



Public Document Pack

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21 November 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 8 November 2023 at 6.00 pm** in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** to transact the business set out below

Karl Roberts/Philippa
Dart – Interim Joint
Chief Executive

AGENDA – SUPPLEMENT – PQT AND GENERAL QUESTIONS FROM MEMBERS

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 is attached.

16. QUESTIONS FROM MEMBERS (Pages 9 - 14)

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

The questions asked with responses are attached.

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FULL COUNCIL – 8 NOVEMBER 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 Mrs Smith to the Chair of the Planning Committee, Councillor Hamilton
2. From Mrs Smith to the Chair of the Planning Committee, Councillor Hamilton
3. From Mrs Smith to the Chair of the Planning Committee, Councillor Hamilton
4. From Mrs Smith to the Chair of the Planning Committee, Councillor Hamilton
5. From Mrs Smith to the Chair of the Planning Committee, Councillor Hamilton

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 Mrs Smith to the Chair of the Planning Committee, Councillor Hamilton

Question

When Planning Application AL/116/18/PL was granted, a Full Condition related to the boundary with our house was not included. We would like to know why that was.

It is a fact, and has been accepted by the Council, that the land had been vacant for 35 years until then, and the boundary fence belonged to us. It was a picket fence, 4 feet high and extended for 150 feet, which we had maintained for those 35 years. Quite adequate to separate our garden from an empty field, but in no way acceptable as a boundary between two residential properties.

We understand that Full Conditions are only imposed if they fulfil the 6 principles in planning legislation, so we would like to know which principle(s) our situation did not fulfil.

Response

I express my deepest sympathy to you Mrs Smith for the sad history for this site, and the decisions she is questioning is quite difficult for the Planning Committee Members to deal with and I was not involved in at that time. I did receive an awful lot of mail from Mr and Mrs Smith and we were asked to let the Officers take charge of this.

I do have a response to the question.

A condition can only be imposed where it can be complied with. As the applicant had no control over the existing boundary fence it was not appropriate to impose a condition on this. The Council has responded to this question in Public Question Time at the meeting in November 2022 and in a letter from Neil Crowther, Group Head of Planning, in June 2023. It was also dealt with in response to a formal complaint in a response dated 10 June 2020. The Council has nothing further to add.

QUESTION TWO

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

Question

As it was a deliberate decision taken by the Planning Officer, to give only an Informative Condition to Planning Application AL/116/18/PL,

INFORMATIVE: It is requested that consideration be given to raising/improving the existing boundary to Westfield House in order to protect their privacy. Details of such improvements should be submitted with the plot boundary treatments required by the above condition.

This never happened, so would the Council explain exactly which steps needed to be taken, to enable this to be achieved.

Response

An Informative attached to a planning permission is only guidance. It places no obligation on the applicant. This was explained to you in the complaint response dated 20 June 2020.

Supplementary Question

We all know the informative is not enforceable and so why was it put there in the first place?

Supplementary Response

Could I please ask one of the planning officer's to respond to that.

The Joint Interim Chief Executive and Director of Growth responded.

An informative by its very title is there to provide information, it is not a statutory part of the decision notice which is to be implemented, it is not something that specifically requires the applicant to undertake something that we can then if the applicant does not comply with we can then challenge through the submission serving of an enforcement notice. Therefore, I re-emphasise the point that it is an informative, it is there for information.

QUESTION THREE

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

Question

When the application for boundary treatments AL/52/19/DOC was decided, the Planning Officer (in his report of 26.9.19 posted on the web site) was forced to admit,

08 New Boundary Treatments: The concern of the neighbour is that the boundary treatment scheme does not show any replacement of the boundary between the application site and the neighbour's property ("the shared boundary"). However, there is an existing boundary between the two sites, and it is understood from further communications from the neighbour that they have gone ahead and replaced this boundary with a higher fence. This would also suggest that the neighbour has control/ownership of the existing boundary treatment and therefore it may not have possible for the applicant to amend the shared boundary as they would have required third party permission.

Why was the Planning Officer not aware of this when he agreed the original Planning Application?

Response

You are aware that the decision on AL/52/19/DOC was to grant approval for a 8m high close boarded timber fencing between the rear gardens of two dwellings and to the rear southern boundary; a planted 1.8m high bund to the rear of the site; and a 1.2m high post & rail fencing between the front gardens of the two dwellings and to the front southern boundary. This was concluded to be adequate for the purposes of discharging the condition imposed.

