



WORTHING BOROUGH
C O U N C I L

26 March 2024

**Worthing Council Meeting
26 March 2024**

Gordon Room, Worthing Town Hall

6.30 pm

Agenda

21 March 2024

ALL MEMBERS OF THE COUNCIL are hereby summoned to attend for the following business:

Part A

7. Recommendations from the Cabinet and Committees to Council (Pages 5 - 6)

To consider recommendations to the Council, details of which are set out in the attached items as 7A, 7B, 7C, 7D and 7E.

Reports are available on the website as listed below:

	Cabinet / Committee	Date	Item
A	Joint Overview and Scrutiny Committee	7 March 2024	JOSC Work Programme update and Work Programme setting for 2024/25 - Work Programme
B	Worthing Joint Strategic Sub-Committee	14 March 2024	Successful Public Sector Decarbonisation Scheme Phase 3c Bid
C	Joint Audit & Governance Committee	21 March 2024	Creating a positive complaints culture: a new code for complaints handling
D	Joint Audit & Governance Committee	21 March 2024	Amendments to the Constitution
E	Worthing Licensing & Control Committee	25 March 2024	Approval of Licensing Fees 2024/25

8. Report of the Leader on Decisions taken by the Executive (Pages 7 - 24)

To receive a report from the Leader as item 8. The report contains decisions

Paul Brewer
Director for Sustainability & Resources:
Adur & Worthing Councils,
Town Hall, Chapel Road,
Worthing, West Sussex, BN11 1HA

taken by the Cabinet Members since the December Full Council meeting and decisions taken by the Joint Strategic Committee and the Worthing Joint Strategic Sub-Committee since the February Full Council meeting.

There will be up to 15 minutes for Cabinet Members to make any statements on the report. There will also be up to 15 minutes for Cabinet Members to respond to questions on the report. These questions will not be the same as any to be asked under Item 10.



Paul Brewer
Director for Sustainability & Resources

Recording of this meeting

The Council will be live streaming this meeting, including public question time. A recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded.).

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WORTHING BOROUGH
COUNCIL

Council
26 March 2024

Extract from the minutes of the Worthing Joint Strategic Sub-Committee - 14 March 2024

JSS-C(W)/064/23-24 Successful Public Sector Decarbonisation Scheme Phase 3c Bid

In 2023, Worthing Borough Council secured up to £2.47m of Public Sector Decarbonisation Scheme Phase 3b Funding to connect Civic Quarter buildings to the Worthing Heat Network.

The council had secured an additional £5.6m of funding to connect buildings outside the town centre and extend the network to Splashpoint and Pavilion Theatre.

The funding bid had reduced the overall match funding requirement from WBC and it was proposed to allocate £250k of this reduction towards undertaking preemptive maintenance and repair work at the heat network's proposed energy centre location, High Street Multi Storey Car Park. This work will reduce the complexity and cost of the ongoing maintenance liability for the site.

Decision

- 1) That it be recommended to Council to approve an increase to the General Fund capital programme budget of £2,980,230 to be funded by additional PSDS and HNDU grant funding.**
- 2) That the use of the of £175,000 HNDU to support the procurement and contract work associated with the project as outlined at 4.1 be approved
- 3) That a budget virement of £250,000 from PSDS budget to Car Park to enable resurfacing works to the High Street be approved

(Link to the report on the website - Worthing Joint Strategic Sub-Committee on [14 March 2024](#))

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Report of the Leader on Decisions taken by Cabinet Members, the Joint Strategic Committee and the Worthing Joint Strategic Sub-Committee since the last meeting of Council

A Decisions Taken by Individual Cabinet Members

Listed below is a summary of decisions taken by the individual Cabinet Members since the dispatch of the agenda for the last Ordinary Council Meeting. Details can be found on the Cabinet Members Decisions webpage.

