



# Public Document Pack

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14 September 2022

## **COUNCIL MEETING**

To all Members of the Council

You are summoned to attend a meeting of the ARUN DISTRICT COUNCIL to be held on **Wednesday 14 September 2022 at 6.00 pm** in the **Council Chamber, at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** to transact the business set out below:

James Hassett  
Chief Executive

## **SUPPLEMENT AGENDA**

8. URGENT MATTERS (Pages 1 - 4)

To deal with business not otherwise specified in the Council summons which, in the opinion of the Chairman of the Council (in consultation with the Chief Executive), is business of such urgency as to require immediate attention by the Council.

A report from the Group Head of Law & Governance and Monitoring Officer is attached.

9. REPORT FROM THE RETURNING OFFICER OF THE PERSON ELECTED AS DISTRICT COUNCILLOR FOR ARUN DISTRICT COUNCIL ON 8 SEPTEMBER 2022 (Pages 5 - 6)

The Returning Officer will report to the Council on the result of the District Council By-Election held on 8 September 2022. This is attached.

11. POLICY & FINANCE COMMITTEE - 6 SEPTEMBER 2022 (Pages 7 - 20)

The Chair, Councillor Gunner, will present the Minutes containing recommendations from the meeting of the Policy & Finance Committee held on 6 September 2022. These are attached.

Note : If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

## Arun District Council

<b>REPORT TO:</b>	<b>Full Council - 14 September 2022</b>
<b>SUBJECT:</b>	<b>Non-Attendance by a Councillor For Six Months</b>
<b>LEAD OFFICER:</b>	<b>Daniel Bainbridge, Group Head of Law and Governance and Monitoring Officer</b>
<b>LEAD MEMBER:</b>	<b>N/A</b>
<b>WARDS:</b>	<b>Arundel &amp; Walberton Ward</b>
<b>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:</b>	
This report concerns Councillors' statutory duties to attend meetings in order to support the Council's ongoing business.	
<b>DIRECTORATE POLICY CONTEXT:</b>	
The Monitoring Officer is responsible for monitoring the attendance of Councillors and reporting to Full Council accordingly.	
<b>FINANCIAL SUMMARY:</b>	
There are no direct financial implications associated with this report. Should a by-election be called (which is not a matter for Full Council to determine), then the costs of the by-election will be borne by the Council in the usual way.	

**Reasons for urgency:** The special circumstances for non-compliance with Access to Information Procedure Rules Part 6 Section 1 Paragraph 5.1 and Section 100B(4) of the Local Government Act 1972 (items not to be considered unless open to inspection at least 5 days before the meeting) are that:-

The six-month period expired on 3 September 2022 and it is the Council's statutory duty to declare the seat vacant forthwith, and therefore delaying this report to a future meeting would not fulfil that duty.

### 1. PURPOSE OF REPORT

1.0 The purpose of this report is to seek a resolution from Full Council that the Arundel & Walberton ward seat formerly occupied by Councillor Faye Catterson be declared vacant.

### 2. RECOMMENDATIONS

2.0 It is recommended that the Council declares vacant the Arundel & Walberton ward seat formerly occupied by Councillor Faye Catterson.

### **3. EXECUTIVE SUMMARY**

- 3.1 Councillor Faye Catterson has not attended a meeting relating to the discharge of Council functions since attending the Full Council meeting on 3 March 2022. The Monitoring Officer has spoken with Councillor Catterson and can confirm that this has been due to Councillor Catterson's ill-health during that time.
- 3.2 Section 85(1) of the Local Government Act 1972 states that a Councillor will automatically cease to be a member of the authority if he or she fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority.
- 3.3 However, that is subject to the caveat in section 85(1) – "unless the failure was due to some reason approved by the authority before the expiry of that period". The Act states that, should the Council deem any reason insufficient, or should no reason be provided, a Councillor will be automatically cease to be a member of the authority.
- 3.4 Therefore, any Councillor in such a position must be given the opportunity to provide a reason for that absence, and to have that reason considered by the Council.
- 3.5 As stated above, the Monitoring Officer has spoken with Councillor Catterson in order to establish her reason(s) for not attending, and Councillor Catterson has confirmed that this has been due to her ongoing ill-health. Councillor Catterson did not seek an extension to the period of absence under section 85, and therefore Councillor Catterson ceased to be a member of the Council on 3 September 2022.
- 3.6 Under section 86 of the Act, the Council now needs to declare the ward seat vacant.
- 3.7 Section 87 states that the casual vacancy must be publicised via a public notice as soon as possible following the meeting. Officers would put that into effect forthwith following any resolution. The seat would then remain vacant unless or until a by-election were called.

