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1 February 2023

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 18 January 2023 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 Hasset
Chief Executive

AGENDA – FURTHER SUPPLEMENT – PUBLIC QUESTION TIME AND MEMBER QUESTIONS

3. PUBLIC QUESTION TIME (Pages 1 - 8)

To receive questions from the public (for a period of up to 15 minutes).

The schedule of questions asked to include responses and written responses is attached.

17. QUESTIONS FROM MEMBERS (Pages 9 - 14)

To consider general questions from Members in accordance with Council Procedure Rule 14.3.

The schedule of questions asked including written responses is attached.

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FULL COUNCIL – 18 JANUARY 2023

AGENDA ITEM 3 – PUBLIC QUESTION TIME – ORDER IN WHICH THE CHAIR OF THE COUNCIL WILL INVITE QUESTIONS BELOW RECEIVED IN WRITING IN ADVANCE OF THE MEETING

1. From Mr Cosgrove to the Chair of the Corporate Support Committee, Councillor Dendle
2. From Mr Cosgrove to the Chair of the Economy Committee, Councillor Cooper
3. From Mr Cosgrove to the Chair of the Constitution Working Party, Councillor Bower
4. From Mr Cosgrove to the Chair of the Policy & Finance Committee, Councillor Gunner
5. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman
6. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman
7. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

FULL DETAIL OF THE QUESTIONS TO BE ASKED IS DETAILED BELOW

Note, the Chair will:

- invite questions from members of the public who have submitted in writing their questions in line with the Council's Constitution.
- confirm that Public Question Time allows Members of the public to ask one question at a time and that a maximum of one minute is allowed for each question;
- state that questions will be invited in the order in which they have been received and that if there is time remaining from the 15 minutes allowed for Public Question Time, questioners will be allowed to ask a supplementary question.
- Outline that if in the opinion of the Monitoring Officer the question relates to the terms of reference of a Council committee, the question is to be accepted by Full Council and be automatically referred by Full Council without discussion or debate to the relevant committee and that the questioner would have been advised of this at the time they submitted their question

QUESTION ONE

From Mr Cosgrove to the Chair of the Corporate Support Committee, Councillor Dendle

Question

The Boundary Commission examining Constituency boundaries has made a proposal which would remove Bersted and other parts of the current Bognor Regis and Littlehampton Constituency into a Chichester Constituency. Does the Chairman agree this is a wholly nonsensical proposal which fails to recognise the distinct characteristics of the urban area of Bognor Regis parishes hindering cohesive approaches to local issues, and will the Council be making its views known/has it done so?

Response

The Chair of the Council confirmed that this question was being referred to the next meeting of the Corporate Support Committee taking place on 19 January 2023.

QUESTION TWO

From Mr Cosgrove to the Chair of the Economy Committee, Councillor Cooper

Question

Decision of the Council in March 2021 to establish a Working Party to consider presentations made to Councillors in February 2021 re Bognor Regis Regeneration: Why has the Council failed to convene this in contravention of its own decision, and when is it expected that it will be convened?

Question

The Chair of the Council confirmed that this question was being referred to the next meeting of the Economy Committee taking place on 2 February 2023.

QUESTION THREE

From Mr Cosgrove to the Chair of the Constitution Working Party, Councillor Bower

Question

Could the Committee consider examining the possibility that Public Question Time for the Council and all Committees could be conducted not only with the Questioner in person at the meeting, or question read by Clerk, but also with the Questioner present by virtual means, conveyed to Councillors on a large screen in the chamber etc, and on their devices, as this will help those whose physical attendance may be not possible for a number of reasons?

Response

Thank you for your question Mr Cosgrove.

The Constitution Working Party discussed its work programme at its last meeting on 5 December 2022. This included reviewing Public Question Time with the Monitoring Officer having been asked to report back to a future meeting of the Working Party on options for members to consider.

Your suggestion can be considered as part of that review.

QUESTION FOUR

From Mr Cosgrove to the Chair of the Policy & Finance Committee, Councillor Gunner

Question

On 8th December a 'private briefing' of members of your Committee was held on, as I understand it, the Bognor Regis Centre Levelling-Up scheme or related matter, and that at least one other Councillor, not a member, was excluded, and that there was to be an Agenda item on 13th December meeting of the committee. What constitutional or legal provision allowed for such a briefing away from public scrutiny, surely this was an unacceptable avoidance of the basic and legal concept in local government of openness and accountability?

