

SPECIAL COUNCIL MEETING – 21 FEBRUARY 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 Chester to the Chair of the Planning Committee, Councillor Hamilton
2. From Mr and Mrs Smith to the Chair of the Policy & Finance Committee, Councillor Stanley
3. From Mr Neathercoat to the Chair of the Policy & Finance Committee, Councillor Stanley
4. From Mr and Mrs Smith to the Chair of the Corporate Support Committee, Councillor Oppler
5. From Mr Neathercoat to the Chair of the Environment Committee, Councillor Wallsgrave

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 Chester to the Chair of the Planning Committee, Councillor Hamilton

Question

The standard condition applied to planning consents on surface water drainage reads 'development shall not commence, apart from enabling works, until drainage details of a whole site surface water drainage scheme has been submitted to and approved in writing. This condition for planning application for 112 Bo Klok homes in Littlehampton was approved on the 19th Jan 2024 with the development nearing completion. We've ended up with the all the surface water destined to be discharged into a combined sewer, knowing this adds to sewage discharges, yet the drainage engineer had said that infiltration could have been explored with a variation of the site layout. Will she review the handling of this matter and surely the words 'development shall not start until' should mean exactly that?

Response – in the absence of Councillor Hamilton, the Vice-Chair of the Planning Committee, Councillor Wallsgrove responded

Application ref LU/191/23/DOC was discharged by the Council on the basis that the applicant had demonstrated a satisfactory surface water drainage solution. Discharge to a combined sewer is acceptable where the applicant has first ruled out more preferential methods of disposal as per the drainage hierarchy set out within the National Planning Practice Guidance. This requires that it is first demonstrated that infiltration is not possible, that there is no available surface water body to drain to, and that the site cannot drain to a surface water sewer/highway drain/other drainage system. At that point, drainage to a combined sewer is acceptable. The applicants geotechnical report demonstrated that infiltration was not possible and none of the other options were available. This method of drainage has also been agreed with Southern Water who have determined that there is capacity in the system for the combined flows from the development.

Drainage details should be considered and approved before development commences. In this instance, the applicant decided to continue at their own risk with developing the scheme in advance of the discharge of details. In accordance with our Compliance Strategy, formal action was not progressed while there was an outstanding application with the Council. Whilst this is far from ideal and the Council do not wish to encourage this, but it also has to take a pragmatic view on these matters and resolving matters through negotiations are by far the best course of action over the serving of formal notices that would subsequently be withdrawn. This situation was closely monitored and communication with the

developer was taking place regularly.

Supplementary Question

Returning to the Officer report when this application was given outline permission some years ago, and the Officer's report said that the applicant was aware that further investigations for ground water and infiltration need to be undertaken whilst further results may point towards a better drainage solution there may be the need for the layout to be changed to accommodate an acceptable drainage solution. Just from a layman's observation, that site absorbed surface water whilst it was lying empty and underdeveloped for many years, so it appears odd that suddenly infiltration cannot be used. My understanding is combined sewers add sewage discharges and we are correctly having a go at Southern Water about that and it undercuts our position a little, if we go and authorise it on development – with a lot of applications that are at this stage at the moment and will be started in the district shortly, can we be firmer with developers to not start the construction until the sewage reserve matters have been signed off?

Supplementary Response

Thank you Mr Chester. I would like to ask the Acting Interim Chief Executive and Director of Growth to respond to that question.

It was confirmed that a written response would be provided.

Supplementary Written Response

The applicant conducted additional investigation and testing following the outline permission and sought further advice from a geotechnical specialist to appraise the data. The specialist concluded that infiltration was not a viable due to a number of limitations thus satisfying the infiltration requirement of the drainage hierarchy. This information is on the council website on the application record page.

The Planning Department are continually monitoring development sites, particularly where development has commenced without first discharging all necessary conditions. The Council has and will continue to use enforcement powers where it is correct to do so. A balance has to be struck between formal action and negotiation depending on the circumstances and it is not simply a case of stopping all development until all details are agreed. Unfortunately, that approach is very unlikely to be upheld during appeals or court proceeding with the result being costs awarded against the Council. In this instance, we were confident that an acceptable scheme could be incorporated and so undertook negotiations during which time the applicant was made aware that works being carried out were done so at their own risk.

QUESTION TWO

From Mr and Mrs Smith to the Chair of the Policy & Finance Committee, Councillor Stanley

Question

After we spent our savings on building a fence between ourselves and the new development and were not reimbursed the costs as expected, we were unable to pay our Council Tax on time, as we had predicted would be the case 6 months before in the letter we sent to many, many email addresses. We understand that Council Policy encourages residents to pay on time to avoid prosecution, but also gives options to consider if this is impossible especially for elderly residents on fixed incomes. These opportunities are listed on your web-site. **We asked why these options were not extended to us, but were AGAIN not given an answer.** Please explain why we were not offered the options listed on your web site for those experiencing difficulty paying their Council Tax.

Response

Thank you, Mrs Smith, for your question.

I believe that you are referring to the Council Tax Discretionary Relief which is available for council taxpayers who are suffering from severe financial hardship. This relief is funded by paying residents of the district and the council has a responsibility for ensuring that the money is spent correctly.

I would not want to make any assumptions about finances, but this fund is for council taxpayers suffering severe financial hardship and unable to meet their day to day living expenses, for example due to illness, job loss, or the death of the main wage earner, then they are able to make an application for relief and each application is considered on its own merits.

Supplementary Question

I was not referring to the grant that you have just referred to, I was referring to the options that are listed on your web site where one of the options is, for example, monthly reduced payments over a longer period of time and there is also the option of having the cost deferred until the sale of a house has taken place and I do not remember all of the others. I was not expecting to be told about the one you have referred to; I know nothing about it and I was not referring to it.

