

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF A CABINET MEMBER ON 19 FEBRUARY 2019

PART A : REPORT

SUBJECT:

Rescinding of ICM/058/310119 - Report To Consider Appropriate Action Regarding The Non-Payment Of A Section 106 Agreement For Affordable Housing - Land At St Michaels And All Angels, Queens Field East, West Mead, Bognor Regis, West Sussex, PO21 5RN

REPORT AUTHOR: Nigel Lynn

DATE: 18 February 2019

EXTN: 37600

PORTFOLIO AREA: Planning

EXECUTIVE SUMMARY:

On 31 January 2019 a report was issued for consideration by the Cabinet Member for Planning under reference ICM/058/310119, in relation to the collection of monies owed to the Council under a Unilateral Undertaking made on 23 May 2011.

The Cabinet Member made a decision on 7 February 2019, under reference ICM/58/310119.

The Decision was subject to a call-in request made on 14 February 2019. This decision is now being proposed for rescinding.

The proposal to rescind the previous decision ICM/058/310119 has been taken as an urgent decision, in accordance with Rule 5.0 of Part 6, Section 1 (Decision Notices) of the Council's Constitution. It is the opinion of the Cabinet Member, in consultation with the Chief Executive that a delay in making this decision would not be in the public interest since it has come to light that appropriate consultation was not undertaken prior to the original report being presented. Further, the Cabinet Member is satisfied that there is additional relevant information that needs to be considered before any decision is taken on this matter.

The Chairman of the Overview Select Committee has been consulted on the proposal to rescind the decision and has given his agreement in writing to the decision being taken urgently. He has noted that a report on the urgent decision will be made to the next meeting of the Overview Select Committee on 12 March 2019 in accordance with Rule 5.4 of the Part 6, Section 1 (Decision Notices) of the Council's Constitution.

On the basis of this agreement, this decision will not be subject to the call-in procedure as set out in the Scrutiny Procedure Rules of the Council's Constitution.

RECOMMENDATION

That the decision, ICM/058/310119, be rescinded on the basis that, due to an oversight, the correct internal consultation process was not followed and the Cabinet Member is satisfied that there may be additional relevant information or views that should be available for the decision maker to consider in addition to that which was contained within the report ref ICM/058/310119.

1. BACKGROUND:

- 1.1 The history of this matter prior to the decision of the Cabinet Member on 7 February 2019 is set out in the report to the Cabinet Member issued on 31 January 2019 under reference ICM/058/310119.
- 1.2 On 7 February 2019 the Cabinet Member for Planning made the ICM decision, reference ICM/058/310119.
- 1.3 Following a review of the matter on 18 February 2019 by the Chief Executive, it became clear that there had not been any consultation with the Ward Councillors and, therefore, the Cabinet Member is of the opinion that it is appropriate for the decision to be rescinded to allow for further consultation in line with the Constitution.
- 1.4 There are no specific arrangements within the Council's Constitution in relation to the amending or rescinding of an Individual Cabinet Members decision, therefore it is necessary to consider Part 5, Section 1, Paragraph 17.1 and Part 5 Section 2, Paragraph 11 which both require an additional motion, the equivalent of which for an Individual Cabinet Member would be a new ICM report.

2. PROPOSAL(S):

1. That the decision, ICM/058/310119, be rescinded on the basis that due to an oversight the correct internal consultation process was not followed and the Cabinet Member is satisfied that there may be additional relevant information or views that should be available for the decision maker to consider in addition to that which is contained within the report.

3. OPTIONS:

1. Take no action in relation to the decision ICM/058/310119.
2. Rescind decision ICM/058/310119 for the reason given in this report (Preferred Option)

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		
Other groups/persons (please specify) Councillors Mrs Brown, Bence, Dingemans & Charles	✓	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	✓	
Legal	✓	

Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of the Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

6. IMPLICATIONS:

None.

7. REASON FOR THE DECISION:

It is in the public interest to rescind the decision because the appropriate consultation arrangements have not been followed.

8. BACKGROUND PAPERS:

ICM/058/310119

PART B : INDIVIDUAL CABINET MEMBER DECISION

	ICM No. ICM/058/310119
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES?	YES
CABINET MEMBER RESPONSIBLE:	Cllr John Charles
SUBJECT: Rescinding of ICM/058/310119 - Report To Consider Appropriate Action Regarding The Non-Payment Of A Section 106 Agreement For Affordable Housing - Land At St Michaels And All Angels, Queens Field East, West Mead, Bognor Regis, West Sussex, PO21 5RN	
OFFICER CONTACT: Nigel Lynn EXTN: 37600 E-Mail: nigel.lynn@arun.gov.uk	

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The Chairman of the Overview Select Committee has been consulted on the proposal to rescind the decision and has given his agreement in writing to the decision being taken urgently. He has noted that a report on the urgent decision will be made to the next meeting of the Overview Select Committee on 12 March 2019 in accordance with Rule 5.4 of the Part 6, Section 1 (Decision Notices) of the Council's Constitution.

On the basis of this agreement, this decision will not be subject to the call-in procedure as set out in the Scrutiny Procedure Rules of the Council's Constitution.

DECISION:

That the decision, ICM/058/310119, be rescinded on the basis that due to an oversight the correct internal consultation process was not followed and the Cabinet Member is satisfied that there may be additional relevant information or views that should be available for the decision maker to consider in addition to that which is contained within the report.

REASONS FOR THE DECISION:

It is in the public interest to rescind the decision because the appropriate consultation arrangements have not been followed.

OPTIONS CONSIDERED BUT REJECTED:

1. Take no action in relation to the decision ICM/058/310119.

CABINET MEMBER(S)

DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:	
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DISPENSATIONS GRANTED:	
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ANY CONFLICT OF INTEREST DECLARED BY A CABINET MEMBER WHO IS CONSULTED BY THE MEMBER TAKING THE DECISION:	
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DECISION BY:	SIGNATURE:	DATE:
Relevant Cabinet Member		
Leader of Cabinet		