

## **ECONOMY COMMITTEE – 10 OCTOBER 2024**

### **AGENDA ITEM 5 – PUBLIC QUESTION TIME – ORDER IN WHICH THE CHAIR OF THE COMMITTEE WILL INVITE QUESTIONS BELOW RECEIVED IN WRITING IN ADVANCE OF THE MEETING**

1. From Mr Boddington to the Chair of the Economy Committee, Councillor Nash
2. From Ms Murphy, Mr Mitchell, Mr Moss and Mr Ash to the Chair of the Economy Committee, Councillor Nash
3. From Ms Murphy, Mr Mitchell, Mr Moss and Mr Ash to the Chair of the Economy Committee, Councillor Nash
4. From Mr Moss to the Chair of the Economy Committee, Councillor Nash
5. From Councillor Jamie Bennett, Chair of Rustington Parish Council, to the Chair of Economy Committee, Councillor Nash
6. From Mrs Shrimpton to the Chair of Economy Committee, Councillor Roger Nash
7. From Councillor Bowman, East Preston Parish Council to the Chair of Economy Committee, Councillor Roger Nash
8. From Councillor Bowman, East Preston Parish Council to the Chair of Economy Committee, Councillor Roger Nash
9. From Mr Scott to the Chair of Economy Committee, Councillor Roger Nash
10. From Mr Scott to the Chair of Economy Committee, Councillor Roger Nash
11. From Mr Scott to the Chair of Economy Committee, Councillor Roger Nash
12. From David Chace to the Chair of Economy Committee, Councillor Roger Nash
13. From Mr Steffensen to the Chair of Economy Committee, Councillor Roger Nash.

### **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;
- explain that the questions received will be answered by the Chair or other appropriate Members of the Committee
- 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.

**QUESTION ONE**

**From Mr Bodington to the Chair of the Economy Committee, Councillor Nash**

**Site 8:** Arun District Council have already confirmed via a Freedom of Information request that the land highlighted in green on the attached plan is not under their control (please see the attached email correspondence) yet are proposing the installation of beach huts in this location.

Can the Council confirm how they intend to install beach huts on land which they neither own nor lease?

**ANSWER**

As part of the detailed legal due diligence, which is yet to be undertaken, Officers will be investigating if a legitimate claim for this unregistered portion of land can be progressed (i.e. A claim for adverse possession). The Council has no intention of installing beach huts on land which they neither own nor lease.

## **QUESTION TWO**

### **From Ms Murphy, Mr Mitchell, Mr Moss and Mr Ash to the Chair of the Economy Committee, Councillor Nash**

In 1956 the Council acquired the Foreshore in Ferring (Section 10), through a Compulsory purchase order. In doing so they acquired Restrictive Covenants which specifically prohibit the building of Beach Huts and conducting any Commercial enterprise on the foreshore. They acquired access rights for machinery for the purposes of maintaining 'sea defences'. They did not acquire rights of access for any other purpose and specifically building.

**Is the Council aware that building Beach huts in Section 10 would be illegal and that residents would vigorously defend any challenge?**

### **ANSWER**

Full and detailed legal due diligence has not yet been undertaken as it would not be appropriate to carry out abortive investigations into such matters if the Committee choose not to proceed with any of the proposed sites. It is expected and understood that restrictive covenants exist at some of the proposed sites, and the detail of these is expected to be reported in due course. The Officer recommendation of the report on tonight's agenda includes for full legal due diligence to be carried out.

### **QUESTION THREE**

#### **From Ms Murphy, Mr Mitchell, Mr Moss and Mr Ash to the Chair of the Economy Committee, Councillor Nash**

Given the unstable shingle sea-side of the Protected Coastal path and Pattersons walk, not only would Beach huts be likely to be washed away during winter storms, but they would prevent the Council carrying out its Statutory duty to protect properties and maintain sea defences. In addition, the portion of the beach opposite South Drive is a Natural England Priority area in which the building of Beach huts is again specifically prohibited.

**Has the Council considered the impact of not being able to sufficiently carry out its statutory duty to protect the properties and the protected coastline?**

#### **ANSWER**

Full and detailed legal due diligence has not yet been undertaken as it would not be appropriate to carry out abortive investigations into such matters if the Committee choose not to proceed with any of the proposed sites. It is expected and understood that restrictive covenants exist at some of the proposed sites, and the detail of these is expected to be reported in due course. The Officer recommendation of the report on tonight's agenda includes for full legal due diligence to be carried out if such covenants are discovered officers will consider how best to mitigate this, if at all possible.

If a detailed scheme design is developed further consultation will be made with the Council's Coastal Engineer to ensure any planned installation does not adversely affect access for maintenance. Officers have noted the Natural England designation for vegetated shingle at South Drive, as well as other locations, and this will be one of many factors to consider in the scheme designs for any sites that are progressed.

