

Joint Executive (Cabinet) Committee

Minutes of a meeting of the **Joint Executive (Cabinet) Committee** held on **Tuesday 4 September 2018** at **6.15 pm** in the **Council Chamber, District Offices, College Heath Road, Mildenhall, Bury St Edmunds, IP28 7EY**

Present: **Councillors**

Chairman James Waters (FHDC Leader of the Council)
Vice Chairman John Griffiths (SEBC Leader of the Council)

Forest Heath DC:

Robin Millar
David Bowman
Ruth Bowman J.P.
Andy Drummond
Stephen Edwards
Lance Stanbury

St Edmundsbury BC:

Sara Mildmay-White
Robert Everitt
Ian Houlder
Joanna Rayner

By Invitation:

Sarah Broughton

(Chairman of SEBC Performance and Audit
Scrutiny Committee)

In attendance:

Susan Glossop

(SEBC Member)

29. **Apologies for Absence**

Apologies for absence had been received from Councillors Carol Bull, Alaric Pugh and Peter Stevens.

30. **Minutes**

The minutes of the meeting held on 24 July 2018 were confirmed as a correct record and signed by the Chairman.

31. **Open Forum**

No non-Cabinet Members in attendance wished to speak under this item.

32. **Public Participation**

There were no questions/statements from members of the public.

33. Reports of the Performance and Audit Scrutiny Committees

The reports of the FHDC and SEBC Performance and Audit Scrutiny Committees were received and noted as contained in Minute Nos: 34(a), 34(b) and 34(c) below.

34. Forest Heath and St Edmundsbury (Informal Joint) Performance and Audit Scrutiny Committee's: 25 July 2018 (Report No: CAB/JT/18/022)

- (a) The Joint Committee received and noted this report, which informed Members of the following substantive items discussed by the FHDC/SEBC Performance and Audit Scrutiny Committees at their informal joint meeting on 25 July 2018:

- (1) 2018-2019 Performance Report – Quarter 1.
- (2) West Suffolk Strategic Risk Register Monitoring Report – June 2018.
- (3) Work Programme Update.
- (4) Approach to Delivering a Sustainable West Suffolk Budget 2019-2020 and Medium Term Plan.
- (5) Appointment of Auditors for West Suffolk Council.

Items (4) and (5) above would be considered by the Shadow Executive (Cabinet), at its meeting on 18 September 2018.

Councillor Sarah Broughton, Chairman of SEBC's Performance and Audit Scrutiny Committee drew relevant issues to the attention of the Joint Committee.

(b) Forest Heath Performance and Audit Scrutiny Committee: 25 July 2018 (Report No: CAB/JT/18/023)

The Joint Committee received and noted this report, which informed Members of the following substantive items discussed by FHDC's Performance and Audit Scrutiny Committee on 25 July 2018:

- (1) Ernst and Young – Presentation of 2017-2018 ISA 260
- (2) West Suffolk Annual Governance Statement 2017-2018.
- (3) 2017-2018 Statement of Accounts.
- (4) Annual Treasury Management Report 2017-2018 and Investment Activity (April – June 2018).

On behalf of FHDC Councillor Simon Cole, Councillor Stephen Edwards, FHDC Portfolio Holder for Resources and Performance, drew relevant issues to the attention of Members, including that recommendations emanating from Item (4) above, would be the subject of a separate report later on the Joint Committee agenda.

(c) St Edmundsbury Performance and Audit Scrutiny Committee: 25 July 2018 (Report No: CAB/JT/18/024)

The Joint Committee received and noted this report, which informed Members of the following substantive items discussed by SEBC's Performance and Audit Scrutiny Committee on 25 July 2018:

- (1) Ernst and Young – Presentation of 2017-2018 ISA 260
- (2) West Suffolk Annual Governance Statement 2017-2018.
- (3) 2017-2018 Statement of Accounts.
- (4) Annual Treasury Management Report 2017-2018 and Investment Activity (April – June 2018).

Councillor Sarah Broughton, Chairman of the SEBC Performance and Audit Scrutiny Committee, drew relevant issues to the attention of Members, including that recommendations emanating from Item (4) above, would be the subject of a separate report later on the Joint Committee agenda.

35. Recommendations of the Forest Heath Performance and Audit Scrutiny Committee: 25 July 2018 - Annual Treasury Management Report 2017/2018 and Investment Activity (1 April to 30 June 2018) (Report No: CAB/JT/18/025)

The Joint Committee considered this report which sought consideration of the Annual Treasury Management Report for 2017-2018 prior to seeking its approval by Council.

