Aims and Objectives

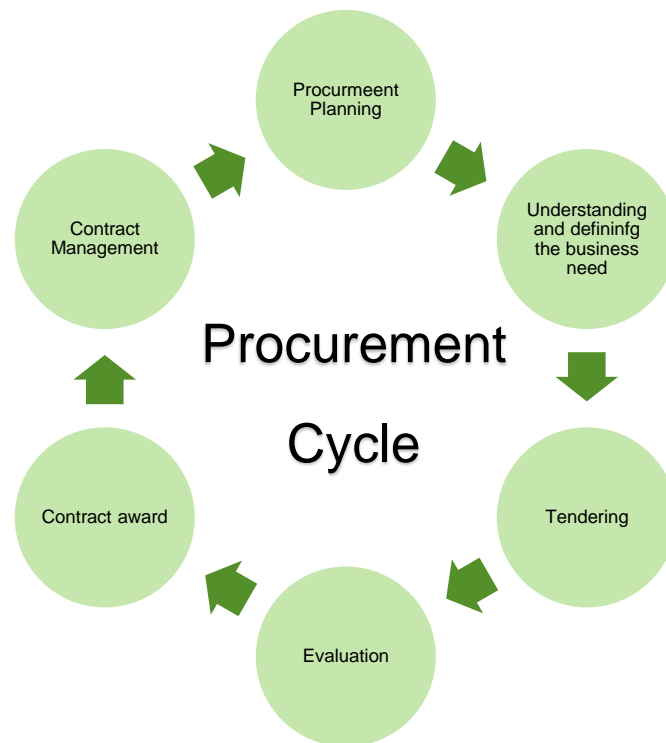
- 3.1 This strategy addresses the following areas:
- Compliance and governance
 - Value for Money (VFM) and efficiency
 - Delivering sustainable procurement
 - Embracing innovation
 - Supplier Management
 - Reducing carbon emissions in the supply chain and supporting the Councils single use plastic policy
- 3.2 The framework for public sector procurement is complex and still governed by UK and EU legislation, although this will be amended during the period of this Strategy as a result of any public sector reforms.
- 3.3 The processes to underpin the legislation are explained in the Contract Standing Orders (CSO's) and Financial regulations. These outline the rules for procuring officers to follow and clarify that all officers must comply with them.

4. We will deliver this Strategy through:

- 4.1 A common procurement process;
- 4.2 Efficiencies, cost reductions and commercially based decisions;
- 4.3 Improved contract management and supplier relationships;
- 4.4 Compliance with policies, procedures and legislation;
- 4.5 Addressing wider social objectives, in relation to equality and diversity, social enterprise and being mindful of our voluntary and community sectors;
- 4.6 Encouraging innovation;
- 4.7 Addressing climate change issues within procurement wherever possible.

5. Procurement Cycle

- 5.1 The procurement cycle identifies the key steps that officers must follow when purchasing goods and/or services. These steps ensure procurements are properly considered at each stage and that public funds are being spent in a considered and structured manner.



6. What do we mean by Procurement?

- 6.1 Procurement refers to the purchase of goods, services and works. As public procurement accounts for a significant percentage of the taxpayers' money, Local Authorities are expected to procure effectively and with adherence to procurement law to ensure a high quality of service delivery.
- 6.2 The aim of the procurement function is to provide procurement consultancy, transactional procurement services and contract management support to all service areas within the Council.
- 6.3 The procurement policy requires all public sector procurement to be based on Value For Money. This can be defined as the best mix of quality and price to achieve the desired specification. This should be achieved through competitive procedures.
- 6.4 Public sector procurement is subject to a legal framework which encourages free and open competition and value for money, in line with internationally agreed obligations and regulations.

7. Compliance and governance:

- 7.1 The Procurement Strategy is not a stand alone document . All purchasing and resulting contracts made by or on behalf of the Council must comply with:
 - The Councils Constitution, including Contract Standing Orders, Financial Regulations and relevant Council policies.
 - The Public Contract Regulations 2015 (PCR's)
 - Exiting the EU Public Procurement 2020
 - Any and all applicable statutory provisions.

- 7.2 The Council has a statutory obligation to have in place a set of Contract Standing Orders (CSO's). These Orders set out how the Council manages its spending and relates to all goods, works and services under the threshold set out by the PCR's. They ensure that prior to any expenditure Officers give proper consideration as to whether the purchase is required and that Contracts are entered into in a fair, open and transparent way. The purchasing officer must also take into consideration the Councils Financial Regulations as set out in the Constitution.
- 7.3 Where the estimated value of a contract exceeds the relevant EU Procurement Directive threshold then the EU tendering requirements set out in the Public Contracts Regulations 2015 (PCR 2015) must be complied with in conjunction with and in addition to these CSOs.
- 7.4 The Public Contracts Regulations 2015 were derived from the EU Public Contracts Directive 2014 and are domestic law. These continue to apply to public procurements in the UK even after Brexit.
- 7.5 The CSO's are published on the Councils internal and external webpages. They will be further publicised during the induction and training of new Council Officers where appropriate.

8. Supporting and Delivering Sustainable Procurement:

Social Value

- 8.1 The Public Services (Social Value) Act 2012 came into force on 31st January 2013. This act requires Public Sector authorities to consider how they can use their contracts to enhance the wider wellbeing of the community. This complements existing procurement legislation and reinforces social value (SV) as part of the value for money considerations.
- 8.2 SV can be achieved by generating benefits to society and the economy and generating positive impacts on the environment and local communities via our external spend. It can be created in many ways and has wide ranging benefits.
- 8.3 The Act currently applies only to service contracts over the Procurement threshold (£189k) but shall be considered within the quality element in all procurements where applicable. Social Value forms part of a bidders commitments at tender stage and should be tailored to the subject nature of the contract being awarded.

Modern Slavery

- 8.4 The Modern Slavery Act 2015 is a UK act of Parliament designed to tackle slavery and human trafficking through the introduction of new measures. Modern Slavery is defined as slavery, servitude, forced or compulsory labour, human trafficking and exploitation.
- 8.5 The council is committed to ensuring there are no instances of modern slavery. For procurements over the procurement threshold (£189k), the Council will scrutinise all bidders for compliance with the Act. Where appropriate, modern slavery scrutiny will be carried out in under- threshold procurements.

Delivering Sustainable Procurement

- 8.6 Sustainable procurement is the process by which an organisation meets their purchasing needs in a way that achieves value for money, on a whole life basis, whilst benefitting the organisation, its customers, the wider society and economy and protecting the environment.
- 8.7 The Council seeks to address the environmental impact of all of its activities. To help do this, suppliers bidding for contract opportunities will be asked, where appropriate, to demonstrate their awareness of relevant environmental issues through their own policies.
- 8.8 Typically, sustainable procurement should follow the following principles:
- adopting social, economic and environmental factors alongside the price and quality considerations;
 - Planning ahead to manage demand, effective contract management and dealing with supply chain risks and impacts;
 - Incorporating sustainable procurement into our contracts where appropriate.

Embracing Innovation

- 8.10 In a climate of constrained budgets and an increase in demand for services, the Council must adopt innovative solutions in order to deliver its Vision. Ways in which the Council are pursuing innovation in our procurement activities are:
- Transitioning to outcome-based procurement (where appropriate) by asking many questions to a wide supplier market. Specifications must be tailored to challenging outcome-based requirements as a replacement for of the traditional standard requirements which can measured more transparently.
 - Sharing Best Practice through the Surrey Procurement Group, which was established in 2014 and is well attended by Procurement Officers from Surrey County Council, 11 Surrey District and Boroughs, local universities and the NHS. Working closely with its members, there are opportunities for shared learning and identifying potential collaborative opportunities.
 - With these possible collaborative procurements, it is recognised that better value for money can be achieved for all parties based on leverage and economies of scale. The council will actively seek opportunities to collaborate on procurements with other public sector organisation that meet the requirements of the council in terms of being commercially focused, having synergy of objectives, appropriateness to the market and timeliness.