### **4. CONSULTATION**

- 4.1 There has been no requirement for third party consultation in these circumstances.

### **5. OPTIONS / ALTERNATIVES CONSIDERED**

- 5.1 There are no available alternative options in these circumstances. The Council is obliged to now declare the seat vacant.

### **6. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER**

- 6.1 There are no direct financial implications associated with this report. Should a by-election be called (which is not a matter for Full Council to determine), then the costs of the by-election will be borne by the Council in the usual way.

## **7. RISK ASSESSMENT CONSIDERATIONS**

7.1 There are no risk implications associated with this report. Failure to declare the seat vacant would mean the Council being in breach of its statutory duty.

## **8. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER**

8.1 The legal implications and comments of the Monitoring Officer are set out within the body of this report.

## **9. HUMAN RESOURCES IMPACT**

9.1 There are no human resources implications associated with this report.

## **10. HEALTH & SAFETY IMPACT**

10.1 There are no health and safety implications associated with this report.

## **11. PROPERTY & ESTATES IMPACT**

11.1 There are no property and estates implications associated with this report.

## **12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

12.1 There are no equalities implications associated with this report.

## **13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE**

13.1 None associated with this report.

## **14. CRIME AND DISORDER REDUCTION IMPACT**

14.1 None associated with this report.

## **15. HUMAN RIGHTS IMPACT**

15.1 There are no human rights implications associated with this report.

## **16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

16.1 None associated with this report.

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### **CONTACT OFFICER:**

Name: Daniel Bainbridge

Job Title: Group Head of Law and Governance and Monitoring Officer

Contact Number: 01903 737607

**BACKGROUND DOCUMENTS:** None

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**ARUN DISTRICT COUNCIL**  
**FULL COUNCIL MEETING – 14 SEPTEMBER 2022**

**REPORT OF RETURNING OFFICER**

I, the Returning Officer, hereby declare that the following person was elected as a Member of Arun District Council at the By-Election held on 8 September 2022:



James Hassett  
Chief Executive

<b>District Ward</b>	<b>Person Elected</b>	<b>Description</b>
Barnham	Sue Wallsgrove	Green

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# Public Document Pack Agenda Item 11

Subject to approval at the next Policy and Finance Committee meeting

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## POLICY AND FINANCE COMMITTEE

6 September 2022 at 6.00 pm

Present: Councillors Gunner (Chair), Pendleton (Vice-Chair), Cooper, Dixon, Goodheart, Oppler, Roberts, Stanley and Walsh.

Councillors Bennett, Mrs Cooper and Coster were also in attendance for all or part of the meeting.

NOTE: The following Councillors were absent from the meeting during consideration of matters outlined in the following minutes – Councillor Pendleton – Minute 230 to Minute 235 (Part) and Councillor Goodheart – Minute 230 to Minute 235 (Part) – after the vote had been taken.

Apologies: None

### 230. WELCOME

The Chair welcomed Members and Officers to the meeting and extended a very warm welcome to Councillor Goodheart as a new Member to the Committee, replacing Councillor Seex.

### 231. DECLARATIONS OF INTEREST

Councillor Dixon declared a Personal Interest in Agenda Items 7 [Strategic Options for the Regeneration of the Regis Centre, Bognor Regis] and 8 [Heads of Terms for Hotel and Regis Centre] as he owned fourteen Whitbread shares.