Leader

None

Deputy Leader

JAW/020/23-24 Community Transport Grants

Cabinet Member for Regeneration

JAW/021/23-24 Joint Statement of Community Involvement

JAW/022/23-24 Civic Quarter MSCP

Cabinet Member for Resources

JAW/017/23-24 IDOX Procurement

JAW/018/23-24 Compulsory Redundancy and Redundancy Payment from the
Adur & Worthing Wellbeing Team

Cabinet Member for Housing & Citizen Services

None

Cabinet Member for the Environment

None

Cabinet Member for Community Wellbeing

* JAW/016/23-24 *Revocation of Adur Air Quality Management Areas*

Cabinet Member for Culture & Leisure

None

Cabinet Member for Climate Emergency

None

** The Worthing Cabinet Member abstained as this was a matter relating to Adur District Council*

B. Decisions taken by the Worthing Joint Strategic Sub-Committee on 6 February 2024

Details can be found by clicking on this [link](#).

The matters not appearing elsewhere on the agenda:-

JSS-C(W)/48/23-24 Lessons Learnt from the Big Listen and CIL Neighbourhood Fund - Developing Council for the Community for 2024

The report before members gave an update on the activities and outcomes of Big Listen and the Community Infrastructure Levy (CIL) as part of the Council for the Community programme. It set out the key areas of learning from the two programmes and recommended principles for future participation work in Worthing. The report also proposed a participation programme for Worthing based on current levels of resourcing.

Members were told about the Big listen campaign and the large amount of feedback received. This information was about getting a real feel for what people wanted for the town and how the Council could respond to that as a partnership with our communities. As a result a young person's strategy had been developed and a number of projects were being embarked upon since.

The Deputy Leader introduced the report, Members were told that people in Worthing wanted more engagement and wanted to be more involved in decision making and the Stewardship of the town. There had been actions since the big listen to devolve some of the decision making including the awarding of CIL money. The following year the Council would need to scale up its participation infrastructure and give opportunities for people to become involved. Members were told that the Council worked better when in partnership with community groups and residents.

The Committee welcomed the report and lauded the work that had gone and were enthusiastic for the work moving forward.

Decision

1. The development of a participation programme for 2024/25 that closes the gap between participation, decision-making, delivery and

- communication and which includes a range of participation methods and formats, as detailed in paragraph 3.13.1. be approved
2. that participation resource be prioritised in developing the infrastructure we need internally to grow our participation capabilities as detailed in 3.13.2.
 3. That a Council for the Community offer for how we support participation across Worthing as detailed in paragraph 3.13.3. Be developed

The committee noted a wider need to

4. Develop a participation multi-disciplinary team bringing together staff to better support participation, develop participatory decision making and help communities make a difference in their streets and spaces across Adur & Worthing Councils.
5. Digital tools for people have their say and match people up to increase social action.
6. Applied learning and development programme to enable residents, staff and partners to develop and share skills in place-based working and participation and apply them to practical challenges. This will improve the quality of how we do participation – including through improved hosting and facilitation skills and make better use of partner skills.

JSS-C(W)/49/23-24 JOSC Working Group - Review of the Worthing Cultural Services procurement and contract process which was undertaken when the service was externalised in 2019

The Worthing Joint Strategic Sub-Committee (WJSSC) had been asked to receive and consider the findings and recommendations of the Joint Overview and Scrutiny Committee (JOSC) and JOSC Working Group which reviewed the Worthing Cultural Services procurement process that was undertaken in 2019.

The Working Group had considered the evidence and other information presented to it and considered that the externalisation process, including the procurement aspects, were robust and in accordance with the legal requirements of such processes. These findings were approved by JOSC at its meeting on 30 November 2023 and the report and findings are also now referred to this Sub-Committee for its consideration.

Members discussed the report and its findings and noted concerns about continuity of membership on JOSC working groups

Decision

- 1) That the Joint Overview and Scrutiny Committee be thanked for the thorough review

- 2) That the report and finding of the JOSCS working group be noted and that no further response on the matter be issued.

