

**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.