

# **CABINET**

**held at Haddenham**

**9 FEBRUARY 2016**

**PRESENT:** Councillor N Blake (Leader); Councillors S Bowles (Deputy Leader), J Blake, H Mordue, C Paternoster and Sir Beville Stanier Bt

**IN ATTENDANCE:** Councillors C Adams, M Edmonds and B Foster.

**APOLOGY:** Councillor Mrs Macpherson

## **1. MINUTES**

RESOLVED –

That the Minutes of 11 January, 2016, be approved as a correct record.

## **2. PUBLIC QUESTION TIME**

Prior to the commencement of the formal business of the meeting, the relevant Cabinet Member(s), and officer(s) responded to questions from members of the public. In the main, these revolved around the possible level of housing growth the Vale might have to accommodate generally and in particular that which Haddenham might be expected to accommodate.

A brief explanation of the process leading up to the formal adoption of the Vale of Aylesbury Plan was given, which included the “duty to co-operate” with other local authorities in identifying their unmet housing needs that might need to be accommodated within the Vale, the process for the review of land designated as green belt, and the weight accorded to neighbourhood plans within the context of determining site allocations within the District Plan. Members noted the concerns expressed by some individuals about a perceived lack of consultation about planning applications for sites outside of those identified within the neighbourhood plan and concerning community infrastructure provision which it was proposed would be funded by Planning Obligation Agreements (commonly referred to as Section 106 Agreements). Comments from some individuals about difficulties with interrogating the Council’s website in relation to both the Local Plan process and individual planning applications were also noted.

The Leader of the Council acknowledged that there might be a case for reviewing the parish/town council consultation arrangements and would ask officers to look into the possibilities. Overarching all else however, the audience was assured that AVDC took extremely seriously the interests of all stakeholders within the Vale within the context of the formulation of the Local Plan. In particular, it needed to be appreciated by local communities that In order to achieve Central Government’s aspirations for housing growth across the United Kingdom would involve AVDC in some very challenging and inevitably difficult discussions. Consultation was however considered to be a key factor in the process as a whole.

At the end of the public question session, a number of complimentary remarks were made about the Council’s refuse and recycling service, particularly the garden waste scheme.

### 3. CONTRACT PROCEDURE RULES

The Council's Contract Procedure Rules formed part of the Constitution. They regulated how contracts for the provision of supplies, services or the execution of works were procured on the Council's behalf. The aims of the Rules were to ensure:-

- Commitment to the principles of transparency, fairness, proportionality and equal treatment within the procurement process.
- Value for money and propriety in the spending of public money.
- That supplies, services and works were delivered effectively and efficiently without compromising the Council's ability to make strategic decisions.
- That the Council was not exposed to unnecessary risk or challenge arising from non-compliant procurement activity.
- Compliance with legislation and relevant guidance, including Procurement Policy Notes issued by Cabinet.
- The delivery of economic, environmental and social value through procurement.

The existing Rules were very detailed and officers using them had found them difficult to navigate and to locate the information that they needed. The Rules had been in use since 1 January, 2014, but were largely based on the Rules that had been in use since 2007. The Public Contracts Regulations 2015 had come into force on 26 February, 2015, which implemented the new EU Directive on Public Procurement. The Rules were clearly out of date and it was therefore appropriate to bring them into line with the new legislation and at the same time take the opportunity to make them much more user friendly. A draft revised set of Procurement Rules had been prepared and a copy was submitted. The new Rules no longer took the form of a Procurement manual, but rather provided the governance structure within which the Council would procure services, supplies and works.

A draft Procurement Code of Practice would be the process document behind the Rules and would provide a more detailed explanation of procurement best practice, procedures, processes, associated Council policies and required contract terms. A copy of the draft Code was also submitted. This would be a background document to the proposed new Rules and as such, would not form part of the Council's Constitution. The principal changes to the current Rules were as follows:-

- Revision of the EU Thresholds effective from 1 January, 2016:-
  - Supplies Contracts - £164,176 (previously £172,514)
  - Services Contracts - £164,176 (previously £172, 514)
  - Works Contracts - £4,104,394 (previously £4,322,012)
- A reduction in the number of pages from 128 to 18.
- Removal of the sections on preparing a contract.

