

<p style="text-align: center;"><u>MEETING</u></p> <p style="text-align: center;">FINANCIAL PERFORMANCE AND CONTRACTS COMMITTEE</p>		
<p style="text-align: center;"><u>DATE AND TIME</u></p> <p style="text-align: center;">MONDAY 14TH MARCH, 2022</p> <p style="text-align: center;">AT 7.00 PM</p>		
<p style="text-align: center;"><u>VENUE</u></p> <p style="text-align: center;">HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG</p>		


Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
10	CAPITAL PROJECTS	3 - 16
12	UPDATED WEST STAND FUNDING MODEL	17 - 22

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	<p>Financial Performance and Contracts Committee</p> <p>14 March 2022</p>
<p>Title</p>	<p>Capital Projects</p>
<p>Report of</p>	<p>Assistant Director, Capital Delivery</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Urgent</p>	<p>No</p>
<p>Key</p>	<p>No</p>
<p>Enclosures</p>	<p>None</p>
<p>Officer Contact Details</p>	<p>Matthew Waters, Assistant Director Capital Delivery Matthew.waters@barnet.gov.uk</p>

Summary

The Council has a broad Capital Programme covering a diverse set of important initiatives, which ranges across relatively simple and low-cost initiatives to large scale, large cost and high complexity infrastructure projects and programmes.

The council is working to improve its approach to the tracking of changes to project cost and benefits profiles. This report is to provide details on some of the changes to progress and identifies opportunities to use the lessons learned and develop new approaches to keep benefits more aligned to the original business plan.

Overall the Capital Delivery Programme is rated amber, this is as there are risks identified that could significantly impact some of the expected benefits for individual projects. However, most live projects remain on track to deliver within the defined time, cost and quality envelopes. Risks relating to material availability and inflation remain of particular concern while challenges relating to sustainability are now being considered.

Officers Recommendations

The Committee is asked to note the content of this report updating on the current status of the Council's Capital Projects

1 PURPOSE OF REPORT

- 1.1 The Council has a broad Capital Programme covering a diverse set of important initiatives, which ranges across relatively simple and low-cost initiatives to large scale, large cost and high complexity infrastructure projects and programmes.
- 1.2 The Council's approach to delivery of Capital projects aims to be proportionate to the scale and complexity of the individual schemes.
- 1.3 Generally, smaller schemes that typically do not involve a form of construction are reviewed by officers separately directly within services. Those projects of a more significant value or higher degree of complexity follow the Councils Project and Programme Management Methodology and are grouped by portfolio. Highways and Housing and the Brent Cross Programme are the exception to this approach as they are governed and reported separately.
- 1.4 This report outlines the status of project delivery across the Capital Portfolios.
- 1.5 The value of the Capital Programme approved by Policy & Resources Committee on 09 February 2022 is £1.150b. This figure represents projected future spend over the next five years within the programme and comprises a mixture of capital budgets, some covered by this paper and some covered by the separate papers for programmes such as Housing, Highways, Hendon Hub, and the Brent Cross Programme. A large proportion relates to Housing, Highways and the Brent Cross programmes.
- 1.6 Many projects within the programme started in previous years. Therefore, the total value of individual schemes may be higher than the values contained within the approved 2021-2026 budget as this money was spent in previous years. Total spend for FY21/22 is projected to be £343m.

The table below sets out the breakdown of the published capital programme to show the proportion of the budget that relates to Capital Project Delivery. The total value for projects in this category is £149.6m and has not changed from the last report.

Budget Type	Total (£)
Asset Management	4,928,000
Brent Cross	220,603,000
Capital Delivery	149,616,000

Highways	73,980,000
Housing	633,373,000
ICT	1,362,000
Other - Funds, Loans, Opportunities	66,491,000
Grand Total	1,151,353,000

- 1.7 The table below sets out the breakdown of the published capital programme to show the proportion of the budget per Theme Committee.

