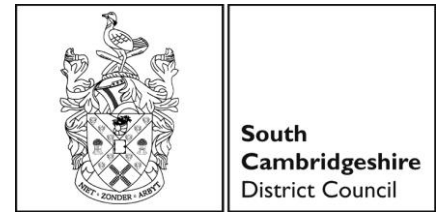


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28 February 2018

To: The Leader – Councillor Peter Topping
Deputy Leader – Councillor Nick Wright
Members of the Cabinet – Councillors Francis Burkitt, Simon Edwards,
Sue Ellington, Lynda Harford, Mark Howell, Robert Turner and Tim Wotherspoon
Quorum: Majority of the Cabinet including the Leader or Deputy Leader

Dear Councillor

You are invited to attend the next meeting of **CABINET**, which will be held in the **SWANSLEY ROOM A AND B - GROUND FLOOR** at South Cambridgeshire Hall on **THURSDAY, 1 MARCH 2018 at 5.30 p.m.**

Yours faithfully
Beverly Agass
Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

NOTICE is hereby given that the Chairman of the Scrutiny and Overview Committee:

- (a) Has agreed that the taking of this decision is urgent and cannot reasonably be deferred, as provided in Rule 16 of the Access to Information Procedure Rules (Special Urgency). This a matter which is believed to be a key decision and it has not been possible to include the decision in the notice of forthcoming decisions at least 28 clear days before the decision is due to be taken. It is also not possible to comply with Rule 15 (General Exception) by publishing five days notice of the intended decision. The reason for the urgency is that the Council did not receive the request from the Ministry of Housing, Communities & Local Government until 23 February 2018 and given the deadline for response it would not have been possible to give either 28 days notice as required by Access to Information Rule 13 or 5 days as required by Rule 15.

Notice is further given that the Chairman of the Scrutiny and Overview Committee and the Chairman of the Council

- (b) (i) Have 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. A decision is to be regarded as urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or public's interests. The decision manifestly needs to be implemented before the expiry of any call-in period in view of the timescales set for response by the Ministry of Housing Communities & Local Government and of the impact of the awaited decision on the proposal intending to lay the Combined Authority (Borrowing) Regulations 2018 before Parliament on Monday 5 March 2018.

- (ii) are satisfied that the decision proposed is reasonable in all the circumstances and so may be treated as a matter of urgency.

AGENDA

PAGES

- 1. Apologies for Absence**
To receive Apologies for Absence from Cabinet members.
- 2. Minutes of Previous Meeting**
The minutes of the meeting held on 7 February 2018, and of this meeting, will be presented to the next scheduled meeting of Cabinet on 19 April 2018.
- 3. Declarations of Interest**
- 4. Announcements**
- 5. Public Questions**

OPERATIONAL ITEMS

- 6. Proposal to provide consent for Cambridgeshire and Peterborough Combined Authority to borrow for its new functions** **1 - 10**

OUR LONG-TERM VISION

South Cambridgeshire will continue to be the best place to live, work and study in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Working Together
- Integrity
- Dynamism
- Innovation

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

Notes to help those people visiting the South Cambridgeshire District Council offices

While we try to make sure that you stay safe when visiting South Cambridgeshire Hall, you also have a responsibility for your own safety, and that of others.

Security

When attending meetings in non-public areas of the Council offices you must report to Reception, sign in, and at all times wear the Visitor badge issued. Before leaving the building, please sign out and return the Visitor badge to Reception.

Public seating in meeting rooms is limited. For further details contact Democratic Services on 03450 450 500 or e-mail democratic.services@scambs.gov.uk

Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Leave the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park opposite the staff entrance

- **Do not** use the lifts to leave the building. If you are unable to use stairs by yourself, the emergency staircase landings have fire refuge areas, which give protection for a minimum of 1.5 hours. Press the alarm button and wait for help from Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If you feel unwell or need first aid, please alert a member of staff.

Access for People with Disabilities

We are committed to improving, for all members of the community, access to our agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can get both neck loops and earphones from Reception.

Toilets

Public toilets are available on each floor of the building next to the lifts.

