

## NOTICE OF MEETING

**Meeting:** CABINET

**Date and Time:** WEDNESDAY, 6 SEPTEMBER 2017, AT 10.00 AM\*

**Place:** COUNCIL CHAMBER, APPLETREE COURT,  
LYNDHURST

**Telephone enquiries to:** Lyndhurst (023) 8028 5000  
023 8028 5588 - ask for Jan Debnam  
Email: [jan.debnam@nfdc.gov.uk](mailto:jan.debnam@nfdc.gov.uk)

**PUBLIC PARTICIPATION:**

\*Members of the public may speak in accordance with the Council's public participation scheme:

- (a) immediately before the meeting starts, on items within the Cabinet's terms of reference which are not on the public agenda; and/or
  - (b) on individual items on the public agenda, when the Chairman calls that item.
- Speeches may not exceed three minutes. Anyone wishing to speak should contact the name and number shown above.

**Bob Jackson**  
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

**This Agenda is also available on audio tape, in Braille, large print and digital format**

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## AGENDA

**Apologies**

**1. MINUTES**

To confirm the minutes of the meeting held on 2 August 2017 as a correct record.

**2. DECLARATIONS OF INTEREST**

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

**3. PUBLIC PARTICIPATION**

To note any issues raised during the public participation period.

**4. ORGANISATIONAL STRATEGY (Pages 1 - 12)**

To approve the draft Organisational Strategy for consultation.

**5. TREASURY MANAGEMENT MID-YEAR MONITORING REPORT 2017/18 (Pages 13 - 24)**

To consider whether to seek elected professional client status with all relevant institutions in order to ensure the Council can continue to implement an effective investment strategy.

**6. LOCAL DEVELOPMENT SCHEME**

To receive a presentation to update on progress on the Local Development Scheme.

**7. DATES OF MEETINGS**

To agree the following dates for Cabinet meetings in 2018/19 (all Wednesdays at 10.00 a.m.).

6 June 2018	5 December 2018
4 July 2018	2 January 2019
1 August 2018	6 February 2019
5 September 2018	6 March 2019
3 October 2018	3 April 2019
7 November 2018	1 May 2019

To:

**Councillors**

Mrs S V Beeton  
J E Binns  
Mrs J L Cleary

**Councillors**

E J Heron (Vice-Chairman)  
J D Heron  
B Rickman (Chairman)

**CABINET – 6 SEPTEMBER 2017**

**PORTFOLIO: LEADER'S**

**EMPLOYEE ENGAGEMENT PANEL – 7 SEPTEMBER 2017**

**CORPORATE OVERVIEW AND SCRUTINY PANEL – 21 SEPTEMBER 2017**

## **ORGANISATIONAL STRATEGY (DRAFT) 2017- 2022**

### **1. PURPOSE OF REPORT**

- 1.1 To approve a draft Organisational Strategy to form the basis of consultation with the Employee Engagement Panel and members.

### **2. INTRODUCTION**

- 2.1 The aim of this Organisational strategy is to set out the Council's approach and plans for the future delivery of services, demonstrating how this will support the corporate plan. It will provide the framework for discussions and decisions on future operating models.
- 2.2 The draft Organisational Strategy is set out at Appendix 1 for approval by Cabinet.
- 2.3 Following Cabinet approval of the draft strategy it is proposed to consult with the Employee Engagement Panel. The Corporate Overview and Scrutiny Panel will have an opportunity to review the Strategy before a final draft is submitted to the Cabinet for approval in October.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 One of the key challenges that set the context for this strategy is the continued reduction in finances.

### **4. CRIME AND DISORDER, ENVIRONMENTAL, EQUALITY AND DIVERSITY IMPLICATIONS**

- 4.1 None arising directly from this report.

### **5. LEADER'S COMMENTS**

- 5.1 I am pleased that the Strategy makes clear our aims and progress for the future.

### **6. RECOMMENDATIONS**

- 6.1 That the draft Organisational Strategy 2017-2022 attached as Appendix 1 to this report be approved to form the basis for consultations.

**FOR FURTHER INFORMATION CONTACT:**

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**BACKGROUND PAPERS**

Attached



# Organisational Strategy

2017—2022



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# Introduction

The Organisational Strategy sets out our vision and purpose, what is requiring us to change where we are now, where we want to be in the future, and what we need to do to get there. It is a strategy for how the Council will need to change over the next 4 years to respond to the Financial, Political, Social and Technological influences which will impact upon New Forest District Council.

It is a strategy for change that is required to assist in meeting our objectives so does not contain detail for all our services. Detailed activities and performance measures for delivering this strategy and for key 'business as usual' activity are in the Council's Service Plans.

This strategy has been put together to provide a framework to inform the way we plan and deliver services. It encompasses the vision and purpose upon which the future development of services and operations should be based.

Bob Jackson

Chief Executive

## Our Vision, Priorities and Values

We believe that the New Forest is a unique and special place to live, work, visit and enjoy. With this acknowledgement in 2016 the Council produced it's corporate plan setting out the contribution to be made by the District Council.

### Our Vision

Our aim is to secure a better future for the New Forest by:

- Supporting local businesses to prosper for the benefit of the community
- Assisting the wellbeing of those people who live and work within the District
- Protecting the special and unique character of the New Forest.

### Our Priorities:



### Underpinned by:



### Our Values

We will be **ambitious** in our desire to work for and with our local communities. We are **financially responsible** with the public funds made available to us and we will be **innovative** and **customer focused** in how we improve outcomes for our community. We will be **collaborative** in our working and are **proud** to work for and with others to represent the best interests of our unique and special place. We will be **open** in our approach and with our plans to deliver our aims and priorities.



