



# Public Document Pack

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4 March 2024

## **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 13 March 2024 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 3 – PUBLIC QUESTION TIME AND MEMBER QUESTIONS**

3. PUBLIC QUESTION TIME (Pages 1 - 6)  
To receive questions from the public (for a period of up to 15 minutes)
  
16. QUESTIONS FROM MEMBERS (Pages 7 - 14)  
To consider general questions from Members in accordance with Council Procedure Rule 14.3.

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## FULL COUNCIL MEETING – 13 MARCH 2024

### 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 Attreed to the Chair of the Economy Committee, Councillor Nash
2. From Chester to the Chair of the Planning Committee, Councillor Hamilton
3. From Mr Allen to the Chair of the Environment Committee, Councillor Wallsgrove
4. From Mr Rogers to the Chair of the Environment Committee, Councillor Wallsgrove
5. From Mr and 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 Mr Attreed to the Chair of the Economy Committee, Councillor Nash**

#### **Question**

What has happened to Littlehampton? The way it is going there will be no shops only nail bars, coffee shops and Turkish barbers etc! No clothes shops for men and ladies etc.

#### **Response**

Arun District Council has no control over what types of business are located in Littlehampton. That decision is made by the landlords and owners of the properties. Some landlords are corporate organisations who know nothing about the town and letting decisions are made based purely on income potential. Other landlords are local people who are more inclined to consider the effect any potential letting might have on the town.

The UK is one of the fastest adopters of online shopping, which has inevitably brought change to High Streets across the country, not just in Littlehampton. Many are now leisure focussed with services that cannot be obtained online becoming more prevalent. The current retail vacancy rate for Littlehampton is 14% which is in line with the national average. Under cover shopping centre vacancy rates are around 18%.

Arun District Council is providing support on a one to one basis for independent retailers with the aim of helping their businesses be sustainable and improve. In addition the Council is a key partner and contributor to Littlehampton Town Centre Action Group which is co-ordinating the efforts and actions of all agencies to bring about change which will encourage visitors and shoppers back into the town centre and new businesses to locate there.

## **QUESTION TWO**

### **From Mr Chester to the Chair of the Planning Committee, Councillor Hamilton**

#### **Question**

Planning application A/129/21/PL permitted by the planning inspectorate for 191 houses on Rustington Golf Centre has clear conditions requiring the surface water drainage and affordable housing schemes to be approved before development commences. The surface water scheme has yet to be approved, and the affordable housing scheme was refused, yet development is well underway. In addition, it seems that no condition was imposed requiring details of the foul water scheme to be approved by the Council. Why is development proceeding at pace without these conditions having been approved and was it an error not to impose a foul water discharge condition?

#### **Response**

We are aware that development is proceeding without the requisite planning conditions having been discharged. We have written to the applicant and reminded them of this, confirmed that any works taking place are at their own risk and that Enforcement action may follow.

In terms of affordable housing, we are in discussion with the applicant because there are currently significant issues for all developers in being able to dispose of affordable housing to Registered Social Landlords in a way that will deliver s106 compliant schemes. We are negotiating an acceptable conclusion for both parties, and we are satisfied that development can proceed while this is resolved.

I am unable to confirm why no foul water drainage scheme is required. As you know, this development was allowed at appeal, so the decision was made by the Planning Inspectorate and we are unable to find the records around suggested planning conditions to the Inspector.

We are currently reviewing the position regarding surface water drainage. The applicant has been afforded opportunities to address the concerns made through the consultation process. This has taken a very long time which is regrettable. We were assured that development would not commence until these details were agreed but the applicant did not honour that agreement because of these delays. We have reminded them of their agreement and if they choose to continue to carry out work, Enforcement Action will follow. We are currently deciding whether to determine the discharge of condition.

### **QUESTION THREE**

#### **From Mr Allen to the Chair of the Environment Committee, Councillor Wallsgrave [due to the nature of the works in question]**

##### **Question**

Will Arun District Council (the landowner) consent to Sea Road Beach Access Limited undertaking the works Permitted by Planning Application Ref: EP/145/23/PL?