Councillor Walsh declared a Personal Interest in Agenda Item 9 [Littlehampton Seafront Project] as a Member of Littlehampton Town Council and as they could be involved in the project.

### 232. MINUTES

The minutes from the meeting of the Committee held on 30 June 2022 were approved by the Committee as a correct record and were signed by the Chair at the conclusion of the meeting.

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

The Chair confirmed that no questions had been submitted for this meeting.

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234. PUBLIC QUESTION TIME

The Chair confirmed that no questions had been submitted for this meeting.

235. EXEMPT INFORMATION

The Chair confirmed that the next two agenda items 7 and 8 would be considered under Exempt Business and that he would be proposing a Motion to move into confidential business. Once this had been seconded and a vote undertaken and declared, if approved the webcast of the meeting would be paused for the consideration of the two items.

Councillor Dixon confirmed that he objected to these items being considered in Exempt business and he explained why. He confirmed that the council would need to submit a planning application to itself for the Levelling-Up project and so information relating to this proposed development could not be considered as Exempt. The Local Government Act 1972 as amended under Schedule 12a, Part 2, Paragraph 9 outlined that information was not exempt if it related to proposed development for which the local planning authority might grant itself planning permission or permission in principle pursuant to Regulation 3 of the Town and County Planning General Regulations 1992. Also, under Paragraph 5, it stated that this included information in respect of claim to legal professional privilege could be maintained in legal proceedings. Councillor Dixon stated that in addition to this, in the council's constitution, at Part 6, Section 1, Paragraph 11.4b confirmed the same thing in the same terms. Also, Part 6, Section 1, 2.1 [Scope], confirmed that these rules applied to all meetings of the council and its committees. Councillor Dixon confirmed that he wished to have placed on record that treating these matters as Exempt was in breach of The Local Government Act 1972 and so they should be considered in public.

The Chair invited the Group Head of Law & Governance and Monitoring Officer to respond. He confirmed that agenda items 7 and 8 had been published as Exempt under Paragraph 3 of Schedule 12a of the 1972 Act, which was information relating to the financial or business affairs of any particular person, including the authority holding that information. Councillor Dixon had mentioned Paragraph 5 [information in respect of which a claim to legal professional privilege could be maintained in legal proceedings] but these two items had not been published citing that exemption as a reason for their confidentiality and so this could not apply. The Monitoring Officer then explained the exemption around applying Paragraph 3 to the items. He outlined that the items for consideration were not reports that were considering a planning application and if they were then they would be considered by the Planning Committee and not this Committee. He confirmed that Part 2, Paragraph 9, of the Local Government Act 1972, as quoted by Councillor Dixon could not apply to these reports.

Councillor Walsh also spoke on this point stating that there were principles included in the exempt papers alongside the commercial details that would facilitate those principles being put into practice. His view was that the Committee could discuss the principles and heads of terms, in open session, as those principles were important and should be in the public domain. He completely understood the commercial considerations surrounding finance and conditions of the lease that should be considered as Exempt business.

Councillor Gunner then proposed to move into Exempt Business, and this was seconded by Councillor Pendleton.

As a recorded vote had been requested, those voting for were Councillors Cooper, Gunner, Pendleton and Roberts [4]. Those voting against were Councillors Dixon, Oppler, Stanley and Walsh [4]. No Councillors abstained from voting.

As the result on this motion was tied, the Chair used his casting vote and voted for.

The Committee

#### RESOLVED

That under Section 100a (4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the items.

236. STRATEGIC OPTIONS FOR THE REGENERATION OF THE REGIS CENTRE AND HEADS OF TERMS FOR HOTEL AND REGIS CENTRE (EXEMPT - PARAGRAPH 3 - INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON (INCLUDING THE AUTHORITY HOLDING THAT INFORMATION) OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

The Chair confirmed that as the next two agenda items were closely linked, he proposed to combine them to make debate easier. He confirmed that the voting on each item's recommendations would remain separate as there were recommendations that would be forwarded to Full Council to consider.