9. Supplier Management

Economic Development

- 9.1 Epsom and Ewell Borough Council are committed to supporting local business and recognise that local businesses are the core contributors to the prosperity of the borough.
- 9.2 The Council's aim is for the Borough to remain affluent, by anticipating and responding to changes in employment and business patterns and stimulating both. To support this, the Epsom and Ewell Economic Development Strategy provides a framework for delivering sustained prosperity setting out the Council's ambitions, key priorities and related actions for the economic development across the Borough.

SME's and local Business

9.3 The Council recognises that SMEs, the voluntary and community sector and Social Enterprises are valued and responsive suppliers. They have a major part to play in sustaining the local economy, creating employment and delivering cost effective services by:

- Using the eSourcing portal (In-tend) to publish its contract opportunities;
- Advertising contracts to all those who may be interested in expressing interest;
- Engaging with local suppliers;
- Encourage and support suppliers to bid for contract opportunities, subject to tendering rules.

10. Reducing Carbon Emissions and Single Use Plastics

10.1 The council has made a commitment to reducing its carbon emissions and single use plastics through its Climate Change Action Plan (CCAP). The impact of climate change should be built into procurements where appropriate.

11. Risks

11.1 The risks are managed through the procurement pipeline and contract register.

12. Contract Management

12.1 To ensure contracts operate effectively the following will apply;

- A contract manager will monitor all contracts centrally including the publishing of all contracts on the council website;
- Performance criteria will be in place to measure adherence to contract terms and delivery;
- Contract expiry/renewal dates will be monitored centrally to ensure sufficient lead time is factored into the process;
- Provide training, guidance and support to contract managers within their services.

13. Reporting and Accountability

13.1 To monitor spend and compliance a Board to review corporate procurements will be established. In addition, to provide visibility of spend a report detailing procurement performance will be presented to the Strategic Management Team (SMT) regularly.

13.2 An annual report will be presented to the Strategy and Resources committee to provide visibility for members.

13.3 The CSO's outline clear responsibilities dependent upon the value of the procurement.

13.4 The Procurement and Contracts Manager is responsible for updating the strategy. Following this refresh the Strategy will be reviewed again and updated if required in 2024 in line with the expiration of the four-year plan.

PLANNED MAINTENANCE PROGRAMME 2022-23

Head of Service:	Mark Shephard, Head of Property and Regeneration
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	no
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Current year progress 2021-22 Appendix 2 – Proposed Works for 2022-23

Summary

The report provides an update on the approved 2021-22 planned maintenance programme and requests approval for the planned maintenance programme for the next financial year 2022-23

Recommendation (s)

The Committee is asked to:

- (1) To note the progress and anticipated spend at the end of the current year 2021-22 as shown in Appendix 1.**
- (2) To note the two projects and budgets carried over into 2021-22 planned maintenance programme.**
- (3) To approve the 2022/23 planned maintenance programme at an estimated cost of £498,000 as set out in Appendix 2.**
- (4) Subject to the Council's financial and contract requirements, to delegate authority to the Head of Property and Regeneration to make changes within the 2022/23 planned maintenance programme to cover unforeseen matters (such as tender price variances) of up to, but not exceeding £20,000.**
- (5) To agree to transfer the unspent budgets back to the planned maintenance reserve at the end of the financial year.**

1 Reason for Recommendation

- 1.1 The proposed planned maintenance programme is essential to meet the Council's health & safety obligations and undertake essential maintenance to provide fit for purpose working environments and protect property assets.

2 Background

- 2.1 At the meeting on the 28th January 2021, Strategy and Resources Committee agreed to fund the planned maintenance programme for 2021/22 totalling £315,000.
- 2.2 This figure is formed from the £210,000 allocated each year to fund planned maintenance, with the remainder of £105,000 taken from the Property Maintenance Reserve.

3 2021/22 Update

- 3.1 Funds totalling £65,000 were also carried over in the Property Maintenance Reserve from the previous financial year for the following two projects which were not completed in 2020-21. They comprise:
 - 3.1.1 The Ashley Centre car park staircase redecorations, roof repairs and floor paint. Due to the contractor carrying out the redecoration works at the end of 2020, the temperatures were not favourable which led to poor paint adhesion to the floors and walls. The contractor had to return to clean off and repaint in May/June 2021 and therefore, the project timescale had to be extended. The cost of works was £45,000.
 - 3.1.2 The Ewell Court House library window replacement had to be deferred as contractors expressed little interest in undertaking the works. The windows were removed in the summer and sent off for remanufacture. The project has experienced a serious delay due to Covid forcing the joinery factory to shutdown numerous times. The works were complete by December 2021 at a cost of £18,000.
- 3.2 The Bourne Hall works to replace light fittings to the Main Hall, corridors and banqueting suites will be carried forward to next year 2022-23. This is due to workload capacity and the need to seek expert mechanical and electrical advice. The budgeted cost for these works is £30,000.
- 3.3 The remainder of the planned maintenance programme has been delivered with savings being made from effective project management, tendering and specification writing which can be returned to the Council's reserves.
- 3.4 The detail of the projects and costs is shown in appendix 1.

- 3.5 At the time of writing this report, a net underspend of £94,000 is projected on 2021-22's programme, as shown in Appendix 1. It is proposed to return the £94,000 back to the planned maintenance reserves for future years use which would bring the uncommitted reserve balance at 31 March 2022 to £537,000.

4 Funding from Surrey County Council (SCC)

- 4.1 SCC has introduced a policy to reallocate – back to district councils – the County's share of additional council tax that arises from changes to empty homes policies between 2019 and 2024. This is intended to incentivise councils to adopt policies to reduce the number of empty properties in Surrey. In January 2019, S&R Committee agreed to charge council tax premiums on long-term empty properties from 1 April 2019, principally to encourage owners to bring empty properties back into use.
- 4.2 SCC's policy is to reallocate the funds only "to fund new, or extend existing, initiatives and projects that directly support a SCC initiative or specific project. Examples are work within climate change, supporting homelessness reductions, rethinking local transport or supporting economic development". SCC would determine the suitability of applications from individual councils.
- 4.3 In line with EEBC's Climate Change Action Plan objectives - to "reduce CO2 emissions in Council buildings" (Objective 5) and to "replace traditional lighting with energy efficient longer lasting LED lighting" (Objective 7) - officers have explored with County a potential project to make lighting improvements to the following seven Council buildings, which include pavilions within the parks:
- 4.3.1 Longmead Depot
 - 4.3.2 Gibraltar Rec Pavilion
 - 4.3.3 Auriol Pavilion
 - 4.3.4 Court Rec Pavilion
 - 4.3.5 Ewell Court House
 - 4.3.6 Alexander Rec Pavilion
 - 4.3.7 Harrier Centre
- 4.4 The exact energy saving at each building would vary depending upon the old lighting being replaced, however, the majority of existing lights are old-style or halogen, so the typical energy saving and reduced emissions with modern lighting would be estimated at c.80%. The estimated cost of lighting improvements at all seven buildings is £163k and currently the Council has no funding identified to meet this climate change objective.

- 4.5 New regulations and legislation mean that halogen bulbs are not able to be replaced from September 2021 and florescent tubes will no longer be available from Sept 2023. The majority of Council buildings still use these old light fittings, therefore the replacement of lighting is an unavoidable cost for EEBC, otherwise buildings will eventually end up in darkness as tubes no longer become available.
- 4.6 SCC has indicated that the above project would meet its criteria and that the Council's potential reimbursement for the period 2019/20 to 2021/22 totals £102k.
- 4.7 For this potential project to proceed, the estimated £61k balance of funding would need to be met from the Council's own Property Maintenance Reserve, alongside the £102k funding from SCC. Using the SCC funding in this way would enable EEBC to reprioritise the use of its reserves to address other works and priorities that are required.
- 4.8 Members are asked to approve this project as part of the 2022/23 proposed maintenance programme.

