

Committee Manager: Jane Fulton (Ext. 37611)

7 March 2018

## **OVERVIEW SELECT COMMITTEE**

A meeting of the Overview Select Committee will be held in Committee Room 1 (the Pink Room) at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF on **Tuesday, 20 March 2018 at 6.00 pm** and you are requested to attend.

Members: Councillors Dingemans (Chairman), English (Vice-Chairman), Mrs Bence, Blampied, Edwards, Elkins, Hughes, Mrs Oakley, Oliver-Redgate, Oppler, Mrs Rapnik, Miss Rhodes, Dr Walsh, Warren and Wheal.

## **A G E N D A**

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating :

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

3. MINUTES

To approve as a correct record the Minutes of the meeting of the Overview Select Committee held on 31 January 2018 (which have been previously circulated.)

4. ITEMS NOT ON THE AGENDA THAT THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES.

5. CABINET MEMBER QUESTIONS AND UPDATES

- (i) Cabinet Members will update the Committee on matters relevant to their Portfolio of responsibility.
- (ii) Members are invited to ask Cabinet Members questions and are encouraged to submit these to the Committee Manager in advance of the meeting to allow a more substantive answer to be given.

6. \*ARUN DISTRICT COUNCIL CONCESSIONS (BUSINESSES) REPORT

This report provides information requested by the Overview Select Committee at its meeting held on 26 September 2017 in relation to how concessions/businesses on Council owned land are operated.

The information covers the factors considered in letting units including duration of leases, type of services provided, opening times, and the rental income, as well as plans for the future.

The Committee is requested to consider and note the steps which are being taken in terms of the Council leasing its land to concessions/businesses.

7. \*FILMING AND PHOTOGRAPHIC DRAFT POLICY

Following the implementation of the Local Government Audit and Accountability Act 2013 the Council agreed a Filming Protocol. It has been recognised for some time that whilst this is adequate as a reminder of the basics requirements for elected members, staff and members of the public, nearly 5 years on it should now be reviewed. This paper sets out the proposed new policy, in particular with regard to the new Data Protection Regulations.

8. FEEDBACK FROM THE MEETING OF THE COUNCIL TAX SUPPORT WORKING PARTY HELD ON 6 MARCH 2018

The Chairman will present the Minutes from the meeting of the Council Tax Support Working Party held on 6 March 2018, which will be circulated separately.

9. FEEDBACK FROM THE MEETING OF WEST SUSSEX COUNTY COUNCIL'S HEALTH AND ADULT SOCIAL CARE COMMITTEE (HASC) HELD ON 8 MARCH 2018

A feedback report following Councillor Blampied's attendance at a meeting of the West Sussex County Council's Health and Adult Social Care Committee (HASC) held on 8 March 2018 will be circulated separately.

10. WORK PROGRAMME – 2018/2019

The Council's Constitution requires that the Overview Select Committee makes a report annually on its future work programme and amended working methods, where appropriate.

The Committee is being asked at this meeting to consider topics that it would like to cover in the 2018/2019 year so these can be discussed with the relevant officers and a work programme developed for discussion at the next meeting on 22 May 2018. Members are requested to note that this Work Programme will then be presented by the Chairman and Vice-Chairman to the Full Council Meeting on 18 July 2018.

(Note: \*Indicates report is attached for Members of the Committee only and the Press (excluding exempt items). Copies of reports can be viewed on the Council's web site at [www.arun.gov.uk](http://www.arun.gov.uk) or can be obtained on request from the Committee Manager.)

(Note: Members are also reminded that if they have any detailed questions, would they please inform the Group Head of Policy, Cabinet Member and/or relevant Lead Officer in advance of the meeting in order that the appropriate Officer/Cabinet Member can attend the meeting.)

AGENDA ITEM NO. 6ARUN DISTRICT COUNCILOVERVIEW SELECT COMMITTEE – 20 MARCH 2018

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Recommendation Paper

Subject : Arun District Council Concessions (Businesses) Report

Report by : Paul Broggi - Property & Estates Manager

Report date: 23 February 2018

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EXECUTIVE SUMMARY

This report provides information requested by the Overview Select Committee at its meeting held on 26 September 2017 in relation to how concessions/businesses on Council owned land are operated. The information covers the factors considered in letting units including duration of leases, type of services provided, opening times, and the rental income, as well as plans for the future.

RECOMMENDATIONS

Members are requested to consider and note the steps which are being taken in leasing its land to concessions/businesses.

1.0 INTRODUCTION

- 1.1 At the meeting of the Overview Select Committee held on 26 September 2017, the Council's Property, Estates & Facilities Manager presented an introductory report on the background of the service informing Members on the current arrangements for the management and running of concession businesses in the District. The purpose of this report was to assist in the further scoping of the requested review as direction was unclear.
- 1.2 Following a wide ranging discussion, the Committee provided further scope confirming areas that they would like covered – this can be found as Appendix 1. This report will look to address items raised and provides further information on the Councils management of these businesses.

- 1.3 As communicated at the 26 September 2017 meeting, Property, Estates & Facilities are to move away from using the term '*Concession*'. Concession businesses are generally sited on Council land and are under lease or licence if their location is not fixed. From an estates management perspective these operations are all treated in the same way as the Council's other commercial lease holding operations. It is therefore felt that the term '*concession*' is undefined and unhelpful. Property, Estates & Facilities refer to all its commercial operations whether they are under lease or licence as businesses as the majority are run for financial gain. For clarity for the future and for the remainder of this report the term concession will be replaced by the term '*business*'.
- 1.4 Business units that operate today across the District have come about over many years.
- 1.5 Some operations including one company in Bognor Regis have traded within the same family for over 70 years so considerable history and tradition exists in areas.
- 1.6 In Bognor Regis, Full Council agreed to a Seafront Delivery Plan (attached to this report as background paper). This plan sets in place a clear framework for the setting out and zoning of the main seafront area including identifying potential suitable locations for new businesses. As part of this Process the Council has also instructed Architects to produce a style guide for business units. The purpose of the style guide is to provide a clear guidance document that sets out what business units could look like.
- 1.7 Working in this way should assist in the adoption of effective design principles so that we can deliver quality built units that improve the sea front realm in the town.
- 1.8 Many of the current smaller business lease / licence arrangements that the Council have across the District are short term (under 5 years). This situation has come about due to various uncertainties and it must be acknowledged that this issue needs addressing if business and service improvements are to be gained. The effect of issuing short term leases has a direct link to quality of service provided. In entering into lease a business must tailor its level of investment based on anticipated return. In offering short term leases the Council limits the level of investment that a business is able to justify and this has a direct correlation with the quality of business both in terms of premises and service(s) delivered.
- 1.9 Property, Estates & Facilities wish to move to offer longer term business leases of 10-20 years, depending on location and the business opportunity proposed. In moving to longer leases the Council are able to go to open market with business opportunities seeking expressions of interest and it is believed that this will see the successful introduction of private investment into small businesses across the District.

