

CABINET

3 June 2019 at 5.00 pm

Present: Councillors Dr Walsh (Chairman), Oppler (Vice-Chair), Mrs Gregory, Lury, Purchase, Stanley and Mrs Yeates

Councillors Bennet, B Blanchard-Cooper, Chapman, Charles, Clayden, Gunner, Huntley and Mrs Worne were also in attendance for all or part of the meeting.

14. WELCOME

The Chairman welcomed Councillors, Officers and members of the press and public to the meeting.

15. DECLARATIONS OF INTEREST

Councillor Dr Walsh declared a Personal Interest in Item 10 [Tivoli Group Ltd – Admissions Agreement to Local Government Pension Scheme] as a West Sussex County Councillor and in his position as a Trustee of the West Sussex County Council Local Pensions Scheme.

16. QUESTION TIME

The Chairman confirmed that no public questions had been received.

17. START TIMES

The Cabinet

RESOLVED

That its start times for meetings for 2019/20 be 5.00 pm.

18. MINUTES

The Minutes of the Special Cabinet meeting held on 11 April 2019 were approved by the Cabinet as a correct record and signed by the Chairman.

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19. BUDGET VARIATION REPORTS

There was no item for this meeting.

20. ASSETS OF COMMUNITY VALUE - POLICY AND PROCEDURES

The Cabinet Member for Technical Services, Councillor Stanley, presented this report confirming that the intention of the Assets of Community Value Policy and Guidance Notes was to make it easier and clearer for Parish Councils and community groups to understand how they could nominate an asset(s), whether this be a building or a piece of land, that they believed to be important to their community's social wellbeing to be listed by the Council as an Asset of Community Value.

The Group Head for Technical Services was then invited to introduce his report. He explained that the Council's existing procedure had been in operation now for over six years providing community groups with the opportunity to nominate assets that were either of interest to them or were deemed to be a value to the community to be listed. It was explained that this afforded a degree of protection in situations where that asset or land was sold or proposed to be sold. These assets were protected by a prescribed process that had to be followed if a relevant disposal was proposed. The purpose of the Assets of Community Value Policy was to clarify the various processes so that Officers and Members would be able to effectively support the management of the process and provide transparency for community nominators and asset owners so that they would easily be able to navigate themselves around this complicated process.

In discussing the report, it was clear from the comments made that although most Cabinet Members were happy to accept the majority of the recommendations, they had concern over extending delegated powers to Officers. It was outlined that many Members of the Council held this view and that Councillors needed to retain as much authority as possible. It was accepted that there were changes in legislation that would result in the Constitution needing to be amended, however, there was a general reluctance expressed over delegating more authority through to Officers.

Looking at the recommendations listed in the report, the Cabinet confirmed that Recommendations (1) and (2) could be accepted. It was Recommendations (3) and 4) delegating Authority to the Director of Place and the Group Head of Technical Services, or their nominated representative which could not be accepted to the level proposed. It was explained that Members needed to have more input and involvement in decision making.

The Director of Place offered some advice. He explained why the various Recommendations in (4) were required. There had to be a decision making route in place so that any applications received could be reviewed within the stipulated times from receipt of a nomination. At all times Ward Members were notified and consulted.

In response, it was suggested that the proposed delegations to Officers be taken back and reviewed further so that a clear route on the decision making process and appropriate Member involvement could be highlighted. In view of the response

received from Officers as to how this could jeopardise the stipulated review timelines in the Policy, it was agreed that Recommendation 4(a) could be accepted now subject to the following amended wording:

“Authority be delegated to the Director of Place and 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.”

In response to this, Councillor Stanley agreed that this amendment was a sensible compromise.

The Cabinet

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 delegated authority to make any future necessary changes to the Policy as a consequence of new legislation or alternative practices;
- (3) The following additions be made to the Council's Constitution as Part 4 (Officer Scheme of Delegation):
 - (a) Authority be delegated to the Director of Place and Group Head of Technical Services, or their nominated representative, in conjunction 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.
- (4) The Group Head of Council Advice & Monitoring Officer be authorised to make any further consequential changes required to the Constitution.

The Cabinet then confirmed its decision as per Decision Notice C/001/050319), a copy of which is attached to the signed copy of the Minutes.

21. MANAGING THE COAST IN A CHANGING CLIMATE

The Cabinet Member for Technical Services briefly introduced this report stating that as a result of the Climate Change Act 2008, a Government Body had set targets to significantly reduce this country's greenhouse gas emissions and by a set date of 2050. To reach this target the Government had created the Committee on Climate Change who had published three reports for Councils to focus on. These covered the issue of:

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- Managing the coast in a changing climate
- Land use – reducing emissions and preparing for climate change; and
- UK housing – Fit for the future?

Councillor Stanley stated that it was important for the Council to focus on these areas and their potential implications for this Council.

The Engineering Services Manager then worked through the report and he outlined that, as a nation, we were not prepared for the risks ahead. The report clearly spelt out key messages for the Council to focus on with these mainly being rising sea levels; coastal erosion; and what the deterioration of land would mean as a consequence.

