

# **ARUN DISTRICT COUNCIL**

## **REPORT TO FULL COUNCIL**

### **ON 10 NOVEMBER 2021**

**SUBJECT:** Economic Committee – 12 October 2021 - Minute 361 - Beach Hut Review  
Report from the Monitoring Officer – Proposal to amend Resolution (1) Part (iii).

**REPORT AUTHOR:** Sameera Khan – Group Head of Law & Monitoring Officer  
**DATE:** 1 November 2021  
**EXTN:** 01903 737610

#### **EXECUTIVE SUMMARY:**

This report seeks amendments to the resolution agreed by the Economic Committee held on 12 October 2021. The report is being presented in line with the Monitoring Officer's statutory roles and responsibilities.

#### **RECOMMENDATIONS:**

**Full Council is recommended to: -**

1. Note the Monitoring Officer's Report; and
2. Agree the proposal to amend resolution of the Beach Hut review as set out in the body of this report.

#### **BACKGROUND**

Members will be aware that this report is being presented as part of the MO's statutory role.

The functions of the Monitoring Officer (MO) are set out in Part 2 of the Constitution (Articles) and this report is being presented to comply with the statutory key functions in accordance with Section 5(2)(a) Local Government and Housing Act 1989.

Members will be aware that it is the key responsibility of the Monitoring Officer to ensure that he/she report to Council in any case where he/she is of the opinion that any proposal, decision or omission by the Council or any of its Committees, Sub-Committees Working Parties or any member or officer of the Council has given rise to maladministration or illegality.

Members will be aware that a report was presented to Economic Committee on the 12 October 2021 regarding the Beach Hut Review. The report had extensive recommendations contained within it. For the purpose of this report, the recommendations are not illustrated here but a link is provided for Members to view the report for background context. I am informed that the minutes have also been published for which a link is provided below.

## Minutes – Economic Committee – 12 October 2021

Report with Option 1, Option 2, Option3, Option 4, Option 5, Option 6, Option 7, and Summary

After considerable deliberation and discussion members agreed the resolution Option 2 of the report which reads as follows: -

Following debate, the Committee

RESOLVED - to

1. Approve for the Council to proceed with the beach hut review as set out in Option 2, including information within the body of the report and the attached viability appraisal at Appendix 1, as amended:
  - i. To propose a 30% increase for new tenants and an annual uplift of 10% (in simple rather than compound interest terms) over the next three years for existing tenants [without change to recommendation 6 in the report – to approve for the Council to proceed with the inclusion of an annual rent increase clause (3%) within all beach hut leases issued as set out in the body of the main report (section 1.8)].
  - ii. That a report on the provision on new beach huts be brought back to Committee.
  - iii. That any new leases given only to be given to residents of the Arun district.

It is true to state that Members were in full agreement for all existing leaseholders to be given the right to renew their leases from 1 April 2022 regardless of whether they resided in Arun or not. All members sought to retain tenants and protect revenue, whilst also avoiding the unnecessary loss of 70 private beach huts from council land.

The resolution agreed in error at the Economic Committee was as outlined in Option 2 (1) (iii) above: -

*“That any new leases given only to be given to residents of the Arun district.”*

Members are requested to amend the resolution with immediate effect as consequence of the above policy change will effectively means: -

- a) All leases will come to an end on 31 March 2022;
- b) All new leases will then be renewed and granted only to residents of Arun and no others and

- c) All private owned beach huts who refuse the new seven years lease (under the revised policy) would need to sell or assign their lease ahead of 31 March 2022 deadline or lose their Beach huts.

To correct that error, which I understand was not intended to be the case by members I propose that Option 2 (1) (iii) should be amended to read as follow: -

*“All existing leaseholders are to be offered the opportunity of a new lease from 1st April 2022, on the agreed revised terms. Following this any subsequent new lease given will only be granted to person(s) whose main residence is within the Arun District and, in addition, permission for any licence to assign an existing lease will only be given where the proposed buyer(s) of the leasehold interest’s main residence is within the Arun District.”*

## **2. PROPOSAL(S):**

The proposal would be for the Council to exercise its “recovery” process to rectify the recommendation Option 2 (1) (iii) of the Committee. However, given the technicality of the process it was felt simpler to proceed by way of the MO report.

## **3. OPTIONS:**

NA

## **4. CONSULTATION:**

N/A

Has consultation been undertaken with?	YES	NO
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>	YES	NO
Financial		✓
Legal		✓
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

## **6. IMPLICATIONS:**

This is a report to ensure members can make decisions which are legal as per Arun’s Council’s constitution.

**7. REASON FOR THE DECISION:**

N/A

**8. BACKGROUND PAPERS:**

Minutes and Economics Committee held on 12 October 2021 - [Minutes – Economic Committee – 12 October 2021](#)

Report of the Economics Committee – Beach Hut Review

[Report](#) with [Option 1](#), [Option 2](#), [Option3](#), [Option 4](#), [Option 5](#), [Option 6](#), [Option 7](#), and [Summary](#)