- 1.10 Property, Estates & Facilities have examples where this action has been successful in the past and this includes Hotham Park Café and more recently the proposed conversion of the shelter on Littlehampton seafront into a destination restaurant.
- 1.11 Clearly scale of business will alter depending on location but Property, Estates & Facilities believe that once business locations are agreed and a style guide is known (in relation to Bognor Regis seafront site) that it can look go to market with a view to attracting expressions of interest from new business operators for these potentially attractive new business locations.
- 1.12 Quality of business operation is also a very important factor for the Council. Property, Estates & Facilities have a desire to improve the quality of business offering delivered from Council land. Property, Estates & Facilities together with the Council's Legal Team have worked extensively on standardising new business leases in order to introduce clauses that afford the Council a better degree of control on various aspects including quality.
- 1.13 In relevant new food business leases the Council have introduced a clause requiring the business to maintain a rating of 4 or above in the national Food Hygiene Rating Scheme (FHRS) or any substituted equivalent scheme. Grade 4 of the FHRS is defined as 'good' and so this is a significant improvement on past leases that were silent on this aspect.
- 1.14 The Council is also afforded further control under lease as if a catering tenant were to fail in attaining a level 4 FHRS rating then the Council may, as a last resort, terminate the lease by serving a break notice on the tenant.
- 1.15 Property, Estates & Facilities also consider control under lease in respect of the business opening hours. The Council has leases that specify opening dates / times in order that we can look to fix consistent and reliable service delivery from businesses located on our land so that customers experience consistency of service. In setting reasonable opening times / dates the Council must remain mindful of the type of business, likely customer footfall and the geographical location of the business premises. A good example of why we must consider this involves business units leased on our seafront locations. The vast majority of business units located here are seasonal in nature and are heavily reliant on the main summer season for takings in order to ensure they remain sustainable. Were the Council to apply a blanket approach to opening hours requiring all leased businesses in these locations to be open all year round then we should expect a large number to be non-viable.
- 1.16 Consequently Property, Estates & Facilities look to apply a balanced approach. This way the Council can look to try and avoid a situation where every business in a set location is closed. Property, Estates & Facilities have good operational knowledge and understanding of the businesses that operate from Council land. Were the Council to insist that all businesses open all year round (364 days per year) then the individual business overheads would increase significantly. If business revenue did not support these increased overheads the business would not be sustainable and

would close. Were such a situation(s) to arise the Council could see increased turnover of leaseholder(s) and also should expect reduced rental revenue as a result.

- 1.17 A further important aspect to consider is that a large number of businesses that we lease / licence are sited in exposed locations, such as the seafront. Many business locations do not have covered or internal seating and so in periods of bad weather are less likely to attract significant footfall / customers.
- 1.18 Businesses that have a sufficient period of security of tenure (longer leases) are better placed to invest and gain sound financial return; hence they are more likely to be able to sustain a good market level rent.
- 1.19 Depending on the length of lease and investment required the Council may consider permitting assignment of a lease (if permitted this is generally an express clause included within the lease). The right to assign is only considered appropriate on longer leased businesses where significant investment is or has been required. Many of the Council's existing smaller business leases presently are not permitted a right to assign. In addition some are excluded from the relevant provisions of the Landlord and Tenant act and so do not have a statutory right to renewal. This aspect must also be carefully considered ahead of inviting expressions of interest for a business. This is essential in order to ensure that any business opportunity advertised is commercially attractive and that the right operator can be secured as this is a major contributing factor to the end success and quality of business service provided from Council land.
- 1.20 Property, Estates & Facilities have been to open market with business opportunities inviting prospective business operators to come forward with expressions of interest and proposals including suggesting sustainable rent.
- 1.21 A good example of this was the Hotham Park Café. In this case the Council sought expressions of interest from interested parties to come forward suggesting more innovative methods of rent payment, including a turnover rent. On this occasion the Council was successful in securing a high quality operator but was unsuccessful in securing a turnover rent.
- 1.22 Property, Estates & Facilities certainly intend to continue to pursue alternative rent setting methods, where appropriate, in order that the Council does not miss opportunity to share in the success of a business located on our land, accepting that each business opportunity must be assessed separately on its merits.
- 1.23 The Council is able, on occasions, to benchmark businesses using contacts at other Local Authorities as well as commercial property agents and this has occurred in the past in order to ensure market rents are set and attained. A good example of this includes the Council's beach hut service where the Council bench marked itself against other Authorities ahead of setting annual rental charges when the service came back from the Council's previous leisure contract operator.

