

## SOUTHEND-ON-SEA BOROUGH COUNCIL

### CAPITAL INVESTMENT POLICY

#### **1 Scope of this policy**

- 1.1 This investment policy covers capital investments, including service spending, housing, regeneration projects and loans. (Treasury Management investments are covered by the Annual Treasury Management Investment Strategy, which forms part of the Treasury Management Strategy.)

#### **2 Investment Objectives**

- 2.1 The underlying objectives for these investments will be:
- Security – protecting the capital sum invested from loss;
  - Liquidity – ensuring the funds invested are available for expenditure when needed;
  - Yield – consideration of the yield obtainable consistent with proper levels of security and liquidity.
- 2.2 Due to the nature of the assets or for valid service reasons, such investments do not always give priority to security and liquidity over yield. In these cases, such a decision will be explicit, with the additional risks set out and the impact on financial sustainability identified and reported.

#### **3 Capital investments**

- 3.1 Capital investment will only be undertaken if it contributes to the delivery of Southend 2050 and the Council's ambition, strategic delivery plans, desired outcomes or the Council's recovery priorities.
- 3.2 Before capital investments can be entered into, they must be included as part of the approved capital investment programme, by either having a specific budget or via a pooled budget (e.g. strategic and regeneration acquisitions).
- 3.3 The Council's risk appetite and approach to risk management for capital projects is set out in the risk management section of the Capital Investment Strategy.
- 3.4 The Chief Finance Officer will ensure that the Council has the appropriate legal powers to undertake such investments. Annex A sets out each type of investment, the primary purpose and the legal powers to be used.

- 3.5 The Chief Finance Officer will ensure the proportionality of all investments so that the Council does not undertake a level of investing which exposes it to an excessive level of risk compared to its financial resources.

#### **4 Service investments**

- 4.1 These will be investments held clearly and explicitly in the course of the provision and for the purposes of operational services, including housing.

#### **5 Regeneration and transformation projects**

- 5.1 These will be investments entered into as part the Council's wider strategy, for example regeneration, transformation, economic recovery, development and growth. These may include investments arising as part of a business structure, such as shares and loans in subsidiaries or other outsourcing structures such as IT providers or building services providers.

- 5.2 These may be investments that include an aim of making a financial surplus for the Council, but this will not be the primary purpose of the investment.

- 5.3 Investment may include property purchases for strategic and regeneration purposes. These would not be primarily for yield but would be part of the wider strategic, regeneration, transformation or recovery aims of the Council. These types of investment take time to get underway so in the short term the resulting fixed assets may be held as investment properties on the Council's balance sheet to ensure compliance with the CIPFA Code of Practice on Local Authority Accounting.

- 5.4 The Council's Commercial Property Investment Strategy (including the purpose of the Investment Portfolio) is set out in the Corporate Asset Management Strategy. Appendix 3 of that strategy sets out the Investment Property Selection Criteria.

- 5.5 The Chief Finance Officer will assess the extent to which the Council's balanced budget and Council Tax setting is dependent on returns from commercial investments.

#### **6 Loans**

- 6.1 These may be loans to local enterprises, local charities or third sector bodies, wholly owned companies and joint ventures. They may not all be seen as prudent if adopting a narrow definition of prioritising security and liquidity but would be entered into as part the Council's wider strategy, for example economic development and growth.

- 6.2 Such loans will only be entered into if the Chief Finance Officer is satisfied that the financial exposure to these types of loans is proportionate and that the expected credit losses have been appropriately assessed in accordance with International Financial Reporting Standard (IFRS) 9 Financial Instruments.

- 6.3 Any overdue payments would be recovered using the credit control arrangements set out in the Council's Debt Management Strategy.
- 6.4 The total level of loans will be formally agreed as part of the process for inclusion in the capital investment programme.

