

ARUN DISTRICT COUNCIL

**DECISION NOTICES FROM THE CABINET MEETING HELD ON
4 MARCH 2019**

REF NO.	DECISION
C/042/040310	<p>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.</p> <p>In line with Responsibility for Functions Rule 2.3, the proposal to present this report as a matter of urgency to Cabinet has been agreed with the Chairman of the Overview Select Committee.</p> <p>As this is being dealt with as an urgent matter, the usual arrangements requiring this report to be published with ‘five clear days’ notice and the call-in arrangements will not apply.</p>
C/043/040319	Housing Revenue Account – Business Plan Update 2019/20
C/044/040319	Submission of Bid to High Street Funds
C/045/040319	Funding Bid to Coastal Communities Fund for Enhanced Public Realm Scheme in Littlehampton Town Centre
C/046/040319	Rent Setting Policy 2018/19
C/047/040319	Renewal and Procurement of Software for the Administration of Revenues and Benefits
C/048/040319	Loan to Credit Union
C/049/040319	Judicial Review – Land South of Summer Lane and West of Pagham Road, Pagham
C/050/040319	Housing & Customer Services Working Group – 7 February 2019
C/051/040319	Disposal of Freehold Land at Meadview Nursery, Lyminster, Littlehampton (Exempt – Paragraph 3 – Information Relating to the Financial or Business Affairs of Any Particular Person (Including the Authority Holding that Information))

PLEASE NOTE THAT DECISION C/042/040319 WILL COME INTO IMMEDIATE EFFECT AS IT IS AN URGENT DECISION AND NOT SUBJECT TO CALL -IN

THE REMAINING DECISIONS WILL COME INTO EFFECT FROM 10.00 A.M. ON WEDNESDAY 13 MARCH 2019 UNLESS THE CALL-IN PROCESS IS APPLIED

If a Councillor wishes to request a call-in of any of the decisions taken above, they will need to take the following steps in line with the Scrutiny Procedure Rules at Part 6 of the Constitution – Scrutiny Procedure Rules (Other)

They will need to:

- Submit their request in writing for a Call-In to the Group Head of Policy & Scrutiny and identify who will act as the lead Member of the Call-In
- Specify which decision is to be the subject of the Call-In
- Explain which of the criteria for the Call-In apply

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 13.18 OF THE SCRUTINY PROCEDURE RULES	YES
<p>SUBJECT: 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 Est, West Mead, Bognor Regis Fund.</p>	
<p>OFFICER CONTACT: Nigel Lynn, Chief Executive Extn: 01903 737600 e.mail: nigel.lynn@arun.gov.uk</p>	
<p>EXECUTIVE SUMMARY: Planning Permission AW/295/10 was granted, following receipt of a Unilateral Undertaking for the payment of monies to the Council towards public open space and affordable housing, on 23 May 2011 by Mildren Homes Limited. The payments should have been made on the date the development was commenced by Mildren Homes Limited. The payments were not made on that date and only some monies have been paid. As of 20 April 2017, the Company owed £81,459.77.</p> <p>It was subsequently discovered that the Company had been placed in to administration. The Agreement is enforceable against any successor and this could include the purchasers of the individual residential properties that were built under the planning permission. Therefore, it is necessary to decide whether to enforce the debt against the current owners.</p> <p>The Cabinet Member for Planning has exercised his right under Part 3 (Responsibility for Functions), Section 2 (The Cabinet), Rule 2.6 to refer this report to Cabinet for a decision. The reason for this is to increase transparency by the decision being taken in a public forum.</p> <p>The report being presented has been revised since it was considered by the Cabinet Member as ICM/058/310119 to take account of responses received from the consultation now undertaken.</p> <p>In taking this view, it has been recognised that there is no further planned meeting of the Cabinet in this municipal year prior to the District Elections on 2 May 2019. For this reason, this report is being presented as a matter of urgency as it is considered that it is in the interests of those members of the public affected by this proposal to see a decision taken quickly that clarifies any responsibility they may have and reduce unnecessary distress by delaying the decision being taken.</p> <p>In line with Responsibility for Function Rule 2.3, the proposal to present this report as a matter of urgency to Cabinet has been agreed with the Chairman of the Overview Select Committee.</p>	
<p>DECISION:</p> <p>The Cabinet</p>	

RESOLVED - That

(1) The invoice 8133051629 issued on 20 April 2017 payable by Mildren Homes Limited (a company in administration) in the sum of £81,459.77 is written off against the Planning cost centre;

(2) No further action is taken to recover this money from the owners of the residential properties concerned ; and

(3) The Cabinet Member for Planning writes to the owners of the properties at properties confirming that the Council will be taking no further action on this matter.