Response

The Chair of the Council confirmed that this question was being referred to the next meeting of the Policy & Finance Committee taking place on 9 February 2023.

QUESTION FIVE

From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

Question

At the July 2022 meeting we asked, What is the current legal status of the access to the site, known as 'Land West of Fontwell Avenue?' (AL/121/16/PL). Does it now benefit from the 4-year rule and is it now going to stay as it is for ever? (In this case the 2-year rule for operational use). A response was given by Cllr Chapman which included 'The access has not finished in accordance with the approved details. A breach of condition notice (BCN) will be served unless the developer completes the approved access within a reasonable period'.

Why has nothing progressed in the last six months? The site is exactly the same as it was in July 2022. Not even a traffic cone has moved. Who is the Enforcement Officer in charge of this matter and what has he/she done during the last six months and what if anything is going to happen in the future? Why have we not been kept informed as we were promised.

Response

Thank you for your question Mrs Smith.

As you have been advised, the content requires me to liaise with relevant officers in the Planning Department, however because of illness and annual leave that has not been possible in the limited time available and therefore I will respond to your question in writing.

The response provided by Councillor Chapman is set out below:

A site visit has been undertaken to the dwellings approved by AL/121/16/PL and the state of the access was observed. The access has been investigated and, whilst not finished to the exact specification in the approved plan, it does provide the required visibility and serves a functional purpose to allow safe access for residents. Investigation on the case was deprioritised due to staff shortages/higher priority cases and I apologise that we have not been able to update you.

We have written to relevant owners advising that access needs to be completed with a view to issuing a Breach of Condition Notice (BCN), which will require compliance with the notice within a defined period, at the end of February if this does not happen. If it is not satisfactorily completed by the end of February a BCN will be issued.

At the site visit a discussion took place with an occupier regarding a mobile home in the rear garden of one of the dwellings. The mobile home will be subject to further correspondence with the occupier regarding its lawfulness and we will provide you with updates on the mobile home when these discussions have been advanced.

The Council will be serving a Planning Contravention Notice to gain evidence to consider whether formal action is required. This will be done over the next couple of weeks, and we will be able to update on this matter in mid- March.

QUESTION SIX

From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

Question

As part of your response to our first question, you cast doubt on the validity of our question particularly the identification of 'the 2-year rule for operational use'. You implied that this part of our question was not truthful. We are significantly offended by this, and draw your attention to the email sent to us by Simon Davis (November 2018) in which he identifies this aspect of planning regulation. Were you misleading us, other Councillors and the general public, or was Simon Davis misleading us back in 2018, in order to silence our enquiries. You cannot have it both ways. We could not have dreamed up a fictitious planning regulation such as this. Is this why Me Duggin cannot be made to complete his access as required and why is Mr Norgate allowed to continue to use the access when it is acknowledged to be incorrect. When Mr Parkers new application is passed next week, will he be allowed to use it too?

Response

Thank you for your question Mrs Smith.

As you have been advised, the content requires me to liaise with relevant officers in the Planning Department, however because of illness and annual leave that has not been possible in the limited time available and therefore I will respond to your question in writing.

The response provided by Councillor Chapman is set out below:

In this question you state that Simon Davis informed you by email in November 2018 that there was a 2-year rule for operational development. I have asked Mr Davis about this, and he has confirmed that he no longer has access to this email so is unable to confirm the content of the email.

If you wish to send it to us, please do so and we can comment further.

There is no 2-year rule within any Planning legislation or guidance. Below I provide a link to the relevant guidance if you wish to see more detail. The time limits rules, in most cases, confirms that development becomes immune from enforcement if no action is taken:

- within 4 years of substantial completion for a breach of planning control consisting of operational development.
- within 4 years for an unauthorised change of use to a single dwellinghouse.
- within 10 years for any other breach of planning control (essentially other changes of use).

These time limits do not prevent enforcement action in cases where ‘further’ enforcement action is required for a breach that had taken place within the requisite time limits. This mainly deals with the situation where earlier enforcement action has been taken, within the relevant time-limit, but has later proved to be defective, so that a further notice may be issued or served.