##### **Response**

Thank you for your question. Officers will be in contact to arrange a meeting to better understand the proposals and give due consideration to your request.

##### **Supplementary Question**

Officers from which department and when will they be arranging a meeting?

##### **Supplementary Response**

It will be the Planning Department that will be in contact with you.

Can you please provide a time and date?

Unfortunately, not, we will have to confirm the arrangements in writing.

##### **Supplementary Written Response**

Subsequent to receiving this Supplementary Question, Mr Allen has been contacted by a member of Arun's Property, Estates & Facilities Team and will continue to deal direct with the officer in order to address matters.

### **QUESTION FOUR**

#### **From Mr Rogers to the Chair of the Environment Committee, Councillor Wallsgrave**

##### **Question**

Please will the Council reconsider its deeply unpopular decision to introduce parking meter machines at the currently free car parks in Middleton and Felpham?

## **Response**

The Environment Committee at its meeting in November decided to keep the three car parks in Felpham and Middleton free of charge, but to seek changes to ensure that information on their use is obtained to inform decision making, and to ensure maximum stay times can be enforced to ensure they are not abused by long stayers to keep the car parks available for those wishing to use the local amenities. Currently the public has the opportunity to feed into the consultation and issues raised will be considered.

## **QUESTION FIVE**

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

### **Question**

Can the Council confirm that legal proceedings have now been served to prosecute Mr Duggin on Plot 1 and can the Council confirm that a Breach of Condition Notice has been served on Mr Norgate, Plot 2 and what the timescale is.

The update which also arrived late on Wednesday pm 6<sup>th</sup> March, confirms that legal proceedings have NOT been served to prosecute Mr. Duggin Plot 1. Why? a BCN has now been served on Mr. Norgate Plot 2 and gives him another 6 months to comply making a period of 7 years before anything was done about this. The question remains, - Why has a 'Stop Notice' not been placed on Plot 2 in order to ensure that the road becomes the priority?

### **Response**

An update was provided for you on Thursday 7 March 2024. This set out where the council was on the matters of the Breach of Condition Notice and the prosecution. I will not repeat these comments again.

The Council is unable to issue a Stop Notice against a Breach of Condition Notice. A Stop Notice must be accompanied by an Enforcement Notice. The Council have concluded that issuing a Breach of Condition Notice is the most appropriate course of action to address the breach and that a Stop Notice was not a proportionate response to any breach. Further, if a Stop Notice was to be issued, there would have to be a material harm that would be robust under any prosecution. Failure to demonstrate material harm would result in the Council being at risk of an award of compensation against it.

### **Supplementary Question**

This Breach of Condition Notice to Mr Norgate has been denied by the Council for many years. If you look on the website, you will see that an application was made in 2017 to have this condition discharged. It was refused after six months on the web site and so you have known for over 6 years that this condition has not been complied with, yet you have denied until 7 March that such a breach existed. Why was no action taken before that?

### **Supplementary Response**

It was confirmed that a written response would be provided.

### **Supplementary Written Response**

Application AL/122/17/PL was approved for two dwellings in February 2018. In June 2018 application AL/67/18/PL was submitted for continuance of use without compliance with condition 6 imposed under AL/122/17/PL relating to proposed access requirements. This application was withdrawn on 22 October 2018. A subsequent application to vary conditions (including condition 6) of AL/122/17/PL was then submitted (AL/117/18/PL) and subsequently approved in April 2019. It is accepted that condition 6 of the planning permission stated that no part of the approved development should commence until the northernmost vehicular access and internal road had been constructed in accordance with drawing SPO1 Rev E. and that development was commenced not in accordance with the condition. A Breach of Condition Notice (BCN) was not served more promptly as it was felt reasonable to allow some development to take place to prevent the construction and potential subsequent damage of the internal road during the building process. Previous correspondence with you 15 June 2023 and the PQT response for February 2024 explained the reasons for the time it has taken. We regret that the officers were not in a position to assist any sooner.