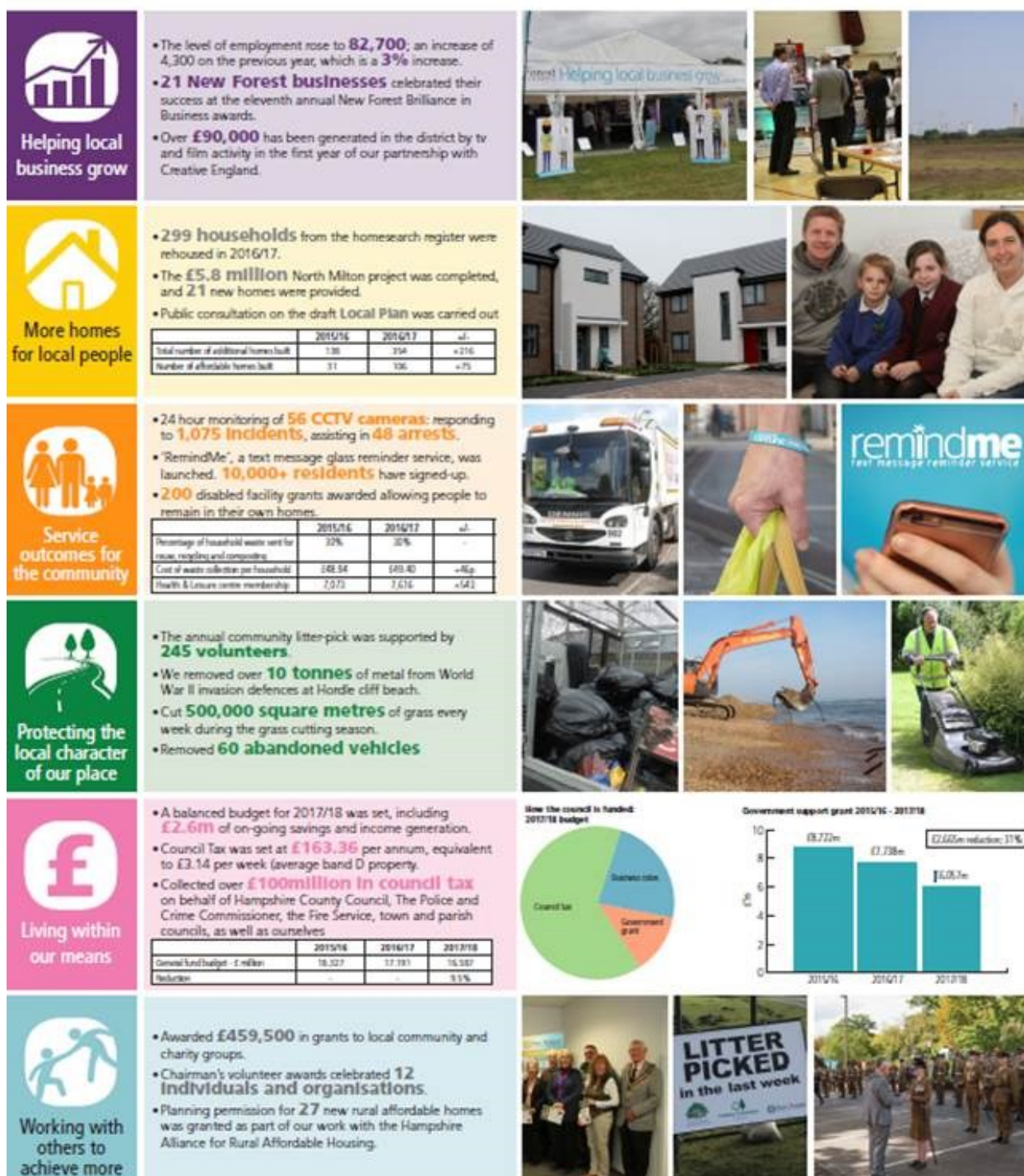
# Delivering our priorities

Despite the significant changes that have occurred in the organisation as a result of less funding we have continued to perform well against our Corporate Plan priorities. The highlights of which are set out below.