Recording of Business and Use of Mobile Phones

We are open and transparent about how we make decisions. We allow recording, filming and photography at Council, Cabinet and other meetings, which members of the public can attend, so long as proceedings at the meeting are not disrupted. We also allow the use of social media during meetings to bring Council issues to the attention of a wider audience. To minimise disturbance to others attending the meeting, please switch your phone or other mobile device to silent / vibrate mode.

Banners, Placards and similar items

You are not allowed to bring into, or display at, any public meeting any banner, placard, poster or other similar item. Failure to do so, will result in the Chairman suspending the meeting until such items are removed.

Disturbance by Public

If a member of the public interrupts proceedings at a meeting, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The meeting will be suspended until order has been restored.

Smoking

Since 1 July 2008, South Cambridgeshire District Council has operated a Smoke Free Policy. No one is allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Vending machines and a water dispenser are available on the ground floor near the lifts at the front of the building. You are not allowed to bring food or drink into the meeting room.

Agenda Item 6



REPORT TO: Cabinet
LEAD OFFICER: Executive Director, Corporate Services

1 March 2018

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

Purpose

1. For Cabinet to provide 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 is being sought from each of the Combined Authority's constituent councils.
2. This is a key decision.

Recommendations

3. That Cabinet determine that this decision be taken within the urgency provisions of the Constitution and note that the Call-in provisions will not therefore apply in this regard for the reasons outlined in **Appendix 1**
4. That Cabinet 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 at **Appendix 2**.

Background

5. In the Autumn Statement 2016, the Government announced that it would give mayoral combined authorities powers to borrow for their new functions and to invest in economically productive infrastructure, subject to agreeing a borrowing cap with HM Treasury.
6. This was planned to align the combined authorities' financial powers with their new responsibilities, and give them the freedom to invest in important priorities such as economic development and regeneration. Each combined authority's new powers to borrow will be specified in regulations under section 23(5) of the Local Government Act 2003.
7. The limits on combined authority borrowing will be expressed in terms of annual caps on external debt. Capping external debt, rather than prudential borrowing, will give the combined authorities greater flexibility to manage capital programmes across financial years.

8. Whilst the Combined Authority has no existing debt or any immediate borrowing requirement, significant investment will be needed for major infrastructure works from financial year 2020/21.
9. The Combined Authority is considering what the optimal funding structure will look like for these programmes as part of its investment strategy. Whatever the ultimate funding mechanism, the Combined Authority needs to have the facility to borrow the full amounts of these investments in place at that time.
10. There are two strands to the process of putting in place the borrowing powers:
 - (a) The setting of the Borrowing Cap through an agreement with HM Treasury (HMT), and
 - (b) The drafting and laying before parliament of the relevant Statutory Instrument (Ministry of Housing, Communities and Local Government (MHCLG))

The setting of the Borrowing Cap

11. The Director Public Services, HM Treasury wrote to the Combined Authority's Section 151 Officer expressing her formal approval of the Cambridgeshire and Peterborough Combined Authority Agreement and Debt Cap to 2019-20, which was based on the Combined Authority's submitted financial plans, and asked the S151 Officer to reply with consent to the agreement coming into effect.
12. The Section 151 Officer has replied to the Director, confirming consent to the debt agreement on behalf of the Combined Authority.
13. It is the intention of HMT for the Combined Authority's new borrowing powers to be in place for the next financial year.
14. The debt cap agreement will be reviewed before the end of 2019-20 and discussions will continue about an agreement beyond 2019-20.

The making of the Statutory Instrument

15. The Ministry of Housing, Communities and Local Government (MHCLG) have now drafted the relevant Statutory Instrument to allow borrowing to be made under S23(5) of the Local Government Act 2003 and have formally requested (**Appendix 3**) the consent of this Council to the moving of that order.
16. S23(5 and 6) of the Local Government Act 2003 state that powers will be conferred on a combined authority to borrow money for a purpose relevant to its transport functions or in relation to any other functions of the authority that are specified, only with the consent of its constituent councils.
17. The draft Combined Authorities Borrowing Regulations 2018 (**Appendix 2**) extend the ability of combined authorities to borrow. This is currently limited to borrowing which relates to a combined authorities transport function. The proposal would see an extension of the ability to borrow to all functions (other than transport which already has coverage).