JSS-C(W)/50/23-24 Motion for the Ocean and the Sussex Bay Programme

On 12th December 2023, Worthing Full Council considered a Motion on Notice received from Cllr Claire Hunt regarding “sustainable marine recovery”. The Motion called on Worthing Council to declare an urgent need for marine recovery and sustainability to realise “clean, healthy and productive seas, to meet our net zero targets and for all of the direct economic, health and wellbeing benefits it will bring”. The Motion, seconded by Cllr Sophie Cox, cabinet lead for Climate, was debated and then referred to Worthing Joint Strategic Sub Committee for consideration and determination.

The report before members set out the key features of the declaration and considers how the Sussex Bay programme initiated by Worthing Borough Council in partnership with Adur District Council demonstrated the Council’s existing clear strategic commitment to ocean recovery and how the declaration would reinforce and extend that commitment further.

Decision

- 1) That the Council become a signatory to the Motion for the Ocean Declaration, joining 21 other local authorities, and registering this on the LGA Coastal SIG website
- 2) That the WJSSC write to the Government, as called for in the Motion
- 3) That the progress being made by the [Sussex Bay](#) programme and its ability to deliver the commitments being made through the Declaration be noted. Updates to be included in the regular Worthing Priorities updates to Committee.

JSS-C(W)/51/23-24 Worthing Integrated Care Centre Project

The purpose of the report was to advise members of the Sub-Committee of a dispute that had arisen in relation to the development of the Worthing Integrated Care Centre (WICC) and Multi-Storey Car Park (MSCP); to propose a suitable financial resolution; and to advise on associated fees and interest payments related to the project. The report set out a clear picture of the final amounts required to complete the wider project to an agreed deadline

The Leader and Cabinet Member for Regeneration introduced the report and gave background to the decision before Members. The meeting was told that the process had taught the Cabinet about working in partnership with other bodies for the future.

A question was asked about rental income from the WICC and the Cabinet Member undertook to provide a written response to the question.

Decision

- 1) That a budget virement of £1.85m from the Strategic Property Investment to settle the dispute be approved;
- 2) That further budget virements from the Strategic Property Investment Fund be approved to ensure practical completion of the WICC and MCSP by May 23rd 2024 of:
 - a) £250k for legal/professional fees;
 - b) £721k in additional interest costs on borrowing
- 3) That the Director for Place be authorised to finalise the terms of the settlement agreement and to enter into that agreement in consultation with the Leader and Cabinet Member for Regeneration.

JSS-C(W)/52/23-24 Virement of funds from the Strategic Property Budget to enable the purchase of 52 Gratwicke Road, Worthing

Before the Committee was an exempt report by the Director for Place.

Decision

- 1) The options available to the council for the development of the 23 Shelley Road only, or 23 Shelley Road and 52 Gratwicke Road as a single site be noted.
- 2) a budget virement of £654,000 from the Housing Development budget for the purchase of 52 Gratwicke Road, based on the terms and business case presented in the paper be approved.
- 3) That the Director for Place be authorised to finalise the terms of the settlement agreement and to enter into that agreement in consultation with the Leader and Cabinet Member for Regeneration.
- 4) a virement from the Housing Development budget for an additional £138,000 to take the preferred option to a planning application be approved, reflecting the increased size of the development and application.

C. Decisions taken by the Joint Strategic Committee on 8 February 2024

Details can be found by clicking on this [link](#).

The matters not appearing elsewhere on the agenda:-

JSC/37/23-24 2024/25 Final revenue budget estimates

This report before members was the final budget report of the year, the culmination of the annual budgeting exercise, and asks members to note the full update on the impact of the annual grant settlement as detailed in section 5, The final revenue estimates for 2024/25; and an updated outline 5-year forecast.