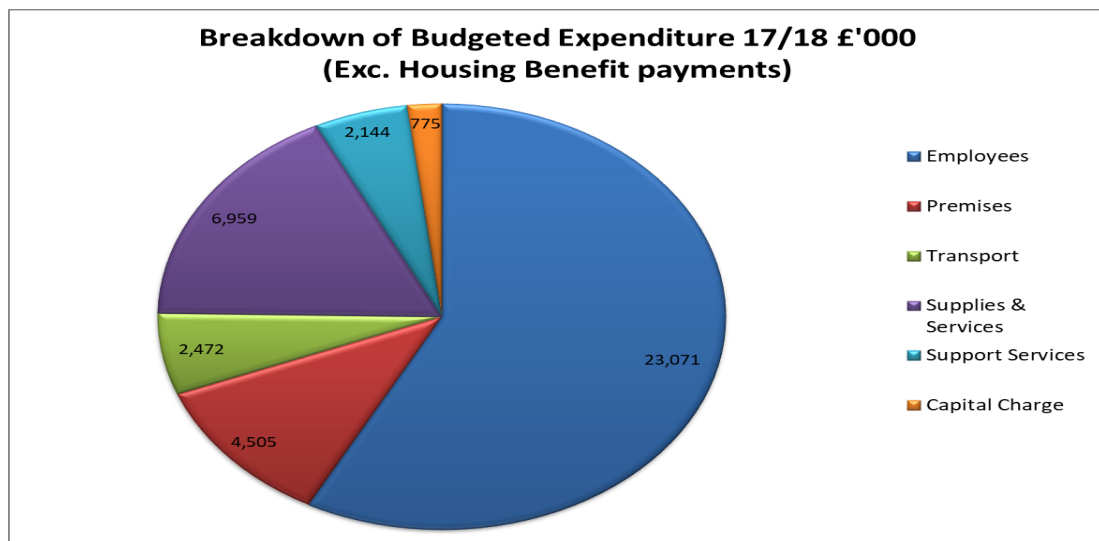
## OUR PERFORMANCE 2016/17

Our vision: To secure a better future for the New Forest



## Where are we now

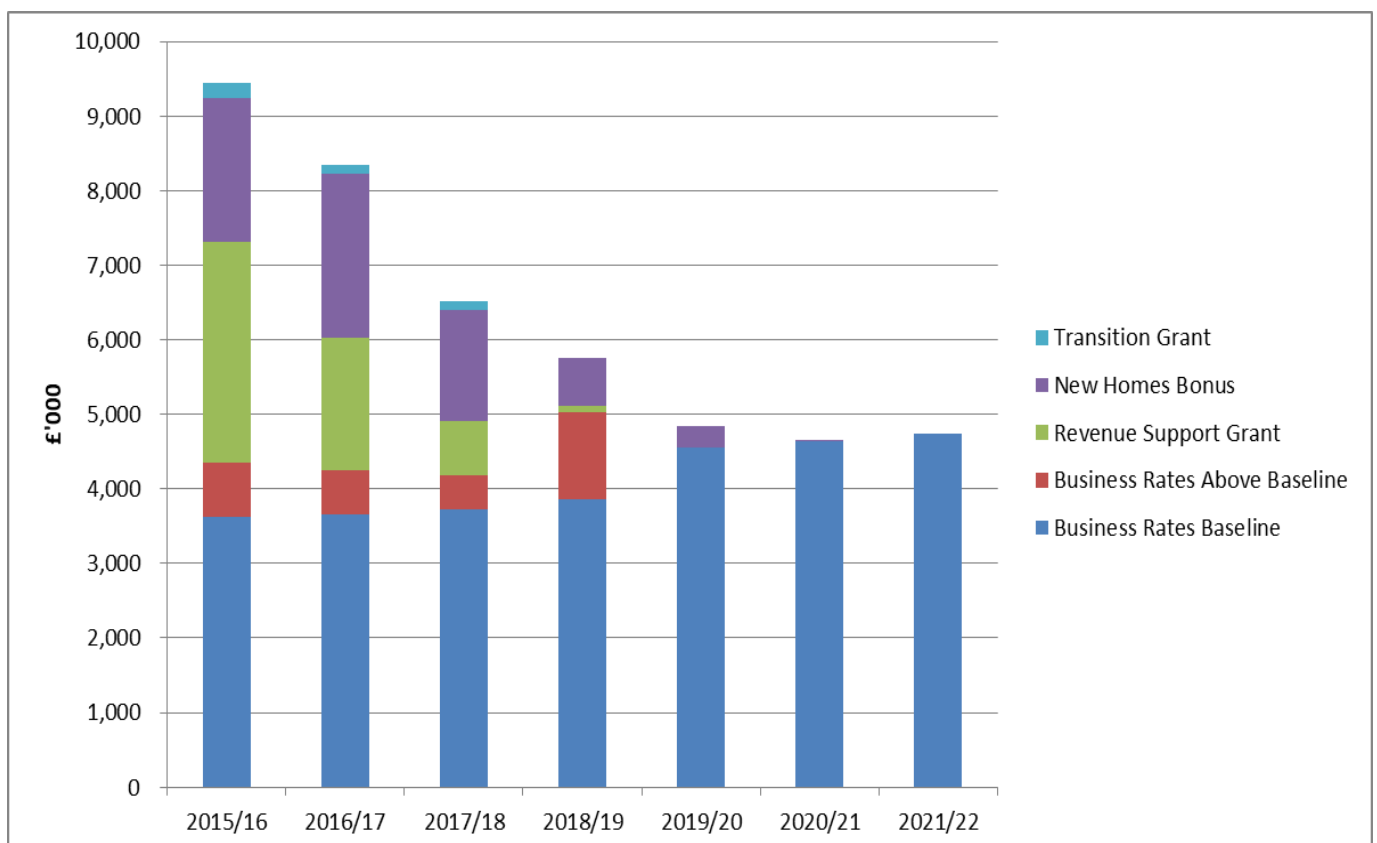
This section summarises our current position.



## Reduced Funding

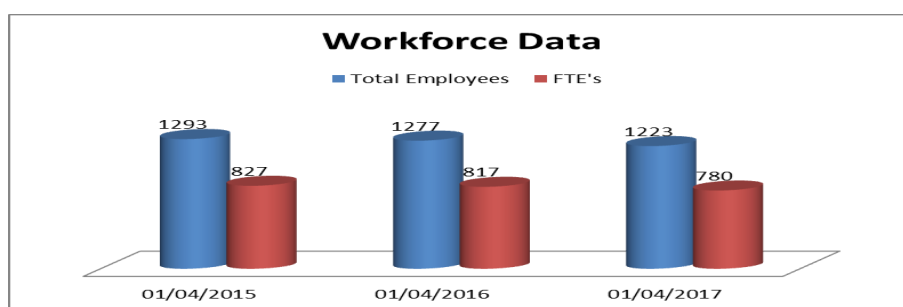
Reduced funding is reflected in a smaller budget and the need for a sustainable financial savings programme. Over the period covered by the Medium Term Financial Plan we anticipate funding will reduce by £1.8m (27%) in addition to the £2.9m reduction since 2015/16 (total of 50%).

## Our Government Determined Resources



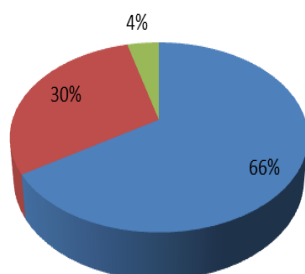
## Reduced Management and Workforce

- Senior management and workforce has reduced to meet financial constraints
- The cost of the workforce is expected to rise.
- There is increasing pressure for the 1% pay cap to be removed in the public sector. The current pay claim from the unions is standing at 5% across the board.
- Recruitment to many skilled roles is becoming more difficult as local growth in cost of living and public sector pay are not in step.
- The council continues to be committed to offering apprentice opportunities in many areas of work.
- The profile of Local Government will not attract in particular younger people if it is seen as staid and inflexible. Modern methods of working will be necessary to attract tech savvy and ambitious individuals.



