

DECISION NOTICE (17 September 2015)
Published 18 September 2015

This document lists the decisions taken by Cabinet at a meeting held on Thursday, 17 September 2015. The list covers key and non-key decisions. A decision may be implemented with immediate effect, unless it is eligible for call-in as identified below, whereupon a decision will not be implemented until five working days have elapsed.

Agenda Item No	Decision	Reasons for Decision	Any Options Rejected?	Declared Conflict of Interest	Eligible for call in?
A10	<p><u>Options Appraisal of the Future Delivery of Works and Services Currently Undertaken by Kier Harlow Ltd</u></p> <p>Key decision? Yes</p> <p>RESOLVED that:</p> <p>A The services currently provided by Kier Harlow Ltd be provided by the Council from the termination of the current contract between the Council and Kier Harlow Ltd through a Local Authority Trading Company (LATC).</p> <p>B Subject to A above, all staff and assets transfer to the LATC as per the transition arrangements put in place for</p>	<p>The contract for the provision of services by Kier Harlow Ltd expires on 31 January 2017 and the Council must determine how it wishes to procure and deliver these services from 1 February 2017.</p>	None	None	Yes

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	<p>the termination of the current contract between the Council and Kier Harlow Ltd.</p> <p>C Subject to A above, Cabinet receives a report on the governance arrangements for the LATC at its meeting in October 2015.</p> <p>D Subject to A above, the Chief Executive, in consultation with the Leader of the Council, is delegated authority to negotiate and agree all matters in respect of the termination of the contract for the provision of services by Kier Harlow Ltd, the transfer of the relevant assets and staff to the LATC, and all necessary actions to ensure the successful commencement of the services through the LATC .</p> <p>E Subject to A above the Chief Executive, in consultation with the Leader of the Council, is delegated authority to negotiate</p>				

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	<p>and agree all matters in respect of the winding up/solvent liquidation of Kier Harlow Ltd.</p> <p>F Subject to A above Cabinet receives a report in 2020 to demonstrate that the LATC is achieving value for money.</p>				
A11	<p><u>Joint Finance and Performance Report, Quarter 1 2015/16</u></p> <p>Key decision? No</p> <p>RESOLVED that Cabinet acknowledges the projected outturn position set out in sections three and four of Appendix A to the report submitted for the first quarter (April – June) of 2015/16 as follows:</p> <p>(i) A favourable variation on controllable budgets of £48,000, representing 0.07 per cent of the gross General Fund Budget.</p>	<p>To ensure that Cabinet reviews performance against the Council's approved General Fund Budget and Corporate Plan for 2015/16 and acknowledges the extremely small variation and the caution that should be applied to it given the challenges the Council may face in the later part of the financial year.</p>	None	None	No

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	<p>(ii) A total projected underspend of £15,000 representing 0.02 per cent of the gross General Fund Budget.</p> <p>(iii) The Council performed on target or above target for 38 out of 45 (84.4 per cent) of performance indicators.</p>				
A12	<p><u>Housing Revenue Account, Quarter 1 Finance Report 2015/16</u></p> <p>Key decision? Yes</p> <p>RESOLVED that:</p> <p>A The forecast net underspend of £160,000, comprised of a favourable operational variance of £273,000 and an adverse non operational variance of £113,000 (as identified in Appendix A of the report submitted) at 28 June 2015, be noted.</p>	<p>To ensure performance against the Council's approved 2015/16 Housing Revenue Account is reviewed.</p>	None	None	Resolution C only.

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	<p>The HRA budget for 2015/16 totals £57,774,298 (as identified in Appendix B of the report submitted) including carryovers of £415,000, approved by Cabinet on 23 July 2015. The under spend therefore represents a variance of (-)0.28% of the total budget, with operational variances being (-)0.48% and non operational variances being 0.2% of the total budget.</p> <p>B The forecast balances at 31 March 2016, of £4,304,000 in respect of the Housing Revenue Account and nil in respect of the Major Repairs Reserve (as identified in Appendix C of the report submitted) are noted.</p> <p>C Cabinet approves a virement of £100,000 from various budgets within general management to the Right to Buy Social Mobility Fund Scheme to match fund a grant of £200,000 awarded by</p>				

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	the Department of Communities and Local Government (as outlined in paragraph 5 of the report submitted).				
A13	<p><u>Capital Programmes Quarter 1 Finance Report 2015/16</u></p> <p>Key decision? Yes</p> <p>RESOLVED that Cabinet:</p> <p>A Notes the progress made in the delivery of the Council's Housing and Non Housing Capital Programmes as at 28 June 2015 detailed as follows:</p> <p>(i) Housing Capital Programme expenditure of £3,708,000 against profiled expenditure of £3,456,000 and the projected outturn for 2015/16 of £27,049,000 (original estimate £26,772,000).</p>	To ensure that Cabinet may review performance against the Council's approved 2015/16 Housing and Non Housing Capital Programmes.	None	None	No