The Regeneration Consultant was invited to present his reports. He explained that the first report (Item 7) focused on the strategic options for regeneration of The Regis Centre, Bognor Regis using the levelling-up fund grant funding.

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The committee was reminded that the council owned the freehold of the Regis Centre site where the theatre was currently located. The Regis Centre building was held on a long lease from the council by Whitbread Plc. The southern end of the building (seaward facing) was operated by Whitbread as a Brewers Fayre restaurant and pub. The northern end of the building was sub-let to Arun Arts, a registered charity operating the theatre. To progress any refurbishment or extension of the Alexandra Theatre the council needed to negotiate with Whitbread Plc to either allow full access to the building to enable work to progress or surrender their lease of the whole building.

The report before the Committee set out in detail the options available to the council to secure the most desirable medium-term outcome in order that inward investment be retained on the site and that its cultural, social and economic value to the Town was maximised. It was outlined that there might be other options that the Committee might wish to debate at length and consider.

The next report [Agenda Item 8] set out proposed heads of terms in relation to lease arrangements for The Regis Centre and an associated development opportunity for approval.

The Chair invited questions on both reports. Councillor Stanley confirmed that he wished to make amendments to the recommendations in Item 7 as he had concerns over the style of any future hotel which would be located next to a Grade II listed property. This was because he believed that there had been questionable planning decisions made previously on heritage assets which had been destroyed in Bognor Regis. His amendment intended to make it clear that that the council would like more conversation in terms of its expectations for any hotel.

Councillor Stanley then confirmed the wording to his amendment to Recommendation (1) – as set out below. Additions are shown in **bold** with any deletions shown using ~~strikethrough~~

- (1) Approve Option 2 in the report which is for the council to secure the surrender of Whitbread PLC's lease of the existing Regis Centre building with the sale of a new lease of 125 years to Whitbread for the southeast corner site for the construction of a 102 bedroom hotel, **and the Committee looks forward to a development that is respectful of its seafront and its position next to a Grade 2 listed building.**

Councillor Stanley then confirmed the detail of his second amendment which read: **“Subject to a fixed agenda item on all Policy & Finance Committee meetings to provide Committee Members an update on this project as well as a monthly progress report distributed to all via email.”**

Councillor Oppler seconded this amendment.

The Regeneration Officer and the Group Head of Law & Governance and Monitoring Officer provided advice to the Committee. They confirmed that the Committee could not fettle with planning processes and advised against making a subjective aspiration that could not be measured, however, felt comfortable with the Committee confirming an aspiration. It was confirmed that the second amendment should be classed as a new recommendation (2a) that the Committee could resolve.

The Chair then invited debate on the amendment. This saw some Councillors stating that it was sensible for the council to send a signal to Whitbread which it could respond to.

As there were no more Councillors requesting to be speak further on the amendment, the chair put it to the vote. On the amendment being put to the vote it was unanimously passed.

The Chair then returned to the substantive recommendations for Item 7 and the recommendations for Item 8 and invited debate.

A detailed question and answer session then took place.

The Regeneration Officer then explained the Heads of Terms in relation to lease arrangements. Timescales were discussed and explained alongside financial implications. Questions relating to the other options set out within the report were asked and answered, alongside other scenarios raised by the Committee.

In debating the proposed option set out within the report, there were Members that confirmed that they could not give the proposals their full support. They felt pressurised into making decisions and wanted more enhanced facts and information. Some felt that the risks to the council and others were too great. Some felt that there were too many disadvantages making this a poor deal for Bognor Regis.

Following a lengthy debate and further questions, the Chair then turned to the substantive recommendations in Item 7. A recorded vote was requested.

Those voting for recommendations (1) and (2) were Councillors Cooper, Goodheart, Gunner, Pendleton and Roberts (5). Councillor Dixon voted against the recommendations. Councillors Oppler, Stanley and Walsh abstained from voting (3).