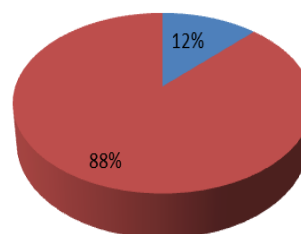
### Employee Salary Bandings

■ Band 1-4 £15,434 - £21,399    ■ Band 5 - 8 £22,104 - £38,683  
 ■ Band 9 and above £40,521 - £113,536

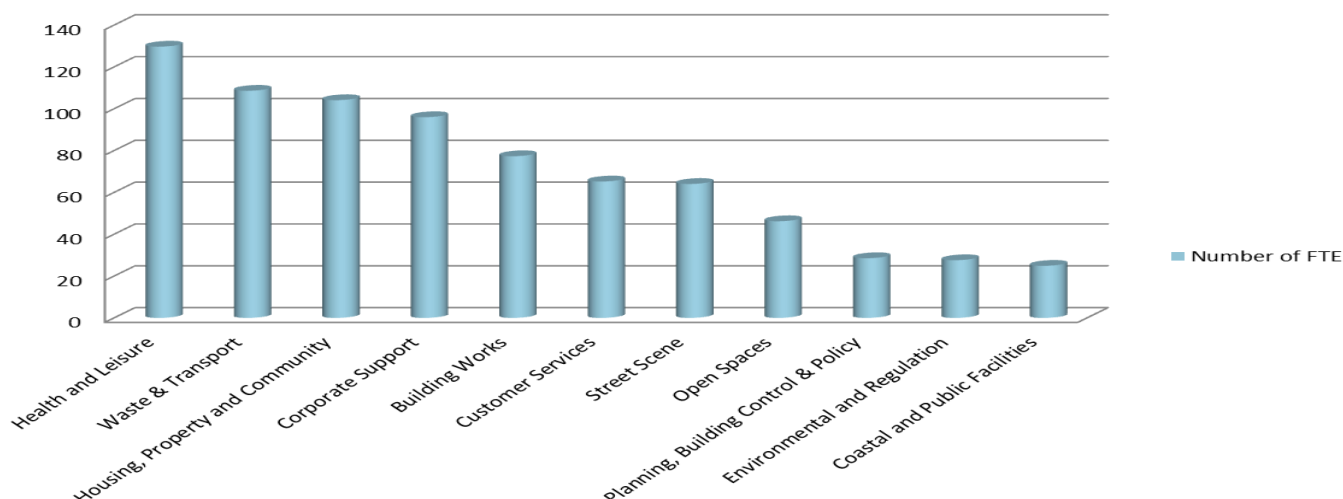


### Service Delivery/Corporate Support FTE's at 01/04/2017

■ Corporate Support    ■ Front Line Service Provision



### Workforce data by Service FTE at 01/04/2017



## **Technological Opportunities and Risks**

### **Opportunities**

- Allows services to be delivered in new and more cost effective ways
- Enables access to online transactional services, which makes life simple and more convenient for customers and business
- Frees staff to work in new and more flexible ways
- These opportunities should contribute towards financial benefit

### **Risks**

- Resilience
- Performance

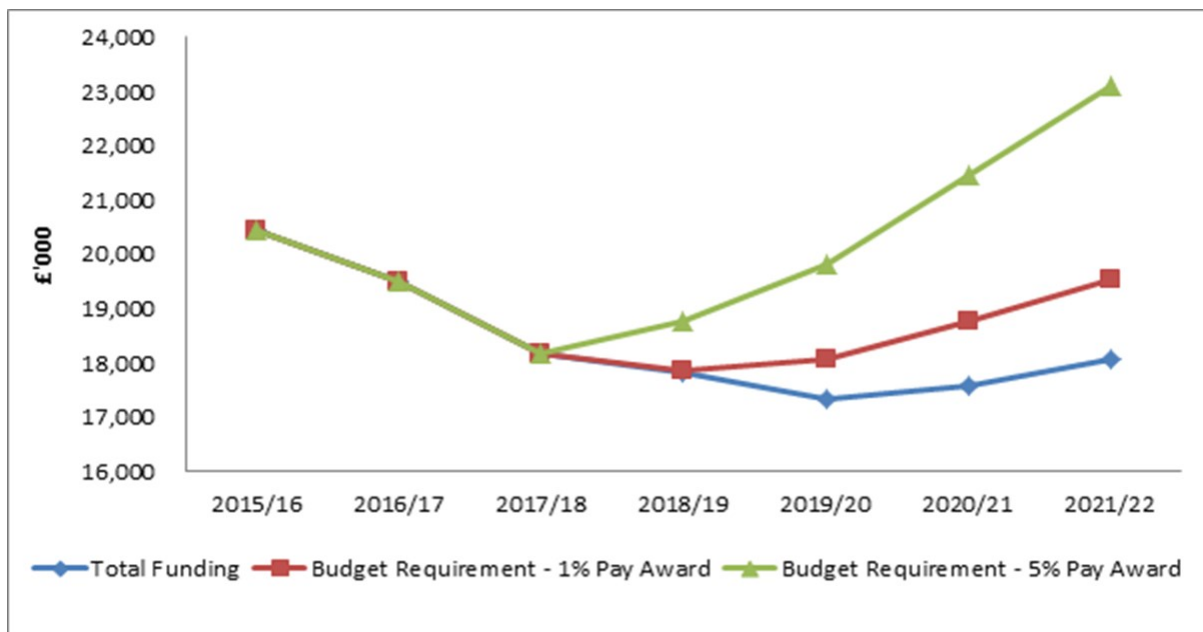
## **Customer Expectations**

- Evidence indicates that our customer expectations do not reflect our reduced spending. People still expect high performance and a full service despite the reductions that have to be made.
- The demand for openness from public bodies including Freedom of Information Requests is high.

