

FULL COUNCIL – 10 JANUARY 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 Rogers to the Chair of the Licensing Committee, Councillor Blanchard-Cooper
2. From Mr Rogers to the Chair of the Licensing Committee, Councillor Blanchard-Cooper
3. From Mr and Mrs Smith to the Chair of the Planning Committee, Councillor Hamilton
4. From Mr and Mrs Smith to the Chair of the Planning Committee, Councillor Hamilton
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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 Rogers to the Chair of the Licensing Committee, Councillor Blanchard-Cooper

Question

As Arun's Site Licence conditions require that satisfactory provision shall be made for foul drainage by connection to a public sewer or sewage treatment works " why has the Council failed since 2008 to enforce site licence conditions? Why is the cesspool there at all ?

Response provided by the Vice-Chair of the Licensing Committee, Councillor Hayward in the absence of Councillor Blanchard-Cooper

The licence for this site has been in place since 2006 and pre-dates the current enforcement regime for caravan sites introduced in 2014.

The site has been subject to routine inspection and where necessary visits to investigate complaints made. Action has been taken where appropriate to seek compliance with licence conditions or other public health and safety requirements. In accordance with our enforcement policy, it is not always appropriate to use formal enforcement powers to seek compliance, and generally a graduated approach is adopted.

Nonetheless, in relation to recent concerns regarding the cesspool on site, a notice was issued to ensure action was taken to deal with potential overflowing and to require a suitably qualified person to inspect the sewage systems and provide a report as to its suitability and detail any remedial works required. Actions have been taken by the site to address the immediate concerns, and investigations are ongoing regarding the suitability of the sewage systems and whether or not a cesspool is acceptable.

QUESTION TWO

From Mr Rogers to the Chair of the Licensing Committee, Councillor Blanchard-Cooper

Question

My second question relates to the need for a comprehensive drainage report that is needed for the site. On 18 September 2023, Neil Williamson of Arun DC informed me that “quotes for the survey have been requested and I anticipate instructions will be given shortly for the survey to be carried out under work in default provisions”.

Yet on 17 November 2023 , Arun’s Information Management Officer informed me that “no drainage report has been commissioned by Arun DC to the present day“

My question is why the delay and what is the timescale for getting this drainage survey done

Response

Whilst it was anticipated that a survey would be conducted using works in default provisions, this was delayed whilst other concerns at the site were investigated. As investigations are ongoing it is not possible to provide further details of proposed actions and timescales, however the council is committed to ensuring that appropriate sewage management arrangements are provided on this site and that the health and safety of residents is protected, and where necessary will take further action, including carrying out work in default, where appropriate.

Supplementary Question

I would just like to add that I have been in correspondence with Arun on this matter since April 2022 and I am not impressed at all with the responses received and I must say that actions speak louder than words. I therefore do hope that the Councillor can give me an assurance that this will be the case in the future.

Supplementary Response

No response was provided as this was a statement and not a question.

QUESTION THREE

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

Question

When the Ombudsman instructed the Council to compensate us for the poor practise they had exercised, in relation to the boundary fence between our property and Grey Gables, how was the amount of £250 selected. What criteria was used. By then the Council had received both the estimate, the bill and the Ombudsman's decision. When was the Ombudsman informed that compensation of any kind had been paid.

Response

I am informed that the amount of compensation that was awarded was in accordance with the Council's Feedback & Complaints Policy and applying the same principles set out in the Council's Compensation Policy. The Ombudsman was informed of the amount of compensation in March 2021.

Supplementary Question

My question asked when was the Ombudsman informed that you had paid the compensation? You have not paid the compensation and I would add that two days ago Mr Bainbridge responded to this question by saying and I quote "This is the responsibility of the Local Government Ombudsman, the Council has no knowledge of how the sum was calculated" – so which answer am I expected to believe and could you please ensure that unlike last time at the last meeting, you do actually answer the questions.

Supplementary Response

I will have to refer this to Mr Bainbridge. The Chair confirmed that a written response would be provided to this supplementary question.

The written response is set out below:

Officers have reviewed the Council's records. An offer of compensation was made to you in the sum of £250 but the offer of compensation was not accepted by you and therefore was not paid. The Ombudsman was informed of the level of compensation offered in March 2021.

QUESTION FOUR

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

Question

The original letter we sent to the Council was sent to multiple addresses although not answered by anyone other than Simon Davis. It was however, sent to the Revenues Department because as explained in the letter, we would have to use our Council Tax money to pay for the fence so that it could be done as soon as possible. When the Council refused to reimburse the cost as we thought they had agreed, (Simon Davis' letter) we contacted the Revenues Department again and explained that we did not any longer have the money to pay for that year and needed time to find further money to pay. We had an unblemished record of payment over a 38-year period of residence, had never missed a payment before, and had clearly indicated in advance to the Department, why we needed extra time to pay. As OAP's we would have expected some leniency as others have had, but we were given none and within the month were prosecuted through the courts. The Revenue Department said that we were making a protest and had the money to pay but were refusing to do so. (An email sent to us by mistake instead of Alan Dale) We made a formal complaint about the Officer concerned.