Considerations

18. In seeking to clarify the position in respect of liability for borrowing the Monitoring Officer has liaised with Luke Scofield from the Governance, Democracy and Reform Unit at the Ministry of Housing, Communities and Local Government.
19. The proposed draft legislation imposes no liability for constituent authorities for borrowing of the Combined Authority and does not extend provision for the Combined Authority to levy constituent councils. This remains applicable only in relation to the discharge of the Combined Authority's transport functions.
20. The legislative position therefore remains the same as was the case when borrowing for the transport function was the only permitted borrowing. With the exception of provisions regarding precept, constituent authorities must agree to provide contributions to the Combined Authority. If they do not there can be no compulsion to do so. This would include liability for any borrowing under the proposed regulations.
21. MHCLG have made clear that the making of the borrowing Regulations in respect of CPCA has been conditional on the agreement of HM Treasury to that borrowing plan, which HMT will review and reach further agreement on at end 2019-20. CPCA will report to HMT on its debt on a quarterly basis
22. It is proposed that the draft regulations be laid before Parliament on 5th March. If this window is missed then Brexit legislation/demand on Parliamentary time will be such that a further opportunity will not be possible in the foreseeable future.
23. The Constitution provides that an urgent decision can be taken subject to the urgency provisions providing the agreement of the Chairman of the Scrutiny and Overview Committee that the taking of the decision cannot be reasonably deferred. The Chairman has now given the relevant consent for the decision to be made at this time.
24. The call-in procedure shall not apply where the decision being taken by the executive decision taker is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. Given the

Options

20. Cabinet is recommended to give consent to the regulations for the reasons set out in the report or otherwise, provide reasons for not granting that support.

Implications

21. The report sets out the financial and legal implications in relation to the granting of the Council's consent to the draft order being enacted.

Legal

22. The Statutory Instrument to allow borrowing is to be made under Part 1 of the Local Government Act 2003

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

S23 Local Government Act 2003:

<https://www.legislation.gov.uk/ukpga/2003/26/section/23>

Report Authors: Alex Colyer
Telephone: (01954) 713023

Tom Lewis
Telephone: (01223) 457401

Extraordinary Cabinet Meeting – 1 March 2018 – 5.30pm

Proposal for Consent for Cambridgeshire and Peterborough Combined Authority to Borrow for its New Functions

Notice is hereby given that the Chairman of the Scrutiny and Overview Committee:

- (a) Has agreed that the taking of this decision is urgent and cannot reasonably be deferred, as provided in Rule 16 of the Access to Information Procedure Rules (Special Urgency). This a matter which is believed to be a key decision and it has not been possible to include the decision in the notice of forthcoming decisions at least 28 clear days before the decision is due to be taken. It is also not possible to comply with Rule 15 (General Exception) by publishing five days notice of the intended decision. The reason for the urgency is that the Council did not receive the request from the Ministry of Housing, Communities & Local Government until 23 February 2018 and given the deadline for response it would not have been possible to give either 28 days notice as required by Access to Information Rule 13 or 5 days as required by Rule 15.

Notice is further given that the Chairman of the Scrutiny and Overview Committee and the Chairman of the Council

- (b) (i) Have 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. A decision is to be regarded as urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or public's interests. The decision manifestly needs to be implemented before the expiry of any call-in period in view of the timescales set for response by the Ministry of Housing Communities & Local Government and of the impact of the awaited decision on the proposal intending to lay the Combined Authority (Borrowing) Regulations 2018 before Parliament on Monday 5 March 2018.
- (ii) are satisfied that the decision proposed is reasonable in all the circumstances and so may be treated as a matter of urgency.

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Draft Regulations laid before Parliament under section 23(10) of the Local Government Act 2003 for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2018 No.

LOCAL GOVERNMENT, ENGLAND

The Combined Authorities (Borrowing) Regulations 2018

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 23(5) and 123(1) of the Local Government Act 2003(a) (“the 2003 Act”).