5 2022/23 Proposed Programme

- 5.1 The planned maintenance budget is set at £210,000 each year, with variations to the budget subject to Committee approval.
- 5.2 The £210,000 budget consists of a £150,000 maintenance base budget and £60,000 regulatory works budget.
- 5.3 In addition, £102,000 funding from SCC has potentially been secured, as outlined above.
- 5.4 The proposed works for 2022-23 are set out at Appendix 2 and total an estimated £498,000.
- 5.5 The proposed works are considered necessary as they either comprise of essential maintenance items or they are required to meet statutory and / or tenant lease obligations.
- 5.6 Committee is asked to approve these proposed works for 2022-23, which can be funded by the standard yearly planned maintenance budget of £210,000, plus £102,000 funding from SCC and the remainder of £186,000 funded from the Property Maintenance Reserve.
- 5.7 Approval is also sought to allow officers authority to make changes within the programme up to, but not exceeding £20,000, in order to cover variances that arise when obtaining quotes that may be higher or lower than proposed budget.

6 Risk Assessment

Legal or other duties

6.1 Impact Assessment

6.1.1 Various works have an impact on the running of operational buildings and works will be managed to minimise impact.

6.2 Crime & Disorder

6.2.1 None

6.3 Safeguarding

6.3.1 None

6.4 Dependencies

6.4.1 None

6.5 Other

6.5.1 None

7 Financial Implications

7.1 The financial implications are set out within the proposals above.

7.2 It is anticipated that the proposed works for 2021/22 can be undertaken without causing a breach of the Council's 5% VAT partial exemption limit. Quarterly forecast calculations will be produced to monitor the ongoing taxation position throughout the year.

7.3 **Section 151 Officer's comments:** The planned maintenance budget for 2022/23 stands at £210,000, plus £102,000 funding from SCC also potentially secured. In the current environment, works should be restricted to those that are essential. The proposed 2022/23 maintenance programme, at an estimated cost of £498,000, is £186,000 higher than the funding. This shortfall could be funded from the Property Maintenance Reserve; the reserve currently holds an unallocated balance of £537,000, which will reduce to £351,000 if the 2022/23 programme is approved.

8 Legal Implications

8.1 None arising from the contents of this report.

8.2 **Legal Officer's comments:** none arising from the contents of this report

9 Policies, Plans & Partnerships

9.1 **Council's Key Priorities:** The following Key Priorities are engaged: Effective Council.

9.2 **Service Plans:** The matter is included within the current Service Delivery Plan.

9.3 **Climate & Environmental Impact of recommendations:**

9.4 Various projects within the programme are energy saving and will have a positive effect on climate change by reducing carbon emissions.

9.5 **Sustainability Policy & Community Safety Implications:**

9.6 The scope of works within the planned maintenance programme for 2021/22 and the proposed works for 2022/23 contribute to the achievement of the Council's objectives for sustainability.

9.7 **Partnerships:** To secure the £102,000 funding from Surrey County Council, officers will need to provide expenditure information and estimated energy savings during the project.

10 Background papers

10.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Strategy & Resources committee 28th January 2021 – Planned Maintenance Programme 2021-22

Other papers:

- None

2021-22 Planned Maintenance current progress

Location	Proposed Works	Comment/Notes	Progress	2021/22 Approved budget (£000)	Actual spend year to date (£000)	Forecast Outturn (£000)	Forecast Variance (£000)	Notes
Ashley centre car park	Decorations to 3no staircases, walls, floors, ceilings, and handrails.	The walls, ceilings, floors to staircases are in extremely poor condition. Smelly and difficult to keep clean. This job was carried over from last year. All complete	Completed June 21	45	45	45	0	Carry over from previous year
Ashley centre car park	Replacement of defective LED lights throughout all levels	Light fittings purchased from supplier and Rydon Maintenance have fixed throughout car park where defective during normal PPM maintenance.	In Progress Dec 2021 completion	20	9	9	-11	
Bourne Hall	Replacement lighting with low efficiency LED lights to various locations.	Project not started awaiting specialist Electrical advice.	Not started	30	0	0	-30	Carry over to new year
Ewell Court House	High level timber windows leaking from the library and manufacture provide and install new	These works were carried over from previous year, windows have been removed and sent off to joinery manufacture but works have been delayed due to workshop shutting numerous times due to Covid.	In progress Dec2021 completion	20	0	20	0	Carry over from previous year
Ewell Court House	Roofing repairs required to various locations, many leaks have occurred over past year.	Works are in progress, rotten timber decking found when stripping leadwork. Replacement of timber decking may raise costs further.	In progress Dec2021 completion	30	0	20	-10	Carry over from previous year
Horton Contry park public toilets	To replace pipework toilets, cylinders, and metal partitions	This is a new emergency job due to constant leaks occurring from pipework and flooding toilets	End Dec 21 Completion	0	7	9	9	New works
Town Hall Chamber	Removal of 4no secondary glazing panels, form lobby for safe removal of leaded paint. Repaint timber windows manufacture provide and fit new secondary glazing.	Retention payment for works carried out ealier this year.	In progress Jan 2021 completion	0	0	1	1	
Town Hall Chamber	External decorations to courtyard windows	Works carried out from Sept to Nov 21, many timber repairs required. Works complete.	Complete	10	0	15	5	
Town hall	Atrium high level glazing repair following	This budget not enough upon further investigations, the works are now anticipated to cost £40k. Requested funds via Capital bid but refused. Result is the Atrium will continue to leak water.	not started	10	0	0	-10	Return back to reserves
Town hall	Modernisation of toilets	Works carried out on a budget, very effective cost slightly more than budgeted but still much cheaper tha a full scale refurbishment.		30		36	6	
Wellness community centre	Replace High Level Windows - Third and final phase.	Continued works phase two following Health and Safety risk from glass falling.	Complete	13	11	11	-2	
Wellness community centre	Health and Safety works to Rewire to loft area	Electrical condition Inspection revealed poor wiring in loft, possible fire hazzard. Works due to start in December2021	In progress March 22 completion	20	0	30	10	
Epsom Playhouse	Smoke vents above stage are rotten and require timber repairs	Replaced with UPVC weighted window panels for longer lifecycle. All complete and in good operation.	complete	20	12	12	-8	

Various locations	legionella remedial works	Due to last years extensive remedial works, current water risk assessment highlighted minimum remedial work.		15	0	0	-15
Longrove skate park	Replace defective concrete steps with metal steps, including handrail and concrete base	Health and Safety works as existing timber steps loose and rotten, new steps in metal will be more durable although had report that one of the metal handrails has been stolen.	complete	5	5	5	0
Hard surfaces	Health & Safety repairs to hard surfaces	Resurfacing, pot holes trip hazards and defective surfaces	In progress	30	30	40	10
Walls and fences	Emergency repairs to walls and fences	Emergency works to walls and fences	In progress	20	2	2	-18
Poole Road Pavilion	Replace defective roller shutters to windows		Complete	10	10	10	0
Sub-Total				328	131	265	-63