- 1.24 Caution does need to be applied on this aspect as in completing such an exercise it is vital to be certain that one is comparing on a like for like basis and this includes full understanding of lease heads of terms as these can and do have a dramatic effect on rent setting.
- 1.25 It should also be acknowledged that some businesses may be unlikely to bring significant annual rental revenue to the Council. A good and current example of this is the Mewsbrook Park Railway. Following failure of the past business operator, who was unable to sustain the rent set under the lease, Property, Estates & Facilities invested significant time and effort working together with a local group of railway enthusiasts /volunteers. The volunteers have since set up a business (Littlehampton Heritage Railway Ltd) and now have a business constitution in place. The business is planning significant investment in the park railway including purchase of trains, carriages and materials to repair, service and improve the track. Added to this LHR Ltd have bigger longer-term plans for the track and buildings extending and improving the service that they currently offer to visitors within the Council's award winning park. This particular business needed different treatment and is entirely reliant on a small group of volunteers to operate. The business intends to make grant bids in order to fund their business plan moving forward. In order to assist the business with its future success and with its proposed funding aspirations, the Council will need to provide a lease with a sufficient period of tenure as grant making bodies expect an appropriate lease period to exist in order to justify a level of grant award.
- 1.26 In this particular example, Property, Estates & Facilities have taken the wider, longer term view that the railway is a tourist attraction in Littlehampton. As such its sustainability and improvement will add to the draw of this location and this will increase footfall within the Town. This act in itself will then have added benefits for the Town linked with visitors dwell time, associated spend and trade in the wider Littlehampton area.
- 1.27 Consequently in this example it hopefully demonstrates that the setting of a potentially high rent stream could present a business longer term sustainability issues. This in turn could ultimately result in reduced investment in the improvement of the business or at worst business failure. Either would impact negatively on the Council demonstrating that the Council should not solely focus on driving up rental revenue but that it must take a holistic view of the businesses that it works with.
- 1.28 A further example of this is the deck chair service in the District. This service is currently available in both Bognor Regis and Littlehampton. The two services clearly operate in different locations but jointly they bring in very little by way of rental revenue (please refer to the attached business list at Appendix 3). All equipment provided is supplied and maintained by the Council. If you take this into account then it is a fact that this service is delivered at a cost to the tax payer. The takings of the service have been declining significantly year on year. This is a clear example of where the market is changing and customers' service expectations of the seaside



have changed also. Property, Estates & Facilities believe that the Council will need to acknowledge and move with these trends if it is to maximise the funding it controls in order to improve services at our important tourist destinations.

- 1.29 In Bognor Regis the Council has instructed architects to develop options for the proposed new stall zone as set out in the Seafront Delivery Plan (see attached background document – Appendix 2). This will provide the Council with details of possible locations for new business units in this location.
- 1.30 The Council has already allocated funding to provide for the construction of a single business premises on Bognor Regis seafront as part of this project. The intention is that this will set a quality bench mark demonstrating what the Council wish to see on its land in this important tourist location. The intention is that the unit will be constructed from robust materials providing a longer life. In turn this will allow the Council to be able to offer an operator, via the open market, a longer lease on terms to be agreed ensuring that we control quality of premises and service.
- 1.31 Following construction of the first unit and the setting out of the stall zone the Council will then be well placed to decide how to progress the marketing and letting of other business units set in this location. This will enable the Council to seek expressions of interest via the open market drawing in finance from the private sector, securing long term operators / leaseholders which again if well managed will see improvement in the quality of business operated from Council land.
- 1.32 Ahead of progressing any plans for the seafront in Bognor Regis in terms of location /layout of stall zone, types of business and agreement of the style guide these matters will initially all be reported and agreed through the Bognor Regis Regeneration Sub Committee / Full Council process.
- 1.33 Looking to the future Arun District Council continues to encourage businesses to come forward with suggestions for potential opportunities for further discussion in relation to Council land.
- 1.34 Property, Estates and Facilities and Economic Regeneration do receive contact from private individuals with suggestions for business opportunities and as resources allow these opportunities are reviewed and explored, the Ice Rink in Bognor Regis this year is a good example of such an opportunity.
- 1.35 The Council has additional opportunities that are likely to be considered in the not too distant future. These include potential for a catering business within Marine Park Gardens, Bognor Regis and also a commercial opportunity in Crown Yard Car Park in Arundel (Public WC's not impacted). These are both opportunities that the Council intends to go to the open market with in order to widely publicise the opportunities and seek innovative, good quality business propositions identifying a partner / tenant that the Council can work with in the longer term.

- 1.36 Possible sites for business opportunities are also being explored along Littlehampton seafront / greens and also in accordance with phase two of the Seafront Delivery Plan opportunities for the provision of easily removable retail / catering / market units will be explored for the Place St Maur in Bognor Regis.
- 1.37 As mentioned above the Council has only very recently experienced great success in licensing use of the Place St Maur in Bognor Regis for the siting of an Ice Rink over the festive period. This attraction provided a superb draw into the Town throughout the Christmas period and into the New Year. Discussions are already underway with the operator regarding how to make this event bigger and better for Christmas 2018.
- 1.38 Property, Estates & Facilities are exploring the current planning use for the Place St Maur site in order to enquire about extending use to provide even more business opportunities in this area throughout the year.

## 2.0 CONCLUSION

- 2.1 It is hoped that this information paper provides further background on some of the challenges facing the Council in managing the leased / licensed businesses on Council land.
- 2.2 The document also identifies opportunities that the Council has to improve upon the service currently delivered including identifying some of the frameworks agreed and decisions taken that will assist the Council in this task moving forward.
- 2.3 The Property, Estates and Facilities team is fully committed to securing continued service improvements. Though reviewing current general fund assets held and working in partnership with existing and new businesses moving forward the team are confident that the Council will see sound measurable business improvements delivered throughout the District.

**Background Papers:** Bognor Regis Seafront Delivery Plan

**Contact:** Paul Broggi, Property, Estates & Facilities Manager, Technical Services Group, Ext 37506

**EXTRACT FROM THE MINUTES FROM THE MEETING OF THE OVERVIEW  
SELECT COMMITTEE – 26 SEPTEMBER 2017**

194. REVIEW OF CONCESSIONS

Before inviting the Property & Estates Manager to introduce this item, Councillor Mrs Oakley stated that she wished to have placed on record her concern at the lack of notice given to Members in circulating information and background papers on this item.

The Head of Council Advice & Monitoring Officer outlined that the papers circulated to Members via email were for information purposes only. There was no report for Members to consider for this meeting. The Property & Estates Manager would be presenting the full detail of the background information circulated so that Members could scope a future review of concessions and could work out and agree on the content of the review. The full report with suggested outcomes would then be reported to the Committee's meeting to be held on 20 March 2018. The Head of Council Advice & Monitoring Officer added that Councillor English (as Vice-Chairman of the Committee) had requested this review when the Committee had discussed and prepared its Work Programme back in March 2017. As Councillor English had not been able to attend this meeting, he would be given the opportunity and time to feed in his comments to the Chairman.

