

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Cabinet held on
Thursday, 1 March 2018 at 5.30 p.m.

PRESENT: Councillor Peter Topping (Leader of the Council)
Councillor Nick Wright (Business & Customer Services Portfolio Holder and Deputy Leader)

Councillors:	Simon Edwards	Finance and Staffing Portfolio Holder
	Sue Ellington	Health & Wellbeing Portfolio Holder
	Lynda Harford	Housing Portfolio Holder
	Mark Howell	Environmental Services Portfolio Holder
	Robert Turner	Planning Portfolio Holder

Officers in attendance for all or part of the meeting:

Beverly Agass	Chief Executive
Alex Colyer	Executive Director
Rory McKenna	Deputy Head of Legal Practice & Deputy Monitoring Officer
Ian Senior	Democratic Services Officer

Councillors John, Anna Bradnam and Hazel Smith, and Kathrin John (Democratic Services Team Leader) were in attendance, by invitation.

1. APOLOGIES FOR ABSENCE

Councillors Francis Burkitt and Tim Wotherspoon sent Apologies for Absence.

2. MINUTES OF PREVIOUS MEETING

Cabinet noted that the minutes of the meeting held on 7 February 2018, and of this meeting, would be presented to the next scheduled meeting of Cabinet on 19 April 2018.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. ANNOUNCEMENTS

There were no announcements.

5. PUBLIC QUESTIONS

There were no public questions.

6. PROPOSAL TO PROVIDE CONSENT FOR CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY TO BORROW FOR ITS NEW FUNCTIONS

Cabinet considered a report seeking its consent for the Combined Authority to borrow for any of its functions in accordance with Section 23(5) of the Local Government Act 2003. Consent was being sought from each of the Combined Authority's constituent councils.

Due to the time constraint imposed on South Cambridgeshire District Council, the meeting had been called at short notice. In accordance with the Council's Constitution, the Chairman of the Scrutiny and Overview Committee had agreed that the taking of this decision was urgent and could not reasonably be deferred, as provided in Rule 16 of the Access to Information Procedure Rules (Special Urgency). This matter was believed to be a key decision and it had not been possible to include the issue in the notice of forthcoming decisions at least 28 clear days before the decision was due to be taken. It had also not been possible to comply with Rule 15 (General Exception) by publishing five days' notice of the intended decision. The reasons were detailed in Appendix 1 .

The Chairman of the Scrutiny and Overview Committee and the Chairman of the Council had agreed that the decision should be exempt from call-in, as provided under Rule 12.18 - 12.19 of the Scrutiny and Overview Procedure Rules. The reasons were detailed in Appendix 1.

The Executive Director summarised the purpose of the meeting as being to consider authorising the Cambridgeshire and Peterborough Combined Authority to borrow money for purposes not currently permitted. He told Members that there would not be any financial liability on South Cambridgeshire District Council or other constituent Authorities. The Executive Director quoted a civil servant working at the Ministry of Housing, Communities and Local Government as having said that the legislation was silent on liability because it would not state something that could not happen.

The Combined Authority also needed approval from H.M. Treasury.

A clause expressly protecting local authorities from having to underwrite any borrowing could not be included in the Combined Authorities (Borrowing) Regulations 2018, as had been proposed by at least one Cabinet member.

In response to a Member's question, the Leader set out the stringent timetable for Statutory Instruments in the context of Parliamentary time likely to be occupied by measures relating to the U.K.'s decision to withdraw from the European Union. The Executive Director pointed out that the Combined Authority needed certainty that it could set a sustainable five-year plan.

Following general discussion among all those present, Cabinet **agreed**:

- (1) To determine that this decision be taken within the urgency provisions of the Constitution and to note that the Call-in provisions will not therefore apply in this regard for the reasons outlined in Appendix 1.
- (2) On behalf of South Cambridgeshire District Council, to give consent to the specification and making of the regulations in relation to the Cambridgeshire and Peterborough Combined Authority, as set out in the draft regulations, "The Combined Authorities (Borrowing) Regulations 2018" (Appendix 2).
- (3) To authorise the Chief Executive, in consultation with the Leader, to accept any minor changes in the draft regulations,(Appendix 2), which do not alter meaning substantially.

**The Meeting ended at 6.50
p.m.**