The report set out at Paragraph 1.5 the key messages and it listed five recommendations for the Government and Local Government to focus on. Although it appeared that the report from the Committee was aimed at Government in the first instance, it was emphasised that understanding of the seriousness of the situation and its implications should start now. As a Council, Arun needed to think about coastal issues through its shoreline management plans and housing and land use. .

In response, the Chairman stated that this report contained very worrying statistics and it was clear that the appropriate resources would be needed to move this vital work forward. He stated that it was very important for the Council to start lobbying Members of Parliament and the Local Government Association to ensure such issues would be addressed. It was agreed that action needed to be taken now in order to manage the coast in the future.

The Cabinet Member for Neighbourhood Services, Councillor Purchase, stated that some authorities had already declared a Climate Change Emergency so that a Policy on how to tackle it could be agreed. He asked if this Council could consider making such a declaration. The Director of Services responded stating that she supported this view and would ensure that a report would be submitted to a future meeting of the Council's Environment & Leisure Working Group so that Members could be fully updated on the situation and so that an action plan could be agreed.

Following some further discussion,

The Cabinet

RESOLVED

That the report be noted

The Cabinet then confirmed its decision as per Decision Notice C/002/030619, a copy of which is attached to the signed copy of the Minutes.

22. TIVOLI GROUP LTD - ADMISSIONS AGREEMENT TO LOCAL GOVERNMENT PENSION SCHEME

(At the commencement of this item, Councillor Dr Walsh re-declared his Personal Interest made at the start of the meeting).

The Cabinet Member for Neighbourhood Services introduced this report reminding Members that the novation of the Council's Greenspace Management Contract from ISS Facility Services Landscaping (FSI) to Tivoli Group Ltd had been approved by Cabinet on 14 January 2019. Due to this change in service provider, Cabinet was now being asked to approve that the Council enter into the required Guarantee in respect of pension liabilities in the event that these were not met by Tivoli Group Ltd as the admitted body and to approve entering in the Admissions Agreement itself.

The Group Head of Neighbourhood Services reassured Members that it was standard practice for the Council to seek such authority following the change in service provider.

The Cabinet

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 gives delegated authority to Legal Services to enter into the Admissions Agreement and Guarantee.

The Cabinet then confirmed its decision as per Decision Notice C/003/030619, a copy of which is attached to the signed copy of the Minutes.

23. CLINICAL WASTE COLLECTION CONTRACT

The Cabinet Member for Neighbourhood Services, Councillor Purchase, explained that the Council's clinical waste collection service had been delivered under a county-wide framework agreement since 2016 with the services being provided by Medisort, a specialist clinical waste company based in Littlehampton. The report proposed that authority be provided to allow 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 and to allow the Group Head for Neighbourhood Services to extend this call-off Contract, following the initial 3 year terms for up to an additional three years due to the high performance and compliance targets achieved by this company.

The Cabinet

RESOLVED – That

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- (1) Authority be provided 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
- (2) Authority be given to the Group Head of 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.

The Cabinet then confirmed its decision as per Decision Notice C/004/030619, a copy of which is attached to the signed copy of the Minutes.

24. PLANNING APPEAL AT LAND NORTH OF HOOK LANE, PAGHAM

The Cabinet Member for Planning, Councillor Lury, introduced this item stating that the Development Control Committee had refused planning permission for housing on land north of Hook Lane, Pagham. This had been contrary to the Officer's recommendation to approve the application due to highway capacity and safety related concerns.

The Group Head of Planning explained that the applicants had appealed the decision to refuse the application and that the appeal would be a public inquiry which would take place on 22 to 25 October 2019. It was now necessary to secure a supplementary estimate of up to £25,000 to cover the cost of legal representation and to engage the use of a Planning Consultant to defend the Council's case. The Group Head of Planning confirmed that this cost would only cover the cost of legal representation and planning consultants in defending the Council's case. In the eventuality that the Council lost the appeal, the Council would have to then cover those additional costs.

In considering the report, Councillor Lury highlighted how critical it was for this Council to work more closely with West Sussex County Highways and its Officers on these critical highways matters surrounding these strategic sites. The Group Head of Planning confirmed that Officers and Members had worked very closely with West Sussex County Council (WSCC) on highways matters on strategic sites and, with specific reference to this site, Officers had sought an independent highways consultant to consider the proposals and their conclusions were broadly similar to those of WSCC.

The Cabinet

RECOMMEND TO FULL COUNCIL

That a supplementary estimate of up to £25,000 be approved for the costs associated with defending the appeal in respect of planning application P/6/17/OUT. These include Counsel costs and costs of the 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.

The Cabinet then confirmed its decision as per Decision Notice C/005/030619, a copy of which is attached to the signed copy of the Minutes.

(During the consideration of this item, Councillors Dr Walsh, Oppler and Purchase all declared their Personal Interests as Members of West Sussex County Council).

25. ARUN WELLBEING HEALTH PARTNERSHIP - 20 FEBRUARY 2019

(The meeting concluded at Time Not Specified)