Theme Committee	Total (£)
Adults & Safeguarding	23,769,000
Children, Education & Safeguarding	45,908,000
Environment	95,860,000
Housing and Growth Committee	559,334,000
Housing Revenue	396,814,000
Policy and Resources	26,560,000
Community Leadership & Libraries	2,108,000
Grand Total	1,099,874,100

- 1.8 The Council splits the delivery of the Capital Programme into 8 Portfolios each internally reviewed by a Portfolio officer or Programme Board. There are 3 large infrastructure programmes that are run separately.

- 1.9 The following Programmes and Portfolios are within the scope of this report

- Greenspaces, Parks and Leisure Capital
- Education and Families Capital
- Depot Programme
- Hendon Hub Programme
- Town Centres Capital
- Property and Operations Portfolio
- Development Portfolio
- Care Homes

- 1.10 The following Programmes and Portfolios are out of scope of this report as they are reported separately.

- Brent Cross
- Highways Programme
- Housing

- 1.11 The portfolio typically consists of buildings (excluding housing) such as schools, leisure centres, community centres parks and open spaces as well as corporate projects such as office accommodation and operations bases.
- 1.12 The allocated budget for capital delivery projects for this portfolio is £149.616m. There are projects within the programme that are well underway. Therefore, this figure only represents a proportion of the total value of the Capital Delivery programme. This is because a large volume of schemes are now approaching project closure with the majority of costs already incurred.
- 1.13 The table below provides a breakdown of the total value by portfolio and captures variance. The table covers projects that are post Full Business Case and/or have started on site works and remain live. There is a 7% total variance between current aggregate estimates and estimates made at Full Business Case stage, the variance for individual projects above and below can be significantly higher. These are discussed later in this report.

	Estimated Total Project Cost	Sum of Estimated Project Cost at Full Business Case Stage	Sum of % Variance (Current Estimate vs FBC Estimate)
Capital Delivery	155,610,332	146,069,995	7%
Greenspaces & Leisure Capital Portfolio	54,786,000	47,945,252	14%
Hendon Hub Programme	23,085,000	23,085,000	0%
Property & Operations Capital Portfolio	3,546,000	4,674,000	-24%
Education & Families Capital Programme	74,193,332	70,365,743	5%
Grand Total	155,610,332	146,069,995	7%

- 1.14 The table below sets out the overall status and direction of travel of the in-scope projects from a time, cost quality perspective.

Category	Direction of Travel	Comment	RAG
Time	→	Live projects are currently expected to deliver benefits on time however there are some projects in pretender stages that are experiencing delays. Some project timescales could become under pressure as a result of changing requirements for completion dates.	Amber
Cost	→	Whilst costs have been relatively well maintained within projects that have entered contract pre Jan-21, affordability of future schemes is expected to be impacted due to availability of resources, material cost and contractor's appetite for risk The cost impact of achieving sustainability priorities is anticipated to be substantial and therefore requires consideration to how this can be met within resource envelopes	Amber

Quality	→	There are no concerns relating to quality across the programme	Green
H&S	→	There are no project H&S issues to report	Green
Benefits	→	<p>Future projects are expected to see challenges as a result of rising construction costs and labour shortages. The situation is being monitored and considered as part of Business Case reviews</p> <p>There is one project that has identified risks that could significantly impact the expected benefits although the direction of travel is improving</p>	Amber

1.15 The table below outlines the status of individual projects that are post Business Case Stage (Live)

Project	Commentary	Time	Cost	Quality	Overall RAG
Hendon Hub The Boroughs	Planning Committee has resolved to grant planning consent for the project. The project timeline remains under review.	A	A	A	A
Colindale Future of Work Modifications	Some outstanding works to accommodate existing services	A	G	G	G
Colindale Parks Improvements	Colindale Park has been opened, the contractor is completing some snagging Rushgrove Park is currently on hold whilst dependencies with statutory services are understood and coordinated – resolution expected in March 2022 Heybourne Park is progressing with design under review	A	G	G	G
Children's Homes: Meadow Close (no. 68) & Woodhouse Road (Families)	Works progressing at both sites to improve the provision, extent of works required at Meadow Close has been more involved than originally planned	G	G	G	G
Libraries Capital Programme	New project now underway to undertake some improvements and repairs to building fabric across multiple sites	G	G	G	G
Care Homes Programme (Adults)	Works to improve the provision at Dellfield and Meadowside are continuing, tender for further improvements is now live	A	A	G	G