## **QUESTION FOUR**

### **From Mr Moss to the Chair of the Economy Committee, Councillor Nash**

Could ADC please explain how it proposes to raise the money to fund the initial outlay to build Beach huts, particularly as it was widely reported earlier in the year that **Arun District Council warned it could reach effective bankruptcy in five years if decisions and savings are not made.**

Quite how ADC can justify a considerable outlay in capital for Beach huts for an investment income that won't come good for over 10 years, just does not make sense, particularly in light of the financial predicament in which it finds itself.

To my way of thinking, it is imperative that the Council should immediately focus on developing a more suitable investment strategy that delivers in the next 12 months, or so. Investing in Beach huts is illogical, fiscally imprudent, and a reckless waste of tax payers money."

## **ANSWER**

The usual capital funding sources that the Council uses to fund its capital schemes are as follows:

- Reserves.
- Capital Receipts.
- External Capital Grants.
- Revenue budget resources.
- CIL/S106 receipts
- Borrowing.

The most likely source to fund any capital outlay on Beach Huts would probably be from borrowing and would need to be supported by a fully costed business case and assessed for affordability. Because the Council has developed and published its capital investment plans, we are able to access central government borrowing at a discount of 0.2% over the standard offered rate.

Regarding the final point about an investment strategy, the Council reports through its committees a variety of documents, including its annual investment strategy and capital investment programme. All documents are published on our website and members of the public are encouraged to read them.

## **QUESTION FIVE**

### **From Councillor Jamie Bennett, Chair of Rustington Parish Council to the Chair of the Economy Committee, Councillor Nash**

Can the Chairman explain why in the report 4.13 it says that Rustington Parish Council raise strong objections to the proposal due to the lack of amenities at site 7 but it's still being recommended to progress, contrary to site 6 which has had no objections raised at all but is being recommended to be dropped by officers even though it has beach huts already there and the amenities and parking infrastructure to accommodate.

In specific relation to Rustington how many beach huts will be proposed and what parking provision will be provided for the prospective beach hut users plus what amenities will be used for the comfort of users.

## **ANSWER**

With regards to site 6, the areas which do not already accommodate beach huts are limited by the existence of protected vegetation or instability of the shingle beach. There is therefore no further capacity at this location.

As stated at paragraph 4.13 of the report, site 7 has received objections but Officers have advised that the proposal to install beach huts at this location remains practically viable subject to detailed legal due diligence being completed.

Exact numbers for any proceedable scheme and consideration of amenities is yet to be resolved in detail.

## **QUESTION SIX**

### **From Mrs Shrimpton to the Chair of the Economy Committee, Councillor Nash**

During the heavy rain last Autumn, my flat was very nearly flooded. I was extremely lucky - the water was deep into our front garden and came right up to my door. I live beside Patterson's walk in a ground floor property in the Ferring Marine flats. The sea came over the boulders which, I believe were placed originally on the shingle as sea defences. Can let me know what due diligence you have done and how you would envision beach huts being able to exist with such flooding possibility?

Incidentally, I have had the pleasure of owning that flat for over 20 years and in that time have seen some extremely ferocious winds up on that beach. Please feel free to visit us when it is blowing a hoolie one January evening and see for yourselves. Your beach huts will have to be built of concrete to survive.

In fact there are a number of very elderly people in vulnerable properties in the same situation as me re the possibility of flooding.

I believe you have a duty of care to the elderly members of our community and would like reassurance on this point.

## **ANSWER**

As set out in the report considered in April, Officers have made initial consultations with internal departments to consider any potential high-level barriers to delivering beach huts at the proposed sites. The Council's Coastal Engineers have advised that the sites proposed for further consideration do not present unacceptable risk in terms of marine and/or meteorological influences at this early stage.

Any scheme design for any proceedable sites will be developed with further consultation provided by the Council's Coastal Engineers.

## **QUESTION SEVEN**

### **From Councillor Bowman, East Preston Parish Council, to the Chair of the Economy Committee, Councillor Nash**

In light of the comment in both Sections 4.14 and 4.15 of the officer's report, "the consultation responses for this site have raised a number of matters which may be challenging to overcome," what are the perceived benefits and detriments, for local residents, of beach huts which were described in the report presented to the Economy Committee meeting on 16<sup>th</sup> April as "encouraging the development of the district as a key tourist destination", which perhaps suggested the proposed beach huts would not be aimed at local residents?

### **ANSWER**

In terms of the locality of potential tenants, the marketing strategy and terms for letting for any proceedable sites are yet to be resolved. Whether offered to Arun residents or a wider market, new additional beach huts in appropriately selected locations are expected to encourage footfall and increase visitor spend to the District.



**QUESTION EIGHT**

**From Councillor Bowman, East Preston Parish Council, to the Chair of the Economy Committee, Councillor Nash**

Will the public consultation be open to all or solely to those on the waiting list for a beach hut as previously suggested?