The budgets reflected the decisions taken by members to date in relation to agreed savings proposals and any committed growth. The budgets were still to be adjusted for the proposals to balance the budget detailed in Appendix 2 of the report which were considered by the Cabinets in the previous week. The draft estimates for 2024/25 had been prepared, as always, in accordance with the requirements of the Service Reporting Code of Practice for Local Authorities (except in relation to pension cost adjustments that do not impact either on the Budget Requirement or the Council Tax Requirement).

In light of the challenging context in which the councils found themselves, the report also outlined risks and key assumptions underpinning the budget proposals as well as risk mitigation actions which were planned.

Decision

- 1) That the proposals for savings and the invest in services outlined in Appendix 2 which were considered at meetings of both Adur and Worthing Cabinets in early February be noted;
- 2) That the proposed 2024/25 budget detailed in Appendix 3 be noted. The respective council shares had been approved by the Adur and Worthing Cabinets. It was noted that the budget would be adjusted for any changes to the Investment in Services proposals agreed by each Cabinet at the February meetings
- 3) That the proposed use of capital receipts to support the delivery of the budget as set out at section 9.2 and Appendix 5 be noted. These were considered at the Adur and Worthing Cabinet meetings in early February .

JSC/39/23-24 Adoption of Adur & Worthing Councils Carbon Management Plan

Adur & Worthing Councils declared a Climate Emergency in July 2019. As part of the declaration, Members committed to work towards becoming carbon neutral by 2030. The Carbon Neutral Plan was adopted in December 2019, setting out pathways for the councils to achieve the target. In the intervening years significant progress had been made reducing carbon emissions and further developing the

recommendations set out in the Carbon Neutral Plan to develop the pipeline of projects that would ensure the councils met their commitment on carbon emissions.

Decision

- 1) That the progress made on projects and recommendations since the publication of the Carbon Neutral Plan be noted
- 2) That Carbon Management Plan be approved and adopted it be published on the councils' website

JSC/40/23-24 Simpler Recycling and Food Waste Collection

The National Waste Strategy adopted in 2018 set ambitious targets for recycling and waste minimisation. The Environment Act formed one of the vehicles for the delivery of the strategy, and after numerous consultations and delays, the Government published its proposals in relation to 'simpler recycling' in October 2023. The simpler recycling scheme had significant operational and financial implications for our residential waste and recycling services as well as for commercial services.

The report identified key risks including: Simpler recycling placed additional burdens on the Councils, the most significant one being the requirement to provide food waste collections from all residential properties by 1 March 2026. The Government had made a commitment to new burdens funding, and ongoing funding through extended producer responsibility (a levy raised on the manufacturing industry). On 9 January the Government announced the capital funding awarded to councils the councils were awaiting information on revenue funding. Given the financial position of the Councils, introduction of the new services, and compliance with the new statutory requirements could only take place if they were fully funded in terms of both revenue and capital.

The Committee expressed that it was broadly supportive of the recommendations of the National Waste strategy however considerable concern and disappointment was expressed in recognition of the significant financial and operational risks associated with the proposed insufficient government funding of the scheme. Members agreed unanimously that the Leaders should be delegated to write to the Secretary of State expressing those concerns

Decision

- 1) That the the requirements set out under the simpler recycling scheme be noted
- 2) That the significant additional obligations both financially and operationally and the risks to the Councils associated with non-compliance be noted.

- 3) That, informed by the new statutory requirements and the aspirations set out in Our Plan and the priorities of the individual Councils, the development of a Waste and Resources strategy for Adur and Worthing be approved.
- 4) That the Leaders write a letter to the Secretary of State expressing concerns over funding of the scheme

JSC/41/23-24 Summary of Risks & Opportunities

The report before Members provided updates on the management of the Councils' Corporate Risks and Opportunities.

The Councils recognised that there were risks and opportunities involved in everything that they did and there was a duty to manage those risks and opportunities in a balanced, structured and cost-effective way.

Decision

- 1) That the progress in managing the Corporate Risks and Opportunities be noted;
- 2) That the Committee agree to receive a further annual progress report in Autumn/Winter 2024/25.