Project	Commentary	Time	Cost	Quality	Overall RAG
Milespit Cemetery	Design work is ongoing pending a planning application. Previously reported ecology risks need to be resolved in order to achieve the expected benefits	A	A	A	A
Gaelic Football Pitch	The Gaelic Football Club has relocated to King George V PF and a new pitch has been constructed. Next phase is the planning and construction of a sports pavilion/club house	G→	G→	G→	G→
Hendon Cem and Crem	Refurbishment project for gatehouse complete. Project now commencing procurement for provision of new maintenance facilities	G→	G→	G→	G→
Victoria Park Infrastructure	Project now progressing procurement activities for new café building	G→	G→	G→	G→
Grammar School's Project (St. Michael's)	DofE have confirmed that funding has been paused temporarily (at the school's request).	A→	A→	G→	A→
Modernisation Programme	Programme (21/22) to be prioritised and proposed in June	G→	G→	G→	G→
PRU Pavilion Study Centre (Alternative provision)	Project continuing to progress well	G→	G→	G→	G→
Saracen's Primary	Letter signed for the LBB Capital contribution to DfE relating to works at Saracens Primary School	G	G	G	G
Sports & Physical Activity (SPA)	Main contract is complete. Feasibility activities now commencing for playing pitch enhancements in order to discharge planning conditions	G→	G→	G→	G→
Woodside Avenue	Project completed and in defects liability period	A	G	G	G
Blessed Dominic St James's	Project completed and in defects liability period	G	G	G	G

1.16 The section below outlines the highlights of each in scope portfolio or programme

1.17 Depot Programme

1.18 The Depot Programme aims to reduce the property related costs associated with running the Streetscene services. The programme is reviewing the various

leasehold arrangements currently in place and is investigating opportunities to make improvements to the current use of the sites.

- 1.19 The future project is in the assessment phase and the business case is yet to be taken through the formal approval process. A number of acquisitions have been made in part to provide accommodation for the Streetscene service while site remediation activities were in progress on the existing depot site and also in part to capitalise on strategic opportunities that were presented with Network Rail on adjacent sites.
- 1.20 The Council has negotiated taking the head lease for some sites adjacent to the Oakleigh Road Depot that are owned by Network Rail. At the time of taking the headlease, the sites were leased to private organisations (Brogans and Beil Brothers).

1.21 Education and Families Capital Programme

- 1.22 The Education and Families Capital Programme delivers projects relating to Children, Schools and Education. Initiatives include;
- Modernisation programme which will oversee improvements to school infrastructure;
 - Additional Places programme for Primary & Secondary Schools which has been able to re-provide 60 places at a primary school level and to create an additional 60 new places at a secondary school and facilitated the building of the new 6 form entry Saracens High School
 - Special Educational Need (SEN) Schemes has enabled an additional 126 SEN places created since July 2019 and 1 Pupil Referral Unit,
 - The creation of new nursery places and a new children's home.
- 1.23 The table below sets out the projects that are post Full Business Case stage or that have started on site that remain live. The Woodside Avenue Children's home project has experienced a number of delays at project handover and is projected to spend more than the original business case assumption. This additional spend is due to some Covid related costs not being containable within existing contingency budgets and new risks relating to scope creep. The project team are working to mitigate additional costs where possible including seeking remedies from the contractor.
- 1.24 As previously reported within this portfolio the Blessed Dominic St James' scheme required a significant budget increase due to the discovery of underground contamination. At full business case stage the risk was identified and an allowance was made within the overall programme risk register. Once the full extent to the contamination was known, the appropriate budget was moved from programme risk into the project budget. When assessing below ground risk, the project teams calculate a figure for assumed worst case and a weighted figure which makes an assumption to the likelihood and extent of a risk occurring. In most cases sites that carry significant risk will be reconsidered through project gateways and alternative sites investigated where possible. In this case, the funding and opportunity was targeted to a specific set of schools and sites. The project enabled the future needs for pupil places within the Colindale area to be met through the expansion of two schools and also vacated a site to enable the development of a new school in the area funded by third parties rather than use of Council resources.