The Committee

RESOLVED – That

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(1) Approval be given to Option 2 in the report which is for the council to secure the surrender of Whitbread PLC's lease of the existing Regis Centre building with the sale of a new lease of 125 years to Whitbread for the southeast corner site for the construction of a 102-bedroom hotel; and the committee look forward to a development that is respectful of its seafront setting and its position next to a Grade 2 listed building.

(2) Agree to delegate authority to the Chief Executive in consultation with the Section 151 Officer to conclude the detailed negotiations with Whitbread PLC to deliver the project; and

(2a) Subject to a fixed agenda item on all P&F committee meetings to provide committee members an update on this project as well as a monthly progress report distributed to all via email.

The Chair then turned to Recommendations (3) and (4). A recorded vote had been requested. Those voting for were Councillors Cooper, Goodheart, Gunner, Pendleton and Roberts (5). No Councillors voted against. Councillors Dixon, Oppler, Stanley and Walsh abstained from voting (4).

The Committee therefore

RECOMMEND TO FULL COUNCIL – That

(1) A supplementary Capital Estimate of £3m to support the delivery of Option 2 as outlined in the report is approved; and

(2) A supplementary Capital Estimate of £750k to buy back the current lease of the site as outlined in Paragraph 4.15.16.

The Chair then turned to the recommendations in Agenda Item 8. A recorded vote had been requested. Those voting for were Councillors Cooper, Goodheart, Gunner, Pendleton and Roberts (5). Councillor Dixon voted against (1). Councillors Oppler, Stanley and Walsh abstained from voting (3).

The Committee therefore

RESOLVED

That subject to the approval of the required funding by Full Council, the Committee:

(1) Approve the Heads of Terms with Whitbread PLC;

(2) Delegates to the Chief Executive in consultation with the Section 151 Officer, to:

- Negotiate and agree on outstanding matters within the Heads of Terms
- Grant a lease of 125 years for the land in the south-eastern part of the Regis Centre car park, including the former fire station
- Accept a surrender of the head lease of the Regis Centre building
- Accept the surrender of the sublease of the Alexandra Theatre
- Grant a new short-term lease for the pub/restaurant to Whitbread Plc
- Grant a new lease for the Alexandra theatre to Arun Arts
- Take any actions necessary consequential to the discussions taken above, in relation to expunging existing leases or granting new leases.

***The meeting then returned to open business.***

237. REGIS CENTRE HEADS OF TERMS REPORT - EXEMPT - PARAGRAPH 3 - INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON (INCLUDING THE AUTHORITY HOLDING THAT INFORMATION) OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT CT 1972

As confirmed by the Chair earlier, this item had been considered jointly with Agenda Item 7.

238. LITTLEHAMPTON SEAFRONT PROJECT - UPDATE

The Principal Landscape and Project Officer presented her report highlighting that it provided a general update as to how this project was progressing and it signified the start of the stakeholder engagement process. Looking at next steps, although the report had highlighted that the stakeholder engagement would be undertaken in September 2022, this was now likely to be in October and a date would be confirmed to Members shortly.

Moving forward to the proposals for the scheme, a draft layout which would form the basis of the stakeholder engagement, was shared to the meeting. It was explained that the concept layout contained the elements included within the Levelling-Up Fund bid and followed the design principles of plans previously consulted upon. A short presentation was then provided to the committee on the plans being displayed to include the different features that would be provided. The second sheet provided an aerial view to bring the area to life. It was explained that the plans were in draft form as the project moved towards the stakeholder process. As Members had been keen to see how the design proposals were forming, it was hoped that the plan and the presentation provided made it clear what the project would provide to the local community before the consultation with stakeholders commenced.

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In inviting questions from the Committee, the Chair highlighted how other projects had suffered with increasing inflation and so he was keen to know if this would be an issue for this project. It was highlighted that it was difficult to predict this, however, the council's consultants were very mindful as to what was happening globally and so they had built in a good percentage for inflation increases into their cost plans. Despite this, it was acknowledged that there needed to be flexibility and that the scope may need to be reviewed and perhaps changed as the designs were taken further forward and as solid prices for the scheme were received.