D. Decisions taken by the Joint Strategic Committee on 12 March 2024

Details can be found by clicking on this [link](#).

The matters not appearing elsewhere on the agenda:-

JSC/47/23-24 Housing Strategy, Policy and Data progress

The report before Members provided an update for both councils on the progress made against the Housing Strategy 2020-2024. Provided a summary of the Homelessness & Rough Sleeping assessment, and requested an extension to the housing and homelessness strategies (Housing Strategy 2020-2023, Temporary Accommodation placement & Procurement Policy, Community Homelessness Prevention Strategy 2017-2022) The report further asked Members to approve updates to the respective Choice Based Lettings Policies detailed in section 4.

Members supported the approach taken by officers and noted the unprecedented pressure on Housing.

Decision

- 1) That the following strategies and policies be extended until the end of 2024
 - a) Housing Strategy 2020-2023
 - b) Temporary Accommodation Placement and Procurement Policy
 - c) Community Homelessness Strategy
- 2) That the progress and plans underway to tackle homelessness and rough sleeping contained within the report be noted.
- 3) That changes to the respective Councils Choice Based Lettings Policies be approved.
- 4) That Minor changes to be delegated to the Director of Housing and Communities in consultation with the respective Cabinet Members (Cabinet Member for Adur Homes and Customer Services and Cabinet Member for Housing and Citizen Services for Worthing) and wider approval for more significant changes detailed in section 4

JSC/48/23-24 Organisational Design Programme

This report updated the Joint Strategic Committee (JSC) on the reporting and governance for the Organisational Design programme. Members were told that subsequent updates will be brought to the JSC at regular intervals.

Members supported the approach being taken by officers and recognised the need for rapid change. Members explored measures to improve staff resilience and the range of support that would be available to staff during the process.

Decision

- 1) That the scope of the programme, the development of the operating models and roadmaps for the initial first group of areas of focus and delegate decisions on the delivery of the programme to the Chief Executive be noted and agreed.
- 2) That the reporting format for the tracking of the delivery of the programme be agreed.

JSC/49/23-24 3rd Quarter Revenue Monitoring Report 2023/24

The report updated the Joint Strategic Committee with the latest expenditure and income projections for both Adur District Council and Worthing Borough Council for the financial year 2023/24, compared to the Revenue Budget approved by both councils in February. Whilst the 'spend to date' would be the position as at the 30th December 2023, the forecast outturn position will reflect the latest information available to ensure an up-to-date forecast is presented.

The outturn projection for the 2023/24 financial year for the Worthing Borough Council General Fund was a net overspend after reserve transfers of £1.657m and for the Adur District Council General Fund a net underspend after reserve transfers of £299k. A breakdown was set out in section 5.1 of the report.

The position had been achieved as a result of a very significant in-year spend controls and savings process, However the savings achieved had been largely counteracted by significant emerging pressures.

Decision

- 1) That the report and projected outturn position for Worthing Borough Council against the approved revenue budgets and proposed use of reserves be noted (Appendix 2b).
- 2) That the report and projected outturn position for Adur District Council against the approved revenue budgets and proposed use of reserves be noted (Appendix 3b).

E. Decisions taken by the Worthing Joint Strategic Sub-Committee on 14 March 2024

Details can be found by clicking on this [link](#).

The matters not appearing elsewhere on the agenda:-

JSS-C(W)/58/23-24 Worthing Theatres and Museum 2025/26 and 2026/27 Service Fees and 2025 - 2030 Business Plan

The report before members set out a proposed Service Fee for Worthing Theatres and Museum (WTM) to cover the first two years of the next 5 year Business Plan period; and to consider WTM's 5 Year Business Plan.

Decision

1. That a Service Fee to WTM of £1,330,247 for 2025/26 and £1,260,234 for 2026/27; be approved;
2. That the remaining 3 years of the Service Fee will be negotiated and agreed before March 31st 2026 be agreed;
3. That WTM's 5 year Business Plan be welcomed as a positive contribution toward enhancing Worthing's cultural offer in accordance with WTM's contract with the Council.