Row Labels	Estimated Total Project Cost	Sum of Estimated Project Cost at Full Business Case Stage	Sum of % Variance (Current Estimate vs FBC Estimate)
Education & Families Capital Programme	74,193,332	70,365,743	5%
Blessed Dominic St James	29,720,916	25,999,136	14%
Friern Barnet	90,000	90,000	0%
Grammar Schools Project			
- St. Michaels (Grammar schools)	5,523,000	5,524,000	0%
Libraries Capital Programme	378,000	378,000	0%
Modernisation Programme FY20/21	9,403,000	9,403,000	0%
PRU Pavilion Study Centre ('Alternative Provision')	21,867,811	21,867,996	0%
Saracens Primary	2,240,000	2,230,243	0%
St Agnes Primary School Classroom Extension	901,628	879,000	3%
Woodside Avenue (Meadow Close)	3,811,977	3,737,368	2%
Placement Demand Transformation	257,000	257,000	0%
Grand Total	74,193,332	70,365,743	5%

1.25 Town Centres Capital

1.26 There are no significantly sized projects within the programme that are past Full Business Case Stage. Workstream now progressing to define whole Town Centre Capital work including opportunities for acceleration as well as establishing the plan and spend profile for the longer-term initiatives. Projects at Golders Green, Finchley Central and Burnt Oak have recently been approved to take forward to Full Business Case Stage. Finchley Central is furthest advanced and expected to commence procurement activities in the next reporting period.

1.27 Greenspaces, Parks and Leisure

1.28 The programme covers the capital projects that cover the investment in the Borough's Greenspaces, Parks and Leisure. Key elements of the programme include

- The delivery of the Council's Parks and Open Spaces Strategy, which has been developed to guide future investment in parks, ensuring that they are practical and are part of the well-used fabric of the local community.
- Provision of modern facilities and enhanced outdoor space, contribution to council's strategic commitments to provide additional sports and playing pitches with increased usage by residents and users.
- The creation of two new leisure centres at Barnet Copthall and Victoria Recreation Ground in New Barnet.
- The investment in the Council's Cemetery and Crematory infrastructure
- We have a number of projects between outline business case and full business case including West Hendon and Copthall

1.29 The programme has recently completed the delivery of new play facilities at Colindale Park and is reporting Green overall. However, there has been a delay

incurred at Rushgrove Park to align the project with third party timelines. This delay at Rushgrove Park is expected to be resolved in March 2022.

- 1.30 The New Cemetery at Milesplit is in operation. However, a review of the number of plots available at the site when considering the impact of trees and a badger set, has identified a significant potential shortfall of plots when compared to the assumptions within the original business case. Further surveys have identified that an additional 1000 plots can be confirmed within the business case, therefore the project is now on an upwards direction of travel. A further report will be presented to Environment Committee on completion of a revised business case. This report will also provide an indication of the timescales that the capacity will provide for.
- 1.31 The table below sets out the projects that are post Full Business Case stage or that have started on site that remain live. There are no new variances to report in this period.

Row Labels	Estimated Total Project Cost	Sum of Estimated Project Cost at Full Business Case Stage	Sum of % Variance (Current Estimate vs FBC Estimate)
Greenspaces & Leisure Capital Portfolio	54,786,000	47,945,252	14%
Gaelic Football Pitch	700,000	700,000	0%
Hendon Cem and Crem (Refurbish and Regenerate)	1,687,000	1,622,000	4%
Milesplit Cemetery	1,800,000	1,800,000	0%
SPA Sports & Physical Activity	41,468,000	35,953,252	15%
Victoria Park Infrastructure s106	623,000	623,000	0%
Montrose Playing Fields / Silkstream Valley	5,608,000	5,747,000	-2%
Colindale - Parks Open Spaces & Sports	2,900,000	1,500,000	93%
Grand Total	54,786,000	47,945,252	14%

- 1.32 As the previous report, most projects are reporting delivery in line with the original budget and benefit assumptions expected at Full Business Case stage. The Delivery of the leisure centres has been reported separately to FPC Committee in October 2020. Both leisure Centre projects remain live while remaining project activities are resolved.