Regulatory works							
Asbestos	Surveys, inspections, labelling, removal & encapsulation	Legislative must be carried out annually.		12		5	-7
Fire Risk Assessments	Repairs and upgrades following Inspections	Legislative must be carried out annually.		10		5	-5
Remedial Electrical works	Remedial works	Legislative must be carried out every 5 years		15		5	-10
Energy efficiency	Replacement meters, repairs and upgrades to reduce carbon foot print	Monitoring via meters helps determine high usage and issues with plant		5		1	-4
Water efficiency	Replacement meters, repairs and upgrades to reduce usage and repair leaks	Monitoring highlights leakages and high usage		5		1	-4
Watercourses	Emergency clearances of streams and waterways	These works prevent flooding and ensure free flowing waterways		5		4	-1
Sub-Total				52	0	21	-31

Total	380	131	286	-94
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Forecast Return to Reserves	-94
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APPENDIX TWO: PLANNED MAINTENANCE PROGRAMME 2022-23

Location	Proposed Works	£000's	Comment/Justification
Various council buildings	Replacement lighting with low efficiency LED lights to various locations.	163	Due to new regulation coming into force in October 2023, all fluescent lights fittings will be discontinued and require replacement with LED.
Rosebury Park Lodge	Roofing repairs required to various locations, many leaks have occurred over past year.	15	Boiler and radiation replacement including alterations in kitchen, making good and replacement of kitchen units.
Town Hall	Replacement of obsolete Trend controllers for the BMS system and some minor alterations	15	Existing controllers obsolete and some rewiring required to remove old redundant equipment.
King Georges field, Poole road pavilion.	New drainage pipe, soakaway crates and connection to existing surface water drainage pipe.	20	Flooding from car park drainage onto the bottom of the bank and football pitch.
Court Rec, Alex Rec, H.C.P, King Georges field.	Re-lining damage drains as highlighted on CCTV surveys.	40	Root damage and broken pipework in old surface and foul water drains.
Gibraltar Rec	External Decorations	20	Have not externally re-decorated for over 10 years, timber cladding deteriorating.
Ashley Centre car park	Concrete repairs to floors walls and soffits throughout the car park	20	Dangerous areas, trip hazards and chunks of concrete falling off where reinforcement corroding under the concrete.
Ashley Centre car park	Manufacture aluminium powder coater capping to protect parapet wall around high level areas in car park.	20	Falling pieces of brickwork from high level
Bourne Hall	Provide and install new loop system to 3no banqueting suites	20	Old system disconnected as did not work correctly, by law all public accessible spaces have to have loop systems to comply with Equalities Act 2010
92B High Street	Timber repairs and redecoration to windows	10	Windows rotten and paint flaking off.
Various	Legionella remedial works	10	To address remedial works raised in New Water Risk assessments.

West park cottage	Redecorations and internal repairs	15	These works are in order to be able to let the property which has been empty for some time.
Hard surfaces	Health & Safety repairs to hard surfaces	50	Resurfacing, pot holes trip hazards and defective surfaces.
Walls and fences	Emergency repairs to walls and fences	10	Emergency works to walls and fences
Regulatory works			
Asbestos	Surveys, inspections, labelling, removal & encapsulation	10	Legislative must be carried out annually.
Fire Risk Assessments	Inspections for F.R.A, Repairs and upgrades following Inspections.	30	Changes coming into effect due to the Building Safety Act in March 2022. Legislative must be carried out annually.
Remedial Electrical works	Condition inspections and remedial works	15	Legislative must be carried out every 5 years.
Energy efficiency	Replacement meters, repairs and upgrades to reduce carbon foot print	5	Monitoring via meters helps determine high usage and issues with plant.
Water efficiency	Replacement meters, repairs and upgrades to reduce usage and repair leaks	5	Monitoring highlights leakages and high usage
Watercourses	Emergency clearances of streams and waterways	5	These works prevent flooding an ensure free flowing waterways
	Total	498	

ICT PROGRAMME OF WORKS

Head of Service:	Judith Doney, Head of Digital and Service Transformation
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – 2022-23 ICT Roadmap Appendix 2 – 2020-24 ICT Roadmap

Summary

This report provides details of the strategic plans for a rolling programme of ICT works in line with the Four Year Corporate Plan and the funding details for the 2022/23 financial year.

Recommendation (s)

The Committee is asked to:

- (1) Agree funding of £250,000 from the capital programme for the ICT programme of works for the 2022/23 financial year**

1 Reason for Recommendation

- 1.1 Capital Member Group recommended in Autumn 2021 that the 2022/23 capital funding bid for the ICT Programme of Works be submitted to Strategy and Resources Committee. This was to enable funding to be considered as part of a four year rolling for the ICT Plan. This will ensure the IT systems are properly invested in to deliver the ongoing ICT programme of work.
- 1.2 On 27 January 2022 Strategy & Resources Committee agreed additional funding of £20,000 for an additional resource to assist with developing our current ICT strategy to incorporate the Council's changing priorities and evolving working practices post-Covid.
- 1.3 The table at 2.10 of this report provides the details of IT works that will need to be completed during 2022/23 in order for system security to be maintained, continuation of projects providing new ways of working and replacement end of life or unsupported applications. This work will be required in 2022/23 regardless of any change to the Council's ICT strategy during the financial year.

2 Background

- 2.1 Historically, each year ICT have made a Capital Programme bid to Capital Member Group to enable the IT systems to be improved in line with the agreed strategic direction and to replace obsolete systems/hardware. Some flexibility is required with the ICT capital budget as unforeseen expenditure can arise that could not possibly be predicted when the budget submission is made. An example of this is the replacement of the Town Hall Uninterruptable Power Supply (UPS) in 2021/22 when the unit failed before its predicted end of life.
- 2.2 Spend against the IT Programme of Works has been supported with a business case and agreed by the IT and New Ways of Working Group, whose membership was the Chief Operating Officer, Chief Finance Officer, Head of Digital and Service Transformation, Head of Corporate Governance, Head of HR and the ICT Manager. All spend follows EEBC procurement rules. Following the change in structure in 2021, spend is now approved by the Strategic Management Team.
- 2.3 The four year ICT roadmap (Appendix 2) supports the Four Year Corporate Plan with recent spend including implementing improved wifi and digital connectivity from the Council's main public buildings and moving the Council to energy efficient cloud solutions. Recent example of work undertaken includes the introduction of Microsoft 365 which has enabled the Council to operate more efficiently whilst working with staff in the office and at home.
- 2.4 A recurring theme on the ICT roadmap is to improve the cyber security posture through investing in initiatives to protect the systems used. An example of expenditure in 2021/22 includes installing an additional cloud hosted backup solution. This further protects the high priority systems from a ransomware attack and should one be successful, there would be a reduction in the system unavailability time.
- 2.5 A key piece of work on the ICT roadmap is the CRM Replacement Project, with the objective of moving Council service information and transactions online. The current CRM is out of support and contains a number of workarounds resulting in the system being inefficient for officers and residents to use. The Replacement of CRM and Datawarehouse project funding is being used to move the existing CRM services into the My Council Services Platform. This will enable residents to raise and track their transactions online. This project, alongside capital funding in 2022/23, to upgrade the website which becomes obsolete in November 2022 will greatly improve the experience of residents with their digital interactions.