REASON FOR THE DECISION:

OPTIONS CONSIDERED BUT REJECTED: To agree to raise invoices against the Owners of the residential properties proportioned according to the number of bedrooms in the property as approved in the planning permission.

CABINET MEMBER(S):

DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:	None
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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: None

REFERENCE NO: C/043/040319

FULL CABINET DECISION	YES AND NO
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Housing Revenue Account Business Plan Update 2019/20	
OFFICER CONTACT: Satnam Kaur, Group Head of Residential Services Extn: 01903 737718 e.mail: satnam.kaur@arun.gov.uk	
EXECUTIVE SUMMARY: This report provides the annual update on the baseline position for the Housing Revenue Account Business Plan (HRABP) projections. The HRABP forecasts income, expenditure, investment and borrowing in respect of Council housing over a 30 year period. It is not the approved budget, but will inform it. The update has been produced by our retained expert consultant; Housing Finance Associates and is based entirely on inputs that have been provided by the Council. The forecasts assume a change in Council policy to enable borrowing.	
DECISION: The Cabinet RECOMMEND TO FULL COUNCIL That the updated Housing Revenue Account Business Plan 2019/20 be approved. The Cabinet RESOLVED – That (1) the additional capital expenditure and likely borrowing required in respect of developing/acquiring new homes, investment in existing stock and compliance work be noted; and (2) the scope for using additional Housing Revenue Account borrowing being included within the Authority’s Capital Strategy; Treasury Management Strategy and Annual Investment Strategy also be noted.	
REASON FOR THE DECISION: To ensure that the HRA is able to deliver the long term investment requirements that have been identified through the updated HRABP plan forecast.	
OPTIONS CONSIDERED BUT REJECTED: To not approve the updated HRABP. However, this is not considered to be a viable option as it will result in the Council not being able to invest in its stock as required or meet its obligations as a Landlord in respect of Health & Safety.	
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: C/044/040319

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Submission of Bid to High Streets Fund	
OFFICER CONTACT: Karl Roberts, Director of Place Extn: 01903 737760 e.mail: karl.roberts@arun.gov.uk	
EXECUTIVE SUMMARY: This report seeks the agreement of Cabinet to submit a bid for funding to seek to strengthen the economic, social and environmental wellbeing of the Bognor Regis Town Centre and authority to spend any grant that might be received.	
DECISION: The Cabinet RESOLVED - That (1) the intention to submit a bid to the High Street Fund for the Town Centre of Bognor Regis be endorsed; (2) should the initial Phase 1 bid be successful then the intention to submit a bid to the High Street Fund Phase 2 for the Town Centre of Bognor Regis be endorsed; (3) the principle of accepting any revenue grant to develop a Phase 2 bid be endorsed, subject to due diligence on any terms and conditions; and (4) the principle of accepting any capital grant as a result of a successful Phase 2 bid be endorsed, subject to due diligence on any terms and conditions.	
REASON FOR THE DECISION: To ensure executive support for the proposed bid submission. Bids and funding conditions should be fully considered to ensure that they are compatible with the aims and objectives of the Council.	
OPTIONS CONSIDERED BUT REJECTED: To not support the submission. To change the bidding location.	
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: C/045/040319

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Funding Bid to Coastal Communities Fund for Enhanced Public Realm Scheme in Littlehampton Town Centre	
OFFICER CONTACT: Caroline Gosford, Senior Regeneration/LSP Manager Extn: 01903 737854 e.mail: caroline.gosford@arun.gov.uk	
EXECUTIVE SUMMARY: A funding bid has been submitted to the Coastal Communities Fund to deliver enhanced public realm in Littlehampton Town Centre. This report seeks the agreement of Cabinet for the submission of the bid and the Council's responsibilities as the Accountable Body under the Terms and Conditions of the grant scheme, and the authority to spend the grant should funding be awarded.	
DECISION: The Cabinet RESOLVED – That (1) the submission of the bid to the Coastal Communities Fund be noted and endorsed, as set out in the report; and (2) the grant spend and delivery of the public realm project be authorised if the bid is successful.	
REASON FOR THE DECISION: To ensure executive support for the new submission of the bid and, if successful, delivery of the project. To increase economic growth in Littlehampton via new business turnover, jobs and businesses.	
OPTIONS CONSIDERED BUT REJECTED: To not note and authorise the contents of the report.	
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	