We would like to know why we were not given a period of time to collect together some money and what evidence was used by the Officer concerned, to decide that we were telling lies and not suffering the hardship we had experienced? We know other residents who have been given time to find the money required BEFORE being dragged before the Courts.

Response

You made a formal complaint on this matter, and this was dealt with through our complaints policy and a written response to your complaint was sent on 20 January 2020 which addressed your concerns. However, I will further address your question.

Firstly, I would advise that all council tax accounts are administered in accordance with the legislation which is set by Central Government. This legislation states how and when recovery action must be taken by every authority.

QUESTION FIVE

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

Question

As we understand the situation, (last email from Neil Crowther), two Breach of Condition Notices have been issued to Plots 1 and 2, Land West of Fontwell Avenue. These notices gave Mr. Duggin and Mr. Norgate 6 months to complete the road outside their properties, which they had so far failed to complete, contrary to their planning conditions. (Mr. Duggin for 3 years and Mr. Norgate since his planning permission was originally granted). These Notices expired on 5th November 2023, and it is quite clear that the work has not been started, never mind completed. (Despite an email from Mr. Crowther saying that it was nearing completion.) Additionally, it has been suggested that Council Officers have been nervous and reluctant to visit the site, which is the reason that everything has taken so long.

Of course, we know from looking at the internet, what the Council should do in this case, but the Council has not always done what it should in a timely fashion. What progress has been made during the last two months, in terms of what the Council has done, or decided to do, about this?

Response

A site visit was conducted on 23 November 2023 to assess the level of compliance with the Breach of Condition Notice served in relation to conditions 8, 9, 10 and 11 of planning permission AL/121/16/PL (Plot 1). Following the site visit a letter was sent to the representatives of the site owners to which a response is awaited. As the notice has not been complied with, we are preparing a statement for prosecution and providing our legal team with instructions relating to the case.

The BCN regarding condition 6 has not yet been served. As this condition requires the same access as provided for under condition 10 of AL/121/16/PL it was necessary to wait to see if there was compliance with the above BCN that would obviate the need for an additional notice. Now that it has been confirmed that the BCN on AL/121/16/PL has not been complied with the BCN will now be served.

At our site visit of 23 November 2023, we also inspected the mobile home that was stationed to the central plot. Nobody was present in the mobile home and nobody was on the land to discuss the matter with. The mobile home in its current position, and apparent unoccupied state, does not cause sufficient harm such that we would be taking formal action against it. The owner of the central plot (AL/121/16/PL) has advised that the mobile home has been removed. As this

information was only received on the morning of 9 January, we have not been able to verify this, but a site visit has been scheduled for next week to establish this.

Officers will update you with progress during w/c 5 February on these matters.

Supplementary Question

It a great pity that someone did not speak to me on this issue as I know through CCTV when the caravan actually went.

Supplementary Response

No response was provided as the supplementary provided was a statement and not a question.

QUESTION SIX

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

Question

It has already been established in emails from Simon Davis, Freedom of Information Request Responses, and the Notice of Service Tribunal Decision issued by the Information Commissioner, that the access to Land West of Fontwell Avenue does not have formal Planning Permission and there is not enough evidence held by the Council to 'establish use'. (Mr. Duggin lied on his original Planning Application.) The Council have been shown this and Simon Davis has refused to request a retrospective Planning Application.) Is this why Mr. Duggin is refusing to complete the access as per his permission granted? We have asked at Public Question Time before, why the Heras fencing still remains up along the frontage of the site on the boundary with Fontwell Avenue. It blocks our view of oncoming traffic, is unsightly, contrary to the Condition which requires nothing above 60cm, and serves only to provide a screen which is currently being used to pile building consumables against. Since all four houses are now built, this rubble is the remaining remnants of the build and should have been cleared away a long time ago. This Heras fencing along with the remaining digging machines, which clearly remain without any purpose, (since no road is being built) have been in position since February 2017 when the site was first occupied. **THAT IS NEARLY SEVEN YEARS!** By the time we get to the next Public Question Time, the Heras fencing will have 'established' the right to remain there, and the machines and building consumables etc will have 'established' the right to remain there as a builders' yard.

What if anything does the Council intend to do about this?

Response

Heras fencing is generally transparent and as such has limited impact on views through it. From our site visit in November, it was clear that the dwelling on the central plot is still under construction and temporary fencing is allowed under Schedule 2, Part 4, Class A of the General Permitted Development Order. Any remaining building consumables/machinery on the land caused no issues with amenity at the visit undertaken on 23 November 2023.

The development that relates to this fencing is nearing completion. We will continue to monitor and at a point when we feel that construction is complete, we will require its removal.