As the build process is reaching a conclusion it was then considered appropriate to serve the notice. You are aware that a BCN was served on a neighbouring occupier prior to this one. Had that been complied with it would not have been necessary to serve the second notice.



## COUNCIL MEETING – 13 MARCH 2024

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

**Q1** Councillor Haywood to the Chair of the Environment Committee,  
Councillor Wallsgrove

**Q1** Why are these proposed ticket machines being forced into the car parks at Felpham and Middleton with such haste and certainly without full consultation with Middleton Parish Council representatives

**A1** Ahead of the report being presented to the Environment Committee on 21 November 2023, consultation was held with both Felpham and Middleton-On-Sea Parish Councils to gather initial feedback on the proposed changes. It is worth being clear that the proposals do not include introducing charges for the tickets.

Meetings were held with yourself, Councillors Haywood, and Allsopp from Middleton-On-Sea Parish Council during the week commencing 25 September 2023 and Councillors Baker and Hewlett from Felpham Parish Council during the week commencing 2 October 2023. Following these meetings, full proposals were sent to both Parish Councils for consideration at the appropriate Committee meetings. Comments were received from Middleton-On-Sea Parish Council ahead of the Environment Committee meeting, and their comments were included within the report. Unfortunately, Felpham Parish Council's Committee meeting fell after the Environment Committee, so were not included, but the Parish were in full support of the proposed changes.

Councillor Haywood, you attended the Environment Committee meeting who agreed to hear your verbal representations emphasising the submission made by Middleton-On-Sea Parish Council. The Environment Committee, having considered all the information before it, regarding the proposed changes approved the proposal.

Following the Environment Committee's decision, the Parking Services Manager held further meetings with both Parish Councils during the week commencing 8 January 2024 to discuss the proposed changes further. Middleton-On-Sea Parish Council advised during this meeting that they would forward all questions to Arun District Council and a Freedom of Information request was received on 16 January. A full response to all of their questions was subsequently provided.

**Supp**

**Q** Consultation in your answer appears to be a tick box exercise. You did not listen to a word that was said. Petitions from Middleton-on-Sea and Felpham will shortly be presented to Arun District Council with some combined total of 3,500 signatures today and will probably be more tomorrow. Can the Chair of the Environment Committee confirm that these ticket machines will not be installed in these car parks until the petitions have been properly heard.

## COUNCIL MEETING – 13 MARCH 2024

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

#### Supp

**A** Thank you Councillor Hayward. I didn't actually make that decision it was made by the Environment Committee.

#### **Q2** Councillor Haywood to the Chair of the Environment Committee, Councillor Wallsgrave

**Q2** In Middleton, what economic and social impact does the Chair of the Environment Committee think these machines and the associated car parking restrictions will have on local shops and businesses; the Jubilee Village Hall and their community clubs; the Scout Hall and their outside users including the use as a Polling Station; the pre-school nursery; Shrubbs Field recreation users including Felpham Colts who use the field as their football centre; the Avisford Park Medical Centre; the annual local fund-raising fete; day-time parish council meetings and the impact on our many elderly residents who need to use the car park for all these village facilities.

**A2** A meeting and ongoing discussions have been held with a representative from Avisford Medical Group, located within Shrubbs Field car park and Buckingham Court, the over 60s residential development have been contacted and all queries raised have been answered. The pre-school nursery and other community activities' operating hours have been identified and considered. 8 hours free parking within Shrubbs Field car park, between the hours of 8am-6pm, is considered to be apt for the usage of local amenities. Parking between 1800-0800 remains free of charge, and free of time restriction. Free parking will continue to be offered for polling stations located adjacent to Arun District Council car parks on polling days across the district.

#### Supp

**Q** Answering questions with a firm "sorry well that is what is going to happen" is not consultation and taking into account what I have asked which is what is the economic and social impact these parking meters are going to have and so my supplementary is will the Chair of the Environment Committee confirm that the car parks in Middleton and Felpham will remain free to users for the foreseeable future and that payment meters and or new parking restrictions will not just be imposed as these ticket machines are being imposed once the data on usage has been collected.