- 2.6 The ICT roadmap also supports the Climate Change Action Plan with recent spend on technology reducing the need to travel to meetings through introducing Teams and updated conferencing facilities and improvement in the Town Hall WiFi, rolling out thin client technology that use less power and utilising technology to reduce the reliance on paper through implementing digital initiatives.
- 2.7 The current agreed strategic direction for the four year plan is:

Table 1

Motivate all residents to perform secure digital transactions using high speed connectivity
Reduce carbon footprint through running appropriately sized hardware with efficient energy consumption rating
Enable Officers and Members to perform digital work efficiently from a variety of locations
Reduce risk through using proven resilient technologies with no unacceptable vulnerabilities
Where appropriate, move infrastructure to the Cloud
Where appropriate, move high priority applications to the Cloud
Use established providers with a proven track record of delivering services
Simplify the IT estate through moving legacy applications into strategic applications and reducing unnecessary infrastructure complexity
Solutions will be of an appropriate scale for a small Local Authority
Where possible the implementation, development and support will be performed by the in house ICT Team

- 2.8 The 4 year ICT roadmap is shown in Appendix 2. In line with our strategic direction this includes work to move key applications into the cloud through moving telephony to Teams calling and moving key Citrix components to a more resilient solution. We are looking to improve the cyber position through updating firewalls and improving the backup solution further. We run a very large number of applications and work is required to simplify the IT estate through moving legacy applications into the strategic 'My Council Services' application. To ensure we work efficiently we request funding to refresh member devices to a solution which works better with Microsoft 365 and is easier to manage by ICT.
- 2.9 Continuing the work outlined in the 4 year ICT roadmap is estimated to cost £250k in 2022/23. Appendix 1 shows the projects we will undertake in addition to the ongoing CRM and Datawarehouse Project to complete the initial two phases of the My Council Services, the priority for 2022/23 is to continue to increase our security, increase our resilience by moving applications to the cloud and finding suitable alternatives for end of life applications/infrastructure/devices
- 2.10 The capital budget required for 2022/23 is split as follows

Table 2

Project Name	Reason	Estimated Cost £
Applications to Cloud	Business Continuity Cloud – Citrix	50,000
Website	Business Continuity Obsolescence – Drupal 7	40,000
Revenues & Benefits Document Management System	Business Continuity Obsolescence /Cloud	50,000
Security information and event management (SIEM)– Managed Security Operations Centre	Business Continuity Deferred from 2021/22	35,000
Sharepoint (part 2)	Business Continuity Cloud	25,000
Networking – switch refresh	Business Continuity	25,000

	Obsolescence	
Members Devices	Business Continuity	25,000
	Obsolescence	
	Total	250,000

2.11 It is estimated that to continue the work outlined in the four year roadmap will require a continual investment of an estimated £250k per year, subject to annual approval by Strategy & Resources Committee. There are scenarios where this funding may not cover everything that is required on the IT systems. Where this is the case a further detailed report will be presented to Strategy & Resources Committee for consideration and approval.

3 Practical implementation

- 3.1 A four year ICT Roadmap will be created in line with the Four Year Corporate Plan. This will include agreement of the strategic direction by the Strategic Management Team on the most appropriate path to follow for the period. The program of work will be challenging but realistic. This has already been created and agreed for the period up to 2024.
- 3.2 Each year a detailed ICT roadmap for the coming year will be created and agreed by Strategic Management Team. The work items will require up to an estimated £250k of funding each year. Work items from the previous year may roll over from the previous year where circumstances have affected the delivery.
- 3.3 All work items being performed will be supported by a business case to be agreed by Strategic Management Team and be procured using the agreed contract standing orders.
- 3.4 A report will be submitted each year to Strategy and Resources committee to provide a progress report on the ICT roadmap for the previous financial year and a proposed budget for the next financial year.

4 Risk Assessment

- 4.1 Legal or other duties
Procurement of IT works will follow the Council's Contract Standing Orders.
- 4.2 Crime & Disorder
None for the purposes of this report

- 4.3 Safeguarding
None for the purposes of this report
- 4.4 Dependencies
None for the purposes of this report
- 4.5 Other
None for the purposes of this report

5 Financial Implications

- 5.1 There is an annual need to fund IT projects from the Capital Programme to ensure the continued efficiency of services provided by the Council and to maintain the security of systems and data held. Revenues costs will be funded within the existing budget.
- 5.2 The IT projects will provide benefits to the Council beyond one year and are considered essential for business continuity. The projects therefore meet the agreed capital criteria for inclusion in the capital programme.
- 5.3 **Section 151 Officer's comments:** The Council's revenue budget includes a provision of up to £400,000 to support capital projects. £250,000 of this provision could be allocated to fund the ICT projects for 2022/23, which would reduce the revenue provision available for other capital projects to £150,000. Beyond 2022/23, the budget for subsequent years should be considered and agreed annually through the progress report to Strategy & Resources Committee.

6. Legal Implications

- 6.1 None for the purposes of this report
- 6.2 **Legal Officer's comments:** none arising from the content of this report

7 Policies, Plans & Partnerships

- 7.1 **Council's Key Priorities:** The following Key Priorities are engaged:

Effective Council - Improve access to services through technology

Smart and Connected - Increase digital connectivity for all

- 7.2 **Service Plans:**

The ICT roadmap is included within the current Service Delivery Plan.

7.3 Climate & Environmental Impact of recommendations:

Climate Change Action Plan Theme 6 - Use of technology & information systems. Will be able to utilise electronic systems and change the working practices further.

7.4. Sustainability Policy & Community Safety Implications:

None for the purposes of this report

7.5. Partnerships:

None for the purposes of this report

8. Background papers

The documents referred to in compiling this report are as follows:

Previous reports: Financial Policy Panel 30 November 2021

Other papers: None

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Service Delivery - ICT Roadmap 2022/23

Apr '22

Aug '22

Dec '22

Mar '23

Infrastructure

PSN Submission

Security Monitoring

Business Continuity Test

Citrix Cloud

WiFi access points

Switch Refresh

WAN Resilience and refresh

Penetration Test

Mobile

Telephony Simplification - Mobile/Teams/Mitel

Member Device Refresh

Applications

Sharepoint - Build and Migration

CRM Phase 1 – Abavus MCS

CRM Phase 2 – Implementation (including legacy apps – Parking Back Office and Bookings)

Civica Financials Cloud implementation

R&B DMS system

Automate Internal Processes

Website Improvements

System Data retention policy application

Agenda Item 7 Appendix 1

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ICT Roadmap 2020-24

Strategic Direction:

1. Motivate all residents to perform secure digital transactions using high speed connectivity

Reduce carbon footprint through running appropriately sized hardware with efficient energy consumption rating

Enable Officers and Members to perform digital work efficiently from a variety of locations