## Why do we need to change

It is getting more difficult to deliver the broad range and quality of services we are currently providing in house due to:

- Reduced government funding and smaller budgets
- A smaller workforce where it is becoming more difficult to maintain a broad range of skills. The affordability of housing and public sector pay restraint has made it more difficult to retain and re-cruit staff.
- Customer expectations are for high performance despite reduced funding.
- Opportunities and risks are provided by the challenge of new technology
- The provision of all capability and capacity through an in house workforce in the future is not sustainable.



## Where do we want to be in 2022

We need to be clear about where we want to be so we can effectively plan to get there, not just aim to change a bit each year. We want to be:

- Delivering our vision and priorities
- A provider of good services where residents, council taxpayers and customers are satisfied
- A resilient and efficient organisation that can provide local services to the community
- An organisation that lives within its means

## How will we get there

To get to where we want to be will require us to make the best use of our resources in delivering our Corporate Plan, requiring us to:

- Identify the full cost of all the services we provide.
- Meet our customers' needs by commissioning service outcomes that will likely include more of a diverse mix of in house, shared and private service providers, based upon who ever delivers the best outcome.
- Review and revise our service standards in line with customer and Council priorities, balancing budgets across all our services.
- Have a workforce which is agile and skilled and able to offer a significant level of local resilience

**CABINET – 6 SEPTEMBER 2017  
AUDIT COMMITTEE - 25 AUGUST 2017**

**PORTFOLIO: FINANCE AND  
EFFICIENCY**

## **TREASURY MANAGEMENT MID-YEAR MONITORING REPORT 2017/18**

### **1. PURPOSE**

- 1.1. The Treasury Management Strategy for 2017/18 is underpinned by the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2011, which includes the requirement for determining a treasury strategy on the likely financing and investment activity for the forthcoming financial year.
- 1.2. The Code also recommends that members are informed of Treasury Management activities at least twice a year (a mid year and a year end report). This report therefore ensures that New Forest District Council (NFDC) is embracing best practice in accordance with CIPFA's recommendations.
- 1.3. Treasury management is defined as: "The management of investments and cash flows, banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

### **2. ECONOMIC BACKGROUND**

- 2.1. The following section outlines the key economic themes currently in the UK against which investment and borrowing decisions have been made in the year to date.

#### **External Context**

- 2.2. UK Consumer Price Inflation (CPIH) for the year to June 2017 fell to 2.6%; downward contributions were mainly due to falling fuel prices. The most recent labour market data for May 2017 showed that the unemployment rate dropped to 4.5% (its' lowest since July 1975) but the squeeze on real wages (i.e. after inflation) is intensifying and resulting in negative real wage growth. Quarter 1 GDP data released in April and revised in May and June showed economic activity growing at a much slower pace of 0.2%. Understandably, the Bank of England made no change to Bank Rate or its Quantitative Easing policy (QE) at its meeting on 2nd August 2017.
- 2.3. Prime Minister Theresa May called an unscheduled General Election in June, to resolve uncertainty and in the hope of gaining an enhanced mandate to enter the forthcoming Brexit negotiations. The surprise result has led to a minority Conservative government in a confidence and supply arrangement with the Democratic Unionist Party. This political impasse clearly results in an enhanced level of political uncertainty,

however the potential for a so-called hard Brexit is now diminished, reducing the associated economic headwinds for the UK economy from a 'no deal' or otherwise unfavourable trade agreement.

- 2.4. The reaction from the markets on the election's outcome has been fairly muted; business confidence now hinges on the progress of Brexit negotiations, whether new trade treaties and arrangements are successfully concluded and whether or not the UK continues to remain part of the EU customs union post the country's exit from the EU.
- 2.5. In the face of this uncertainty, the Council's treasury management advisor, Arlingclose, expects the Bank of England will look through periods of high inflation and maintain its low-for-longer stance on policy interest rates for an extended period.

#### **Financial markets**

- 2.6. Gilt yields displayed some volatility with a marked uptick in late June. This was largely due to the expectation of tapering of QE in the US and Europe, which also had an impact on gilts. The FTSE 100 reached a record high of 7548 in May but dropped off slightly towards the end of Quarter 1, but reached 7512 on 4 August.

#### **Credit background**

- 2.7. UK bank credit default swaps have continued their downward trend, reaching three year lows by the end of June. Bank share prices have not moved in any particular pattern.
- 2.8. Ring-fencing, which requires the larger UK banks to separate their core retail banking activity from the rest of their business, is expected to be implemented within the next year. The Council will work with Arlingclose to manage this situation as greater clarity is provided over the following months.

### **3. INVESTMENTS**

- 3.1. The Council has an investment portfolio consisting of reserves and short-term cash flows. The Council is currently investing according to a low risk, high quality lending list as outlined in its Treasury Management Strategy.
- 3.2. The Guidance on Local Government Investments in England gives priority to security and liquidity and the Council's aim is to achieve a yield commensurate with these principles.
- 3.3. The transposition of European Union directives into UK legislation places the burden of rescuing failing EU banks disproportionately onto unsecured local authority investors through potential bail-in of unsecured bank deposits. (The outcome of the EU referendum does not alter the UK's legislated bail-in resolution regime).



- 3.4. Given the increasing risk and continued low returns from short-term unsecured bank investments, it is the Council's aim to further diversify into more secure and/or higher yielding asset classes. The majority of the Council's surplus cash was previously invested in short-term unsecured bank deposits, certificates of deposit and money market funds.
- 3.5. The Council's investment holding was £72.86m principal at 31 July 2017, which is £9.45m (14.9%) higher than the same time last year. The table below shows investment activity for the Council as at 31 July 2017. Asset values have been used rather than principal values to provide a better comparison to the reported investment activity as at 31 March 2017.