The Property & Estates Manager then worked through his information report and stated that its purpose had been to provide Members with some background to the service and to confirm current arrangements. The facts supplied were that:

- This set out clearly all assets held including concessions and their value to the Council
- The long-term plan was to move away from the term 'concessions' – with all commercial leases and licences to be referred to as 'businesses'.
- The Service Level Agreement (SLA) with Chichester District Council (CDC) for the management of some estate management functions under contract ended on 31 April 2017 and the estate management function brought back in-house.
- The length of leases offered to concessions located on the promenade in Bognor Regis had been limited primarily due to the uncertainty surrounding the timescale for regeneration of the adjacent areas of the Town as well as development of the seafront.
- In Littlehampton work was progressing with landowners to seek mutual agreement due to the existence of restrictive covenants
- Usual seasonal factors had to be taken into account when setting rent levels
- There were new lease and licencing opportunities that were being looked at the by the Council's Asset Management Group. The Cabinet Member for Technical Services, Councillor Haymes, attended these meetings.
- Property & Estates were working to review all general fund assets held including concessions in order to maximise revenue created and to ensure optimum financial performance of the Council's general fund property portfolio accords the District.

**Item 6 - Appendix 1**

The Property & Estates Manager stated that he hoped that his presentation had provided sufficient insight to allow Members to confirm their scope and requirements for a review of the concessions businesses operated.

The following points were made by Members:

- Looking at the types of leases that the Council had, was there a lease based on a multiplier of turnover? It was explained that the Council considered all types of leases.
- The point was made that concessions should not always be based upon the financial return to the Council. It was important to also consider public viewpoint and the quality and consistency of a concession. The length of the lease offered to a concessionaire was critical in terms of the quality of service provided. If the length of the lease was short, the concessionaire would then not invest in that business. There needed to be a shift of emphasis in terms of more quality and what the customer wanted instead of just profit. The option of looking at other leaseholds should be explored.
- Questions were asked about the end of the SLA with CDC.
- Comments were made that there were too many food outlets in Littlehampton from running from Pier Road to Gloucester Road. In response, the aims of the Seafront Delivery Plan, already approved by all Members at Full Council, was referred to.
- The length of Leases was again discussed with Members agreeing that leases should not be under a period of 5 years. The point was made that more concessions should be open 364 days a year as this would attract visitors and residents to the District's seafronts. It was felt that this point needed to be looked at.
- In looking at the scoping of concessions information was needed in terms of best value to the customer and rent levels. Different types of licences needed to be looked at, set against the asset and in terms of the income that the Council could achieve. This needed to be looked at for Arundel, Littlehampton and Bognor Regis. From this Members could explore opportunities for other areas of the District [projects using moveable portable cabins].
- The relocation of the Bandstand in Bognor Regis and the Bognor Regis Seafront Delivery Plan was discussed. Councillor Hitchins stated that the feasibility study needed to be completed as this affected the seafront area in Bognor Regis and the future of concessions in this area in terms of their location and pitch size.
- The Chairman asked if this work could be included as part of the Concessions report. The Property & Estates Manager confirmed that he would need to discuss this point with Council Officers.
- Members stated that they needed to know the number of outlets; what they were and the service/goods they were aiming to sell/offer.

In summing up the points raised, the Chairman stated that he felt that the spreadsheet supplied with the background report provided the Committee with a good starting point for the review. He felt that the scope of the review could be based on the points that had been raised above.

**Item 6 - Appendix 1**

In summary these were:

- How concessions are assessed and established
  - The quality and customer perspective over revenue
  - That all types of leases be explored
  - That longer opening hours be encouraged [364 days per year]
  - To seek a justification and logic for rent levels based on discussion
- Looking at seafront locations – ensuring an even spread of usage as concern had been expressed at the number of food outlets over a very short stretch of area
- What the impacts of the feasibility study could mean for the location of the Bandstand in Bognor Regis
  - That the study needed be undertaken as soon as possible to assess impacts with the results being included within the concession review
- How to measure the value of a concession
  - Could this be an asset rather than being based on revenue
  - Could there be benchmarking or comparison with other authorities
- How opportunities for further leases and temporary buildings could be accommodated to offer more portability and flexibility in future concessions

This was noted by the Committee.

# BOGNOR REGIS SEAFRONT

## Delivery Plan

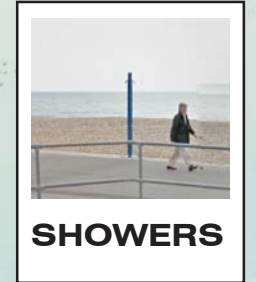
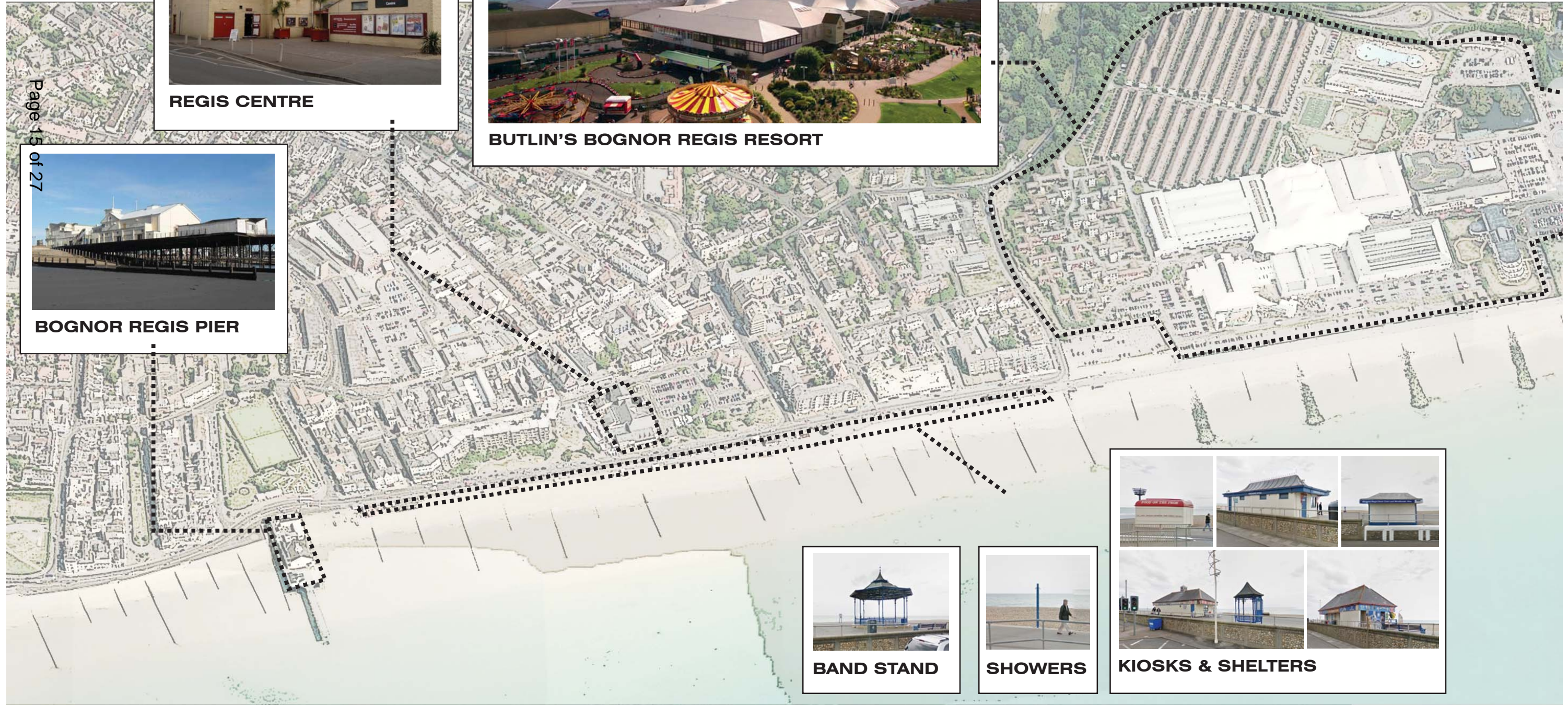