In accordance with section 23(6) of the 2003 Act the councils whose local government areas are comprised in the areas of the Cambridgeshire and Peterborough, Greater Manchester, Liverpool City Region, Tees Valley, West Midlands and West of England Combined Authorities and the Cambridgeshire and Peterborough, Greater Manchester, Liverpool City Region, Tees Valley, West Midlands and West of England Combined Authorities have consented to the specification of the functions in regulation 2 for the purposes of Part 1 of the 2003 Act(b).

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 23(10) of the 2003 Act.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Combined Authorities (Borrowing) Regulations 2018.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations apply in relation to the following authorities—

- (a) the Cambridgeshire and Peterborough Combined Authority;
- (b) the Greater Manchester Combined Authority;
- (c) the Liverpool City Region Combined Authority;
- (d) the Tees Valley Combined Authority;
- (e) the West Midlands Combined Authority;

(a) 2003 c. 26. Subsection (5) was inserted by the Local Democracy, Economic Development and Construction Act 2009 (c. 20) (“the 2009 Act”), section 119 and paragraph 117 of Schedule 6; subsection (5) was amended and subsections (6) to (10) were inserted by the Cities and Local Government Devolution Act 2016 (c. 1), section 9.

(b) Section 23(6) provides that a function of a combined authority may be specified in regulations under section 23(5) only with the consent of each county council or district council the whole or any part of whose area is within the area of the combined authority.

(f) the West of England Combined Authority(a).

Borrowing

2. All functions of a combined authority other than its transport functions(b) are specified for the purposes of section 23(5) of the Local Government Act 2003 (power to borrow money for a purpose relevant to a function specified in regulations).

Signed by authority of the Secretary of State for Housing, Communities and Local Government

	<i>Name</i>
	Parliamentary Under Secretary of State
Date	Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for mayoral combined authorities to borrow money for a purpose relevant to all of their functions.

Regulation 2 specifies the functions of the combined authorities (other than transport functions) to which the power under section 1 of the Local Government Act 2003 (power to borrow) is to apply.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

-
- (a) Mayoral combined authorities who, on or before 14th February 2018 have entered into a debt agreement with Her Majesty's Treasury, and whose constituent councils have given the consents required by section 23(6) of the 2003 Act. For the definition of "constituent council" see section 104(11) of the Local Democracy, Economic Development and Construction Act 2009 (c. 20). "Debt agreement" means an agreement between a combined authority and Her Majesty's Treasury which provides for annual maximum limits on the long term external debt (borrowing for more than 12 months) into which the authority may enter.
- (b) Section 23(5) of the 2003 Act, as amended by the 2009 Act and the 2016 Act, confers borrowing powers on a combined authority in relation to purposes relevant to its transport functions and to any other functions specified in regulations by the Secretary of State.



Ministry of Housing,
Communities &
Local Government

To: Chief Executives of all
mayoral combined authorities'
constituent councils

23 February 2018

Dear Chief Executive,

Combined Authorities – Borrowing Regulations

You will be aware from your combined authority that we would be seeking formal consent of your council to the specification in regulations of those functions of the combined authority in relation to which the combined authority may borrow.

I now enclose a draft of the Combined Authority (Borrowing) Regulations 2018 that we intend to lay before Parliament on 5 March. These Regulations, if approved by Parliament and made, will specify for the mayoral combined authorities referred to in the Regulations, all of their existing functions, except transport functions, as functions for which they can borrow. Transport functions are not specified in these Regulations as combined authorities can already borrow for these functions.

The consent which we are seeking from your council is that it consents to the specification in relation to the combined authority for which it is a constituent council. This is that we are seeking the consents required for the purposes of Part 1 of the Local Government Act 2003.

I understand that your combined authority has been in touch with you about these matters, the consent your council is giving and the timetable for this. I am now seeking confirmation of your authority's consent to the specification set out in the Regulations in relation to your combined authority.

I would be grateful to receive your authority's consent by Tuesday 27 February. If you have any queries, please contact Luke Scofield on 0303 444 2562, or luke.scofield@communities.gsi.gov.uk

Yours Sincerely,

P ROWSELL

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