

Decision No: CMM6 – 04/07/2008

Forward Plan No: N/A

This record relates to Agenda Item 31 on the agenda for the Decision-Making

## **RECORD OF CABINET MEMBER DECISION**

**DECISION-MAKER:** COUNCILLOR GEOFFREY THEOBALD

**PORTFOLIO AREA:** ENVIRONMENT

**SUBJECT:** POOL VALLEY ENHANCEMENT  
SCHEME - ARBITRATION

**AUTHOR:** TOM CAMPBELL

### **THE DECISION**

1. That officers be authorised to initiate and partake in arbitration proceedings between the council and Imperial Property and the council and Brighton Coaches Limited in order to secure the consent of both parties, as required by Part VIIA of the Highways Act 1980, to the construction of a ticket office and associated facilities at Pool Valley Coach Station.

### **REASON FOR THE DECISION**

1. That officers be authorised to initiate and partake in arbitration proceedings between the council and Imperial Property and the council and Brighton Coaches Limited in order to secure the consent of both parties, as required by Part VIIA of the Highways Act 1980, to the construction of a ticket office and associated facilities at Pool Valley Coach Station.

### **DETAILS OF ANY ALTERNATIVE OPTIONS**

1. As stated above, the consent of the frontagers with an interest is required before consent can be granted under section 115E of the 1980 Act. In this case the frontagers with an interest have been identified as:-
  - Brighton & Hove Council
  - Lace House
  - Imperial Property
  - Brighton Coaches Limited
2. Each party was approached in December 2007 and to date consent has been received from Brighton & Hove Council and Lace House. Discussions have been held with the remaining two parties although to date their consent has not been secured.
3. Insofar as consent has not been obtained from Brighton Coaches Limited and Imperial Property, and in order to take matters forward, the issue of the withholding of consent will need to go to arbitration for determination.

**OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None

**CONFLICTS OF INTEREST**

The decision-maker(s) did not declare a personal or prejudicial interest in the matters set out in the report.

**CONFIRMED AS A TRUE RECORD:**

**We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision**

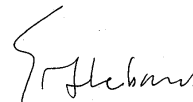
**Date:**

04 July 2008

**Decision Maker:**

Councillor Geoffrey Theobald  
Cabinet Member for Environment

**Signed:**



**Proper Officer:**

04 July 2008

Mark Wall, Head of Democratic Services

**Signed:**



**SCRUTINY**

**Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny 'Call-In' provisions.**

**Call-In Period**  
**7-11 July 2008**

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*