#### Supp

**A** Thank you Councillor Haywood. We have never said that we are going to charge for car parking. It is being looked at and the information is being gathered to see how these car parks are being used. This will then come back to the Committee to be discussed further.

**COUNCIL MEETING – 13 MARCH 2024**

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

**Q3 Councillor Haywood to the Chair of the Environment Committee,  
Councillor Wallsgrove**

**Q3** Why has the Chair of the Environment Committee not taken full account of the highways impact both on the Elmer Road bus route and on neighbouring roads. Anything that deters users to the car park at Shrubbs Field will result in anti-social parking and congested on-road parking. The car park will be empty and the roads will be full!

**A3** The Council is actively consulting on proposals for 8 hours free parking within Grassmere and Shrubbs Field and 2 hours free parking within Links Avenue car parks. These time periods have been proposed after careful consideration of the character of the areas and the potential impact, including on the highway are being actively considered ensuring any potential impact and disruption is minimised. West Sussex County Council have been consulted on the proposals.

**Supp**

**Q** Has West Sussex Highways been properly consulted and if they have, what was the result of that consultation please.

**Supp**

**A** The paperwork still remains with West Sussex County Council and they still have not commented on it.

**Q4 Councillor Gunner to the Chair of the Corporate Support Committee,  
Councillor Oppler**

**Q4** In January, Council voted for the Financial Strategy which included – amongst others – the deletion of the post of Group Head of Organisational Excellence with the current post-holder being made redundant, subject to consultation. I have heard that, following consultation, the role will now be retained. Is this correct?

**A4** Following the conclusion of the consultation exercise the Joint Interim Chief Executives reviewed the responses received and determined that it would not be appropriate to continue with the full extent of the proposed changes to the Senior Management Team at this time. It is proposed to provide a more detailed update to the July meeting of the Policy & Finance Committee via a budget monitoring report.

**Supp**

**Q** As Councillor Oppler appears to know the detail, is there any reason why we cannot know that now.

**COUNCIL MEETING – 13 MARCH 2024**

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

**Sup**

**A** I did not make that statement and I would draw Members' attention to the key words in the answer, conclusion of the consultation.

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

**Q5** When did you decide to break your election pledge to cut parking charges and instead increase parking charges?

**A5** The Chair confirmed that in the absence of Councillor Stanley a written response would be provided.

**Written:**

**A5** At this council's Environment Committee meeting in November a cross party committee of members took the decision to increase parking charges from 1<sup>st</sup> April 2024.

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

**Q6** A significant investment of officer resource is now going into the Felpham and Middleton-on-Sea car parks in terms of enforcement and monitoring. How do you intend on recouping that investment?

**A6** In the absence of Councillor Stanley, Councillor Nash responded to this question.

These areas are already on the Council's enforcement rotas and enforcement of the proposed changes would not require additional resources. Arun District Council currently invest officer time and incur legal costs in the ongoing monitoring and removal of abandoned vehicles, especially from Links Avenue car park, which regularly requires legal input to issue notices to remove vehicles that are untaxed.

By introducing a reduced free parking time period, a no return period, and the requirement to obtain a free ticket, Arun District Council officers will be able to identify abandoned vehicles earlier, in turn reducing the resources required to monitor, enforce, and remove vehicles. It is considered likely that the proposed changes will enable more effective enforcement, reduce costs and resources required and increase availability within the car parks for genuine users.

**COUNCIL MEETING – 13 MARCH 2024**

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

**Supp**

**Q** I appreciate the response. Can we see the before and after costings as I am surprised that having to enforce a 2 or 8 hour free car parking period is cheaper than not enforcing one. In terms of having to incur legal costs, I am aware that this Council was required by law to seek the approval of West Sussex County Council before making these changes. In an email that I have seen from West Sussex County Council, they have said that this Council was either unwilling or unable to do so. Will that incur potential legal charges and legal costs?

