**ARUN DISTRICT COUNCIL**
**LIST OF PROPOSED DECISIONS**
**TO BE TAKEN BY INDIVIDUAL CABINET MEMBERS ON**
**THURSDAY 15 AUGUST 2019.**

<table>
<thead>
<tr>
<th>ICM No.</th>
<th>ICM/089/080819</th>
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</thead>
<tbody>
<tr>
<td>CABINET MEMBER RESPONSIBLE:</td>
<td>Councillor Mrs Yeates</td>
</tr>
<tr>
<td>SUBJECT:</td>
<td>Public Consultation for Arun Public Spaces Protection Order</td>
</tr>
<tr>
<td>OFFICER CONTACT:</td>
<td>Robin Wickham, Group Head of Community Wellbeing</td>
</tr>
<tr>
<td>DATE:</td>
<td>08/08/19</td>
</tr>
<tr>
<td>TEL:</td>
<td>01903 737835</td>
</tr>
<tr>
<td>PORTFOLIO AREA:</td>
<td>Community Wellbeing</td>
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**EXECUTIVE SUMMARY:**

The current Public Spaces Protection Order in effect within Arun expires on 31 March 2020.

Section 72 (3) of The Anti-social Behaviour Crime and Policing Act 2014 requires that “a local authority must carry out consultation, publicity and notification before extending, varying or discharging a PSPO”.

The Cabinet Member for Community Wellbeing is requested to authorise officers to undertake public consultation in 2019 to fulfil this statutory requirement and prepare the necessary reports to support the Council’s formal decision process before the expiration date of the current order.

If you wish to make representation to the Cabinet Member before the decision is taken, you can find the Cabinet Member contact details from this link: [Cabinet Member Email Contact Details](#) or by calling 01903 737611 or by contacting the Officer listed above.
ARUN DISTRICT COUNCIL
NOTICE OF DECISIONS TAKEN BY INDIVIDUAL CABINET MEMBERS ON THURSDAY 8 AUGUST 2019

<table>
<thead>
<tr>
<th>REFERENCE NO.</th>
<th>DECISION</th>
<th>CABINET MEMBER</th>
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<tbody>
<tr>
<td>ICM/085/010819</td>
<td>Council Ta/Business Write Offs</td>
<td>Cllr Mrs Gregory</td>
</tr>
<tr>
<td>ICM/086/010819</td>
<td>Business Rates – hardship Relief</td>
<td>Cllr Mrs Gregory</td>
</tr>
<tr>
<td>ICM/087/010819</td>
<td>Insolvency Council Tax Write Offs</td>
<td>Cllr Mrs Gregory</td>
</tr>
<tr>
<td>ICM/088/010819</td>
<td>The Councils response to a consultation paper by MDCLG entitled ‘Redress for purchasers of new build homes and the new homes ombudsman – a technical consultation’</td>
<td>Cllr Lury</td>
</tr>
</tbody>
</table>

THE EFFECTIVE DATE OF THESE DECISIONS IS FRIDAY 16 AUGUST 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

<table>
<thead>
<tr>
<th>ICM No. ICM/055 10.819</th>
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<tbody>
<tr>
<td>URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES?</td>
<td>No</td>
</tr>
<tr>
<td>CABINET MEMBER RESPONSIBLE:</td>
<td>Cllr Pauline Gregory</td>
</tr>
<tr>
<td>SUBJECT:</td>
<td>Council Tax and Business Rates Write Off</td>
</tr>
</tbody>
</table>

OFFICER CONTACT: Jane Dick  
EXTN: 37535  
E-Mail: jane.dick@arun.gov.uk

EXECUTIVE SUMMARY:
The outstanding charges are unrecoverable as the debtor has either passed away or vacated the property and the Revenues Section have been unable to locate their current address.

DECISION:
To agree to write off the outstanding council tax charges as they are unrecoverable.

REASONS FOR THE DECISION:
Despite all avenues of recovery being sought, the debts are unrecoverable and there is no other option at the present time other than to write the debts off.

