ARUN DISTRICT COUNCIL
NOTICE OF DECISIONS TAKEN BY INDIVIDUAL CABINET MEMBERS ON THURSDAY 7 FEBRUARY 2019

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<td>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</td>
<td>Charles</td>
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THE EFFECTIVE DATE OF THESE DECISIONS IS FRIDAY 15 FEBRUARY 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 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
PART B : INDIVIDUAL CABINET MEMBER DECISION

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES? NO

CABINET MEMBER RESPONSIBLE: Cllr John Charles

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 East, West Mead, Bognor Regis, West Sussex, PO21 5RN

OFFICER CONTACT: Neil Crowther EXTN: x 37839 E-Mail: neil.crowther@arun.gov.uk

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. 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.

It was subsequently discovered that the Company had been placed in to administration. The Agreement is enforceable against any successor and this would 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 Owners.

DECISION:

1. That 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. That the invoice is written off back to the grant code where it was raised;

3. That the Cabinet Member authorises raising invoices against the Owners proportioned according to the number of bedrooms in the property as approved in the planning permission. This should take the form of a charge against the property whereby the payment is due at the point of sale of the property from the seller.

REASONS FOR THE DECISION:

Because the Council is due a payment from the planning permission granted on the scheme and this obligation remains with the land and not solely with the developer.

OPTIONS CONSIDERED BUT REJECTED:

Take no action in relation to the invoice 8133051629. The consequences of which would be that the Council would lose £81,459.77 to provide affordable housing in the District.
Agree to proposals 1 and 2 of but determine not to pursue the Owners. The consequences of which would be to leave the Agreement in place, which will appear to be a threat hanging over the Owners or anyone they may sell to. This would appear to be inappropriate.

CABINET MEMBER(S)

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

DISPENSATIONS GRANTED:

ANY CONFLICT OF INTEREST DECLARED BY A CABINET MEMBER WHO IS CONSULTED BY THE MEMBER TAKING THE DECISION:

DECISION BY:  SIGNATURE  DATE:
Relevant Cabinet Member
Leader of Cabinet

On Feb 2019
PART B : INDIVIDUAL CABINET MEMBER DECISION

URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES?

NO

CABINET MEMBER RESPONSIBLE: Cllr Dudley Wensley

SUBJECT: Print Contract with Chichester District Council

OFFICER CONTACT: Jackie Follis   EXTN: 37580   E-Mail:Jackie.follis@arun.gov.uk

EXECUTIVE SUMMARY:
The Council has had a contract in place with Chichester District Council to deliver all their committees printing since 2013 which has been extending since. Authority is being requested to continue this arrangement through a new contract.

DECISION:
To approve the arrangements for a new print contract with Chichester District Council

REASONS FOR THE DECISION:
In order that we have a clear contract in place to provide this service

OPTIONS CONSIDERED BUT REJECTED:
Not to approve the contract and therefore lose the opportunity for income generation.

CABINET MEMBER(S)

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

DISPENSATIONS GRANTED:

ANY CONFLICT OF INTEREST DECLARED BY A CABINET MEMBER WHO IS CONSULTED BY THE MEMBER TAKING THE DECISION:

DECISION BY: SIGNATURE: DATE:

Relevant Cabinet Member

Leader of Cabinet

Effective Date [the date the decision is implemented] 08/02/19

24/01/2019