2. Reduce risk through using proven resilient technologies with no unacceptable vulnerabilities

Where appropriate, move infrastructure to the Cloud

Where appropriate, move high priority applications to the Cloud

3. Use established providers with a proven track record of delivering services

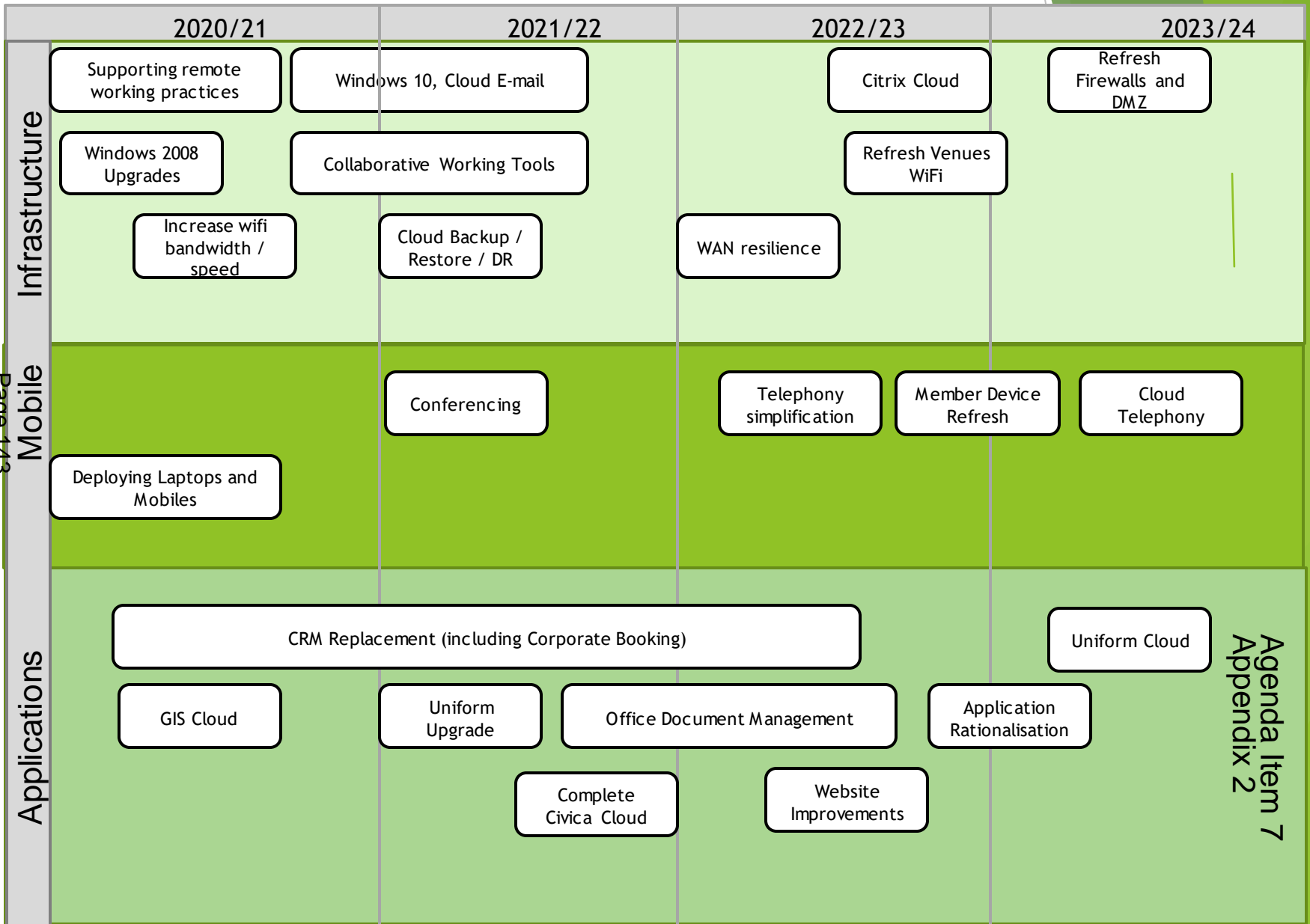
Simplify the IT estate through moving legacy applications into strategic applications and reducing unnecessary infrastructure complexity

Solutions will be of an appropriate scale for a small Local Authority

Solutions will be supported by the in house ICT Team

Where possible the implementation and development will be performed by the in house ICT Team

Covid Affected Roadmap



Glossary:

Cloud E-Mail - Replace the on-premise e-mail solution provided through Microsoft Exchange, Outlook and Citrix Securehub with an alternative cloud based solution

Citrix Cloud - Replace the the on-premise components that enable users to connect to the Citrix environment with a cloud based solution

Collaborative Working Tools - Introduce software to enable teams, departments, offices and organisations to securely and seamlessly collaborate (eg. Slack, Microsoft Teams)

Conferencing - Introduce hardware and software to enable external bodies, officers and members who are working remotely to perform a minimum of audio conferencing with the Town Hall meeting rooms

Cloud Telephony - Replace the on-premise software that delivers the landline telephone system, to a cloud based solution that removes the reliance on the Town Hall

Application Rationalisation - Migrate legacy applications used by single or very few business areas to an Enterprise wide cloud based software platform

Office Document Management - Replace the network drives that are used to manage Word Documents, Excel spreadsheets and PDF Documents with a cloud based solution

TENNIS IN THE BOROUGH

Head of Service: Ian Dyer, Head of Operational Services

Wards affected: (All Wards);

Urgent Decision?(yes/no) No

If yes, reason urgent decision required:

Appendices (attached):

Summary

To present a non-repayable grant funding opportunity from the Lawn Tennis Association to refurbish and upgrade all tennis courts in the borough.

To seek approval for £10,330 to be released from capital reserves to provide a 10% match funding contribution.

Recommendation (s)

The Committee is asked to:

- (1) Note the details of the grant funding opportunity from the Lawn Tennis Association to refurbish and upgrade all tennis courts in the borough.**
- (2) Release £10,330 from capital reserves for a 10% match funding contribution from S106 funds.**

1 Reason for Recommendation

- 1.1 This is a time critical opportunity to bid for a non-repayable grant to refurbish and upgrade all twelve tennis courts in the borough.
- 1.2 The grant funding opportunity offers a sustainable way to maintain good quality tennis provision in the borough, mitigating budget pressures for Epsom & Ewell Borough Council in the future.

2 Background

- 2.1 A report to the Community and Wellbeing Committee was considered on 17 March 2022 and outlined a proposal to bid for £103,300 from the Lawn Tennis Association Park Fund, to refurbish all twelve tennis courts and install gate access technology at each of the five sites across the borough. The Community and Wellbeing Committee resolved to support this bid.
- 2.2 The ethos of the LTA Park Fund is not only to provide funding for local authorities to upgrade their current facilities but to offer free assistance from industry experts to help local authorities build a sustainable operating model to increase participation in tennis on park courts through improved facilities and to open tennis up to more people.
- 2.3 A key driver for the LTA is that tennis facilities should be relevant, accessible, welcoming, and enjoyable to anyone, and park facilities are one of the most important ways to deliver this. A sustainable operating model can be tailored to suit each court's demographic and will ensure that there are sessions to suit everyone, including pay to play, tennis for free, coaching, and competitive sessions.
- 2.4 The two main operating models are outsourcing the tennis operation to an external provider or keeping the operation in-house. Experts will work with the local authority to help decide which operating model will work best for the borough and achieve the income required to contribute to the annual sinking fund which is a condition of the grant.
- 2.5 The sinking fund will ensure that funds are available to pay for any future repairs to the courts and provides for an annual maintenance contribution to the LTA's online booking system – ClubSpark.
- 2.6 If members of this committee agree to release the 10% match funding requirement, a bid will be submitted to the LTA Park Fund and if successful, a detailed proposal will be presented to Community and Wellbeing Committee in June 2022, to discuss the preferred operating model and structure of sessions.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

- 3.1.1 The LTA is committed to ensuring that any investment is supported by sustainable community tennis programmes, to ensure that park tennis is accessible to all sections of the community.

3.2 Crime & Disorder

3.2.1 Engaging people, especially young people, in physical activity and organised sports is an effective tool to help reduce boredom, improve mental health, and create a diversion from anti-social behaviour, violence, crime and drug use.

3.2.2 Well-maintained and well-used sporting facilities promotes a vibrancy in our parks and outdoor spaces which helps to reduce the fear of crime and disorder.

3.3 Safeguarding

3.3.1 None for the purpose of this report

3.4 Dependencies

3.4.1 This initiative can only progress if members agree to the release of Section 106 funds to provide match funding.

3.5 Other

3.5.1 None

4 Financial Implications

4.1 A 10% (£10,330) match funding contribution is required to support this grant application. It is proposed to draw these funds from the S106 balance within Parks and Open Spaces.

4.2 Charging will need to be introduced for all courts to generate sufficient income to meet the sinking fund requirement detailed in paragraphs 2.4 and 2.5. There is a risk that should the cost to improve the courts exceed the estimated £103.3k, then the sum expected to be ringfenced will exceed the £16.5k currently assumed.

4.3 The income received for tennis court hire in the financial years 2017/18, 2018/19 and 2029/20 was £341, £189, and £429 respectively.

4.4 The current charges for 2022/23 for adults, as agreed by Community & Wellbeing Committee in January 2022, are £10.20 per hour for one court, or £15.50 if floodlights are required. The charge for 2022/23 for juniors is £5.30.