**ANSWER**

The public consultation will be open to all.

## **QUESTION NINE**

### **From Paul Scott, to the Chair of the Economy Committee, Councillor Nash**

In the Site Appraisal Table, Overstrand Avenue Greensward and Mallon Dene sites have exactly the same data reported in three of the evaluation criteria. Both have limited parking, no toilets and no tourist amenities.

Can the Council explain why Overstrand Avenue gets Amber traffic lights for all of those, but Mallon Dene gets red traffic lights. (Overstrand makes the shortlist and Mallon Dene does not).

In answering, please can you.

- i. Confirm that Council officers have visited the sites before reaching their conclusions?
- ii. Clarify if there are any other criteria apart from those officially shown in the SAT that are being used to reach conclusions that do not appear to be supported by your published data?
- iii. Will the Council re-evaluate the SAT and remove Overstrand Greensward from the shortlist in light of these anomalies and the significant amount of new information that consultation has provided?

## **ANSWER**

It can be seen from the site appraisal table that the officer assessment of these sites has identified discrete differences in terms of the assessed characteristics, which in this case reflects the distance of each site from any available amenities. I can confirm that Council officers have visited the shortlisted sites in consideration of this piece of work. Whilst the criteria presented in the appraisal table is not an exhaustive list of considerations (with legal due diligence, scheme design, and business case appraisals yet to be undertaken), there are no hidden criteria, and this assessment process is being conducted in a wholly open and transparent manner. It is noted that the consultation has provided new information and highlighted additional considerations which will no doubt aid this evening's debate.

## **QUESTION TEN**

### **From Paul Scott, to the Chair of the Economy Committee, Councillor Nash**

2. The additional beach huts in Littlehampton are in a popular tourist location and the payback forecast has already degraded from 9 years to 14 years. Given that the Council is still considering sites with no tourist amenities, toilets or car parks there is a high risk that the suspected demand will not materialise in locations such as Overstrand Greensward.

- i. Will the Council develop a specific cost benefit case for each location that remains under consideration given that the current view is that at least 14 years will be required for payback and this is likely to degrade due to cost increases and lack of demand? If Overstrand Greensward hasn't already been removed we believe the site specific business case will rule it out.

## **ANSWER**

It is expected that certain sites may require specific considerations in terms of any required works to enable beach hut installations, and so it is intended that business case appraisals will be developed for each individual site if agreed to proceed.

## **QUESTION ELEVEN**

### **From Paul Scott, to the Chair of the Economy Committee, Councillor Nash**

3. In the briefing pack you report that issues raised in consultation will be "challenging to overcome" but that some "are not insurmountable"

- i. How much time and money is the Council expecting to spend trying to find solutions to the numerous issues and objections raised?
- ii. Does the Council intend to continue with the selected locations no matter what the cost or impacts on the local environment and people?

### **ANSWER**

This piece of work is a process which requires a number of studies to be completed before decisions can be made on whether or not to proceed. The exact resource required to investigate the relevant matters has not been quantified as we have not yet made decision on which sites should proceed. It is not expected at this stage that any external resource will be required to complete the legal due diligence, scheme design, or business case appraisals.

### **QUESTION TWELVE**

#### **From David Chace, to the Chair of the Economy Committee, Councillor Nash**

Can I ask which specific Member or Officer has decided to bring forward the beach hut report unaltered, recommending which sites should be progressed?

The reason I ask this is that it seems all Parish/Town, Member and some Public objections seem to have been disregarded with no mention of how these issues will be dealt with before spending Tax Payers money on working up the proposals?

#### **ANSWER**

The Officer recommendation is prepared having considered the potential practical limitations of any site, subject to full and detailed legal due diligence, scheme design, and business case. The responses to the consultation are presented factually and it will be for this committee to debate the merits and impacts of those representations against the recommendation.

### **QUESTION THIRTEEN**

#### **From Mr Steffensen to the Chair of the Economy Committee, Councillor Nash**

Are you able to demonstrate the need and the benefit of more beach huts when what are already in place are barely used?

Realistically what sort of revenue will be raised compared to what will be lost by blocking open "blue space" that we know benefits our well-being and health?

More rubbish, more parking, how does that benefit the local community you supposedly serve?

#### **ANSWER**

The use observed at any one time is not the only measure of the demand for beach huts, the Council currently holds a large portfolio of beach huts which are fully let and a substantial waiting list of over 100 recently confirmed potential tenants. As an example, the annual revenue generated by existing huts is currently £1,198.05 per hut where the tenant is a resident of the Arun district. This rent is due to increase as recently resolved by this committee to £1,437.66 per annum. The revenue generated by any new installations may vary subject to market appraisal, and this will be reflected in any business case brought forward. Potential for littering and challenges relating to parking are of course relevant matters, which I am sure will influence tonight's debate.

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