**Supp**

**A** On the issue of the email from West Sussex County Council, I am not aware of that and so I ask the Director of Growth if he is able to respond otherwise, I will provide a written response. In terms of comparative costings, I am sure that in the course of time we will be able to provide that.

**Supp Written**

**A** Enforcement of the maximum stay time will be more efficient as a consequence of the proposed changes as it will be quicker for civil enforcement officers to identify if a vehicle has breached the maximum stay time. Arun District Council have sought consent for the proposed changes from West Sussex County Council and have followed the required steps in order to enable the proposed changes to be made. Officers have been active in communicating with West Sussex County Council on this matter and have ensured all information required has been supplied. Legal costs are incurred whenever a change to Arun District Council's Parking Order is required as any new draft must be reviewed by our legal department. The Parking Order required updating following several decisions taken on 21<sup>st</sup> November 2023 by the Environment Committee affecting these and other car parks.

**Q7** **From Councillor Pendleton to the Chair of the Environment Committee,  
Councillor Wallsgrove**

**Q7** Can you rule-out implementing parking charges in the Felpham and Middleton-on-Sea car parks for the remainder of the term of this Council?

**A7** It is for the Environment Committee, not the Chair, to make decisions on parking charges.

**Supp**

**Q** Could the Chair of the Environment Committee say whether she personally would support a proposal that limited charging for the remainder of the term of this council.

**COUNCIL MEETING – 13 MARCH 2024**

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

**Supp**

**A** Being a Green Councillor, I don't like anyone driving anywhere or parking anywhere so I cannot guarantee that it will be free for the remainder of this Council's session. I think that things need to be looked at and that it does come through the Environment Committee not just through me.

**Q8** **From Councillor Pendleton to the Chair of the Environment Committee, Councillor Wallsgrove**

**Q8** Although the car parks are to remain free for now, the free periods and the no-return periods have now been implemented without consultation with the ward councillors. Do you think it is right to implement such changes without reference to the local councillors?

**A8** Ward Councillors were made aware of the proposals on 20 October 2023, ahead of the Environment Committee meeting on 21 November, and given the opportunity to raise any concerns or queries with officers. One Ward Councillor is part of the Environment Committee, a second Ward Councillor addressed the Environment Committee meeting in November. A third Ward Councillor has spoken with officers on multiple occasions on this subject in the months following the decision of Committee, sharing insight into how the car parks are used, which the proposals take into account. Ward Councillors were again written to on 5 March drawing to their attention the detail of the proposals and consultation thereon where you have a further opportunity to have your say.

**Supp**

**Q** Does the Councillor agree with me that the opportunity to raise any concerns or queries with officer is not full consultation.

**Supp**

**A** It needs to be looked at. As I say, I don't agree with driving around in cars – maybe we need some bike parks instead. I will have to provide a written response to that.

**Supp Written**

**A** Ward Members were able to, and some have taken the opportunity, to express their views on the proposals before, at and after the Environment Committee made its decision. Ward Members valuable representations have been taken into account and influenced the detail of how the proposals are being implemented to reduce the risk of unintended consequences.

**COUNCIL MEETING – 13 MARCH 2024**

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

**Q9 From Councillor Pendleton to the Chair of the Environment Committee,  
Councillor Wallsgrove**

**Q9** In the Council's statement, it says that the data gathered from the parking machines will be used to inform any future changes. What potential future changes does the Council have in mind?

**A9** There are no specific changes proposed beyond those made by Environment Committee in November 2023. The Council's Financial Strategy, agreed in January, that it commits to a review of its assets, and information on their use is helpful in enabling Members to make informed decisions.

**Supp**

**Q** Does the Councillor agree with me that as a green environmentalist the Councillor should be encouraging people to park their cars and take the bus into the local towns and therefore save pollution.

**Supp**

**A** No, you should not be driving your cars anywhere. You should be on your bikes or walking or on the train or bus.

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