

FULL COUNCIL – 15 MARCH 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 Policy & Finance Committee, Councillor Gunner
2. From Mr Cosgrove to the Chair of the Policy & Finance Committee, Councillor Gunner
3. From Mr Cosgrove to the Chair of the Constitution Working Party, Councillor Bower
4. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman
5. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman
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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 Policy & Finance Committee, Councillor Gunner

Question

A recent report based on a survey of 24 Parish Councils revealed some concerning matters such as only 25% of the total number of Councillors are voted-for, which has been circulated to all Councilors. Given that the Council has responsibility for the review of such arrangements, as when Barnham and Eastergate parish councils merged, will the Council consider instigating a review of parish arrangements in the district involving appropriate consultation of the existing councils and the public with the aim of improving public involvement at the parish level of local government in Arun whilst maintaining the wide range of services provided by them?

Response

Thank you for your question.

In terms of the number of Parish Councillors that have been elected, I think the solution to that is for Councillors to stand for election in their local parish. In terms of conducting a review, I appreciate Mr Cosgrove that you have a preference for Bognor Regis Town Council to take over the surrounding Parish Councils. I don't think that those Parish Councils would prefer that option and certainly you are the only person that asked me to conduct a review of the Parish arrangements and so unless more Parishes and the public come forward and ask for a review of the Parish arrangements, I do not think that this will be something that we will be pursuing.

QUESTION TWO

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

Question

The Council's Constitution provides for joint arrangements for cooperation between councils, but these appear to have been diminished in recent years. How does Arun propose to forward the effectiveness of such arrangements in the district, for example, Arun taking the lead in restoring such joint meetings, encouraging County participation especially in the light of the latter's dispensing with County Forums and enabling public access by virtual means?

Response

The issue of County Forums is a matter for West Sussex County Council and not for the District Council. Also, in terms of anything else, I feel that this will be a matter for the new District Council after the Elections in May 2023.

QUESTION THREE

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

Question

There appears to be overlap between the functions of the Economy Committee and the Policy & Finance Committee. Would it not be sensible to consider merging the two in the new administration to create a Policy, Economy & Finance Committee?

Response

Thank you for your question.

No, I do not agree. It will be for the 2023/2024 administration to determine the most appropriate arrangements for Service Committee functions, especially after the Budget today where the economy will have more importance in the future.

QUESTION FOUR

From Mrs Smith to 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 forever?

A response was given by Cllr Chapman which included, 'The access has not been 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. The developer has now been living in his house for TWO YEARS without completing the access as required by the condition, before occupation and that the Council gave him permission to do this as we were informed by the Compliance Officer concerned, via email. We are also well aware that the access itself has no formal planning permission as confirmed by a Freedom of Information Request. When this was brought to the attention of Simon Davis, very early on in the process, he refused to ask for a retrospective application to be made. When this issue was brought to your attention in July 2022, we were told by Daniel Vick that, 'it is likely that Officers will proceed with formal action to seek compliance on this matter if the site owner cannot provide a prompt timescale for compliance. The case is one of the top priorities for the Officer to resolve.

At the meeting on 18 January 2023 we asked, 'why has nothing progressed in the last six months? The site is exactly the same as it was in July 2022. Who is the Enforcement Officer in charge of this matter? What has he/she done during the last six months and what if anything, is going to happen in the future?

Cllr Chapman responded by saying, '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. It is now the middle of March, what has happened in the last month?

Response

Thank you, Mrs Smith, for your question.

In the last month we have made consultation with West Sussex County Council, and we are aware that the landowner will need to complete the section 278 of the Highways Act process in respect of the access to the site.

I am aware that the Group Head of Planning sent you an email on this issue on 9 March 2023. As part of that email, he offered a meeting with you to discuss the matters. He also committed to keep you updated on this matter. I have nothing further to add to the response already provided.

QUESTION FIVE

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

Question

As part of his response to the previous question, Cllr Chapman raised the matter of the remaining mobile home still on site. He said, 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'.

We were told by Ms Tooth (email of 22.01.21) that an agreement had been reached for the removal of all mobile homes and shipping containers from the site, by the end of the summer of 2021, in exchange for allowing the Duggins to move in before the access to the site and the internal road was completed. Obviously, this agreement was not adhered to. We have documented, dated evidence currently in the hands of the Court.

Because of the failure of any Officer to visit our home over the five-year period, we consulted a solicitor who discovered a copy of the legal document which was drawn up when the land was split between the three ownerships. This document contained a covenant which stipulated that there were to be no mobile homes or shipping containers on the land after 2018. This document was sent to 'Infomanagement' on 10.05.21 to assist in the removal of the remaining mobile home and shipping containers after the agreement described above was not kept. The response from the Planning Department via 'Infomanagement' was '*The covenant is not relevant to planning law*'. Back in November, we wanted to know, 'When the agreed schedule for the removal of all caravans and containers were not adhered to (by the end of the summer of 2021), why was nothing done about this? Well – another four months have passed, so we ask this question again now.

Response

Thank you, Mrs Smith, for your question.

I am aware that the Group Head of Planning sent you an email on this issue on 9 March 2023. As part of that email, he offered a meeting with you to discuss your concerns. He also committed to keep you updated on this matter. I have nothing further to add to the response already provided.

QUESTION SIX

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

Question

An investigation relating to this site has been ongoing since last July. It should have been going on since the owner began work, before his documents were all passed on the Planning portal website. (Over one month late). You were informed about this at the time. Please examine the website and also note the lack of a Construction Management Plan. Condition 1 on any planning permission is a national requirement and is not flexible. Also, anyone can read that Condition 6 requires the access and internal road to be completed BEFORE BUILDING CAN BEGIN.

Mr Duggin and Mr Norgate have two entirely separate planning permissions. When you broke the Conditions on Mr Duggin's planning permission and allowed him to move in before the access and internal road were completed, it had **NO** bearing on Mr Norgates' planning permission which was already passed illegally anyway, because of the lack of Article 13 Notices which should have been served prior to the granting of the original permission. The Information Commissioner has already ruled via '**Notice of Service Tribunal (following a Freedom of Information Request by us)**' that ADC have no evidence of these.

Article 13 notices are a national requirement when a planning permission encroaches onto another person's land and so the original permission granted by the Development Control Committee, is illegal and the houses have no legal planning permission anyway. Does Mr Norgates' planning permission exist or not? Is the planning permission so badly constructed that it cannot be implemented anyway, because it does not comply to legal national requirements, or not – make up your mind now!

Response

You do not state the planning application to which you refer. I believe that it may well be AL/117/18/PL and that is what my answer is based upon. We have previously advised you on this matter in your answer at Full Council in January 2023. In that response we confirmed which planning conditions have been discharged and which others are still required to be discharged.

The access, which is the same as in your first question, remains to be constructed as per the approved plans. This issue should be resolved through the BCN referred to in my response to question 1.

If you have further specific queries in respect of this, can I urge you to take up the offer of a meeting with officers to discuss further?

Supplementary Question

I think Councillor Chapman and relevant people here tonight are already aware of why that meeting cannot take place at this time. I am very happy for the whole of the Chamber to know that these matters are being discussed as part of a Court case which is ongoing. Therefore, some of the information is currently held by the Court and it has been made very clear to us that if we discuss it at the moment then we will be held in contempt of court.

Supplementary Response

A response was not provided as the questioner had made a statement and not asked a question.