Page 14 of 27

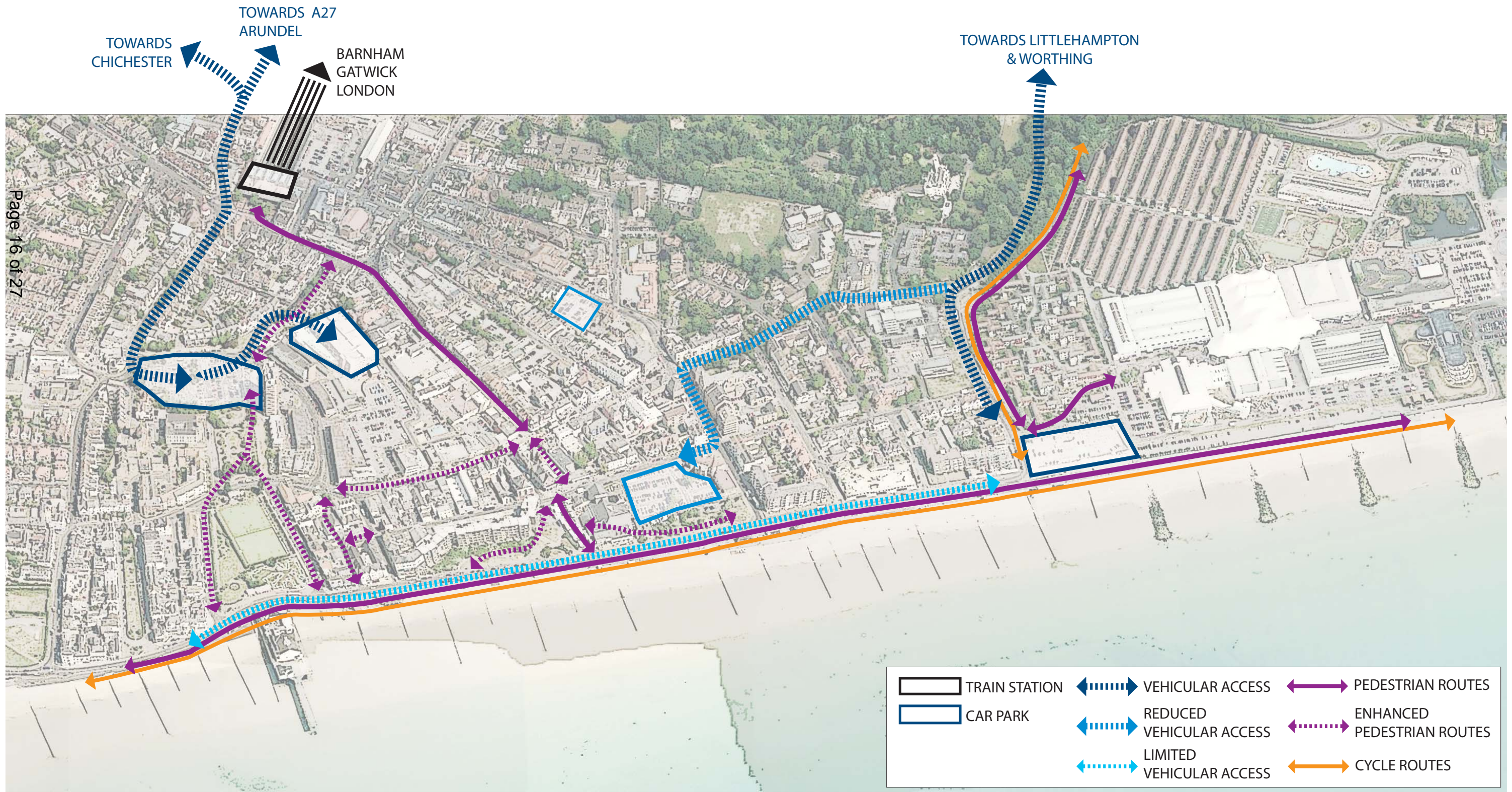


# Promenade

Page 15 of 27



# Access & Circulation



Page 16 of 27



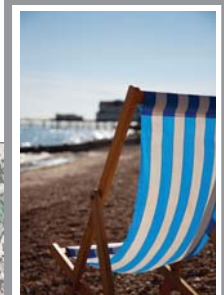
# Seafront Zoning



TIME-OUT



HISTORIC QUARTER



TIME-OUT



ACTIVITY - KID ZONE

Play facilities aimed at families with smaller children. Extended and improved Beach on the Beach, new play area with cafe, relocate paid-for kiddie play facility from near pier.