4.5 Other local tennis courts linked to the Lawn Tennis Association charge £8 per hour. Should we adopt this charge, and assuming all courts were used equally, each court would need to make in the region of £1.4k per annum to achieve the income required for the sinking fund. This would equate to 175 hours per court per year.

- 4.6 **Section 151 Officer's comments:** The current available balance of the S106 balances within Parks and Open Spaces is £15,987.
- 4.7 Consideration will need to be given to the sinking fund requirement, as should income levels not exceed the annual sum expected, this could result in an unbudgeted revenue cost to the Council, which would need to be funded from elsewhere within the Community & Wellbeing budget.
- 4.8 The full revenue costs of the proposal will need to be understood before entering into any agreement. This includes the conditions surrounding the sinking fund and costs related to having the courts externally managed and maintained.

5 Legal Implications

- 5.1 At this stage of the funding application process there are no legal implications to consider as the Council is not committed to accepting any funds awarded.
- 5.2 If the application is successful, legal assistance will be required to assess the terms and conditions of the funding agreement and provide the advice necessary to proceed.
- 5.3 Legal advice will also be required at a later stage in the process if the Council chooses to enter into an agreement with an external Tennis provider to manage and maintain the renovated courts on our behalf.
- 5.4 **Legal Officer's comments:** none for the purpose of this report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- Safe and Well
 - Opportunity and Prosperity
 - Smart and Connected
 - Effective Council
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** none for the purpose of this report
- 6.4 **Sustainability Policy & Community Safety Implications:** none for the purpose of this report

- 6.5 **Partnerships:** This proposal builds a partnership with the LTA to secure a long-term vision for tennis in the borough.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Tennis in the Borough report to Community and Wellbeing Committee 17 March 2022. Please click link to view:

<https://democracy.epsom-ewell.gov.uk/documents/g1102/Public%20reports%20pack%2017th-Mar-2022%2019.30%20Community%20and%20Wellbeing%20Committee.pdf?T=10>

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EWELL COURT HOUSE

Head of Service:	Mark Shephard, Head of Property and Regeneration
Wards affected:	(All Wards);
Urgent Decision? (yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Confidential Financial Forecast

Summary

This report seeks approval to award the service contract (including commercial lease) for a specialist weddings and events partner to manage the venues operation of Ewell Court House.

Recommendation (s)

The Committee is asked to:

- (1) Agree to award a 10 year service contract, with the option to extend for a further 5-years, to Bovingdons Catering Ltd on the confidential financial terms as set out in Appendix 1.**
- (2) Agree to award a 10 year commercial lease (co-terminus with the above service contract), to Bovingdons Catering Ltd.**
- (3) Authorise the Head of Property & Regeneration, in consultation with the Chief Finance Officer, to progress and complete the above legal documentation.**

1 Reason for Recommendation

- 1.1 Following a compliant procurement procedure, Bovingdon Catering Ltd can offer the Council firm reassurance that they have the experience and capacity to undertake the successful management of Ewell Court House.

2 Background

- 2.1 Ewell Court House is a Council owned Grade II listed building constructed in 1879 and incorporating earlier structures dating back to the 17th century. It is an imposing and characterful building that is licenced for wedding and civil ceremonies.

- 2.2 It is widely acknowledged that Ewell Court House has great potential as a venue for weddings and other important occasions as well as being a valued place for local community groups to meet. The building can accommodate 90 guests for a wedding breakfast and 120 guests for an evening party. It can also seat 100 for a wedding ceremony.
- 2.3 The Council has worked closely with a local community group, Ewell Court House Organisation (ECHO) who have supported the Council in promoting the importance of the building.
- 2.4 Since the reopening of Ewell Court House in 2015 following a fire and subsequent refurbishment, the Council has undertaken various additional marketing activities to increase bookings and income levels. However, despite some success, it remained below expectations and there continued to be significant times when the building was unoccupied.
- 2.5 At its meeting on 30 July 2019, this Committee approved officers to procure, through a competitive selection process, a suitable specialist partner to manage bookings and events at Ewell Court House. Through the procurement process, the partner would also be expected to recognise and support the important role the venue serves in the community.
- 2.6 The service partner would be granted a commercial lease (co-terminus with the service contract) and thereby become responsible for the day-to-day maintenance and repair of the building.
- 2.7 Through this arrangement, the Council would be transferring the operational financial risk to the partner organisation for the period of the agreement, with the partner taking on responsibility for the future pricing structure.
- 2.8 Due to the pandemic, Ewell Court House was closed to the public on 19 March 2020, a few days prior to the first national lockdown from 23 March 2020. When venues could finally reopen from June 2021, Ewell Court House became a Covid-19 Testing Centre.

3 Procurement

- 3.1 On 6 October 2021, the Council published a Prior Information Notice (PIN) via its eSourcing portal In-Tend. PIN's are public notices used to signal to the wider market that a tender opportunity is due to be advertised. Within this procurement, it gave potential bidders 22 days' prior notice to the opportunity be advertised.
- 3.2 On 28 October 2021, the tender was formally published on the Council's eSourcing platform. This platform alone advertised the tender opportunity to 470 registered suppliers.

- 3.3 The Council had a further statutory obligation to advertise this tender on both Contracts Finder (CF) and Find a Tender Service (FTS). CF and FTS are platforms set up by Central Government to advertise public sector contract opportunities to ensure maximum marketing exposure.
- 3.4 The tender was live within In-Tend for 10 weeks and 5 days being 6 weeks longer than statutorily obligated. This not only allowed for the Christmas period, but it was also considered that the scope and scale of this procurement warranted additional time to ensure only high-quality bids were received.
- 3.5 During this time, the Council received four (4) expressions of interest (Eoi). An Eoi is a bidder's decision to look at and review the Council's tender documentation. From these Eoi's, only one (1) took the opportunity of a site visit.
- 3.6 The tender closed on Tuesday 11th January 2022 and one (1) bid was received.
- 3.7 The Transfer of Undertakings (Protection of Employment) (TUPE) was not considered to be applicable in this procurement. This was due to both former Ewell Court House venues staff finding alternative positions within the Council during the pandemic.

4 Bid Offering

- 4.1 From the 1st April 2022, it is anticipated that Bovingdons Catering Ltd will take on the full responsibility of running Ewell Court House offering weddings, private & corporate events and a venue for community groups to continue hiring.
- 4.2 Using their proven marketing strategy and events experience, Bovingdons anticipate quickly increasing customer awareness of Ewell Court House.
- 4.3 Bovingdons is well known to the Joint Management Committee of Nonsuch Park. The Park is the joint responsibility of EEBC and London Borough of Sutton where Bovingdons successfully operate the venues function by commercially leasing the Grade II* listed Mansion House, Nonsuch Park.
- 4.4 Bid criteria included demonstrating the following:
 - 4.4.1 Relevant experience – both operating venues (including customer care) and generating growth.
 - 4.4.2 Custodianship of listed buildings – maintaining and managing sensitive buildings.

- 4.4.3 Experience in establishing and maintaining positive relationships with the local community including with particular reference to local voluntary groups. As a further commitment to the local community, Bovingdons will continue to honour the previous EEBC discounted hourly rate bookings to the local community and not-for-profit groups.
- 4.4.4 Supporting the Council's commitment to reduce its carbon footprint and increase environmental sustainability.

Financial expectations - the Council expects a Guaranteed Annual Payment (GAP) from the Service Provider. This GAP is to be paid quarterly in arrears. In year one and two of the contract, the Service Provider will only be expected to pay 50% of the GAP. From year three, the whole GAP will be payable. The GAP will be set at £60,000 per annum and will increase with CPI every fifth year.

An Additional Annual Payment (AAP) of 15% of gross sales over and above the Service Provider's proposed AAP threshold will also be expected to be paid to the Council from the Service Provider. The AAP will be payable annually in arrears and the threshold will increase by CPI every fifth year.