OPTIONS CONSIDERED BUT REJECTED:
None

CABINET MEMBER(S)

<table>
<thead>
<tr>
<th>DECLARATION OF INTEREST BY CABINET MEMBER(S) RESPONSIBLE FOR DECISION:</th>
<th>NONE</th>
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<tr>
<td>DISPENSATIONS GRANTED:</td>
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</table>

ANY CONFLICT OF INTEREST DECLARED BY A CABINET MEMBER WHO IS CONSULTED BY THE MEMBER TAKING THE DECISION: |
THE INFORMATION IN THIS REPORT IS OF A CONFIDENTIAL OR EXEMPT NATURE AND IS NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPh 3 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972, AS AMENDED

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<th>DECISION BY:</th>
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<tr>
<td>Relevant Cabinet Member</td>
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<td>25/7/19</td>
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PART B : INDIVIDUAL CABINET MEMBER DECISION

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

ICM No. ICM/08610814

CABINET MEMBER RESPONSIBLE: Cllr Gregory

SUBJECT:

OFFICER CONTACT:

EXTN: E-Mail:

EXECUTIVE SUMMARY:
Clear Computing Ltd have made an application for Hardship Relief in respect of the business rates charge which they are struggling to pay for the current financial year 2019/20.

DECISION:
To award Discretionary Rate Relief of £4,392.70.

REASONS FOR THE DECISION:
To allow the business to continue to trade and assist local residents with computer skills without the need for loss of employees who live in the local area. (Business moving to new premises in November when lease expires, therefore assistance short term)

OPTIONS CONSIDERED BUT REJECTED:
Not to award the relief.

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: Relevant Cabinet Member

SIGNATURE: [Signature]

DATE: 25/7/2019
**PART B : INDIVIDUAL CABINET MEMBER DECISION**

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<th>ICM No. ICM057010819</th>
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**URGENT DECISION IN ACCORDANCE WITH RULE 14.11 OF THE SCRUTINY PROCEDURE RULES?**
No

**CABINET MEMBER RESPONSIBLE:**
Cllr Gregory

**SUBJECT:** Council Tax Insolvency Write Off

**OFFICER CONTACT:** Rachel Hills
**EXTN:** 37587  
**E-Mail:** rachel.hills@arun.gov.uk

**EXECUTIVE SUMMARY:**
Outstanding council tax charges which are included in a Debt Relief Order, Individual Voluntary Arrangement or a Bankruptcy Order, prohibits the Council by law from pursuing the customer for the debt.

**DECISION:**
To agree to write off the outstanding council tax charges as they are unrecoverable.

**REASONS FOR THE DECISION:**
The Council are unable to pursue a debt which is included in either a Bankruptcy Order, Debt Relief Order or an IVA. As there is no possibility of collection of the outstanding charge, the only option available is to write off the debt.

**OPTIONS CONSIDERED BUT REJECTED:**
None

**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:**
None

**DECISION BY:**
Relevant Cabinet Member

[Signature]

**DATE:** 25/7/2009
THE INFORMATION IN THIS REPORT IS OF A CONFIDENTIAL OR EXEMPT NATURE AND IS NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972, AS AMENDED

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PART B: INDIVIDUAL CABINET MEMBER DECISION

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

CABINET MEMBER RESPONSIBLE: Cllr Lury

SUBJECT: THE COUNCIL'S RESPONSE TO A CONSULTATION PAPER BY MDCLG ENTITLED 'REDRESS FOR PURCHASERS OF NEW BUILD HOMES AND THE NEW HOMES OMBUDSMAN - A TECHNICAL CONSULTATION'

OFFICER CONTACT: Karl Roberts EXTN: 37760 E-Mail: karl.roberts@arun.gov.uk

EXECUTIVE SUMMARY:
The Council's response to this consultation paper is set out in the annex attached and covers the following areas.

1. The role of a New Homes Ombudsman;
2. The requirement of developers of new homes to belong to a New Homes Ombudsman;
3. The number of Ombudsmen;
4. Access to a New Homes Ombudsman;
5. Standards of a New Homes Ombudsman;
6. Scheme Provider and Approvals Process;
7. Funding a New Homes Ombudsman;
8. Powers of a New Homes Ombudsman;
9. Geographical Scope;
10. A Code of Practice for developers of new build homes; and
11. Enforcement

DECISION:
The Cabinet Member confirms his agreement to the Council sending the answers attached at Appendix B as the Council's response to this consultation.