JSS-C(W)/59/23-24 CIL Neighbourhood Fund 2023 into 2024

The report provided a review of the Worthing CIL Neighbourhood Fund programme of 2023 in advance of launching the 2024 funding round in Spring. This included a summary of the types of organisations and projects that had been allocated CIL Neighbourhood Funds in 2023 including the levels of investment in different types of neighbourhood infrastructure and assets.

An evaluation from 2023 was given, including learnings about the council's role as a supporter and enabler of Worthing's diverse and generous voluntary and community sector.

Decision

- 1) That the scheme continue with the same programme and governance structure used in 2023 and invite a participatory review to inform minor amendments with officers, ward members and community stakeholders in March, as detailed in paragraph 4.1.
- 2) That the proposed 2024 funding programme timetable, as detailed in paragraph 4.2 be approved.
- 3) That the committee note the wider need to:
 - a) Recognise that for the 2024 funding round, it is estimated that around £200k will be available to groups. This is less than one-third of the amount available in 2023, as detailed in paragraph 4.3
 - b) Begin scoping on potential changes to 2025 funding round later in 2024 as detailed in paragraph 4.4.
 - c) Begin scoping on potential changes to 2025 funding round later in 2024 as detailed in paragraph 4.4.
 - d) Review any projects identified by officers as being at risk of not being delivered, as detailed in paragraph 4.5.
 - e) Consider the opportunity for the Cabinet Member for Communities and Young People to make their decision at a public meeting to increase visibility, as detailed in paragraph 4.6.

JSS-C(W)/60/23-24 Worthing CIL Infrastructure Investment Plan (IIP) 2023-2026

Worthing Borough Council had introduced a Community Infrastructure Levy (CIL) to allow funds to be raised from developers to pay for infrastructure that is needed to support growth. The Council adopted the Charging Schedule for CIL in February 2015 and implementation of the levy commenced in October 2015. The Council has

overarching responsibility for the allocation of CIL monies and reporting the amount of money collected and spent.

This report before members provided an update on progress made by the CIL Board (formerly the Joint Officer and Member Board (JOMB)) for CIL Governance on updating the Infrastructure Investment Plan (IIP) for the 2023-2026 period.

Decision

- 1) That the progress made by the CIL Board in relation to governance arrangements for overseeing the Community Infrastructure Levy (CIL) be noted;
- 2) That the Infrastructure Investment Plan (IIP) which will set out the priorities of infrastructure projects to receive CIL funding over the next three years (2023-2026) be agreed

JSS-C(W)/61/23-24 3rd Quarter Capital Investment Programme & Projects Monitoring 2023/24

Before the Committee was a report by the Director for Sustainability and Resources, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these minutes as Item 9.

The report updated the Sub-Committee on the progress made on the delivery of the 2023/24 Capital Investment Programme for Worthing Borough Council. The programme included schemes which supported the delivery of services by the Joint Services Committee.

Decision

- 1) That the reprofiling of the Worthing Borough Council capital schemes as advised in paragraph 6.1 and appendix 2 be noted.
- 2) That the changes to the current schemes as set out in section 6.2 report be approved.

JSS-C(W)/62/23-24 Freehold Land Sale of Teville Gate to Homes England

Following negotiations with Homes England, in December 2023 Homes England had made an offer of £5.1m for the unconditional freehold sale for Teville Gate. The Homes England offer utilises their Brownfield Infrastructure and Land Fund - making Worthing the first recipient of this intervention in the South. Homes England anticipated delivering over 250 homes in a lower density, lower height development which places a significant emphasis on successful placemaking and delivery.

Homes England recognised the strategic significance of Teville Gate and had signalled its ambition to:

- drive regeneration and housing delivery to create high-quality homes and thriving places;
- work with partners to support them and enable the delivery of new homes and housing-led, mixed-use regeneration;
- deliver place making and regeneration of the area;
- intervene where the market has failed; and
- deliver mixed-tenure housing that Worthing needs.