1.33 Property and Operations Portfolio

- 1.34 The programme is overall green with-in flight projects are delivering to plan.

Row Labels	Estimated Total Project Cost	Sum of Estimated Project Cost at Full Business Case Stage	Sum of % Variance (Current Estimate vs FBC Estimate)
Property & Operations Capital Portfolio	3,546,000	4,674,000	-24%
Barnet House Exit Works	372,000	1,500,000	-75%
Enforcement CCTV Project	730,000	730,000	0%
Colindale Future of Work Modifications	2,444,000	2,444,000	0%

Grand Total	3,546,000	4,674,000	-24%
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Sustainability

- 1.35 Officers are currently working to consider and understand how the outcomes identified within the Council's Sustainability Strategy can be achieved. This is of particular importance within the Capital Programme as the materials, construction methods and technology used for both construction and long term use of the Council's assets provide a significant opportunity to respond to the priorities within the sustainability strategy. Officers are working to identify how best to achieve sustainability outcomes for capital projects whilst remaining within budget.

Challenges

- 1.36 The largest emerging threat to the programme relates to shortages and rising costs of materials, labour and energy. This could impact the viability of future projects. The impact is also reflected in contractors current appetite for risk, this may mean that existing procurement strategies need to be revisited to ensure competitive tenders are received. The situation is being monitored and timing of new procurements being considered to reflect the current market conditions. Cost plans for high value projects are now being revisited at a higher frequency. Covid 19 has also had an impact as resources have need to be prioritised away from projects that are in conceptual stages but this is expected to resolve over time.
- 1.37 The programme has currently downgraded the Covid-19 risk as contractors have now established ways of working within the current environment with individual cases now less likely to have a severe impact on whole construction sites. The situation will continue to be monitored as the potential impact could remain high.
- 1.38 The projects that are expected to progress to Business Case during this year subject to relevant Theme Committee Approval are listed below.

West Hendon Playing Fields
The Family Friendly hub
Barnet Playing Fields
Finchley Central Town Centre
Burnt Oak Town Centre
Golders Green Town Centre
Heybourne Park
Hollickwood Primary School
Oakleigh SEN School
Milespit Cemetery

- 1.39 Overall the Capital Delivery Programme remains broadly on track to deliver live schemes within the defined time, cost quality envelopes. The Milespit Cemetery as noted above (2.16) has issues that have not yet been fully mitigated, although is now on a positive direction of travel. However, it should also be noted that there are new

risks (such as inflation) materialising risk within both current and prospective projects within the programme.

2 REASONS FOR RECOMMENDATIONS

1.40 This report provides an overview of the current position in the delivery of projects within the Council's Capital Programme.

1.41 The Committee is asked to note the contents of the report.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 N/A

4 POST DECISION IMPLEMENTATION

4.1 N/A

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Robust budget, performance and risk monitoring are essential to ensure that there are adequate and appropriately directed resources to support delivery and achievement of corporate and committee priorities as set out in the Corporate Plan and Annual Delivery Plans.

5.1.2 Relevant council strategies and policies include the following:

- Medium Term Financial Strategy
- Corporate Plan (Barnet 2021-2025)
- Capital Strategy
- Performance and Risk Management Frameworks.

5.2 Resources (Finance and Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 None

5.3 Social Value

5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about how the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area. As set out in the council's Contract Procedure Rules, commissioners should use the Procurement Toolkit, which includes Social Value guidance. The Contract Management Toolkit should also be used to help ensure that contracts deliver the expected services to the expected quality for the agreed cost. Requirements for a contractor to deliver activities in line with Social Value will be monitored through the contract management process.