- The sections on general principles and the procurement procedure had been reduced significantly.
- The section detailing the four broad procurement categories, by reference to the value or estimated value of the procurement had been removed and the key details had been inserted into a quick reference authorisations table at the end of the Rules.

It was reported that the Rules would be subject to an annual refresh to ensure the appropriateness of the financial thresholds, to take account of any changes required as a result of a change in the law and to ensure that all non-material changes were addressed. However it was proposed to introduce a speedy mechanism to enable minor changes that might be required from time to time to reflect changes in the Council's officer structure.

Having noted the intention to correct a number of minor typographical errors in the Rules and other minor changes for the purposes of clarification, before they were submitted to full Council for approval, it was,

RESOLVED –

- (1) That Council be recommended to approve the proposed revised Contract Procedure Rules as outlined in the Cabinet report for implementation with effect from 1 June, 2016.
- (2) That Council be recommended to give authority to the Director with responsibility for Finance, after consultation with the Cabinet Member for Finance, Resources and Compliance, to make any necessary changes to the Rules from time to time to reflect changes in officer operational arrangements.

#### **4. WOODLANDS PROJECT**

AVDC and Buckinghamshire County Council were joint promoters of the Woodlands Project in Aylesbury which was being taken forward as one of the Aylesbury Vale Advantage Legacy Board projects. The work on the initiative had to date been funded from the monies held by Aylesbury Vale Advantage when it existed as a "local Delivery Vehicle" (LDV). This had been initiated with funds received from the Government as part of the growth deal proposals and funding for the LDV.

The Aylesbury Vale Legacy Board had been established when the Aylesbury Vale Advantage Company had been expanded to become the Buckinghamshire Advantage Company. Those funds associated with Aylesbury Vale Advantage at the time of dissolution had been ring fenced for Aylesbury Vale related projects.

Woodlands had been the key project that the Aylesbury Vale Legacy Board had been progressing and this initiative had now reached a crucial stage in that additional funds were required to enable the project to be progressed to detailed planning stage. There were a number of on-going commercial and planning related matters concerning the application; in connection with Section 106 Agreements; reserved matters discharges; detailed design and on-going survey work. The work on these activities was being led by Buckinghamshire Advantage on behalf of the Aylesbury Vale Advantage Legacy Board.

Both this Council and Buckinghamshire County Council had each been asked to contribute £500K to help support the project going forward. This would be supported by

a legally binding funding agreement, which would detail any conditions about how the funds would be paid, and the repayment terms.

It was reported that in 2007, the Council had agreed that the funds received from the Local Authority Business Growth Incentive Scheme (LABGI) should be committed to projects that supported economic development and growth in the District. This fund had been used to help support a number of projects in the past, including the Enterprise and Innovation Centre in Aylesbury, the “Golden Welcome Scheme” and land purchase in Aylesbury Town Centre. The uncommitted balance of this fund stood at £534K and Cabinet agreed that £500K of this should be used to fund the next stages of the work associated with the Woodlands Project.

To assist with the consideration of this matter, Members received a copy of a report from Bucks Advantage on the project budget position, as referred to in the confidential section of the agenda. This commercially sensitive information included details of the key components of the work that needed to be taken forward.

RESOLVED –

- (1) That approval be given to the use of £500K of the remaining Local Authority Business Growth Investment (LABGI) funds to support the next stages of work relating to the Woodlands Project subject to a legally binding funding agreement being entered into securing repayment.
- (2) That the Director with responsibility for finance, after consultation with the Cabinet Member for Resources, Finance and Compliance be authorised to approve the details of the funding agreement for this investment.

**NOTE:** Councillor Bowles, as the Council’s representative on Bucks Advantage, declared a prejudicial interest and left the meeting whilst this matter was discussed.

## **5. EXCLUSION OF THE PUBLIC**

RESOLVED –

That under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the Paragraph indicated in Part 1 of Schedule 12A of the Act:-

Commercially sensitive financial information relating to the Woodlands Project (Paragraph 3).

The public interest in maintaining the exemption outweighed the public interest in disclosing the information because it contained details of the financial or business affairs of the organisations (including the Authority holding that information) and disclosure of commercially sensitive information would prejudice negotiations for contracts and land disposals or transactions.

## **6. WOODLANDS PROJECT**

In connection with the request for funding to support the Woodlands Project, Members received commercially sensitive information in relation to the financial position of Bucks Advantage.