Land ownership is not a material consideration and planning officers are not required to investigate boundary ownership to determine an application or when drafting conditions and informatives.

This matter has previously been responded to in June 2020 through the Council's formal complaint process (at stages 1 and 2) and there is nothing further to add.

Supplementary Question

With respect to the Councillor the 8m reference to the fence was a typing error I would like to point out that 1.8m related to the fence between the properties being developed and does not relate to their boundary – there is nothing in this response that relates to the boundary what is called Grey Gables. My question has not been answered, can it please be answered.

Supplementary Response

The Chair confirmed that a response had been given by officers.

QUESTION FOUR

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

Question

The Planning Officer went on to say, ***The proposed boundary treatment scheme is considered to ensure that the privacy of future residential occupiers is to an acceptable standard and is therefore considered to be appropriate.***

The Council had been informed on 24th June that **PART** of the fence had been replaced by us, for the reasons outlined in our email, which was not entered on the application site until 1st October 2019, although it had been sent to multiple addresses 3 months prior to the determination of the application. Inspection of the Planning correspondence and photographs of 30.9.2019 posted on this site, clearly show why we were forced to replace the **FIRST THIRD** of the boundary fence.

How could the Planning Officer make such a decision relating to the rest of the boundary fence, (which had not changed) in direct opposition to his first decision?

Response

You wrote to the Council on 1 June 2019 and stated *“Therefore, we have decided that we will have to replace some of the fence ourselves to give privacy, close to our conservatory windows. (The rest will have to wait until next year.)”* This clearly set out an intention to replace the whole of the fence thus resolving the issue of privacy and was before application AL/52/19/DOC was determined.

The Officer's have nothing further to add to the response provided already to the previous question.

Supplementary Question

I do hope that Councillors will take the trouble to look at this on the web site. I wrote about this on 24 June 2023 and I have the email and the photos if anyone wishes to see them. I understand that the Councillor was not Chair at the time and I ask her if she has looked at it?

Supplementary Response

I first looked at this very briefly in the early stages and I was not the Chair of the Planning Committee at that time. But we were asked by the Officers, due to the deluge of letters that we were receiving, not to respond, so we didn't respond.

QUESTION FIVE

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

Question

The Planning Officer concluded, ***Nevertheless, the matter has now been resolved.***

This matter was never resolved. The Planning Officers' decision on this matter, then removed the obligation for Mr. Duggin to do anything at all, and ensured that we had to pay for the rest of the boundary fence. A fence of 150 feet. with a total bill of £10,000.

We would like the Council to explain, why it became our responsibility to provide a boundary fence to satisfy privacy for Mr. Duggin and future occupants of his property.

Response

As previously set out in the letter from Neil Crowther, Group Head of Planning, on 19 June 2023, numerous previous correspondence and previous responses to questions made to Full Council in November 2022, there was no obligation to erect boundary treatments through any planning permission and the decision to erect any boundary treatment was a decision taken. As previously stated, the Council considers this matter closed and will not be commenting on this issue any further.

Supplementary Question

In terms of the amount of correspondence and the instruction from Officers to Councillors to not correspond with us in anyway means that I intend to come back at the next meeting to ask further questions. This matter was the subject of a Local Ombudsman complaint which was upheld, and the council was forced to pay compensation in the sum of £280. Councillors need to understand why we are not walking away from this matter and that we are forced to come back to meetings in the future to continue to ask questions that remain unanswered.

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QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 14.3

Q1 Councillor Kelly to the Chair of the Housing & Wellbeing Committee, Councillor Birch

Q1 Observer Scheme – As Chair of the Housing & Wellbeing Committee, could you please plan for Councillor Walsh, as this Council's nominated Outside Body representative on the Sussex Police and Crime Panel, to raise at the next meeting of the Panel the question below:

The Hampshire Constabulary run an observer scheme whereby members of the public, including Councillors, can ride in a police vehicle with a police officer and observe their duty and what it involves. Would the council ask Sussex Constabulary if they would run a similar scheme.

A1 Thank you for your question Councillor Kelly and I will certainly ask Councillor Walsh to raise this at the next meeting of the Panel.

Q2 Councillor Kelly to the Chair of the Environment Committee, Councillor Wallsgrove

Q2 Because of the large amount of over 65's in the Arun population , please can you confirm that this council will not be converting to pay by APP or credit / debit card and to keep cash payment an option at Arun Council carparks”.