FULL CABINET DECISION	NO
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Rent Setting Policy 2019/20	
OFFICER CONTACT: Satnam Kaur, Group Head of Residential Services Extn: 01903 737718 e.mail: satnam.kaur@arun.gov.uk	
EXECUTIVE SUMMARY: The Rent Setting Policy provides clear guidance and consistency in Arun District Council's rent setting arrangements. Cabinet is asked to approve the Rent Setting Policy 2019/20.	
DECISION: The Cabinet RESOLVED – That (1) any Council owned properties held in the HRA (General Needs, Sheltered) that are re-let on new tenancies will be let at formula rent; (2) temporary accommodation will be let at Local Housing Allowance levels; (3) acquisitions from the open market will be set at either formula rent or up to 80% of market rent (affordable rent); (4) Shared Ownership properties sold on the open market will be subject to formula rent charges upon change of ownership; (5) new build properties held within the HRA will be set at either formula rent or up to 80% of market rent (affordable rent); (6) mutual exchanges, assignments and successions are not new tenancies and as such are not subject to rent changes on amendment; (7) the recommendations approved at the Special meeting of the Council held on 20 February 2019 be noted in respect of existing rents to be subject to an annual 1% rent reduction as set out in the Welfare Reform and Work Act 2016 and a 5% uplift in garage rents for 2019/20.	
REASON FOR THE DECISION: The Rent Setting Policy harmonises and provides clear guidance in our rent setting arrangements.	
OPTIONS CONSIDERED BUT REJECTED: To not approve the Rent Setting Policy 2019/20. However, this will not enable the Council to comply with requirements of the Welfare Reform and Work Act 2016 nor maximise income in accordance with the HRA Business Plan 2017-2027.	
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: C/047/040319

FULL CABINET DECISION	NO
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Renewal and Procurement of Software for the Administration of Revenues and Benefits	
OFFICER CONTACT: Satnam Kaur, Group Head of Residential Services Extn: 01903 737698 and Andy Dale, Revenues and Benefit Manager e.mail: satnam.kaur@arun.gov.uk	
EXECUTIVE SUMMARY: Cabinet is asked to approve the granting of a Contract in excess of £1.3m over a 5 year term.	
DECISION: The Cabinet RESOLVED – That (1) the contract for software licences, hosting and maintenance of an integrated revenues, benefits, document management, workflow and self-service IT solution be awarded to Northgate Public Services from 1 April 2019; (2) the virement of £300K from the Revenues and Benefits Reserve be approved; and (3) the virement of £141k from the Corporate Underspend in 2018/19 be noted.	
REASON FOR THE DECISION: The award of contracts requires Cabinet approval.	
OPTIONS CONSIDERED BUT REJECTED: To not award the contract to Northgate Public Services.	
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	

FULL CABINET DECISION	NO
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Loan to Credit Union	
OFFICER CONTACT: Carolin Martlew, Financial Services Manager Extn: 01903 737568 e.mail: carolin.martlew@arun.gov.uk	
EXECUTIVE SUMMARY: The Credit Union (Boom) is planning to increase its capital base in order to expand its lending. The Council already has £25k invested in the Credit Union in the form of an interest free loan. The report requests that the current loan is extended for a further 10 years and to make an additional loan to the Credit Union of £25k to enable the Credit Union to utilise the entire loans as regulatory capital.	
DECISION: The Cabinet RESOLVED – That (1) approval be given to the extension of the existing interest free loan to the Credit Union to be repayable on or before 31 March 2029; and (2) approval be given to a further loan to the Credit Union of £25k for a period of 10 years to be repayable on or before 31 March 2029.	
REASON FOR THE DECISION: To enable the Council to extend the period of the existing loan and make a further loan of £25k enabling the Credit Union to extend its activities to help tackle financial exclusion. This supports the Council’s Corporate Plan theme “If your family needs help – supporting people in our district who need our help”.	
OPTIONS CONSIDERED BUT REJECTED: To extend the period of the existing £25k interest free loan to the Credit Union by 10 years (and not make a further loan). To not change the existing arrangement (not extend the period of existing loan and not make an additional loan).	
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: C/049/040219