[Enforcement and post-permission matters - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/enforcement-and-post-permission-matters)

The section headed “What are the time limits for taking enforcement action?” is of relevance. You will see it refers to two rules – a four-year rule and a ten- year rule. The relevant content is posted below.

I can confirm that the potential breaches are not immune from enforcement because of time.

QUESTION SEVEN

From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

Question

At the July 2022 meeting we asked why is Mr Norgate being allowed to continue building his houses on site AL/122/17/PL when his planning permission expired before his documents were all passed – just like Mr Parker. A response was given which included /An investigation has begun’. We were told we would be informed of the result of this investigation.

It is now six months later! What conclusion have you come to and why has his build not been stopped, primarily because it should never have been started. Regardless of whether or not he started prematurely, it can hardly be disputed that he should never have started at all. Is there anyone in the department who can actually read the Conditions on his original permission document? It must be becoming increasingly difficult to disguise the fact that two semi-detached houses stand on the site, complete to roof level, when there is no road as there should be! Our email from 'infomanagement' makes it quite clear, that what passes for an internal road, to Mr Norgate, is not the finished article and must be dug out and reestablished to the agreed specification, even though Mr Crowther has confirmed elsewhere on the website that it is 'finished except for its final surface'.

Why has Mr Norgate been allowed to continue building while any investigation takes place and why is Mr Lee Duggin allowed to continue to use his part of the site as a general 'yard' to house his work trailer, works escort van for his mobile home business, sundry other cars, a shipping container which stores his business items (and we believe a small car), half a dozen gas bottles etc. Here we go again – by the time we get to the next Full Council meeting this will have been going on for six years and is it ever going to stop?

Response

Thank you for your question Mrs Smith.

As you have been advised, the content requires me to liaise with relevant officers in the Planning Department, however because of illness and annual leave that has not been possible in the limited time available and therefore I will respond to your question in writing.

The response provided by Councillor Chapman is set out below:

I apologise for the fact that we did not update you on the case which was on oversight on our behalf.

With regards to the southernmost plots, we concluded that planning permission had lapsed, and a new application was requested and submitted (AL/139/22/PL). This application is still under consideration and is likely to be determined shortly (it may have to be determined at the next available Planning Committee). Paragraph 59 of the NPPF requires Local Planning Authorities to act proportionately when taking enforcement action and this is what has been done in this case as the appellant agreed to cease work and a stop temporary stop notice was not needed. Formal action should always be the last resort, and, in this case, it is not necessary at this time.

If this new application is granted planning permission, it will contain planning conditions that will need to be discharged.

With regards to the central plot our findings are: -

Half built – AL/117/18/PL – Conditions 3, 4, 5, 9 & 10 have been discharged. Conditions 6, 7, 8 and 11 remain to be discharged but some of these are not required to be until before ‘occupation’. We will be contacting the site owner of this plot by the end of February with respect to resolving these conditions.

The enforcement officer has visited the site several times and is satisfied that everything on-site within what you describe as the “yard” relates to the development being undertaken. This position will be reviewed again when a further visit is conducted. A further visit is scheduled to take place in February 2023.

QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 14.3

**Q1 Councillor Dixon to the Chair of the Policy & Finance Committee,
Councillor Gunner**

Q1 In a recent Policy & Finance Committee meeting I drew the committees' attention to the annual survey question that asked if residents trusted Arun to make the right decisions. 65% of the eastern side of the district trusted Arun but only 50% of the western side did – a substantial and significant difference.

I used the two levelling up projects as an example of the differing treatment the council gives to the east and west.

The project for Littlehampton seafront has recently had a very successful public consultation, the council engaged with the public (as it should), listened to their comments, and as a result there is strong public support. It looks like it will be a successful project. Good.

My understanding, from previous questioning, is that there are no plans for a public consultation for the western side of the district. So, the east gets a public consultation and the west does not – and then the council wonders why it is so mistrusted in the west!

Force-feeding the Alexandra Theatre proposal to residents in the west of the district is not likely to engender public support. Will the council arrange a public consultation?

A1 Happily, I can confirm we have agreed with Bognor Regis Town Council to hold a public exhibition on the designs where the public can comment. Additionally, when we go through RIBA stage 3 designs the public will also have the opportunity to submit their comments on the design.