In asking further questions it was acknowledged what a good news item this scheme was for Littlehampton and the District. The plans were welcomed and as they contained nearly all features requested and the retention of the coach parking in Banjo Road, which during the summer had demonstrated that there was a continuing need for. The provision of new toilet facilities and a foreshore office was a positive and it was hoped that the public conveniences would have a changing place toilet and would contain showers for members of the public to use having used the beach. It was pointed out that most tourist towns with beaches did now offer showering facilities and these were a big attraction. Members welcomed the suggestion of water play features to include channels pools and a small number of water jets and were interested to know more on the number of jets that would be provided to make this a very usable public facility. It was also vital to receive a guarantee that whatever system was provided it would be sand proof or would have a feature that would make sand removal very easy to avoid the blocking of jets. In response, it was confirmed that there would be changing place toilets although it was difficult at this stage to confirm the exact number of water jets that would be provided. The design team would be looking at this and providing options as to what would work in the most effective way. Showers would be provided in the toilet block and family cubicles with baby change facilities too.

Moving on to other elements of the scheme and the new parking arrangements, the name of the car park as South Terrace Car Park was welcomed making it clearer to visitors where this could be found. It was hoped that signage for when visitors approached the other side of the car park could be enhanced.

A question was asked about Pier Road and what plans there were for this area as this was in close proximity to the scheme. It was explained that this did not fall within the remit for this project, however, plans were in place for Pier Road for the future.

Following further debate, questions were asked on camper van parking, car park lighting and concessions,

Having had the recommendations proposed by Councillor Cooper and seconded by Councillor Walsh,



## The Committee

### RESOLVED – That

- (1) The draft concept design, as presented, be endorsed prior to engagement with stakeholders and public consultation; and
- (2) The budget figure within the Heads of Terms for the procurement of the design and build contractor is increased from £6,684,844 to £6,756,144 to incorporate the Changing Places toilet capital allocation and management fee.

## 239. BUDGET MONITORING REPORT

The Interim Group Head of Finance and Section 151 Officer presented the first budget monitoring report for the first quarter of 2022/23. It detailed three main sections. The first was the General Fund summary which showed a projected spend of £56k over profiled budget which was a minor variation and took into account major under and overspends and agreed additional spending. The main area of concern currently was nightly paid accommodation. As stated in the report, any decline in the General Fund balance below £5m would be replaced by transfer from the resilience reserve to maintain the General Fund balance of £5m. The Funding Resilience Reserve was anticipated to be £8m by end of financial year as planned.

The Housing Revenue Account (HRA) balance was projected to decline below its recommended minimum of £2m by 31 March 2023. Finance staff were in liaison with the Housing Team to compile a revised HRA Business Plan and proposals for the budget which would be presented to this Committee at its meeting to be held on 8 December 2022.

The Capital and Asset Management Plan Budget for 2022/23 had initially been set at £17.471 m but due to commitments brought forward the budget had increased to £55.286m and the main changes were highlighted but would be reviewed as part of the 2023/24 budget preparation process.

The Chair asked a question on the HRA stating that the current forecast did not take into account any planned changes for the housing service. He asked if the report to this Committee in December would focus on this. It was confirmed that it would.

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A non-Committee Member asked some questions on the HRA account and expressed concern that the balance could drop well below the minimum £2m balance agreed by Full Council. He wanted to know if the costs of the new IT system spend had been taken out and he also asked about another £3m that would need to be spent on the council's decarbonisation strategy. If the HRA balance was also to be used for this project, the HRA reserve account would become worryingly below what Full Council had agreed it should be. Councillors were referred to Section 8.1 of the report which showed the projected HRA balance. It was highlighted that this excluded any supplementary requests and that this was why the HRA Business Plan was being reprofiled.

Further questions were asked relating to the HRA account and why Members were not being given details of the reserve account funding the HRA at this stage. Concerns were expressed over the great use of temporary staff adding enormous agency costs to the budget. Reassurance was required that this was being addressed and would be covered as part of the reprofiling of the HRA Business Plan that would be presented to the Committee in December 2022.

