



Reigate and Banstead Borough Council Statement of Decisions made at a meeting of the Commercial Ventures Executive Sub-Committee on Thursday, 17 November 2022

Published:

The following decisions were made by the Executive Sub-Committee at its meeting on **Thursday, 17 November 2022**. These decisions will come into force on **Monday 28 November 2022**. A decision by the Executive may be called-in (in accordance with Procedure Rule 5.14 of the Council's Constitution) by **Friday 25 November 2022**. Should you have any queries about any decision that has been made, contact should be made in the first instance to Democratic Services at democratic@reigate-banstead.gov.uk. Any declaration of interest made by any member of the Executive is shown below.

	Item	Reason for Decision:	Alternative options:	Lead officer:
4	<p>Project Baseball Closure, November 2022</p> <p>RESOLVED to note the operational decision to formally close Project Baseball.</p>	<p>To provide a project review and rationale for the decision to cease any further work on, and to formally close Project Baseball. The project review serves to provide an account of the project approach, and how it was anticipated to support the Council's Corporate Plan objectives.</p>	<p>Alternative options considered were to:</p> <ol style="list-style-type: none"> 1. Accept the report and note the recommendation that the project should follow the Council's formal, internal project closure process; or 2. Reject the report and seek further information. 	<p>Strategic Head of Legal and Governance, Chief Finance Officer, Strategic Head of Neighbourhood Services</p>

	Item	Reason for Decision:	Alternative options:	Lead officer:
5	<p>Asset Management Plan 2023-2028</p> <p>RESOLVED to approve the Asset Management Plan 2023 – 2028 to form the Council’s framework for future property asset management and development decisions.</p>	<p>Approval of the Asset Management Plan provides a framework for decision making based on a clear set of principles and mechanisms for the future use of assets within the Council’s property portfolio.</p>	<p>Option 1: To approve the Asset Management Plan 2023 – 2028 to form the Council’s framework for future property asset management and development decisions. This was the recommended Option.</p> <p>Option 2: To request changes to the Asset Management Plan and re-submit it for approval.</p> <p>Option 3: To reject the Asset Management Plan. This was not recommended as it would mean that there was no framework in place for future decision-making.</p>	<p>Chief Finance Officer</p>
6	<p>Future operation of Council-owned cafe premises</p> <p>RESOLVED to approve a phased programme of marketing and re-letting of the three Council-owned cafe premises at Priory Park, Reigate, Memorial Park in Redhill and the Lady Neville Recreation Ground in Banstead in order to secure a more sustainable income stream.</p>	<p>The Council owns three café premises at Priory Park in Reigate, Memorial Park in Redhill and at the Lady Neville Recreation Ground in Banstead that have been operating on a catering contract basis since 2014. Whilst there are some potential advantages to operating them on a contract basis, as compared to leasing out the premises, the originally expected benefits of the contract are not being achieved. It is now considered that a move to operating them on a lease basis to align them with</p>	<p>Option 1: To undertake a phased programme of marketing and re-letting as proposed in this report. This is the recommended option as it is expected to maximise the income that the Council can generate from the premises, through a competitive open marketing exercise and minimise the Council’s revenue expenditure obligations.</p> <p>Option 2: To re-tender a catering</p>	<p>Chief Finance Officer</p>

	Item	Reason for Decision:	Alternative options:	Lead officer:
		the Council's financial and corporate objectives.	<p>contract opportunity for all three premises. This is not the recommend option, for the reasons set out in this report.</p> <p>Option 3: Do nothing and allow the current temporary leases to be renewed with the existing tenant and former catering contractor. This is not the recommend option as it will not maximise the income-generating potential of the premises.</p>	
8	<p>Partnership Action - Horley Business Park Development LLP</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> To direct the Council's Board Representatives to approve the Company's Annual Report and Financial Statements for the year ended 31 December 2021 as set out in the exempt, Annex 1, at Part 2 of this agenda; To authorise the Council's Board Representatives to the Company to approve the re-appointment of 	<ol style="list-style-type: none"> The Commercial Ventures Executive Sub-Committee, as the Council's Partner Representative, is asked to acknowledge receipt of the Horley Business Park 33 Agenda Item 8 Development LLP's Annual Report and Financial Statements for the year ended 31 December 2021 as required by the Members Agreement dated 24 March 2016. <p>In accordance with the Members Agreement, all Board Representatives to the Company</p>	<p>Option 1: Approve all the required actions set out in Recommendations above in order the Company meets the requirements of the Companies Act 2006 in respect of their annual report and accounts; appointment of auditors; and auditors' remuneration; and meet the requirements of the Company's constitution. This is the recommended option to ensure the Company is governed correctly and meets its statutory requirements.</p> <p>Option 2: If after reviewing the</p>	Strategic Head of Legal and Governance

	Item	Reason for Decision:	Alternative options:	Lead officer:
	<p>Moore Kingston Smith LLP as auditor for the Company for the year to 31 December 2022; and</p> <p>3. To authorise the Council's Board Representatives to the Company to fix the auditors' remuneration for the year to 31 December 2022, as set out in the exempt, Annex 2, Part 2 of this agenda.</p>	<p>should approve the Company's Annual Report and Financial Statements. As the Partner Representative for the Council, the Commercial Ventures Executive Sub-Committee is required to direct the Council's Board Representatives to the Company to approve the Annual Report and Financial Statements for the year to 31 December 2021; Following approval of recommendation (1) above, the Company's Annual Report and Financial Statements for the year to 31 December 2021 can be lodged with Companies House, subject to approval being received from the other Partners.</p> <p>2. The Partner Representative is asked to authorise the Council's Board Representatives to the Company to approve the re-appointment of Moore Kingston Smith LLP as auditor for the Company for the year to 31 December 2022. Section 485 of the Companies Act 2006, as</p>	<p>required actions and supporting documentation, adjustments are required, the Committee should request the necessary adjustments be made and approve the actions subject to those adjustments, in order the Company is governed correctly and meets its statutory requirements.</p> <p>Option 3: Do not approve the required actions. This is not the recommended option as the Members of the Council's part-owned commercial entity will not be able to carry out its' statutory duties and will be in breach of the Companies Act 2006 and the Company's constitution. The Members can be fined and the company struck off the Register of Companies if accounts are not lodged with Companies House.</p>	

	Item	Reason for Decision:	Alternative options:	Lead officer:
		<p>applied by Regulation 36 of the Liability Partnerships (Accounts and Audit) (Application of Companies Act 2006) Regulations 2008, requires the Members to appoint or re-appoint an auditor.</p> <p>3. For the auditor appointed to the Company, the Partner Representative is also asked to authorise the Board Representatives to the Company to fix the auditors' remuneration for the year to 31 December 2022. Section 492 of the Companies Act 2006, as applied by Regulation 37 of the Liability Partnerships (Accounts and Audit) (Application of Companies Act 2006) Regulations 2008, requires the remuneration of an auditor appointed by the Company to be fixed by the Members of the Company.</p>		