REASONS FOR THE DECISION:
To put forward the Council's considered opinion on the consultation paper.

OPTIONS CONSIDERED BUT REJECTED:
Not to respond.

CABINET MEMBER(S)

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

DISPENSATIONS GRANTED:
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<td>MARTIN LURY</td>
<td>08/08/2019</td>
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<tr>
<td>Cabinet Member Planning Portfolio</td>
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<tr>
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</table>
Q4. Who should be required to belong to a New Homes Ombudsman? (Tick all that apply)
☐ x Developers who build and sell homes on the open sales market
☐ x Self-Builders
☐ x Developers who convert and sell properties
☐ x Other (Please specify?)

There needs to be clarity (and simplicity) regarding when the NHO would be the relevant body to investigate. For example, homes built by companies wholly owned by Councils. Would that be the BHO or the Local Government and Social Care Ombudsman.

Q5. Should a New Homes Ombudsman only cover complaints in relation to a purchaser's new build home where redress cannot be sought elsewhere? (For instance, it would not cover a complaint in relation to the sales process for a new build home bought through an estate agent as redress is sought through the redress scheme an estate agent belongs to)
☐ Yes ☐ No ☐ Not sure
Please explain

There should be clarity so a useful FAQ to assist who is the relevant body should be helpful. Also, it is possible that a single complaint might cross the remit of several bodies and so the opportunity should be provided for joint investigations and publication of findings.

Q6. Is there anyone else who should be able to seek redress through a New Homes Ombudsman?
☐ Yes ☐ No ☐ Not sure
If so, who?

Q7. Should anyone or anything be excluded from a New Homes Ombudsman's remit?
☐ x Yes ☐ No ☐ Not sure

If so, who or what should be excluded?
Companies. That should be a matter for due diligence by the purchasing company and/or the courts

Q8. How can the Government best ensure that organisations are aware of the requirement to belong to a New Homes Ombudsman?

It should be a requirement on any developer that they provide details of the NHO to each purchaser and they should be required to publish an annual report highlighting any NHO findings that related to them and how they have responded.

Q9a. Should there only be a single New Homes Ombudsman?
☐ x Yes ☐ No ☐ Not sure
Q9b. If not, why not?
Q10a. How long after the initial complaint should a purchaser of a new build home be able to access a New Homes Ombudsman?
☐ 2 to 4 weeks ☐ 4 to 6 weeks ☑ 6 to 8 weeks ☐ Other
Please explain

Complaints may well be complicated and therefore the complainant needs time to collate any necessary supporting material.

Q10b Are there any other circumstances that a purchaser of new build home should be able to access a New Homes Ombudsman?
☐ Yes ☐ No ☑ Not sure
Please explain

No response provided.

Q11. Are there any other specific standards to the new build sector that a New Homes Ombudsman should meet?
☐ Yes ☑ No ☐ Not sure
Please explain

No response provided.

Q12. Should a New Homes Ombudsman be delivered by a public sector body?
☑️ Yes ☐ No ☐ Not sure
Please explain

A public body would be better from the perception of the public. Also avoids the very issues questions 13 to 15 inclusive.

Q13. How should a New Homes Ombudsman be chosen for approval by Government if it is to be delivered by a private sector body? ☐ Tendering process ☐ Request for proposals ☐ Minimum Scheme Standards ☑️ A combination of these ☐ Other (please specify?)

Q14a. Should approval of a New Homes Ombudsman be withdrawn or removed if they fail to deliver effective service standards?
☑️ Yes ☐ No ☐ Not sure

Q14b. If so, what should count as shortcomings in service standards to merit disapproval, how can this be verified and by whom?

No response provided.

Q15. Are there any alternative sanctions, other than withdrawal of approval, that could be used to ensure a New Homes Ombudsman or other housing redress scheme continue to deliver an effective service?

No response provided.
Q16. Should access to a New Homes Ombudsman be free for purchasers of new build homes to access?
☐ Yes ☐ No ☐ Not sure

*Please explain*

You shouldn't have to pay to make a complaint.

Q17. What would be the most appropriate way for a New Homes Ombudsman to charge property developers?
☐ A price per unit
☐ A pay per complaint system
☐ A flat membership rate
☐ A mixture of the above
☐ Don't know
☐ Other

*Please explain*

Having a base line fee based on size is the simplest form.