Teville Gate was purchased by the Council for £7m in 2021 via prudential borrowing. Securing an immediate payment of £5.1m would deliver savings in interest payments of £850k over three years, plus retaining a budgeted £100k pa in parking income, in addition to any meanwhile-use returns. By comparison, a typical market transaction would be conditional and likely to be subject to planning permission, meaning any capital receipt would not be received for several years.

Decision

- 1) That an unconditional freehold sale of Teville Gate to Homes England, and continue to work in partnership with Homes England to develop this critical site be approved
- 2) That authority be delegated to the Assistant Director for Regeneration Development, in consultation with the Cabinet Member for Regeneration, to negotiate and enter into the legal documentation required to effect legal completion of the sale of Teville Gate to Homes England.
- 3) That authority be delegated to the Assistant Directors for Place and Economy, and Regenerative Development in consultation with the Cabinet Member for Regeneration, to seek and agree to a suitable meanwhile-use as a priority for the site, aligned to council objectives to utilise the site during the leaseback period.

JSS-C(W)/63/23-24 Selective Licensing Scheme for Private Rented Properties in Worthing

The report supported the Council's ambition to drive better standards in private sector homes for residents which supports the Adur and Worthing Housing Strategy for 2020-2023, 'Enabling Communities to Thrive in their Own Homes'.

The proposal contained in the report was to develop a selective licensing scheme to enable a more proactive approach to target areas of greatest need and work with private sector landlords to drive better standards.

Decision

- 1) That the contents of the report be noted and it be agreed to commence a public consultation on the introduction of a selective licensing scheme within Worthing.
- 2) That Director for Housing and Communities be delegated, in consultation with the Cabinet Member for Housing and Citizen Services, to:
 - a) Scope out a fully costed selective licensing scheme in Worthing as set out in this report relating to Heene, Central and Selden Wards,
 - b) Subject to this proposal being cost neutral and viable as approved by the Council's Chief Finance Officer, officers to develop and deliver the consultation process
 - c) subject to this scheme being determined as viable, to report back to this committee following the consultation for further consideration and authority to proceed in principle with an application to the Secretary of State to implement the scheme subject to Full Council approval.

JSS-C(W)/65/23-24 Union Place – Joint Venture Partnership with Roffey Homes Ltd. to secure the redevelopment of the site and delivery of new and affordable homes

The purpose of this report before members was to agree the principle of two land transfers to the formative Union Gardens Joint Venture in order to secure greater certainty over the redevelopment of Union Place, prior to the Joint Venture Agreement (JVA) with Roffey Homes Ltd. being formalised. The report reflected the successful outcome of negotiations with NCP to secure the release of the current car park site to ensure that comprehensive development of the entire Union Place site (comprising sites A,B and C - Appendix 1) can take place in a timely and efficient manner.

The council had secured an additional £5.6m of funding to connect buildings outside the town centre and extend the network to Splashpoint and Pavilion Theatre.

The report updated members of the Sub-Committee on progress with the JVA; and the outcome of negotiations to date and confirmed the interest of Homes England in providing a development funding package to support the development.

Decision

- 1) That the significant progress towards the terms of the proposed Joint Venture Limited Liability Partnership (LLP) Members' Agreement (referred to

in this Report as a Joint Venture Agreement (JVA)) with Roffey Homes Ltd be noted.

- 2) Agree to the principle of, and for officers to work towards:
 - a) the proposed transfer to the Joint Venture LLP, of the Council's existing two land parcels, being the NCP Car Park site (land parcel A) and the former police station site (land parcel B) as set out in Appendix 1; and
 - b) the proposed transfer to the LLP of land parcel C, also set out in Appendix 1, after it is acquired from London & Continental Railways Limited (LCR), as per para 2.5 below.