ACTIVITY - KID ZONE



HISTORIC QUARTER



BEACH ZONE  
Beach huts along the promenade.



**HISTORIC QUARTER**  
Conservation Area reflective of the heritage of the town. Bandstand relocated within a bespoke landscaped setting in Waterloo Gardens north of weather station. Fishing area tidy up.

## GATEWAY

Key link and crossing point between town and seafront. Shared surface table junction at crossing point. Place St Maur to have relocatable semi-permanent retail or market units until major redevelopment bought forward.

## STALLS ZONE

Cluster of permanent and temporary retail and catering outlets with new above-ground toilets. Uplift bandstand to new more fitting location.

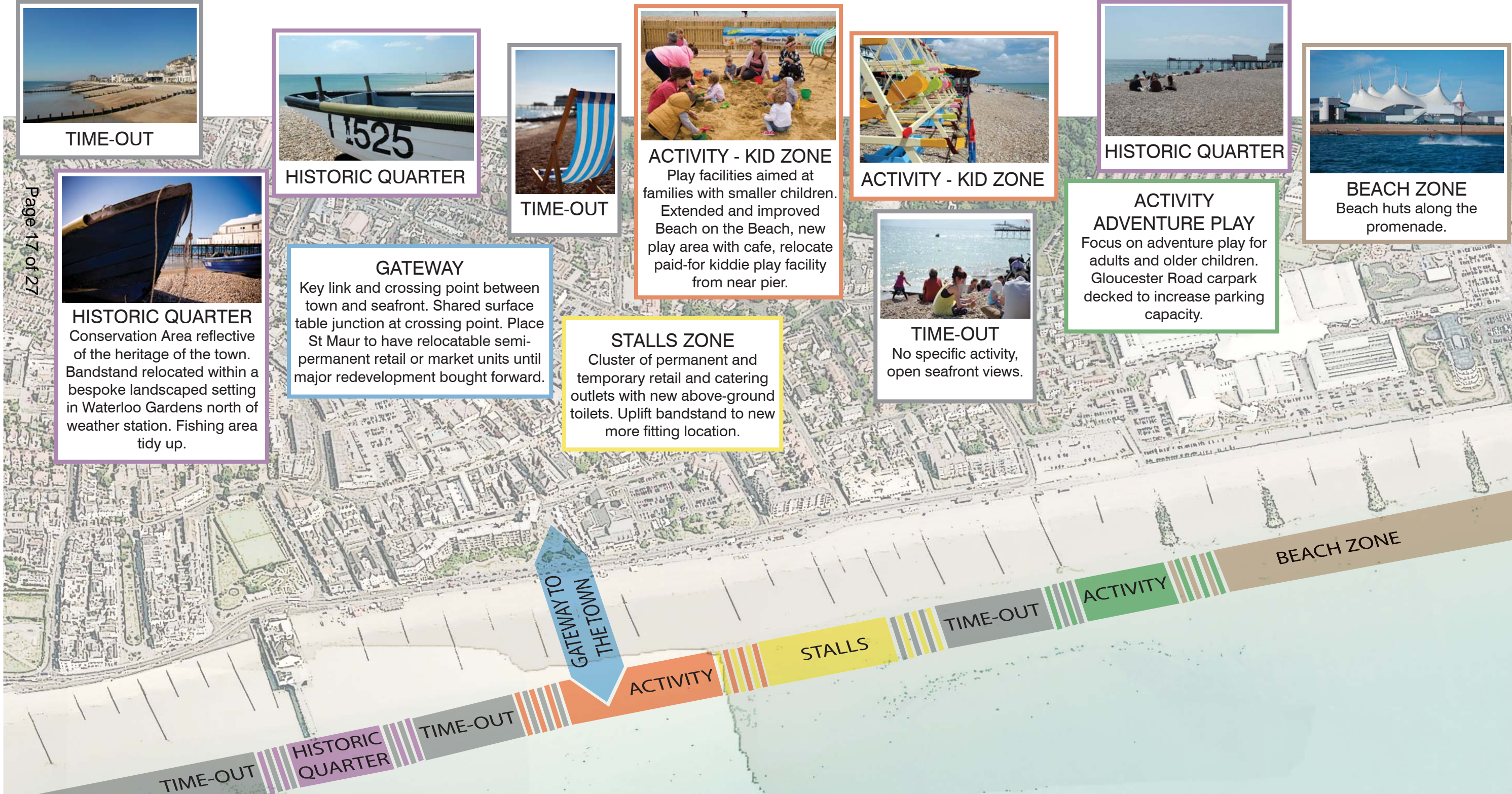


TIME-OUT

No specific activity, open seafront views.