5.4 Legal and Constitutional References

- 5.4.1 Section 151 of the Local Government Act 1972 states that: “without prejudice to section 111, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs”. Section 111 of the Local Government Act 1972 relates to the subsidiary powers of local authorities to take actions which are calculated to facilitate, or are conducive or incidental to, the discharge of any of their functions.
- 5.4.2 Section 28 of the Local Government Act 2003 (the Act) imposes a statutory duty on a billing or major precepting authority to monitor, during the financial year, its income and expenditure against the budget calculations. If the monitoring establishes that the budgetary situation has deteriorated, the authority must take such action as it considers necessary to deal with the situation. Definition as to whether there is deterioration in an authority’s financial position is set out in sub-section 28(4) of the Act.
- 5.4.3 The council’s Constitution, Article 7 Committees, Forums, Working Groups and Partnerships, sets out the remit of the Financial Performance and Contracts Committee as being responsible for the oversight and scrutiny of:
- The overall financial performance of the council
 - The performance of services other than those which are the responsibility of the: Adults and Safeguarding Committee; Children, Education and Safeguarding Committee; Community Leadership and Libraries Committee; Environment Committee; and Housing and Growth Committee.
 - The council’s major strategic contracts including (but not limited to):
 - Analysis of performance
 - Contract variations
 - Undertaking deep dives to review specific issues
 - Monitoring the trading position and financial stability of external providers
 - Making recommendations to the Policy and Resources Committee and/or theme committees on issues arising from the scrutiny of external providers
 - At the request of the Policy and Resources Committee and/or theme committees consider matters relating to contract or supplier performance and other issues and making recommendations to the referring committee
 - To consider any decisions of the West London Economic Prosperity Board which have been called in, in accordance with this Article.

5.5 Risk Management

- 5.5.1 Throughout the life of each project, emerging risks are recorded and managed in line with the Council’s risk management methodology and project management methodology.

5.6 Equalities and Diversity

- 5.6.1 The Equality Act 2010 requires organisations exercising public functions to demonstrate that due regard has been paid to equalities in:
- Elimination of unlawful discrimination, harassment and victimisation and other

conduct prohibited by the Equality Act 2010.

- Advancement of equality of opportunity between people from different groups.
- Fostering of good relations between people from different groups.

5.6.2 The Equality Act 2010 identifies the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership, pregnancy and maternity; race; religion or belief; sex and sexual orientation;

5.6.3 In order to assist in meeting the duty the council will:

- Try to understand the diversity of our customers to improve our services.
- Consider the impact of our decisions on different groups to ensure they are fair.
- Mainstream equalities into business and financial planning and integrating equalities into everything we do.
- Learn more about Barnet's diverse communities by engaging with them.

This is also what we expect of our partners.

5.6.4 This is set out in the council's Equalities Policy, which can be found on the website at: <https://www.barnet.gov.uk/your-council/policies-plans-and-performance/equality-and-diversity>

5.6.5 The Council has had regard to the Equalities Act 2010 and has taken account of any relevant matters in the making of its decisions in respect of the projects within the Capital Programme

5.7 Corporate Parenting

5.7.1 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. There are no implications for Corporate Parenting in relation to this report.

5.8 Consultation and Engagement

5.8.1 Obtaining customer feedback is part of the contract management process to inform service delivery, service development and service improvement.

5.8.2 The nature of Capital delivery projects mean that the large majority of projects require consultation and engagement as part of the design process. Consultation and engagement forms part of the project planning process for capital delivery schemes. Projects hold gateway reviews at key points of the project's lifecycle to ensure that the planned process has been followed and to check the plan for future phases. Consultation and Engagement is a core component of the Gateway Review process.

5.9 Insight

5.9.1 The recommendation of future schemes within the Capital Programme will be informed through insight.

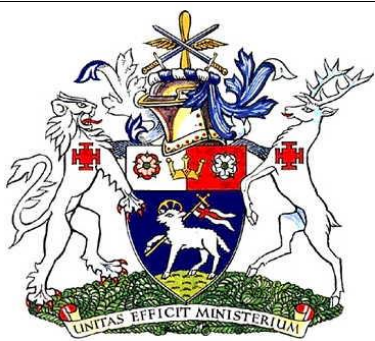
6 Environmental impact

6.1 There are no direct environmental implications from noting the recommendations. Implementing the recommendations in the report will lead to a positive impact on the

Council's carbon and ecology impact, or at least it is neutral.