**Q2 Councillor Dixon to the Chair of the Policy & Finance Committee,
Councillor Gunner**

Q2 The proposed Alexandra Theatre refurbishment has been substantially de-specified from the council's original application for Levelling Up funding. There are now six key criteria where I believe that the council will fail to meet the objectives that we all voted for.

Failure 1. The council's application states that it will deliver an "*additional 2,700 m² of arts/cultural floor space*". Yet the council has recently advised the government that it will deliver "*2,757 m² of refurbished and new build areas*". Some might consider this to be disingenuous and it is not "*additional*" arts/cultural floor space.

Failure 2. The council's application states that it will deliver an increase in seat capacity of 30% to 450 seats. Current proposals suggest that seat capacity will

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QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 14.3

increase by 20 seats from 366 to 386 seats (5.5%) - NOT 30% and NOT 450. That's 20 additional seats for £15.2 million – so far.

Failure 3. The council's application states that there will be two new and three refurbished studios "and a new art gallery". Current proposals suggest that there is no art gallery.

Failure 4. The council's application states that the enhanced theatre will result in a forecast increase in paying audiences from an average of 47,000 to 55,000 p.a. This forecast cannot be met with an increase of only 20 seats.

Failure 5. The council's application states that the enhanced theatre will generate 8,000 new theatre goers each year. Another forecast that cannot be met.

Failure 6. The council's application states that the enhanced theatre will generate 11,750 additional visitor nights per year and 56,175 additional day visitors per year. There is no likelihood of this being achieved.

Do you agree with me that the council will fail to meet these 6 objectives?

A2 I reject your characterisation that this is a failure. As I said in committee, we are delivering the scheme that the council has voted for.

Q3 **Councillor Dixon to the Chair of the Policy & Finance Committee, Councillor Gunner**

Q3 The "*new second auditorium*" for the Alexandra Theatre referred to in your e-mail of 27th September, is in essence, replacing like for like, where an existing studio with capacity for c 100 chairs will be replaced with a new/refurbished studio also with capacity for c 100 chairs.

Do you agree with me that this is a like for like replacement and that this "new auditorium" will provide no additional seating capacity above existing levels?

A3 I don't agree that the new theatre is a like-for-like replacement. This is a significantly enhanced experience with new studios, a gallery to showcase local artists, and a vastly improved visitor experience.

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**QUESTIONS FROM MEMBERS PURSUANT TO
COUNCIL PROCEDURE RULE 14.3**

Q4 **Councillor Dixon to the Chair of the Policy & Finance Committee,
Councillor Gunner**

Q4 The Alexandra Theatre refurbishment has become a massively reduced specification project where any additional value has either been stripped out or substantially reduced and, at the same time, the price has escalated by an extra £3 million (to be funded by local taxpayers) so far. In essence, we are getting much less for much more! It bears little resemblance to what we originally voted for. Although we are prevented by confidentiality from discussing details of the deal with Whitbread it is arguably the worst financial deal in the history of the council. So, we have a substantially reduced specification, an escalating price (currently £15.2 million), and an appalling deal with Whitbread.

Given that this project is failing to deliver the promised benefits, whilst the cost to local taxpayers escalates - is it time for the council to change direction while there is still time?

A4 No, I don't think so. I think this delivers positive benefit to the town and the community, and officers are delivering the project the committee voted for.

Q5 **Councillor Dixon to the Chair of the Policy & Finance Committee,
Councillor Gunner**

Q5 You confirmed to all councillors on 27th September 2022 that a "new solution" for refurbishment of the Alexandra Theatre had been agreed with the Department for Levelling Up, Housing and Communities – this was two days before all councillors were asked to approve an extra £3 million of expenditure towards this "new solution".

You said: "So, a new solution was reached - with the enthusiastic support of Arun Arts and agreement of DLUHC (who have been consulted) - that a new second auditorium of c 100 seats will be created within the footprint of the building."

However, a recent FOI by Opposition Group Leaders to DLUHC to clarify what exactly had been agreed has shown that on 28th September 2022 the Department for Levelling Up, Housing and Communities was still seeking clarification on the key points of the "new solution", they chased for a response on 10th October, and the council did not respond to those questions until 17th October. Details of the FOI are on the whatdotheyknow web site.