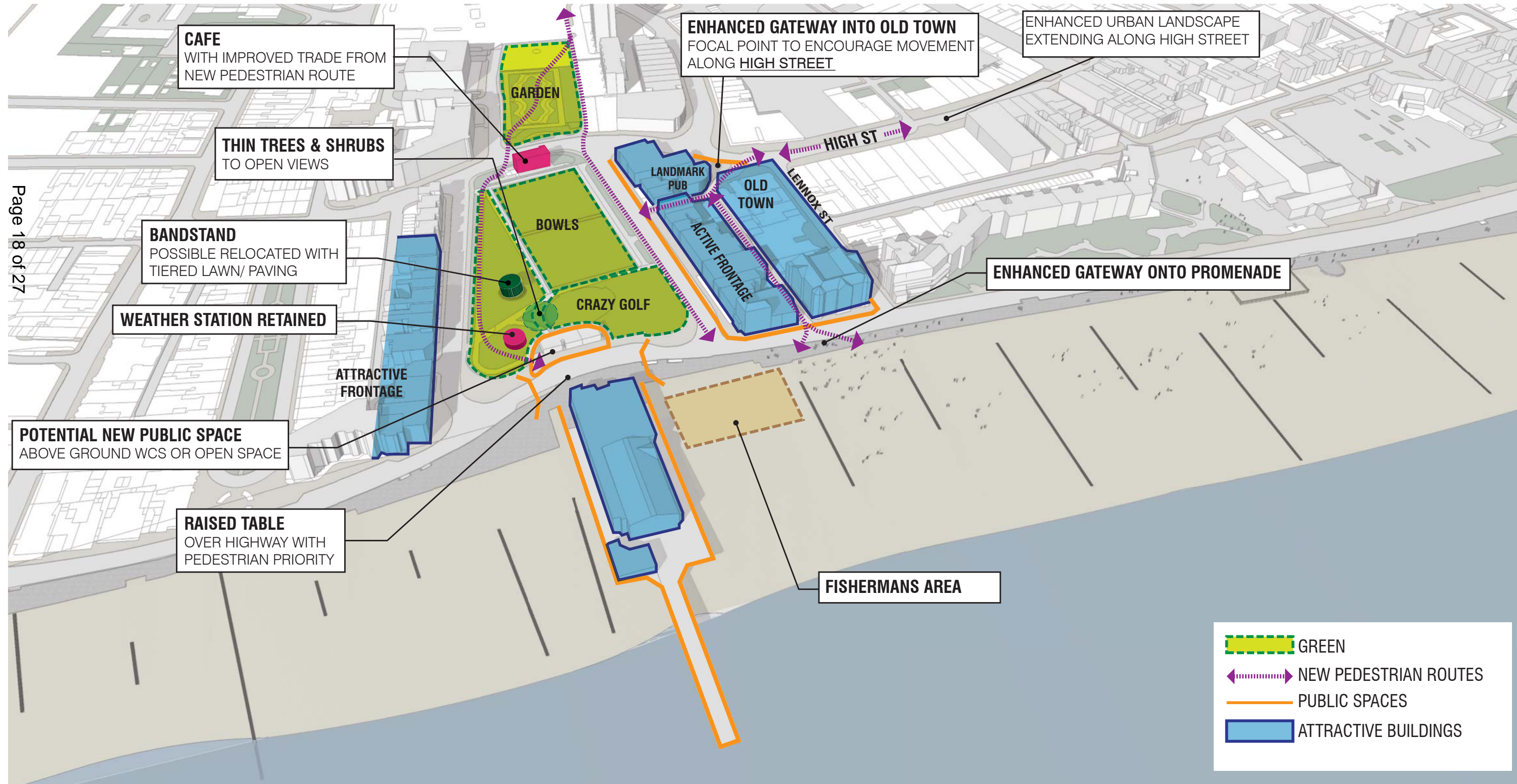
## ACTIVITY

Focus on adventure play for adults and older children. Gloucester Road carpark decked to increase parking capacity.



Zones are conceptual and flexible and can evolve and change. They are not rigid geographically or thematically

# Historic Zone



Page 18 of 27



	<b>Business Description</b>	<b>Lease Length</b>	<b>Lease Start</b>
1	Hotham Park Miniature Train	20	01-Apr-07
2	Cafe, West Park		
3	Clairvoyant, Waterloo	1	01-Jan-18
4	Mini Golf, Waterloo	21	01-Dec-08
5	Mewsbrook Park Cafe	10	01-Apr-11
6	Norfolk Gardens Cafe		
7	Mini Railway, Mewsbrook Park	08/07/2016 - 31/10/2017	
8	Cafe, Waterloo Sq		
9	Mewsbrook Park Boating Lake	5	01-Apr-16
10	Arundel Farmers Market,	15	01-Apr-00
11	Hotham Park Boating		
12	Round Telescopes, Bognor Regis	1 Apr 2011 - 31 Oct 2016	01/04/2011
13	Childrens Rides, Esplanade , Bognor Regis	1 Nov 2016 - 31 Oct 2019	01/11/2016
14	Clarence Road Kiosk Bognor Regis	1	01-11.16
15	East Prom Train - Bognor Regis	2	01/11/2016
16	Deck Chairs - Littlehampton		25/04/2016
17	Deck Chairs - Bognor Regis	annual agreement	
18	Land Train Littlehampton	1 Nov 2015 - 31 Oct 2017	
19	Fish Sale Kiosk Bognor Regis	2	01-Nov-17
20	Gloucester Road Kiosk Bognor Regis	10	01-Apr-11
21	Esplanade Theatre Café Kiosk	1 Apr 2016 - 31March 2020	01/04/2016
22	Oyster Pond Boats Littlehampton	1st Oct 2015 - 31st Oct 2016	01/10/2015
23	West Beach Cafe	1 Apr 2006 - 31 Oct 2020	01/04/2006
24	Shellfish, stall Littlehampton	10	01-Jan-17
25	Edible Sandwich Company Arundel Chair licence	Annual Rolling	
26	Food on the Prom Kiosk Bognor Regis	24 Feb 2016 - 31 Oct 2016	24/02/2016
27	Mooring & Pontoon, Arundel	1 Oct 2015 - 31 Mar 2018	01/10/2015
28	Coffee Cup Kisok Bognor Regis	Ends 28/07/2017	

**AGENDA ITEM NO. 7****ARUN DISTRICT COUNCIL****REPORT TO OVERVIEW SELECT COMMITTEE  
ON 20 March 2018****PART A : REPORT****SUBJECT: Filming and Photography Draft Policy****REPORT AUTHOR: Jackie Follis – Group Head of Policy DATE: 23 February 2018  
EXTN: 37580****EXECUTIVE SUMMARY:**

Following the implementation of the Local Government Audit and Accountability Act 2013 the Council agreed a Filming Protocol. It has been recognised for some time that whilst this is adequate as a reminder of the basics requirements for elected members, staff and members of the public, nearly 5 years on it should now be reviewed. This paper sets out the proposed new policy, in particular with regard to the new Data Protection Regulations.

**RECOMMENDATIONS:**

The Committee is asked to agree and accept the draft Filming and Photography Policy so that it can be recommended onto Full Council on 2 May 2018 for approval and adoption.

**1. BACKGROUND:**

The proposed Filming and Photography Policy is relatively brief, the intention being that it is clear for Members, Staff and the general public, not overly complicated and covers a number of legal requirements.

The Policy is set out in three sections:

**Council Meetings**

This is an update of the current guidance. The main change is that the Policy sets out in general terms under what circumstances meetings will be webcast by the Council. It also confirms that the retention period for the record of meetings recorded by the Council, that is 6 months.