Table 1: Investment Activity in 2017/18

<b>Investments</b>	<b>Asset value on 31/03/2017 £m</b>	<b>Asset value on 31/07/2017 £m</b>	<b>Average Rate/Yield on 31/07/17 %</b>	<b>Average Life on 31/07/17 years</b>
Short term Investments				
- Banks and Building Societies:				
- Unsecured	7.0	15.6	0.34	0.27
- Secured	8.8	10.9	0.65	0.40
- Money Market Funds	12.3	5.5	0.23	0.00
- Local Authorities	12.0	18.0	0.73	0.45
- Corporate Bonds	2.6	1.5	0.66	0.38
	<b>42.7</b>	<b>51.5</b>	<b>0.54</b>	<b>0.35</b>
Long term investments				
- Banks and Building Societies:				
- Secured	11.8	10.5	0.62	2.10
- Local Authorities	3.0	3.0	1.17	2.14
	<b>14.8</b>	<b>13.5</b>	<b>0.74</b>	<b>2.11</b>
High yield investments				
- Pooled Property Funds*	3.2	4.1	4.44	n/a
- Pooled Equity Funds*	2.1	2.1	6.96	n/a
- Pooled Multi Asset Funds**	-	2.0	n/a	n/a
	<b>5.3</b>	<b>8.2</b>	<b>5.27</b>	<b>n/a</b>
<b>TOTAL INVESTMENTS</b>	<b>62.8</b>	<b>73.2</b>	<b>0.99</b>	<b>0.72</b>
Increase/ (Decrease) in Investments £m		10.4		

\* Yield represents the average of each investment's most recent dividend payment as a percentage of the asset value.

\*\* Due to the short period of time invested in this fund (initial investment was 29 June 2017), income yields are not yet available.

- 3.6. In this financial year to date the Council proportionately reduced its exposure to unsecured bank and building society investments by increasing its exposure to local authorities. The Council has also invested in further high yield investments by increasing its investments in

the pooled property fund asset class, and by investing in pooled multi-asset funds

- 3.7. The investments in pooled property, equity and multi-asset funds allow the Council to diversify into asset classes other than cash without the need to own and manage the underlying investments. The funds which are operated on a variable net asset value (VNAV) basis offer diversification of investment risk, coupled with the services of a professional fund manager; they also offer enhanced returns over the longer term but are more volatile in the short-term. All of the Council's pooled fund investments are in the funds' distributing share classes which pay out the income generated.
- 3.8. Although money can be redeemed from the pooled funds at short notice, the Council's intention is to hold them for at least the medium term. Their performance and suitability in meeting the Council's investment objectives are monitored regularly and discussed with Arlingclose.

Table 2: High yield investments capital value at 31 July 2017

<b>High yield investments</b>	<b>Principal invested £m</b>	<b>Market value 31 July 2017 £m</b>	<b>Capital yield (per annum) %</b>
Pooled Property Funds	4.05	4.15	0.42
Pooled Equity Funds	2.00	2.06	2.83
Pooled Multi Asset Funds	2.00	1.99	-0.63
<b>Total</b>	<b>8.05</b>	<b>8.26</b>	<b>0.76</b>

- 3.9. Security of capital has remained the Council's main investment objective. This has been maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy Statement for 2017/18.
- 3.10. Counterparty credit quality was assessed and monitored with reference to credit ratings (the Council's minimum long-term counterparty rating for institutions defined as having "high credit quality" is BBB+ across rating agencies Fitch, S&P and Moody's); credit default swap prices, financial statements, information on potential government support and reports in the quality financial press.
- 3.11. The average cash balances were £74.7m during the year to 31 July 2017. The average interest rate earned on the Council's investments at 31 July 2017 was 0.99%, which should be considered within the context of a low UK Base Rate of 0.25%, and very low short-term money market rates.

#### **4. BORROWING**

- 4.1. The Council's underlying need to borrow was measured by the Capital Financing Requirement (CFR) at 31 March 2017 as £147.9m. Affordability and the "cost of carry" remained important influences on the Council's borrowing strategy alongside the consideration that, for any borrowing undertaken ahead of need, the proceeds would have to be

invested in the money markets at rates of interest significantly lower than the cost of borrowing.

- 4.2. For the Council the use of internal borrowing has, therefore, continued to be the most cost effective means of funding new capital expenditure. No new long-term borrowing has taken place to date in 2017/18, or is planned for the remainder of the year. This has lowered overall treasury risk by reducing both external debt and temporary investments.
- 4.3. As at 31 July 2017 the Council held £144.11m of loans, (which has reduced by £0.2m since 31 July 2016), with the vast majority relating to the funding of the Housing Revenue Account self-financing settlement from March 2012.
- 4.4. The premia that applies to the premature repayment of the Council's PWLB loans is still relatively expensive for the loans in the portfolio and therefore unattractive for debt rescheduling. As a consequence, no rescheduling activity has taken place. However, consideration will continue to be given to any advantageous opportunity for the council to reduce or restructure its debt portfolio.

## **5. MiFID II**

- 5.1. The European Union is changing its rules on how local authorities can access regulated financial services, through its Market in Financial Instruments Directive (MiFID II), aiming to improve the functioning of financial markets in light of the financial crisis and to strengthen investor protection. Although the UK has voted to leave the EU, MiFID II will still be implemented in the UK on 03 January 2018 for three reasons. Firstly, the UK's residents remain members of the EU and subject to its laws until the UK leaves; secondly, the UK government is in favour of strengthening investor protection; and thirdly, UK firms will wish to continue providing financial services across the EU after the UK has left the EU, so will need to comply with equivalent regulations.
- 5.2. The Financial Conduct Authority (FCA) has some discretion over how to implement this directive in the UK, and it released its final policy statement on the subject in July 2017.
- 5.3. Local authorities are currently all treated by financial services firms as "professional clients", the middle of three categories, and the same as similar-sized companies. But from January 2018, the default position will be that local authorities are to be treated as "retail clients", the same as individuals and small and medium-sized enterprises, which will entail some increased protection, but at the expense of higher fees, increased paperwork and reduced market access.
- 5.4. It is expected that "opting-up" will be the most favourable position for the Council as it will allow all investment opportunities detailed within the investment strategy to be accessed, whilst being a retail investor will limit investment opportunities, for example no access to money market funds or brokers. Opting up to professional status will also allow continued access to the current asset classes the Council is invested in, without the

increased fees that retail asset classes demand. Opting up will mean the Council will not be able to take advantage of the increased protections available to retail clients (retail protections are available in Appendix 1 – this list was provided by the Local Government Association and represents protections for all different types of investment, including investments not applicable under the current treasury management strategy). However, this will not be a change from the current status, as these protections are not currently afforded to professional clients.