Following further debate and having been proposed by Councillor Pendleton and seconded by Councillor Cooper,

The Committee

RESOLVED – That

- (1) Any specific project related Grant Fund revenue underspend continues to be transferred to earmarked reserves as per previous policy to allow projects to be completed;
- (2) As it is forecast that the Housing Revenue Account (HRA) balance will decline below the £2m recommended minimum balance approved by the Council, a report updating the budget be prepared and presented to this Committee on 8 December 2022 and reported to Full Council if appropriate; and
- (3) The Capital, Asset Management and Projects programme be reviewed to determine future projections, schemes to be included or removed and deliverability of current projects.

240. REVENUE AND CAPITAL OUTTURN 2021-22

The Interim Group Head of Finance and Section 151 Officer presented her final budget monitoring report for the year 2021/22. She referred Members to the General Fund on Page 61 of the report confirming that the council had had a favourable outturn as well as showing the major variations which allowed an additional £343k to be added to the funding resilience reserve which stood at £9m at the end of the year. This enabled the council to set up a £500k inflation contingency for the current year and as the level of inflation was not foreseen when the budget had been set in February 2022. There was also £300k remaining from the covid contingency which was available in the current year to finish off related work.

Having been proposed by Councillor Pendleton and seconded by Councillor Cooper,

The Committee

RESOLVED – That

- (1) The carry forward of £18 m capital spending (£7m General Fund and £11m Housing Capital) from 2021/22 and 2022/23 be approved as outlined at Paragraph 4.5;
- (2) The level of balances and unused Section 106 sums at 31 March 2022 be approved noting the reasons explained for the decrease in reserve balances;
- (3) Approve the £343k contribution to the Funding Resilience Reserve in 2021/22; and
- (4) Approve the £500k transfer to an inflation contingency reserve.

241. BUDGET PROCESS 2023-2024

The Interim Group Head of Finance and Section 151 Officer presented her report explaining the budget process for 2023/24 which the Committee was being asked to consider and approve. It was outlined that due to the cost of living crisis there may be the need for additional reports to be presented to this committee as and when information became available.

Having been proposed by Councillor Cooper and seconded by Councillor Pendleton,

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The Committee

RESOLVED

That the Budget process for 2023/24 as outlined in the report be approved.

#### 242. EQUALITY, DIVERSITY & INCLUSION POLICY

The Group Head of Organisational Excellence presented her report outlining that the Equality, Diversity and Inclusion Policy had been reviewed and that the updated policy had been presented to the Formal Unison and Employer Consultation meeting on 22 June 2022.

It was explained that the Policy set out the council's approach to equalities as an employer and a service provider and made it clear commitment to eliminating any form of unlawful discrimination in the services provided. It also made clear how a member of staff or customer can make a complaint if they believe they have not been treated fairly.

Although the Equalities Act had not changed since 2010, the Council was required to review its policy on a regular basis to ensure that it was up to date with best practice. One of these elements was an understanding of Diversity and Inclusion that had changed over time and one of the objectives of the policy was to be respectful and accepting of differences, including those not covered by the Equality Act. An example of this was to recognise the increase in mental health conditions impacting on all sectors of society and therefore on the way that we support people.

The new policy was being presented to the Committee seeking approval for its formal adoption.

Various questions were asked. One surrounded diverse interview panels and whether the council operated the removal of names and ages on CVs to combat any potential bias in the recruitment process. Another question was if staff had any issues, could they raise these with HR and have the facility to do this anonymously. Looking at the council's complaints process, policy and procedure, although this could be found on-line, if a complainant did not have access to the internet, as this was a policy addressing equality issues, it was felt necessary to consider other alternatives and have these confirmed. Responses to these points were provided. The Group Head of Organisational Excellence confirmed that because of the recent restructure, she had not been responsible for Human Resources for some time but that she would be looking at all recruitment processes in detail and this was an area that would be reviewed alongside giving staff the ability to make anonymous complaints, some further detail was provided. Turning to the complaints policy, it was confirmed that it would be made very clear that paper versions were available and could be requested.