A2 I can confirm that the Council has no plans to withdraw cash as a payment option from its car parks. Customers can pay by cash, bank card or app at all the Council's car parks.

Q3 Councillor Greenway to the Chair of the Policy & Finance Committee, Councillor Stanley

Q3 Can the Chair confirm the level of practical support Arun District Council has provided to residents in light of the recent flooding event in the district?

A3 Thank you Councillor Greenway. The Council has shared general and advice to residents through social media and has offered direct support to some specific cases. As this is a multi-agency situation, any residents who have contacted Arun have been signposted to the relevant organisations depending upon what their issue is. Our Building Control team have undertaken inspections when required, and our Housing Team has supported with the provision of temporary accommodation where needed.

Supp

Q Thank you for your response. Given the tone of tonight's debate, I do not wish to spoil it, however, it is disappointing personally that whilst Arun had done what Councillor Stanley has answered, I think that during the last 12 days what has been missing has been local leadership. I think that residents wanted to hear

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**QUESTIONS FROM MEMBERS PURSUANT TO
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from the Leader of Arun District Council, and I was certainly looking out for this and did not see it and so my question is, in your capacity as Leader of the Council, what actions had you taken to support residents?

Supp

A I take Councillor Greenway's views on board. My opinion was in terms of communications as we go through an operational stage. There was lots of practical advice coming from several different organisations and it is important that that this information is carried over. I have been involved in communications and meetings with Officers who have kept me updated on the situation; I have had interactions with my own residents; I have written to the Environment Agency (EA) specifically about the Aldingbourne Rife situation and so those are the kind of activities that I have been undertaking.

Q4 Councillor Pendleton to the Chair of the Policy & Finance Committee, Councillor Stanley

Q4 I did have a question about Southern Water which was circulated at the meeting. I am not going to call for a formal answer because we have discussed it very fully. Just a point of clarification when I was talking about the involvement of Southern Water, during the incident, I am happy to see as part of our previous discussion that Southern Water will be involved going forward and this is a very good resolution.

For information the question submitted in writing was:

I was talking about the Can the Leader confirm what conversations have been held between Arun District Council and Southern Water over the horrific and disgusting incidents of sewage outflow seen over the last 10 days during the recent heavy rainfall and storm conditions?

A4 No response was required.

Q5 Councillor Purser to the Chair of the Policy & Finance Committee, Councillor Stanley

Q5 In the absence of Councillor Purser, Councillor Gunner, as Leader of the Opposition, confirmed that as this matter had been discussed very fully as part of the Urgent Item, the question below was now withdrawn.

For information the question submitted was:

Can the Chair confirm what conversations have been held between Arun District Council and the Environment Agency over the significant flooding events we have seen over the last 10 days.

A5 No response was provided as the question was withdrawn.

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COUNCIL PROCEDURE RULE 14.3**

**Q6 Councillor Bower to the Chair of the Planning Policy Committee,
Councillor Lury**

Q6 Can the committee chair confirm what changes to planning policy he intends to make following the flooding incidents in the last 10 days. This question does not address future commitments as part of the Local Plan, I am talking about Policy implemented now.

A6 Thank you Councillor Bower. I have to say that I was somewhat perplexed by the question as I am indeed the Committee Chair of the Planning Policy Committee, a role that you previously held for two years so will now doubt you will be aware that I have no Executive power as it is not a Cabinet system.

I gather that you do not want to talk about the future, and that roughly forms the majority of my speech, however the Planning Policy Committee, which Councillor Bower is a member of, will be considering reports on coming agendas around what a future Local Plan might look like, the standards it wishes to apply to new development and assessing current and future flood risk data. These reports are already contained within the Work Programme of the Committee which I am sure you will have seen. As Councillor Bower is also aware, consultation and engagement with Southern Water and the Environment Agency will take place throughout this process to understand their data and commitments to infrastructure improvements. These will inform future planning policies that the Planning Policy Committee will consider.

Further, the urgent report before us this evening recommends that a forum is set up immediately to review the causes and impacts of the recent extreme weather as well as potential future mitigation of these impacts.

Today, I have also resent the letter that we sent to Michael Gove about our concerns about what is happening in terms of the recent flooding and so I am hoping that we will get a response back from Government. This has really expressed the concerns of residents that are seeing their places flood around them and are worried about their own safety and about future developments.