The report also summarised the investment activities for the year 2017-2018 and provided a summary of the investment activities for the first three months of the 2018-2019 financial year.

RECOMMENDED TO FHDC COUNCIL: (26 September 2018)

That, subject to the approval of Council, the Annual Treasury Management Report for 2017-2018, attached as Attachment 1 to Report No: PAS/FH/18/028, be approved.

36. Recommendations of the St Edmundsbury Performance and Audit Scrutiny Committee: 25 July 2018 - Annual Treasury Management Report 2017/2018 and Investment Activity (1 April to 30 June 2018) (Report No: CAB/JT/18/026)

The Joint Committee considered this report which sought consideration of the Annual Treasury Management Report for 2017-2018 prior to seeking its approval by Council.

The report also summarised the investment activities for the year 2017-2018 and provided a summary of the investment activities for the first three months of the 2018-2019 financial year.

RECOMMENDED TO SEBC COUNCIL: (25 September 2018)

That, subject to the approval of Council, the Annual Treasury Management Report for 2017-2018, attached as Appendix 1 to Report No: TMS/SE/18/003, be approved.

37. Mildenhall Hub (Report No: CAB/JT/18/027)

The Joint Committee considered this report which reviewed the financial model for the Mildenhall Hub project before completion of the procurement of the main construction contract in Autumn 2018.

At the time of writing the report, the final cost plan was still under preparation, with market-testing of sub-contractor packages taking place and being appraised. However, it was intended that a cost plan would be available before the FHDC Council meeting on 26 September 2018. It was also intended to appoint the selected contractor at the end of September 2018, so that they could mobilise for a start on site in October 2018. These timings were important to maintain the programme in relation to completing works in 2020, with still some contingency around the school opening date.

RECOMMENDED TO FHDC COUNCIL: (26 September 2018)

That:-

1. On the basis set out in the exempt Appendix to Report No: CAB/JT/18/027, the final cost plan for the Mildenhall Hub project (including renewables and health facilities) be approved, and contractor appointments be made, subject to it still achieving at least the net revenue position previously agreed in 2017; and
2. The Council's Section 151 Officer make any necessary changes to the Council's prudential indicators as a result of recommendation 1. above.

38. Habitats Regulations Assessment (HRA) Report (Report No: CAB/JT/18/028)

The Joint Committee received this report which sought approval to the procedural changes to the Habitats Regulations Assessment (HRA) Report which supported the Forest Heath Local Plan. The changes were required following a new European Court legal ruling relating to the consideration of mitigation measures.

The implication of the CJEU Judgment was that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considered, at the screening stage, whether the plan or project was likely to have an adverse effect on a European Site. Such measures could, however, be brought into account at the Appropriate Assessment (AA) stage, provided there was sufficient certainty about their effects and deliverability.

The report explained that the HRA work that supported the Forest Heath Single Issue Review (SIR) and the Site Allocations Local Plan (SALP) reflected the approach that had been endorsed by the UK domestic courts and so had taken into account mitigation measures when determining whether potential adverse effect on the relevant European sites could be 'screened out' at the initial stage as having no likely significant effects on those sites. Following the CJEU Judgment, the work was then carefully reviewed in the HRA Addendum (June 2018) which had been produced by the Council's consultants and was attached at Appendix 1 to the report.

RECOMMENDED TO FHDC COUNCIL: (26 September 2018)

That:-

1. The Council, as competent authority, undertake an Appropriate Assessment.

2. The procedural changes required following the European court ruling, be confirmed.
3. The HRA Addendum to the HRAs of the Forest Heath SIR and SALP (modification stage) (June 2018), attached as Appendix 1 to Report No: CAB/JT/18/028, be endorsed.
4. Having regard to the HRA as a whole, the Council is satisfied that the FHDC Local Plan (SIR and SALP) will not have adverse effects on the integrity of any European site.

39. Suffolk 100% Business Rates Retention Pilot - West Suffolk Place Based Projects Update (Report No: CAB/JT/18/029)

The Joint Committee received and noted this report, which provided an update on the West Suffolk place based projects under the 2018/2019 100% Business Rates Retention (BRR) Pilot for Suffolk, along with an update on the Government's intentions regarding pilots for 2019/2020 and the new 75% retention scheme from 2020.

The West Suffolk 'Place Based' projects under the 2018/2019 pilot totalled £1.65m (as set out within paragraphs 4.3 to 4.18 of the report). Further project proposals from the fund were in development and an update would be provided to Members in due course.