5.5. Local authorities will be permitted to “opt-up” to professional client status, providing they meet the following criteria:

- the firm has assessed that the person authorised to carry out transactions on the local authority’s behalf has the expertise, experience and knowledge to give reasonable assurance in light of the nature of the transactions or services envisaged, that they are capable of making their own investment decisions and understanding the risks involved;
- the size of the local authority’s investment portfolio (including cash deposits) exceeds £10 million; and
- at least one of the following is true:
  - the local authority has carried out transactions, in significant size, on the relevant market at an average frequency of ten per quarter over the previous four quarters;
  - the person authorised to carry out transactions on behalf of the local authority works or has worked in the financial sector (including as a treasury manager) for at least one year in a professional position, which requires knowledge of the services envisaged; or
  - the local authority is a Local Government Pension Scheme administering authority and is acting in that capacity (this was not included in the consultation).

5.6. Considering these criteria, the Council should be able to opt up to professional client status to maintain the most favourable investment position possible, but this will be decided on a per investment basis in conjunction with the Council’s Finance team. Significant work will be undertaken over the months to January 2018 to achieve this aim. So as to enable the opt-up process a number of recommendations have been included at section 8 of this report.

5.7. Applications can be made in respect of either all of the services offered by the institution (even if not already being accessed) or a particular service only. A local authority may wish to do the latter where the institution offers a wide range of complex instruments which the authority does not currently use and there is no intention to use the institution again once the current relationship has come to an end. It is recommended that officers determine the most appropriate basis of the application, either via full or single service.

- 5.8. Authorities are not required to renew elections on a regular basis but will be required to review the information provided in the opt up process and notify all institutions of any changes in circumstances which could affect their status.

## **6. COMPLIANCE WITH PRUDENTIAL INDICATORS**

- 6.1. Within 2017/18 to date, the Council operated within the Prudential Indicators for 2017/18 which were originally set in February 2017 as part of the Council's Medium term Financial Plan, and Budget & Council Tax Report 2017/18.

### **Authorised Limit and Operational Boundary for External Debt**

- 6.2. CIPFA's Code of Practice requires authorities to set an authorised limit for external debt, defined as the sum of external borrowing and other long-term liabilities. The annual strategy report agreed in February 2017 set an authorised limit for external debt of £174.4m.
- 6.3. This limit is based on the estimated CFR in order to enable it to be financed entirely from external borrowing should the Council's internal reserves become depleted. The limit also includes an allowance for temporary borrowing to cover normal revenue cash flow requirements and unexpected outflows or delays in receiving cash.
- 6.4. The Council has set an operational boundary for external debt reflecting the more likely scenario and consistent with the Council's capital plans and Treasury Management Strategy. Temporary breaches of the 2017/18 operational boundary can take place for cash flow reasons, but any sustained breach will lead to further investigation. The Council approved an operational boundary for 2017/18 of £159.4m.

Table 3: Authorised Limit and Operational Boundary for External Debt 2017/18

	Authorised Limit £m	Operational Boundary £m	31 July 2017 Actual £m
Total Debt	174.4	159.4	144.1

- 6.5. During the period to 31 July 2017 borrowing remained well within the authorised limit and operational boundary, and no new long term borrowing has been taken out. Although there has been temporary borrowing where the Council has utilised its overdraft facility at Lloyds, these have been very small (less than £10,000), so the maximum total external debt in the period has remained at the total long-term borrowing amount, which is now £144.1m.

## 7. TREASURY MANAGEMENT INDICATORS

- 7.1. The Council measures and manages its exposures to treasury management risks using the following indicators.

### Interest Rate Exposures

- 7.2. The Council has to set an upper limit on its fixed and variable interest rate exposure for both total investments and total external debt. This indicator is set to control the Council's exposure to interest rate risk. The Council approved the following upper limits on fixed and variable rate interest rate exposures, expressed as the amount of net principal borrowed or invested. None of the limits have been exceeded.

Table 4: Interest Rate Exposures

	2017/18 Limit	Maximum to 31 July 2017
Upper limit on fixed interest rate investment exposure	£25m	£6.0m
Upper limit on variable interest rate investment exposure	£90m	£80.0m
Upper limit on fixed interest rate borrowing exposure	£174.4m	£144.1m
Upper limit on variable interest rate borrowing exposure		£0.0m

- 7.3. The limit for borrowing rate exposures has been set to enable maximum policy flexibility for the potential for refinancing e.g. from variable to fixed rate borrowing. The Council's entire long-term debt portfolio is currently made up of fixed interest loans.
- 7.4. The upper limit for exposure for investments rates is based on an extreme case of the total investment balances, and to allow for all of this to be held at variable rates (investments with a maturity of less than one year) if necessary.

### Maturity Structure of Borrowing

- 7.5. The Code also requires the Council to set upper and lower percentage limits on the maturity structure of its long-term fixed rate borrowing during 2017/18. The following table shows the limits approved by the Council. These have been set to allow maximum flexibility in managing the debt portfolio and are consistent with the existing portfolio.