Q18. Would any of these models have an adverse impact on smaller housebuilders?
☐ Yes ☐ No ☐ Not sure

*Please explain*

Anything that isn't proportional to the size of the company.

Q19a. Should smaller housebuilders pay a smaller fee than larger housebuilders?
☐ Yes ☐ No ☐ Not sure

Q19b. If so, how should this be achieved/calculated?

No response provided to 19a & 19b

Q20. Are there different sanctions in addition to those available in other sectors of the housing market that a New Homes Ombudsman should have access to? (Tick all that apply)
☐x Different levels of financial award to the consumer;
☐x Expulsion from scheme unless a developer instigates and follows an improvement plan;
☐x Publish the details and reasons why developers have been expelled from a New Homes Ombudsman;
☐ Suspension from scheme until problems are rectified;
☐x Ability to make recommendations, for example: that the developer purchases the property back; reviews the terms of leasehold agreement and amends them; and to review the terms of estate maintenance fees and amend them;
☐x Set timescales to rectify faults/defects with a property;
☐ All of the above.

*Please explain*
Q21. Are there any other powers or sanctions a New Homes Ombudsman should have?
☐ Yes ☐ No ☐ Not sure
Please explain
No response provided.

Q22. If a New Homes Ombudsman offers awards, what should the maximum amount be?
☐ Up to £15,000
☐ Up to £25,000
☐ Up to £50,000
☐ Other (please specify?)
☐ x Over £50,000

Q23. What information should be published by a New Homes Ombudsman to empower consumers?
Details of any developer that has been expelled should be published. Also an annual report should be published alongside best practice advice.

Q24. What is the best way to publish complaints data so that it incentivises developers to improve their service?
☐ x Complaints data provided to the Ministry of Housing, Communities and Local Government
☐ x Data published in an annual report
☐ x Case studies on their website
☐ Other (please specify?)

Q25. What data from a New Homes Ombudsman would be useful for consumers when they are making a decision about purchasing a new home?
No response provided.

Q26. Should a New Homes Ombudsman remit be UK-wide?
☐ x Yes ☐ No ☐ Not sure

Q27. Are there distinct practices in the different countries of the United Kingdom that require consideration for how a New Homes Ombudsman should operate if it were to be UK-wide?
☐ Yes ☐ No ☐ x Not sure
Please explain
No response provided.

Q28. What should be included in a Code of Practice for developers of new build homes? Tick all that apply:
☐ x Complaints procedures
☐ Pre-purchase information and reservation agreements
☐ Customer Service Standards
☐ Sales and advertising standards including, but not limited to, the requirement to provide clear information in for; energy performance ratings, warranty provision, management services, leasehold charges, future development phases and connectivity
☐ Protection of deposits
☐ Minimum warranty standards
☐ Specifications that new homes should meet
☐ Transparency in relation to the receipt of fees a developer receives if they recommend a product or service, such as a solicitor
☐ Clear after-care responsibilities of builders
☐ Contracts to allow homeowners to appoint an independent building consultant/surveyor to review and agree with builders
☐ Timescales for responding to complaints, rectifying defects and compliance with requirements of a New Homes Ombudsman
☐ Standardised Contracts
☐ A right of access for the purchaser to view the property prior to completion
☐ The ability of homebuyers to carry out surveys before final completion
☐ Other (please specify?)

Details regarding any management companies that might have an interest in the development site for roads, open spaces or other facilities and amenities.

Q29a. Should a Code of Practice for developers of new build homes be underpinned by statute?
☐ Yes ☐ No ☐ Not sure

Q29b. If not, why not?

No response provided.

Q30a. How should failure to belong to a New Homes Ombudsman be enforced?

Fines

Q30b. Who should enforce this?
☐ Local Government
☐ Redress schemes
☐ Central Government
☐ New or existing Regulator
☐ Courts and Tribunals
☐ Other (please specify?)

Q31. What should the penalty for non-compliance be?
☐ Criminal offence
☐ Civil sanction
☐ Financial penalty (please give details of suggested level)
☐ Banning developers
☐ x Banning Directors of property development companies
☐ Other (please specify?)