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	<p>(ii) Non Housing Capital Programme expenditure of £757,000 against profiled expenditure of £846,000 and a projected outturn for 2015/16 of £6,939,000 (original estimate £5,840,000).</p> <p>B Acknowledges the performance in delivering the capital programmes.</p> <p>C RECOMMENDS to Council that it approves:</p> <p>(i) The revised Housing Capital Programme outturn at Quarter One.</p> <p>(ii) The inclusion of four new business cases in the Non Housing Capital Programme totalling £107,000, as outlined in paragraph 28 of the report submitted.</p>				

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A14	<p><u>Treasury Management Annual Report 2014/15</u></p> <p>Key decision? No</p> <p>RESOLVED that the Annual Treasury Management Report for 2014/15 is recommended to Full Council for approval.</p>	<p>A Accounting Codes of Practice require that Full Council receives an annual report on the Council's treasury management functions, which should also be reviewed by the Cabinet.</p> <p>B The Prudential Indicators are also required to be reported to Full Council. These are included within the Annual Treasury Management Report 2014/15.</p>	None	None	No
A15	<p><u>Harlow Enterprise Zone - London Road North Developer Procurement</u></p> <p>Key decision? Yes</p> <p>RESOLVED that the Council extends an existing contract to provide advice and support to the Council on the procurement process to appoint a development</p>	<p>A To progress the appointment of a development partner to build and operate a new Business/Science Park on the land owned by the Council at London Road North, Harlow.</p> <p>B To secure advice on the detail of the procurement</p>	None	None	Yes

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	<p>partner for the construction of a new Business/Science Park at London Road North, Harlow using the SELEP funding allocated to support the development of the Enterprise Zone. This contract will operate until 31 March 2016 and be capped at a maximum sum of £100,000.</p>	<p>process, the proposals being received from developers (and in particular the financial proposals), market advice on development models and advice on the modelling of future business rate income and how this might be used for investment in the development.</p> <p>C The current contractor was appointed in April 2015 under a single tender action approved via a waiver of Contract Standing Orders to facilitate the procurement process. However, the ultimate value of this contract will exceed the delegated limit of £50,000 and so Cabinet approval is now required to extend the contract to complete the procurement of a development partner.</p>			

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A16	<p><u>Legal Services Strategic Procurement Framework Agreement</u></p> <p>Key decision? Yes</p> <p>RESOLVED that authority is delegated to the Chief Operating Officer, in consultation with the Portfolio Holder for Governance, to approve the award of a Framework Agreement for specialist strategic procurement of legal services.</p>	<p>To allow sufficient time for tenders to be evaluated and the early appointment of four legal advisors on to a multi-supplier Framework Agreement.</p>	None	None	Yes
A17 (a)	<p><u>Cabinet Overview Working Group Work Plan 2015/16</u></p> <p>Key decision? No</p> <p>RESOLVED that Cabinet approves the two additional items to the Cabinet Overview Working Group Work Plan 2015/16 as outlined in paragraph 2 of the report submitted.</p>	<p>To ensure that the Cabinet's work programme in 2015/16 is supported by detailed policy reviews resulting in practicable, affordable and prioritised recommendations in each case.</p>	None	None	Yes

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<p>A17 (b)</p>	<p><u>Referral from Audit and Standards Committee - 2014/15 Statement of Accounts</u></p> <p>Key decision? No</p> <p>RESOLVED that the 2014/15 Statement of Accounts is approved.</p>	<p>A The Audit and Standards Committee considered a report on the Statement of Accounts 2014/15 at its meeting in September 2015 and has recommended that the Cabinet approve it.</p> <p>B Approval of the Statement of Accounts 2014/15 is necessary to comply with accounting regulations.</p>	None	None	Yes
<p>A17 (c)</p>	<p><u>Referral from Audit and Standards Committee - Management Letter of Representation 2014/15</u></p> <p>Key decision? No</p> <p>RESOLVED that Cabinet acknowledge the Management Letter of Representation 2014/15.</p>	<p>A International Standards on Auditing (ISA) guidance requires that the Council provides a “Letter of Representation” from the person with specific responsibility for the financial statements (the Council’s s151 Officer). The purpose of the Letter is to obtain written representation on matters where the auditor</p>	None	None	Yes

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		<p>is relying on the judgement of management rather than corroborative evidence.</p> <p>B The Audit and Standards Committee considered a report on the Management Letter of Representation 2014/15 at its meeting in September 2015. The Committee agreed the Letter, and asked that the Cabinet acknowledge it.</p>			