- 4.5 Due to commercial sensitivity surrounding the AAP threshold, a confidential financial forecast is attached at Appendix 1.
- 4.6 The £60,000 pa Guaranteed Annual Payment (GAP) from the Service Provider is essentially the base rent. The Additional Annual Payment (AAP) of 15% of gross sales above the AAP threshold is essentially a top up, turnover rent. All figures are subject to CPI every 5 years and both the GAP and AAP payments combined ensure the Council achieves best value.
- 4.7 During the evaluation process, Bovingdons scored almost the maximum available points. Whilst they were the only bidder, this should provide considerable comfort to Committee. Officers therefore recommend that the service agreement and lease is progressed to completion in readiness for the April commencement.

5 Risk Assessment

Legal or other duties

5.1 Impact Assessment

- 5.1.1 TUPE does not apply and no staff are impacted.

5.2 Crime & Disorder

- 5.2.1 Not applicable

5.3 Safeguarding

5.3.1 Not applicable

5.4 Dependencies

5.4.1 Not applicable

5.5 Other

5.5.1 The table below summarises and updates the risks identified in the July 2019 Committee report and the preferred bid has addressed these.

	Risk Area	Mitigation	Risk
1	Insufficient ECH additional booking and associated income is generated	<p>The operational financial risk is transferred to the Service Partner upon contract award alleviating the Council of this burden.</p> <p><i>Bovingdons submitted an ambitious mobilisation plan and Business Model detailing their strict regime to ensure maximum success.</i></p>	Low
2	The partner may not have the necessary expertise to make this arrangement a success	<p>During the 'Selection' stage of the tender, bidders were asked to provide evidence of their previous experience undertaking contracts of this size, nature and scale.</p> <p>Only bidders who were able to demonstrate their experience would be considered for this opportunity.</p> <p><i>Bovingdons have a very successful track record undertaking contracts of a very similar arrangements.</i></p>	Low
3	The day-to-day condition of the building may not be maintained to the required standard	<p>Responsibility for the day-to-day maintenance of the building will be transferred to the Service Partner upon contract award alleviating the Council of this burden.</p> <p><i>Within Bovingdons Business Plan, they have identified a number of keys areas of investment during their mobilisation phase. It is expected these rapid improvements will generate a significant enhancement of clients' experience of the venue.</i></p> <p><i>This further demonstrates Bovingdons commitment to success.</i></p>	Low

4	The community use of the building may suffer as a result of the increased booking for events	The Service Partner is contractually bound to continue all current community bookings. <i>In addition, Bovingdons will honour the previous discounted EEBC community rates.</i>	Low
5	The partner may not be successful and run into financial trouble and need to withdraw from the partnership	During the 'Selection' stage of the tender, bidders were assessed for their economic and financial standing. <i>Bovingdons passed this assessment.</i>	Low
6	The partner organisation may be more successful than expected and as a result generate more income for themselves	The Council has high expectations of the Service Partner to ensure the success of Ewell Court House as an events venue. The Council will benefit from an Additional Annual Payment (AAP). The AAP is based on 15% of gross sales over and above the threshold stipulated by the bidder within the Pricing Schedule. The AAP will be payable annually in arrears and the AAP threshold will increase by CPI every fifth year on the Contracts anniversary Therefore, the Council will continue to benefit from the success of this contract.	Low
7	Local Community Groups who use Ewell Court House may be concerned.	<i>Bovingdons have a wealth of experience engaging with the local community which was clearly evidenced in their bid.</i>	Low
8	Bookings at other Council venues in the borough may suffer if bookings at Ewell Court House increases	The character, location, size, and condition of Ewell Court House means that it provides a specific niche offer which can be seen as different and complementary to the offer at other Council owned venues such as the Town Hall, Nonsuch Mansion, Community and Wellbeing Centre, Rainbow Leisure Centre and Bourne Hall.	Low

6 Financial Implications

- 6.1 In July 2019, the total direct costs associated with operating Ewell Court House as a venue was almost £131,000. This was partially offset by approximately £68,000 income generated from bookings.
- 6.2 In addition, income is also generated from two (2) commercial leases situated within the building – Bambini nursery and Four Seasons. The Service Partner will manage the Four Seasons lease during their contract whilst Bambini is out of scope.
- 6.3 The Council will benefit from a Guaranteed Annual Payment (GAP) from the Service Provider of £60,000 per annum - essentially rent.
- 6.4 In years one and two of the contract, the Service Partner will only be expected to pay 50% of the GAP to support with set-up and mobilisation costs.
- 6.5 An Additional Annual Payment (AAP) will also be expected from the Service Partner. The AAP is based on 15% of gross sales over and above the threshold stipulated by the bidder. A breakdown of the estimated income this will generate is attached at confidential Appendix 1.
- 6.6 The Service Partner will also be expected to pay Business Rates and service charge.
- 6.7 **Section 151 Officer's comments:** By year three, the proposed Guaranteed Annual Payment will achieve the Council's agreed saving target for Ewell Court House, and it is expected that a direct revenue subsidy will no longer be required from the Council to operate Ewell Court House as a venue.
- 6.8 Any additional income generated from the Additional Annual Payment will make an important contribution to mitigating the Council's projected future budget deficit.

7 Legal Implications

- 7.1 Local Authorities are given powers under the Local Government Act 1972, subject to applicable legal constraints, to dispose of land, including sale of their freehold interest, granting a lease or assigning any unexpired term of a lease and the granting of easements. However, a disposal must be for best consideration reasonably obtainable, as set out in section 123 local Government Act 1972 (except in the case of short tenancies), unless the Secretary of State consents to the disposal.
- 7.2 A lease granted for a term of more than 7 years is not a short tenancy for the purposes of section 123 of the Local Government Act 1972, therefore, the requirement to obtain the best consideration reasonably obtainable set out in the Local Government Act 1972 applies to the lease proposed by this report.

- 7.3 The proposals outlined in paragraph 4.6 have been assessed and are considered to represent best value.
- 7.4 The lease and service agreement need to be completed on the terms as agreed.
- 7.5 **Legal Officer's comments:** As outlined in the report and as above.

8 Policies, Plans & Partnerships

- 8.1 **Council's Key Priorities:** The following Key Priorities are engaged: Opportunity and Prosperity, Effective Council.
- 8.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 8.3 **Climate & Environmental Impact of recommendations:**
 - 8.3.1 Within the quality section of the tender, bidders were asked and subsequently scored on the response to their commitment on reducing their carbon footprint and ability to source local and seasonal produce.
 - 8.3.2 This question was worth 5% of the total 40% marks available. Generally, this type of question receives 2-3% of the marks therefore demonstrating the Council's commitment to sustainable procurement.
- 8.4 **Sustainability Policy & Community Safety Implications:**
 - 8.4.1 Sustainability as per 8.3.2 above.
- 8.5 **Partnerships:**
 - 8.5.1 The Council has a long a positive track record of working in partnership with specialist organisations including GLL to undertake the day-to-day running of the Council's Leisure centre.
 - 8.5.2 The partnership between the Council and Bovingdons is already well established following a successful commercial lease arrangement of Nonsuch Mansion. It is expected that this existing relationship will only strengthen during this partnership ensuring Ewell Court House becomes a profitable events venue and continues to support the community as it has done so previously.

9 Background papers

- 9.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Ewell Court House, S&R Committee 30 July 2019

<https://democracy.epsom-ewell.gov.uk/documents/s13310/Ewell%20Court%20House.pdf>

Other papers:

- None

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EXCLUSION OF PRESS AND PUBLIC

Under Section 100(A)(4) of the Local Government Act 1972, the Committee may pass a resolution to exclude the public from the Meeting for Part Two of the Agenda on the grounds that the business involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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