7. BACKGROUND PAPERS

7.1 None



Financial Performance and Contracts Committee

AGENDA ITEM 12

14 March 2022

Title	Updated West Stand Funding Model
Report of	Cath Shaw, Deputy Chief Executive
Wards	All
Status	Public with exempt appendices. These are exempt under Schedule 12A of the local Government Act 1972 as they contain information relating to the financial or business affairs of a particular person or body including the Council.
Urgent	No
Key	Not Key
Enclosures	Exempt Attachments: 1. Exempt Appendix 1 2. Exempt Appendix 2
Officer Contact Details	Cath Shaw Deputy Chief Executive Cath.shaw@barnet.gov.uk 020 8359 4716

Summary

This paper updates the Financial Performance and Contracts Committee on the Saracens' business plan, for repaying the loan made to Saracens LLP by the London Borough of Barnet

Officers Recommendations

1. That the Committee notes that the assumptions that were in the original business plan have now been updated, remodelled and still demonstrate that there will be sufficient funding to complete the West Stand and sufficient income into Saracens Copthall LLP, to cover the loan repayments, including interest.

1. Why this report is needed

- 1.1 The Financial Performance and Contracts Committee was last updated on 1st February 2022, on recent changes to the overall control of Saracens Copthall LLP (SCLLP) and progress with the construction of the West Stand. The committee asked for evidence that the SCLLP's business plan was still robust, in light of any impact that Covid, and associated construction delays, may have had on the projected income.

2. Reasons for recommendations

- 2.1 LBB currently has an agreement with Saracens Copthall LLP (SCLLP), to lend them £23,174,450 (inclusive of interest), in order for them to be able to build a new West Stand at their stadium at Copthall for completion in May 2022. Drawdown 24 was made in February 2022 bringing the loan balance drawdown to £13.982m. As of 28th February 2022, the total value of interests accumulated was £0.825m and the total value of the drawdown inclusive of interests to date is £14.807m.
- 2.2 There has since been slight slippage and the contractor is currently reporting a practical completion date of 27th May 2022. Delays have been caused by a combination of Covid related implications and material supply issues, most notably, steel.
- 2.3 SCLLP have confirmed that the original building programme aimed for 24 January 2022 as the first access date for Middlesex University (MU) to commence their fit out and to trigger commencement of the tenants 6-month rent free period. The contractor's programme subsequently slipped by approximately two and a half weeks; therefore the MU first access date was 11th February and the commencement of their rent-free period also slipped by the same period.
- 2.4 This slippage has been modelled by SCLLP as a full one-month slippage, which means that the rent commencement date for both MU and Saracens Rugby Club Ltd will be August 2022 and not July 2022 as previously modelled. This then means that the first Barnet debt repayment will commence in August, and not July, as originally planned.
- 2.5 The funding model has now been updated by SCLLP to take into account previous and future loan drawdowns, and anticipated future payments, whilst ensuring that the following remain stable:
- 2.6 That the minimum bank balance held by the SCLLP for the West Stand project remains at or above £200k
- 2.7 That the project budget for the construction and fit out of the West Stand remains at £26.7m (or less)
- 2.8 That all previously paid and reclaimed project related VAT has been fully utilised in the funding of the project
- 2.9 That the total amount of Barnet debt facility drawn as cash, plus the relevant total rolled up interest (to date and anticipated), does not exceed £23.174m. That the debt is fully repaid in line with the Funding Agreement, by Jan 2049. Modelling demonstrates that the one-month delay has a very limited impact on the business case, causing only a £0.1m increase in rolled up interest and a commensurate reduction in available contingency, since December 2021. Up to that point there had been no project delay to MU taking possession of their demise, and therefore no variance to the business case. There is therefore no increased risk to the affordability of the West Stand construction project, at

this time.

- 2.10 Modelling also demonstrates that annual rental income from Saracens and MU (on expiry of the rent free period) will cover the cost of servicing the loan so there is therefore no increased risk to loan repayments back to LBB, at this time.
- 2.11 The Business Plan includes payment of the rent from Saracens Ltd to SCLLP. Saracens Ltd remain confident of their ability to meet this rental obligation, but this will be kept under review as attendances and revenues settle down post-Covid, and as the West Stand fully re-opens. Any emerging concerns that arise will of course be reported to the Committee
- 2.12 The February 22 SCLLP updated funding model, along with supporting calculations are both enclosed, as exempt papers, for reference.