Table 5: Maturity Structure of Borrowing

	Upper	Lower	Actual
Under 12 months	25%	0%	2.8%
12 months and within 24 months	25%	0%	2.8%
24 months and within 5 years	25%	0%	8.5%
5 years and within 10 years	25%	0%	15.2%
10 years and above	100%	0%	70.7%

### **Principal Sums Invested for Periods Longer than 364 days**

- 7.6. The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. For 2017/18 the council restricted investments for periods of over a year to a maximum of £25m. At 31 July 2017 the Council had £21.6m of investments with over 364 days to their maturity.

## **8. RECOMMENDED:**

- 8.1. That the Cabinet notes the potential impact on investment strategy of defaulting to a retail client with effect from 3rd January 2018;
- 8.2. That the Cabinet agrees to the immediate commencement of applications for elected professional client status with all relevant institutions in order to ensure it can continue to implement an effective investment strategy;
- 8.3. In electing for professional client status the Cabinet acknowledges and agrees to forgo the protections available to retail clients attached as Appendix 1; and
- 8.4. That the Cabinet approves delegated responsibility to the Section 151 Officer for the purposes of completing the applications and determining the basis of the application as either full or single service.

### **For further information contact:**

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### **Background Papers:**

Treasury Management Strategy for  
2017/18 – 2019/20  
Annual Performance and Provisional  
Budget Outturn Report 2016/17

Published reports

## **Warnings - loss of protections as a Professional Client**

Professional Clients are entitled to fewer protections under the UK and EU regulatory regimes than is otherwise the case for Retail Clients. This document contains, for information purposes only, a summary of the protections that you will lose if you request and agree to be treated as a Professional Client.

### **1. Communicating with clients, including financial promotions**

As a Professional Client the simplicity and frequency in which the firm communicates with you may be different to the way in which they would communicate with a Retail Client. They will ensure however that our communication remains fair, clear and not misleading.

### **2. Information about the firm, its services and remuneration**

The type of information that the firm provides to Retail Clients about itself, its services and its products and how it is remunerated differs to what the firm provides to Professional Clients. In particular,

(A) The firm is obliged to provide information on these areas to all clients but the granularity, medium and timing of such provision may be less specific for clients that are not Retail Clients; and

(B) there are particular restrictions on the remuneration structure for staff providing services to Retail Clients which may not be applicable in respect of staff providing services to Professional Clients;

(C) the information which the firm provides in relation to costs and charges for its services and/or products may not be as comprehensive for Professional Clients as it would be for Retail Clients, for example, they are required when offering packaged products and services to provide additional information to Retail Clients on the risks and components making up that package; and

(D) when handling orders on behalf of Retail Clients, the firm has an obligation to inform them about any material difficulties in carrying out the orders; this obligation may not apply in respect of Professional Clients.

### **3. Suitability**

In the course of providing advice or in the course of providing discretionary management services, when assessing suitability for Professional Clients, the firm is entitled to assume that in relation to the products, transactions and services for which you have been so classified, that you have the necessary level of experience and knowledge to understand the risks involved in the management of your investments. The firm will assess this information separately for Retail Clients and would be required to provide Retail Clients with a suitability report.

### **4. Appropriateness**

For transactions where the firm does not provide you with investment advice or discretionary management services (such as an execution-only trade), it may be required to assess whether the transaction is appropriate. In respect of a Retail Client, there is a specified test for ascertaining whether the client has the requisite investment knowledge and experience to understand the risks associated with the



relevant transaction. However, in respect of a Professional Client, the firm is entitled to assume that they have the necessary level of experience, knowledge and expertise to understand the risks involved in a transaction in products and services for which they are classified as a Professional Client.

## 5. Dealing

A range of factors may be considered for Professional Clients in order to achieve best execution (price is an important factor but the relative importance of other different factors, such as speed, costs and fees may vary). In contrast, when undertaking transactions for Retail Clients, the total consideration, representing the price of the financial instrument and the costs relating to execution, must be the overriding factor in any execution.

## 6. Reporting information to clients

For transactions where the firm does not provide discretionary management services (such as an execution-only transactions), the timeframe for our providing confirmation that an order has been carried out is more rigorous for Retail Clients' orders than Professional Clients' orders.

## 7. Client reporting

Investment firms that hold a retail client account that includes positions in leveraged financial instruments or contingent liability transactions shall inform the Retail Client, where the initial value of each instrument depreciates by 10% and thereafter at multiples of 10%. These reports do not have to be produced for Professional Clients.

## 8. Financial Ombudsman Service

The services of the Financial Ombudsman Service may not be available to you as a Professional Client.

## 9. Investor compensation

Eligibility for compensation from the Financial Services Compensation Scheme is not contingent on your categorisation but on how your organisation is constituted. Hence, depending on how you are constituted you may not have access to the Financial Services Compensation Scheme.

## 10. Exclusion of liability

The FCA rules restrict the firm's ability to exclude or restrict any duty of liability which the firm owes to Retail Clients more strictly than in respect of Professional Clients.

## 11. Trading obligation

In respect of shares admitted to trading on a regulated market or traded on a trading venue, the firm may, in relation to the investments of Retail Clients, only arrange for such trades to be carried out on a regulated market, a multilateral trading facility, a systematic internaliser or a third-country trading venue. This is a restriction which may not apply in respect of trading carried out for Professional Clients.

## 12. Transfer of financial collateral arrangements

As a Professional Client, the firm may conclude title transfer financial collateral arrangements with you for the purpose of securing or covering your present or future, actual or contingent or prospective obligations, which would not be possible for Retail Clients.

### 13. Client money

The requirements under the client money rules in the FCA Handbook (CASS) are more prescriptive and provide more protection in respect of Retail Clients than in respect of Professional Clients.

It should be noted that at all times you will have the right to request a different client categorisation and that you will be responsible for keeping the firm informed of any change that could affect your categorisation as a Professional Client.