The response to the FOI appears to indicate that no "agreement" was in place when councillors were informed that it was.

Can you provide any evidence that the DLUHC agreed the "new solution" before you informed all councillors that they had?

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**QUESTIONS FROM MEMBERS PURSUANT TO
COUNCIL PROCEDURE RULE 14.3**

A5 The civil servants at DLUHC are and were in agreement with our approach, but the formal paperwork – a variation on the Memorandum of Understanding between the Council and DLUHC – has not yet been completed and that is, I believe, why the Freedom of Information request found no agreement as the formal agreement is not yet in place. The process to do this follows a Government timetable and, considering the issues about which Councillor Dixon complains, it is right that DLUHC want to get the paperwork right this time.

Q6 **Councillor Dixon to the Chair of the Policy & Finance Committee,
Councillor Gunner**

Q6 I recently submitted an FOI for information relating to the relocation of the temporary ice rink.

The constitution requires officers to keep a written record of decisions made under delegated powers as soon as reasonably practicable after the decision is made, and for it to be available for inspection at council offices during normal working hours; and to view online.

The FOI appears to indicate that **no councillors or committees were consulted** on the relocation – but there are some names redacted. I am keen to know if all political groups were treated in the same way.

Why was no written record of the decision to relocate the ice rink provided as part of the council's FOI response?

A6 The decision itself was not one that required a formal record under the Constitution. The reason a record of a decision was not included with the FOI response was because that information/document is not held by the Council – because it was not considered to be needed at the time. Under Part 7, Section 2, Para 3.1 the Group Head of Community Wellbeing is delegated responsibility for this decision.

And if I may, what a successive event it has proven to be – in line with the lighting at Hotham Park – and our officer team deserve praise for pulling this off. You only need to look at social media – including the poll conducted on Bognor Regis Matters – to see how the public agree.

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**QUESTIONS FROM MEMBERS PURSUANT TO
COUNCIL PROCEDURE RULE 14.3**

Q7 **Councillor Dixon to the Chair of the Policy & Finance Committee, Councillor Gunner**

Q7 Following on from question 6 above, when was that decision made and by who?

A7 The decision was made by the Group Head of Community Wellbeing. I do not have the information on when this happened, as noted in my previous response there is no formal record of the decision.

Q8 **Councillor Dixon to the Chair of the Policy & Finance Committee, Councillor Gunner**

Q8 Following on from question 6 above, can you please provide the names of any councillors that were consulted prior to the decision being made?

A8 No councillors were consulted. The redacted names in the FOI were the names of officers, not councillors.

Q9 **Councillor Dixon to the Chair of the Economy Committee, Councillor Cooper**

Q9 We now know that the council spent £40,000 on illuminations and security in support of the ice rink and its relocation to the London Road coach and lorry park.

How will the financial success, or otherwise, of the ice rink relocation and illuminations be evaluated?

A9 Informal feedback has indicated that this was a very successful event combining the illuminations ice rink and event. We plan to consult partners to establish their views and share these with the Environment Committee.

Q10 **Councillor Dixon to the Chair of the Economy Committee, Councillor Cooper**

Q10 Footfall figures for Bognor Regis Town Centre for 2022 are now available.

January to December 2022 is up 20.3% on 2021, but December 2022 is down 0.8% on December 2021. December 2022 is down 3.2% on November 2022.

The Town Centre was doing well until December.

Nationally, town centres were up 12.9% in December 2022 when compared to December 2021. It seems that other town centres fared better than Bognor Regis which is behind the national trend.

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**QUESTIONS FROM MEMBERS PURSUANT TO
COUNCIL PROCEDURE RULE 14.3**

As a matter of interest, the town centre is still 20.1% down on 2019 – the pre-Covid benchmark.

There have also been complaints regarding noise and traffic chaos at school drop off and pick-up times (including motorists driving on pavements!).

Do you accept that relocation of the ice rink could have been a contributory factor in these footfall figures and, will you agree to commission an officer report to assess the full impact of relocation on town centre footfall, local residents, the school and its parents/children, to be considered alongside the perceived benefits?

- A10** An Officer report will be presented to the Environment Committee regarding the event.