

ARUN DISTRICT COUNCIL

**DECISION NOTICES FROM THE MEETING HELD ON
MONDAY 3 JUNE 2019**

**PLEASE NOTE THAT THESE DECISIONS WILL COME INTO EFFECT FROM 10.00
A.M. ON 2018 UNLESS
THE CALL-IN PROCESS IS APPLIED**

REFERENCE NO:

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: ASSETS OF COMMUNITY VALUE - POLICY AND PROCEDURES	
OFFICER CONTACT:	

EXECUTIVE SUMMARY:

Cabinet is asked to recommend to Full Council that the Assets of Community Value Policy and Guidance Notes for Nominating Bodies & Owners be adopted, and to make associated changes to the constitution. The policy provides a framework for the Council to consider and determine Asset of Community Value nominations and any subsequent requests for review, compensation claims and any subsequent requests for review of compensation decisions.

DECISION:

Cabinet is asked to recommend to Full Council that the Assets of Community Value Policy and Guidance Notes for Nominating Bodies & Owners be adopted, and to make associated changes to the constitution. The policy provides a framework for the Council to consider and determine Asset of Community Value nominations and any subsequent requests for review, compensation claims and any subsequent requests for review of compensation decisions.

Cabinet although happy with the Assets of Community Value Policy and Guidance Notes was not content to recommend to Full Council to approve the recommendations set out In Recommendation (3) of the report as it held concerns over the extent of delegated powers given to Officers. The point was made that Members should retain as much authority as possible.

The Cabinet therefore

RECOMMEND TO FULL COUNCIL – That

- (1) The Assets of Community Value Policy and Guidance Notes for Nominating Bodies and Owners be adopted;
- (2) The Group Head of Technical Services be delegate authority to make any future necessary changes to the Policy as a consequence of new legislation or alternative practices;
- (3) The following addition be made to the Council's Constitution at Part 4 (Officer Scheme of Delegation):
 - (a) Authority be delegated to the Director of Place and the Group Head of Technical Services, or their nominated representative, in consultation with the Cabinet Member for Technical Services, to validate, consider and determine nominations for property/land to be listed as an asset of community value under the Assets of Community Value Policy; and
- (4) The Group Head of Council Advice & Monitoring Officer be authorised to make any further consequential changes required to the Constitution.

REASON FOR THE DECISION:

To provide a clear framework in which to deliver the Assets of Community Value processes.

OPTIONS CONSIDERED BUT REJECTED:

Not to recommend to Full Council to adopt the Assets of Community Value Policy and Guidance Notes for Nominating Bodies & Owners, nor make the associated delegations and changes to the Constitution.

To amend the Assets of Community Value Policy and Guidance Notes for Nominating Bodies & Owners, prior to recommending in accordance with the proposal.

CABINET MEMBER(S):

**DECLARATION OF INTEREST BY CABINET MEMBER(S)
RESPONSIBLE FOR DECISION:**

None

DISPENSATIONS GRANTED :

None

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN
RESPECT OF THIS DECISION:** None

REFERENCE NO:

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: MANAGING THE COAST IN A CHANGING CLIMATE	
OFFICER CONTACT:	

EXECUTIVE SUMMARY:

The Report will present the content, conclusions and recommendations of the recently published report by the Committee on Climate Change. It is put forward for consideration in respect of its implications for the Arun District. It is anticipated that separate further reports will be necessary in respect of individual Council Services.

DECISION:

To note the report – especially the content and spirit of Paragraph 1.6

REASON FOR THE DECISION:

Recognition of the potential impacts and timescales (long and short) of climate change.

OPTIONS CONSIDERED BUT REJECTED:

To ignore the contents

CABINET MEMBER(S):**DECLARATION OF INTEREST BY CABINET MEMBER(S)
RESPONSIBLE FOR DECISION:****DISPENSATIONS GRANTED :**

None

**CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN
RESPECT OF THIS DECISION:**

REFERENCE NO:

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: TIVOLI GROUP LTD - ADMISSIONS AGREEMENT TO LOCAL GOVERNMENT PENSION SCHEME	
OFFICER CONTACT:	

EXECUTIVE SUMMARY:

The novation of the Council's Greenspace Management Contract from ISS Facility Services Landscaping (FSL) to Tivoli Group Ltd was approved by Cabinet on 14 January 2019.