## **7 Financing of Investments**

- 7.1 As capital investments the above will be financed by any of the sources in the funding strategy section of the Capital Investment Strategy.
- 7.2 Although not the primary purpose, where capital investment, property purchases and loans do generate an income stream the Chief Finance Officer may choose to finance these capital investments by borrowing. Where this is the case the Chief Finance Officer will set out the rationale for doing so and how the risks of the investment are to be managed (e.g. risk of not achieving the desired returns or the risk of the borrowing costs increasing) and that all the appropriate due diligence has been undertaken.

## **8 Due Diligence**

- 8.1 For all capital investments, the appropriate level of due diligence will be undertaken with the extent and depth reflecting the level of additional risk being considered.
- 8.2 Due diligence process and procedures may include:
- effective scrutiny of proposed investments by the relevant committee;
  - identification of the risk to both the capital sums invested and the returns;
  - understanding the extent and nature of any external underwriting of those risks;
  - the potential impact on the financial sustainability of the Council if those risks come to fruition;
  - identification of the assets being held for security against debt and any prior charges on those assets;
  - where necessary independent and expert advice will be sought.
- 8.3 The Chief Finance Officer will ensure that Members are adequately informed and understand the risk exposures being taken on.

## **9 Governance and Scrutiny of Capital Investments**

- 9.1 The approach to capital investment is set out in the Corporate Asset Management Strategy and includes Members and Chief Officers at key stages.
- 9.2 Significant or strategic capital investments will be overseen by the Chief Finance Officer, relevant officers of the Corporate Management Team (CMT) and the appropriate Governance boards and managed by project boards and teams appropriate to the scale of the investment.
- 9.3 The Investment Board and/or the Chief Finance Officer (and CMT where appropriate) will agree which projects should proceed to Cabinet for decisions and scrutiny and on to full Council for approval as part of the capital investment programme.
- 9.4 For strategic and regeneration property purchases an overall unspecified budget will be put forward for approval as part of the capital investment programme and individual acquisitions can then be acquired within that budget envelope. Decisions will need to be made, which will be commercially confidential and often made quickly and efficiently but only after undertaking the necessary due diligence of the appropriate extent and depth. Therefore, these decisions will need to be directed by the Chief Finance Officer who will follow the most appropriate governance route to expedite any acquisition and in line with the constitution and/or any necessary delegation. These decisions will be included as part of the next scheduled capital reporting to Cabinet and also part of any necessary reporting requirement to Cabinet (e.g. SO46, etc).

| Type of investment                      | Primary purpose  | Secondary purposes  | Legal power to undertake investment |
|---|--|---|-------------------------------------|
| Service investments                     | Contribute to the delivery of Southend 2050 and the Council's ambition, strategic delivery plans, recovery plans and desired outcomes. | Provision of operational services, including housing  | Notes 1 and 2                       |
| Regeneration and transformation         |  | To support the Council's wider strategy, for example regeneration, transformation, economic recovery, development and growth. | Notes 1, 2 and 3                    |
| Strategic and Regeneration Acquisitions |  | As part of the Council's wider strategic, regeneration, transformation or recovery aims. To make a financial surplus.         | Notes 1, 2 and 5                    |
| Loans                                   |  | To support wider strategy whilst also generating an income stream.  | Notes 1, 2 and 4                    |

Note 1 – Capital expenditure defined in S16 of Local Government Act 2003.

Note 2 – Power to borrow – S1 of Local Government Act 2003.

Note 3 - The Local Authorities (Capital Finance and Accounting (England) Regulations 2003 – section 25(1)(d) – the acquisition of share capital or loan capital in any body corporate

Note 4 – The Local Authorities (Capital Finance and Accounting (England) Regulations 2003 – section 25(1)(b) – the giving of a loan, grant or other financial assistance to any person, whether for use by that person or by a third party, towards expenditure which would, if incurred by the authority, be capital expenditure.

Note 5 – The Council can build and manage an investment portfolio under the general power of competence set out in Section 1 of the Localism Act 2011. In accordance with this Act, the Council has the legal powers to purchase assets inside or outside the borough (or the UK) and manage them for investment and commercial gain.