On 24 July 2018, the Government published the 2019/2020 business rates retention pilot prospectus inviting local authorities in England to apply to become 75% business rates retention pilots in 2019/2020. The Government had previously announced the aim of introducing a 75% business rates retention of how local authorities could best transition into the new system in 2020.

Applications for the 2019/2020 piloting programme were now open and would close on 25 September 2018. West Suffolk continued to work across Suffolk looking at whether there was an opportunity to further extend the Suffolk Business Rates Pilot into 2019/2020.

40. Exemption to Contract Procedure Rules: Compactors for West Suffolk Hospital Waste Contract: Purchase of Three Portable Waste Compaction Machines

Section 4.3 of the West Suffolk Contract Procedure Rules stated that:

Between £50,001 and the EU Threshold any exemption must be approved by the Officer and the relevant Assistant Director in consultation with the Assistant Director for Resources and Performance. The Officer must produce evidence to support the request for any exemption and the relevant Assistant Director shall prepare a report for the next Cabinet to support the action taken, hence this agenda item.

The exemption, which was exercised on 30 July 2018, the reason for it (together with support evidence) had been forwarded to the Assistant Director for Resources and Performance for approval.

The West Suffolk Councils had been successful in their bid to provide West Suffolk Hospital Trust with waste disposal services in a bespoke operation. Due to the short lead time between award of contract and commencement of operations, there was insufficient time to run the specified procurement process. An expeditious informal quotation exercise had been carried out to establish the best value option for the Council.

Three portable waste compaction machines had been purchased from supplier, Enviro-Tek Limited. This supplier was chosen on the basis of cost and their ability to provide the requisite number of machines in the timeframe necessary to commence servicing the contract. An evaluation had been undertaken based on information sourced from four suppliers taking into account not only the purchase price but ongoing service costs. The compactors would remain the property of the Council and their cost would be recovered from the customer through a hire charge over the lifetime of the contract (three years with an option to extend by a further two).

The estimated total value of the exemption was £68,000 and was made under the following exemption criteria, as stated in Section 4.5 of the Contract Procedure Rules:

Exemption category	
<i>The items to be supplied consist of goods or services which are currently in use and are required for the purposes of standardisation.</i>	The machines will provide the Trust with their own type specification and will be replacing the existing machines currently on site.
<i>The specialised nature of the goods, services to be supplied or the works to be executed means that only one suitable supplier has been identified or is available.</i>	This is partly correct in so much that the supplier has been selected based on their ability to supply the appropriate machines in the limited timescale available to the Councils and also the price has been taken into consideration.
<i>Unforeseen works where delay will adversely impact on the service delivery for the Councils.</i>	This is correct in so much as inability to mobilise for a new contract.

The Joint Executive (Cabinet) Committee noted this exemption to the West Suffolk Contract Procedure Rules, as contained in FHDC's and SEBC's Constitutions.

41. **Forest Heath and St Edmundsbury Decisions Plans**

The Forest Heath and St Edmundsbury Decisions Plans were received and noted as contained in Minute Nos: 42(a) and 42(b) below.

(a) **Forest Heath Decisions Plan: 1 September 2018 to 31 March 2019 (Report No: CAB/JT/18/030)**

The Joint Committee received this report, which was Forest Heath District Council's (FHDC) Executive Decisions Plan covering the period 1 September 2018 to 31 March 2019.

Members took the opportunity to review the intended forthcoming decisions of FHDC's Cabinet, its Joint Committees, Portfolio Holders and Officers under delegated authority. However, no further information or amendments were required on this occasion.

(b) **St Edmundsbury Decisions Plan: 1 September 2018 to 31 March 2019 (Report No: CAB/JT/18/031)**

The Joint Committee received this report, which was St Edmundsbury Borough Council's (SEBC) Executive Decisions Plan covering the period 1 September 2018 to 31 March 2019.

Members took the opportunity to review the intended forthcoming decisions of SEBC's Cabinet, its Joint Committees, Portfolio Holders and Officers under delegated authority. However, no further information or amendments were required on this occasion.

43. **Exclusion of the Public and Press**

See Minute No. 44. below.

44. **Mildenhall Hub (para 3) (Exempt Appendix to Report No: CAB/JT/18/027)**

The Joint Committee considered the Exempt Appendix to this report. However, no reference was made to specific detail and, therefore, this item was not held in private session.

The Meeting concluded at 6.36 pm

Signed by:

Chairman