Supp

Q Councillor Lury will be aware that there are certain authorities in this country which have had a moratorium put on house building because of the EA under certain circumstances. We here, of course, have a serious problem which is the water table and the recent flooding. The Policy that I am talking about is current policy not about the direction of travel for the new Local Plan. I accept the discussion that we had earlier and that we are going to have this Forum, we need to see things coming out of this Forum that will enable us to adjust current planning policy – and that is the point of the question.

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Supp

A In the letter that we sent to Michael Gove; we talked about the constraints that we have in this Authority. The fact that we have the South Downs National Park, and we said that there is a clammer from the public for a moratorium on future development. What we have added this time and we have made it clearer is that given the recent flooding, we are concerned about the effects, and would they look at a moratorium on future huge, large scale development until we have sorted out Southern Water and the sewage. I have acted on that as directed by Full Council and so hopefully we will get a response from Mr Gove.

Q7 **Councillor Lloyd to the Chair of the Policy & Finance Committee, Councillor Stanley**

Q7 Is the Chair happy with the content and number of communications issued to inform and help residents and businesses with the flooding issues over the last 10 days?

A7 The simple answer is ‘yes’. This is a multi-agency situation and I think that Arun has played its part with communications having been provided across the Council and beyond. It has been mentioned already this evening that Arun is not the lead agency for this incident, it is important to allow space for all agencies to communicate this being Southern Water, the Environment Agency, West Sussex County Council, the emergency services and the met office. I have a list of information and communications provided over the last 10 days and this was provided as Appendix 2 in the urgent report discussed earlier.

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

Q8 To the Chair of Policy and Finance Committee: On 11 May, the previous Liberal Democrat leader Cllr Walsh told me of the intention to set up a LibDem-Labour-Green “Alliance” administration. He said that this administration would be underpinned by a “Memorandum of Understanding” which would outline the policy platform the administration intended to pursue for the Council. 6 months on, has a Memorandum of Understanding been written, and when will we see it?

A8 What we have currently is the broadest cross-party administration in Arun’s history. The Liberal Democrats, Labour, Green and Independents are working together, and I believe that this spirit of co-operation is showing tangible results in our culture and our reputation. Our combined understanding is that we have more in common now than what we do that separates us. We are working together to make Arun a better place to live, work, learn and visit.

Supp

Q Has a Memorandum of understanding been written and when will I see it?

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COUNCIL PROCEDURE RULE 14.3**

Supp

A The only thing I will add is, and I am sure that Councillor Gunner will remember in January 2022, the Independent Group submitted a motion asking a similar request to the Conservative Group, which he and the Conservative Group voted against.

Q9 **Councillor Gunner to the Chair of the Economy Committee, Councillor Nash**

Q9 To the Chair of Economy Committee: You have mentioned online that this administration intends to take some “tough decisions”. Can you let us know what those tough decisions are and when we can expect to see them?

A9 Thank you for the question. The tough decisions have been made as we have been left in a situation with this new administration with a very difficult financial situation – perhaps if tough decisions had been made a few years ago then we would not be in quite the same situation. We are in a situation where we have got to make something like 20% cuts in our budget over the next few years. So, we are looking to save a lot of money which will have an impact, and this is where the tough decisions will need to be made. The context of this, is of course the fact that over the last few years, especially since 2010, every Council in this country has had a huge cut in revenue support; we have had inflation; we have had the current Government crash the economy and the fact is that we are in an even tougher situation than we would have been previously. We have had a failed Brexit which has contributed to where we are. In terms of what decisions are going to be made, quite rightly the Officers and others are working diligently to come up with ideas and proposals which will be put to Members in the next few weeks, and we will all have the chance to debate those and put our ideas together and I would say to Councillor Gunner, hold your comment until we have been able to do this.

Supp

Q I would like to thank the Deputy Leader of the Council for confirming that he intends to make 20% cuts. He has just announced that he has made tough decisions but did not announce what they were. In terms of savings, the only saving that I am aware of is to get rid of the coffee machine. I would like to ask the Deputy Leader of the Council and the Chair of the Economy Committee – he says he is planning on making 20% cuts, but he does not seem to have any ideas himself – I would like to ask perhaps he could outline what his own views are in terms of where he would like his 20% cuts to fall.

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Supp

A As being a previous Leader of this Council – in terms of the cuts you should have been doing that some years ago and you did not do it. I will not presume to stand here today and say what I think, it is for the whole Council to contribute and come up with a solution. As I said, Officers are working very hard to look at the whole situation and come up with proposals that are going to be debated in due course and I won't say any more than that.