FULL CABINET DECISION	NO
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Judicial Review at Land South of Summer Lane and West of Pagham Road, Pagham.	
OFFICER CONTACT: Claire Potts – Strategic Development Team Leader Extn: 01903 737698 e.mail: Claire.Potts@arun.gov.uk	
<p>EXECUTIVE SUMMARY: An application for Judicial Review (JR) of the decision by Arun District Council to grant outline planning application for “a mixed use development comprising of up to 400 dwellings, a care home, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace, provision of land for a 1FE primary school (with sufficient space to ensure that it is expandable to 2FE), provision of land for a scout hut, safeguarding of land to help link the site to the Pagham Harbour Cycle Route & other community uses including public open space & allotments with some matters reserved” on Land South of Summer Lane and West of Pagham Road, Pagham, (reference P/140/16/OUT) has been filed by Pagham Parish Council.</p> <p>If the application for the JR to be heard is allowed and the Council considers that it is expedient to defend the JR, legal support will be required. Should the Claimant be successful the Council will automatically be liable to pay their costs associated with the JR.</p> <p>This report seeks approval to a supplementary estimate of up to £105,000 to cover costs of defending this JR.</p>	
<p>DECISION:</p> <p>The Cabinet</p> <p>RECOMMEND TO FULL COUNCIL</p> <p>The approval of a supplementary estimate of £105,000 for the costs associated with the JR in respect of planning application P/140/16/OUT. This includes Counsel costs to defend the Council’s position and an estimate of potential costs that the Council would be required to pay as a result of the Claimant being successful in their JR claim.</p> <p>The supplementary estimate equates to a Band D Council Tax of £1.74.</p>	
<p>REASON FOR THE DECISION: In order to defend a JR claim, legal representation is required and costs may be accrued if unsuccessful.</p>	
<p>OPTIONS CONSIDERED BUT REJECTED: There are a number of options at each stage in the JR process, which will determine the costs incurred. The options will be reviewed at each stage based on legal advice to determine the best course of action.</p>	
<p>CABINET MEMBER(S):</p>	
<p>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</p>	None
<p>DISPENSATIONS GRANTED :</p>	None
<p>CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None</p>	

REFERENCE NO: C/050/040319

FULL CABINET DECISION	YES
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Housing & Customer Services Working Group – 7 February 2019. Minute 17 – Community Safety and Housing Partnership Working Review 2016-2018	
OFFICER CONTACT: Georgina Bouette, Community Safety Manager Extn: 01903 737605 e.mail: Oliver.Handson@arun.gov.uk	
EXECUTIVE SUMMARY: The Cabinet received the Minutes from the meeting of the Housing & Customer Services Working Group held on 7 February 2019 and considered a recommendation at Minute 17 [Community Safety and Housing Partnership Working Review 2016-2018.]	
DECISION: The Cabinet RESOLVED – That (1) the integrated working between the Council’s Community Safety and Housing team is endorsed and the importance of partnership working in contributing to reducing anti-social behaviour, creating safe environments and addressing Street Community issues is recognised; and (2) recognition is given to the work of Community Safety, Housing and the Safer Arun Partnership in contributing to the delivery of the Council’s strategic priority “supporting people in our district who need our help” and “serving our communities well by delivering the best services we can afford”.	
REASON FOR THE DECISION: To endorse the recommendation of the Housing & Customer Services Working Group.	
OPTIONS CONSIDERED BUT REJECTED: To not endorse the recommendation of the Housing & Customer Services Working Group.	
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	

FULL CABINET DECISION	NO
URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES	NO
SUBJECT: Disposal of Freehold Land at Meadview Nursery, Lyminster, Littlehampton [Exempt - Paragraph 3 – Information Relating to the Financial or Business Affairs of Any Particular Person(Including the Authority Holding that Information)]	
OFFICER CONTACT: Nat Slade, Group Head of Technical Services Extn: 01903 737683 e.mail: nat.slade@arun.gov.uk	
EXECUTIVE SUMMARY: The purpose of this report is to seek the authority of Cabinet for the disposal of freehold land located at Meadview Nursery, Lyminster, Littlehampton, for best consideration.	
DECISION: The Cabinet RESOLVED - That (1) the freehold disposal of land located at Meadview Nursery, Lyminster, Littlehampton, for best consideration be approved; and (2) authority be delegated to the Director of Place, in consultation with the Cabinet Member for Technical Services and the Section 151 Officer, to enter into a Promotion Agreement in respect of the land and agree terms for disposal of the land for best consideration and to conclude any and all associated matters necessary to complete disposal and conveyance of the freehold site.	
REASON FOR THE DECISION: Disposal of the Council's freehold site at Meadview Nursery, Lyminster, Littlehampton, will realise a considerable capital sum for the Council which, following prudent re-investment in accordance with the Council's Property Investment Strategy, will provide improved investment yield. This will assist in preserving and improving the financial and other resources available to the Council in support of the Council's 2020 Vision and beyond. This proposed action is considered to be in the best interest of the Council.	
OPTIONS CONSIDERED BUT REJECTED: To not approve the freehold disposal of land located at Meadview Nursery, Lyminster, Littlehampton for best consideration. To not delegate authority to the Director for Place, in consultation with the Cabinet Member for Technical Services and the Section 151 Officer, to enter into a Promotion Agreement in respect of the land and agree terms for disposal of the land for best consideration and to conclude any and all associated matters necessary to complete disposal and conveyance of the freehold site.	
CABINET MEMBER(S):	
DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION: DISPENSATIONS GRANTED :	None None
CONFLICT OF INTERESTS DECLARED BY A CABINET MEMBER CONSULTED IN RESPECT OF THIS DECISION: None	