These land transfers are required, to enable the regeneration of Union Place. The transfers are subject to the Committee's formal agreement (with such Committee agreement, proposed to be requested as part of the Committee's approval of the JVA, in June 2024). The land transfers would be on the basis that the equity share in the LLP which WBC would receive in return for the three land parcels, will reflect an up-to-date valuation report relating to the WBC-owned land, subject to deduction of the cost of purchase as set out at paragraphs 2.3 and 2.5 below.

- 3) That it be agreed to surrender the current lease agreement with NCP in accordance with the Heads of Terms attached at Exempt Appendix 3, and note that the cost of surrender of the lease will be funded by the Joint Venture LLP and deducted from the Council's deemed equity contribution (based on value of WBC land to be contributed to the LLP) to the Joint Venture, on the basis that:
 - a) the surrender would only be completed once the JVA is approved by the Committee (approval proposed to be sought in June 2024), finalised and entered into; and
 - b) the surrender would be accompanied by a JVA LLP commitment to grant a new 10-year lease to NCP of 146 car parking spaces (from completion of development, expected September 2026) with WBC having an option, under the JVA, to acquire the 2 landlord's interest in that car parking at an agreed price or market value.
- 4) That it be agreed to terminate the Collaboration Agreement with London & Continental Railways (LCR) for Union Place, and (irrespective of whether the

JVA proceeds) pay to LCR the agreed promotional and marketing costs of £843,631.05 as set out in the report to this Committee on 11th July 2023.

- 5) That it be agreed to purchase the freehold interest in the High Street Car Park site (land parcel C) from LCR for the sum of £542,500, in accordance with the Heads of Terms attached at exempt Appendix 4, to enable the regeneration and development of Union Place, and then to the surrender or other termination of WBC's current lease under which WBC operates the LCR land car park at that property. The costs of the purchase of the LCR land will be borne by the Joint Venture LLP and deducted from the Council's deemed equity contribution (based on value of WBC land to be contributed to the LLP) to the Joint Venture, on the basis that the purchase would only take place once the JVA is finalised and entered into (once Committee authority for the JVA is obtained, proposed to be sought in June 2024).
- 6) That the Director for Place or Assistant Director for Regenerative Development be delegated in consultation with the Leader and the Cabinet Member for Regeneration, the authority to negotiate, agree and enter into agreements with NCP and the LLP (and Roffey Homes, if applicable) for the surrender in paragraph 2.3 above, and with LCR (and the LLP and/or Roffey Homes, if applicable) for the LCR agreement termination in 2.4 above and for the acquisition of the LCR land in paragraph 2.5 above, on the basis that (unless the Committee agrees otherwise) neither the surrender nor the acquisition would be completed until the JVA is approved by the Committee having regard to due diligence reports on the procurement and subsidy advice and the final terms of the detailed business plan to be received and considered by the Committee at the later meeting, and thereafter entered into.
- 7) That a budget allocation of £85,000 be agreed to pay for legal costs to prepare the JV agreement, and related legal documents referred to above, in 2023/24.

JSS-C(W)/66/23-24 Proposed Sale of industrial land

This report before members were being brought for a decision to sell the freehold of the properties subject to the existing long ground leases in place. The receipt would assist in offsetting future borrowing requirements. The report set out the rationale for sale and the benefits to the Council. An Exempt Appendix is attached outlining the commercially sensitive elements of the proposed disposals.

Decision

- 1) That authority be delegated to the Assistant Director for Regenerative Development to sell the properties and achieve Best Consideration, in consultation with the Cabinet Member for Resources.

- 2) That authority be delegated to the Assistant Director for Regenerative Development to effect the sales to the existing tenants or others and test the sale amounts by reference to a Red Book valuation thus demonstrating Best Consideration or a sum in excess of Best Consideration

F. Urgent Decisions taken by the Cabinet

Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended).

None.

Local Government Act 1972

Background papers

None.

**Councillor Dr Beccy Cooper
Leader of the Council**

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