**Filming and Photography covering our own land and buildings throughout the Arun District**

The Council already has detailed guidance and a request procedure for anybody wishing to film or photograph on our own land or property, this is attached as appendix 1. The new Policy will link to this, ensuring that should operational details of the procedure change these can be made, without having to reconsider the principles set out in this Policy.

<p><u>Guidance for staff who need to film or photograph in order to deliver services.</u></p> <p>A number of services need to use film or photographic images in order to deliver their services. Reasons for doing this vary widely, from taking photographs of our Housing Tenants for anti-fraud purposes, pictures of buildings, events etc for compliance purposes, pictures taken in order to promote Council activities and developments and others. The use of photographic images will regularly be via social media and staff are reminded of this in the Policy</p> <p>Because of the wide range of reasons which services may have for using film or photographic images the Policy sets out the key General Data Protection Regulations (GDPR) principles which the Council (Members and staff) must consider in these circumstances.</p>		
<p><b>2. PROPOSAL(S):</b></p> <p>To recommend acceptance of the draft Filming and Photography Policy to Full Council on 2 May 2018.</p>		
<p><b>3. OPTIONS:</b></p> <p>To recommend acceptance of the draft Filming and Photography Policy to Full Council on 2 May 2018.</p> <p>To not recommend acceptance of the draft Filming and Photography Policy to Full Council on 2 May 2018.</p>		
<p><b>4. CONSULTATION:</b></p> <p>Consultation has taken place with Arundel Town Council on the Memorandum of Understanding.</p>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Safeguarding	✓	

Other (please explain)		✓
<p><b>6. IMPLICATIONS:</b></p> <p>Given the nature of the Policy, to ensure that in particular those dealing with any Council activities which may have Safeguarding implications are fully compliant with the principles of GDPR.</p>		

<p><b>7. REASON FOR THE DECISION:</b></p> <p>To update the current Council Protocol on filming and photography at Council meetings and to establish principles for the Council's wider activities relating to filming and photography.</p>
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<p><b>8. BACKGROUND PAPERS:</b></p> <p>None</p>
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# DRAFT FILMING AND PHOTOGRAPHIC POLICY

<i>Decision / Adoption date</i>	
<i>Review date</i>	



## 1. Purpose

This document sets out the principles around how filming, photography and social media will be used to ensure that Council meetings are seen to be transparent and any data collected is dealt with appropriately in terms of legal requirements and best practice.

It will also cover authorisation procedures for external bodies or individuals who wish to film or take pictures on council property.

## 2. Council Meetings

The recording, filming and broadcasting of all public meetings is allowed in accordance with the Local Government Audit and Accountability Act 2013. This does not include meetings or parts of meetings from which the press and public are excluded.

From time to time the Council may make a decision to broadcast a meeting via their website. Due to the resources needed this will only take place where a meeting is deemed to be of particular and widespread interest and normally where the Council is aware that the public gallery is unlikely to accommodate all of the members of the public who would like to observe the meeting. The Council will retain the recording for a period of 6 months following the meeting and it will be available to view for this period via a link from the Council's website.

This policy sets out restrictions on when and how members of the public will be permitted to film or record meetings so long as it does not interfere with any person's ability to observe the debate. Please note that this includes the use of digital and social media tools, for example Twitter and blogging.

Anybody recording or filming a meeting should recognise and respect the rights of members of the public or staff who are not formally a part of the meeting or making representations at the meeting, and that generally the Public Gallery should not be filmed. However, by entering the meeting room and using the public seating area, members of the public should be aware that they are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If a meeting is to be filmed this will be announced at the start of the meeting. Any filming or recording should be done in a non-disruptive manner and will only be allowed from the area set aside for the public to observe the meeting.

During meetings in official Council meeting rooms, filming by broadcasters shall only be from the media areas, public gallery or specific designated space. This space will be reserved for them and not available for the public. Set up or removal of any equipment must be done outside of the formal meeting time. The use of flash photography or additional lighting will not be allowed unless this has been agreed in advance because of its potential to disrupt a meeting.

The Chairman of the meeting, or any designated Council representative, has the capacity to stop a meeting or take any other appropriate action if anybody contravenes these principles, is deemed to be filming or recording in a disruptive manner or in a manner which may infringe the rights of any individual, or be defamatory.

Any person or organisation choosing to film, record or broadcast any meeting of the Council is responsible for any claims or other liability resulting from them doing so. In addition, the Council asks that those recording proceedings do not edit the film/record or photographs in a way that could lead to misinterpretation of proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in such a way that may ridicule or show a lack of respect to those being filmed/photographed/recorded.

Guidance on filming, recording and broadcasting meetings will be displayed at the Council's meeting venues and those undertaking these activities will be deemed to have accepted them whether they have read them or not. This policy and guidance will also be published on the Council's website.

### 3. Filming and Photography within Arun District

The Council regularly receives requests to film or photograph around the District. Detailed guidance and a request procedure for this is available on the Council website at <https://www.arun.gov.uk/filming-in-the-district> . This includes a detailed set of terms and conditions including the regulations and statutory controls which apply and contact details for further information. The procedure includes:

- General conditions
- Risk assessment and health and safety
- Specific requirements around the use of drones or aerial filming equipment.
- Requirements in terms of insurance cover
- Requirement to indemnify the Council against various expenses and outcomes
- Use of and access to the filming/photography site
- Road closures
- Charges

#### 4. Council Services who use filming/photography

A number of Council Services use filming and/or photography in various ways to support their service delivery. This may include the use of images on social media posts generated by the Council. All Council services are expected to comply fully with the General Data Protection Regulations and to ensure that any material which includes personal data relating to an individual is dealt with according to the following principles:

- That such material is processed lawfully, fairly and in a transparent manner
- Any film/photographic record will be collected for a specified, explicit and legitimate purpose
- That the data collected is limited to what is necessary and relevant
- That any data which identifies an individual is kept for no longer than necessary
- That all data is processed and stored in a secure way

#### 5. Further Information

Anybody requiring further information on this Policy should contact the Public Relations Team at [public.relations@arun.gov.uk](mailto:public.relations@arun.gov.uk), or for further information on filming and photography around the Arun District [events@arun.gov.uk](mailto:events@arun.gov.uk)