Another Councillor confirmed that he fully supported the revised policy but that he wished to receive reassurance that as an employer, Arun would stamp out any form of discrimination in the workforce to also include discrimination with political beliefs and did this exist within Arun. It was confirmed that this did not exist in Arun. Did the policy from an employer perspective, commit to doing this? It was explained that the council collected data as and when it recruited to monitor and to ensure that all job applicants were treated fairly and that there was no built in bias. Looking at positive discrimination, it was outlined that if the council felt the need to do address this at any time, then it would consider it very carefully as this was a very sensitive issue to deal with.

Having had the recommendation proposed by Councillor Pendleton and seconded by Councillor Stanley,

The Committee

RESOLVED – That

- (1) The Equality, Diversity and Inclusion Policy be approved and formally adopted; and
- (2) The Group Head of Organisational Excellence be authorised to make any further consequential changes to the Policy.

Before moving onto the next agenda item, the Chair, in line with the Constitution at Part 5, Section 2 – Committee Procedure Rule 8.1, confirmed that the Committee would need to adjourn at 9.00 pm unless a vote was undertaken to extend the length of the meeting by a further 30 minutes. Councillor Gunner then proposed to extend the meeting by this time to 9.30 pm, if needed, to ensure that all business on the agenda would be concluded. This was seconded by Councillor Pendleton and on being put to the vote this was unanimously agreed.

#### 243. ENVIRONMENT COMMITTEE - 14 JULY 2022 AND FINANCIAL REPORT

The Interim Group Head of Finance and Section 151 Officer presented her report which set out financial arrangements for the Committee to consider in implementing the recommendation made by the Environment Committee at its meeting held on 14 July 2022.

The Environment Committee was asking this Committee to recommend to Full Council that a supplementary estimate of up to £40,000 be approved for additional resources to support the consultation process required to implement the additional licensing scheme for houses in multiple occupation. This equated to a Band D Council Tax equivalent of 63p.

Policy and Finance Committee - 6.09.22

In debating this item, the Group Head of Technical Services was asked if he could explain what the additional resource was. It was confirmed that the Environment Committee had agreed to undertake public consultation on whether to introduce additional HMO licensing in three of the District's Wards being Hotham, Marine and River. The resource of £40k was to backfill with staff so that the consultation could proceed. It was explained that if it was necessary to second an officer for six months, the resource of £40k was to backfill that substantive officer.

The proposal was welcomed as it was recognised that anything that could be done to enhance the quality of HMOs and to ensure that the services around them were adequate to cater for the number of people residing in HMOs was a positive move. Mention was made if there was potential to look at the fees charged for applying for licences for HMOs as this too was an issue. The Group Head of Technical Services provided a thorough response explaining the history behind this item, which stemmed from a Full Council Motion back in 2020 asking officers to look at the quantity and quality of HMOs in wards where there were high concentrations. Reports had been taken to the then Environment & Wellbeing Working Group and Cabinet reports where it had been agreed to provide some resource to undertake this research. The issue around chargeable fees was explained and that, subject to a post consultation decision by the Environment Committee, this work would lead to the introduction of additional licensing regimes providing the Council with power to require properties to provide additional amenity standards; to ensure landlords had been assessed to meet fit and proper person status; and to allow the council, through the fees obtained, to undertake inspections and enforcement action.

Having been proposed by Councillor Stanley and seconded by Councillor Goodheart,

The Committee

#### RECOMMEND TO FULL COUNCIL

That a supplementary estimate of up to £40,000 be approved for additional resources to support the consultation process required to implement the additional licensing scheme for houses in multiple occupation. This equated to a Band D Council Tax equivalent of 63p.

*(During the course of the discussion on this item, Councillor Stanley declared a Personal Interest as a District Ward Member for Marine).*

#### 244. WORK PROGRAMME 2022-23

The Committee received and noted its Work Programme for the remainder of the Municipal Year.

(The meeting concluded at 9.04 pm)