Because of the change in service provider, Cabinet approval is sought once more to authorise entering into the required Guarantee in respect of pension liabilities in the event that these are not met by Tivoli Group Ltd as the admitted body, and to approve entering into the Admissions Agreement itself.

DECISION:

That Cabinet recommends to Full Council;

- a) That the Council acts as a guarantor in respect of any and all pension liabilities which may arise throughout the term of the contract and gives delegated authority to Legal Services to enter into the Admissions Agreement and Guarantee

REASON FOR THE DECISION:

To allow the Council's Legal Services to enter into the required LGPS Admissions Agreement and Guarantee with West Sussex County Council and Tivoli Group Ltd.

To ensure that pension liabilities associated with the agreement are guaranteed throughout the duration of the Greenspace Management Contract in the event these are not met by the admitted body.

OPTIONS CONSIDERED BUT REJECTED:

- a) That Cabinet recommends to Full Council that the Council acts as a guarantor in respect of any and all pension liabilities which may arise throughout the term of the contract and gives delegated authority to Legal Services to enter into the Admission Agreement and Guarantee.
- a) That Cabinet does not recommend to Full Council that the Council acts as a guarantor in respect of any and all pension liabilities which may arise throughout the term of the contract and does not give delegated authority to Legal Services to enter into the Admission Agreement and Guarantee.

CABINET MEMBER(S):**DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:**

Councillor Dr Walsh declared a Personal Interest as a Member of West Sussex County Council and in his role as a Trustee of

	the West Sussex Local Pension Scheme
DISPENSATIONS GRANTED :	None
CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None	

REFERENCE NO:

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: CLINICAL WASTE COLLECTION CONTRACT	
OFFICER CONTACT:	

EXECUTIVE SUMMARY:

The Council's clinical waste collection service has been delivered under a county-wide framework agreement since 2016. Cabinet authority is sought to enable the Council to continue this method of service delivery by entering into the clinical waste collection call-off contract under the recently re-procured WSCC framework agreement.

DECISION:

Cabinet

RESOLVED - That

- a) Provide authority for the Council to enter into the call-off contract under the recently procured WSCC framework agreement for clinical waste collections for an initial three year term; and
- b) To authorise the Group Head for Neighbourhood Services to extend this call off contract, following the initial 3 year term for up to an additional three years, as allowed for under the framework.

REASON FOR THE DECISION:

To allow the continued effective and successful delivery of clinical waste collections for Arun residents.

OPTIONS CONSIDERED BUT REJECTED:

- a) To provide authority for the Council to enter into the call-off contract under the recently procured WSCC framework agreement for clinical waste for an initial three year term. Also to authorise the Group Head for Neighbourhood Services to extend this call off contract, following the initial 3 year term for up to an additional three years, as allowed for under the framework
- b) Not to provide authority for the Council to enter into the call off contract.

CABINET MEMBER(S):**DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:****DISPENSATIONS GRANTED :**

None

CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:

REFERENCE NO:

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: PLANNING APPEAL AT LAND NORTH OF HOOK LANE, PAGHAM	
OFFICER CONTACT:	

EXECUTIVE SUMMARY:

An appeal has been submitted against the decision of the Council to refuse planning permission for 300 dwellings, care home of up to 80 beds, D1uses (e.g. community facility) of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure on a site to the north of Hook Lane, Pagham. (Planning Application Ref P/6/17/OUT).

The application was refused by Council's Development Control Committee on the 23 January 2019 for one reason, overturning the officers' recommendation of approval. The appeal will be heard in October 2019 and is to be heard by way of a Public Inquiry lasting four days.

This report seeks approval to a supplementary estimate of up to £25,000 to cover the costs of defending this appeal.

DECISION:

Cabinet

RECOMMEND TO FULL COUNCIL

That the approval of a supplementary estimate of £25,000 for costs associated with defending the appeal in respect of application P/6/17/OUT. These include Counsel costs and costs of appointment of a Planning Consultant to assist Members with defending an appeal in respect of Planning Application P/6/17/OUT.

The supplementary estimate equates to a Band D Council Tax of £0.41.

REASON FOR THE DECISION:

For an appeal by public inquiry, legal representation is required. Planning consultant support is required to assist Members in their defence of the appeal.

OPTIONS CONSIDERED BUT REJECTED:

Not providing a case in defence of the decision. This would mean that the Council would almost certainly be liable for appeal costs of the other parties at the appeal.

CABINET MEMBER(S):

DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:	
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DISPENSATIONS GRANTED :	None
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CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION:
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