3. Alternative options considered and not recommended

- 3.1 N/A

4. Post decision implementation

- 4.1 LBB Estates and Finance teams will continue to monitor construction, through to practical completion of the project. Thereafter, Finance will monitor loan repayments.

5. Implications of decision

5.1 Corporate Priorities and Performance

- 5.1.1 The July and October 2018 Policy & Resources Committee reports noted that the granting of this loan helps to meet Corporate Plan 2015-20 strategic objectives. The council has since updated its Corporate Plan to Barnet 2024 and the granting of the loan also supports the objectives contained in that version, in particular “Investing in community facilities to support a growing population” and “Encouraging residents to lead active and healthy lifestyles and maintain their mental wellbeing”.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 All repayments and interest payments come back to LBB. Interest is charged on the loan at a commercial rate of 6% and the loan therefore provides a positive contribution to the Council's Medium Term Financial Strategy.

5.3 Legal and Constitutional References

- 5.3.1 Constitution article 9 para 9.1 .(b).(i.) (a) states that chief officers can make decisions and approve expenditure relating to their functions and the functions of their department , where necessary providing that the sum to be expended is within the approved budget for the department and the amount does not exceed £189k.

5.3.2 Under the Council's Constitution, Article 7, the terms of reference of the Financial Performance and Contracts Committee includes the following responsibilities:

Responsible for the oversight and scrutiny of:

- The overall financial performance of the council
- The performance of services other than those which are the responsibility of the: Adults and Safeguarding Committee; Children, Education and Safeguarding Committee; Community Leadership and Libraries Committee; Environment Committee; and Housing and Growth Committee.
- The council's major strategic contracts including (but not limited to):
 - Analysis of performance
 - Contract variations
 - Undertaking deep dives to review specific issues
 - Monitoring the trading position and financial stability of external providers
 - Making recommendations to the Policy and Resources Committee and/or theme committees on issues arising from the scrutiny of external providers
- At the request of the Policy and Resources Committee and/or theme committees consider matters relating to contract or supplier performance and other issues and making recommendations to the referring committee
- To consider any decisions of the West London Economic Prosperity Board which have been called in, in accordance with this Article.

5.3.3 The council is taking external legal advice on the loan

5.4 **Insight**

5.4.1 N/A

5.5 **Social Value**

5.5.1 Saracens Rugby have and will continue to deliver significant benefits to the local community, as detailed as detailed in previous reports. A report on Saracens' socio-economic impact is due for publication

5.6 **Risk Management**

5.6.1 The corporate risks have been updated.

5.7 **Equalities and Diversity**

5.7.1 The Equality Act 2010 requires organisations exercising public functions to demonstrate that due regard has been paid to equalities in:

- Elimination of unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advancement of equality of opportunity between people from different groups.
- Fostering of good relations between people from different groups

5.7.2 The Equality Act 2010 identifies the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership, pregnancy and maternity; race;

religion or belief; sex and sexual orientation; marriage and civil partnership.

5.7.3 In order to assist in meeting the duty the council will:

- Try to understand the diversity of our customers to improve our services.
- Consider the impact of our decisions on different groups to ensure they are fair.
- Mainstream equalities into business and financial planning and integrating equalities into everything we do.
- Learn more about Barnet's diverse communities by engaging with them.

This is also what we expect of our partners.

5.7.4 This is set out in the council's Equalities Policy, which can be found on the website at: <https://www.barnet.gov.uk/your-council/policies-plans-and-performance/equality-and-diversity>

5.7.5 The Council has had regard to the Equalities Act 2010 and has taken account of any relevant matters in the making of its decisions in respect of the relocation and options presented for the Depot.

5.7.6 There are no specific equalities implications from this report, which is for noting.

5.8 Corporate Parenting

5.8.1 None in the context of this report.

5.9 Consultation and Engagement

5.9.1 N/A

5.10 Environmental Impact

5.10.1 There are no direct environmental implications from noting the recommendations.

6. Background papers

6.1 Agenda for Financial Performance and Contracts Committee on Tuesday 1st February 2022:

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=693&MId=10802&Ver=4>

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