Supplementary Response

I will take this information away with me and I am happy to have a look at it for you. I do not have the details of the other schemes that you have mentioned to hand but will take this away and will respond to you.

Supplementary Written Response

The monthly reduced payments option is applicable where we can offer extending the payments from 10 monthly instalments to 12 if requested in April at the start of the charge, which Mrs Smith you rejected as you wanted to pay in one instalment.

With regards to a deferral on property sale this would see 'place a charging order on your property so when you sell your property you must pay the Council Tax debt before you receive any of the sale proceeds' further context below:

<https://www.arun.gov.uk/if-you-do-not-pay-your-council-tax/>.

QUESTION THREE

From Mr Neathercoat to the Chair of the Policy & Finance Committee, Councillor Stanley

Question

Given that Arun District Council's Head of Finance recently warned that ADC could reach effective bankruptcy if major changes are not made within the next five years, why can I not easily find any information about this issue on the Arun District Council's website? Local taxpayers must be kept properly informed, given that it will be local taxpayers that will have to foot the bill if the council does become bankrupt. The information cannot be hidden behind reports, or website links, but given its importance it must be boldly displayed for all to see.

Response

Thank you for your question Mr Neathercoat.

Let me start by offering you some reassurance, I have absolute confidence this Council will not go bankrupt in 5 years, nor at any other time in the future, and to be clear, what the Group Head of Finance and Section 151 Officer said, was that the Council would run out of useable reserves in five years time, if decisions to close the budget gap were not taken.

We have already started to make progress around this and at our last full council meeting members endorsed our financial strategy and this evening we will be reviewing our 2024/25 budget.

Since October 2023 there has been eight reports, ranging from high level forecasts to detailed budget proposals that have been discussed by Members. We have had a total of sixteen budget monitoring reports in respect of the 2023/24 budget which have been reported to service committees during the current financial year outlining the impact on the Council's revenue reserves.

All twenty-four of these reports have been presented to, and discussed at, public meetings, the minutes are now a matter of public record, and they are each available on the Council's website under the section 'Your Council'.

QUESTION FOUR

From Mr and Mrs Smith to the Chair of the Corporate Support Committee, Councillor Oppler

Question

Sometime later after the Liability Order was granted against us, we wished to clear the loans we had unexpectedly been forced to take, in order to pay for the fence and the fine imposed on us by the Magistrate, so we applied for Equity Release as many people of our age do. We live in a desirable detached house which is worth a considerable amount of money and was paid for many years ago. We did not anticipate any problems. The application process for a modest amount, with a major national company, was very smooth until the company did a final check on the Electoral Register for the listing of our house. (We have lived here for 38 years.) **THEY THEN REFUSED TO GRANT THE EQUITY RELEASE BECAUSE Mick Duggin, Sheila Duggin and Lee Duggin had been registered by the Council as living in our house! We want to know the physical details of how this mistake could possibly have happened.**

Response

Mr and Mrs Smith were informed by letter in May 2020 that they were the only electors registered at Westfield House, and that the Duggin family had never been registered at Westfield House. This was also confirmed when Mrs Smith visited the Civic Centre to view copies of the revised register from 1 December 2019 and the latest register at that time of May 2020.

Supplementary Question

I am very sorry to contradict you, but your information is out of date. This problem was sent onto the Information Commissioner, I do not have the number with me as I expected you to have it. The Information Commissioner found in our favour, he found that the Council were at fault, the company provided us with a copy of what the Duggins had written on their form and the matter progressed to the

Police. There is no doubt that what I have told you about has happened, and we want you to confirm how it could have happened. Was it that somebody in one of your offices simply copied the information incorrectly or was it another reason? You cannot sit there and tell me that what I have just told you is wrong.

The Chair confirmed that as it was unlikely that Councillor Oppler would not be able to respond, that a written response be provided.

Supplementary Response

Thank you for your question, due to the detailed nature of the question, I will have to speak to the Electoral Services Section and the Monitoring Officer and we will get back to you with a written response.

Supplementary Written Response

I can only repeat that your neighbours were never registered at your property, and evidence of this was provided to you by the Electoral Services Team in 2020 following yours and your neighbour's enquiries in February 2020. It later transpired that a credit reference agency may have registered the adjacent address incorrectly and in response to this the Council updated its electoral register entry for the adjacent property. The Information Commissioner's Office later (in 2021) informed you and the Council that in the Commissioner's view the Council had not provided an appropriate response to a request for rectification of electoral roll information, but at no stage has the Information Commissioner concluded that your neighbours were registered at your address on the electoral register, or that the Council had registered your neighbours there.

QUESTION FIVE

From Mr Neathercote to the Chair of the Environment Committee, Councillor Wallsgrove

Question

What is ADC doing to force landowners into action over their riparian responsibilities as I have not seen a single drainage ditch cleared anywhere local to Clymping following local flooding before Xmas. The area to the immediate north of Clymping beach that flooded as far as the A259 in 2020 has not been cleared at all. Shaun Gunner went on record at the end of last year stating that this was to be one of his priorities and rumour has it that some form of Forum was established at ADC to look into this very issue. When can we expect landowners to be prosecuted by ADC if they do not carry out their riparian responsibilities?

Response

Arun District Council (ADC) work in conjunction with West Sussex County Council (WSSCC), who are the Lead Flood Authority, enforcing riparian responsibilities in accordance with the Land Drainage Act and ADC's own Byelaws. We do this by working in collaboration with interested stakeholders to achieve a functional drainage network. We typically reserve enforcement action for instances where lack of maintenance or unconsented works are obstructing the operation of the wider drainage network or increasing flood risk. We have found that adopting a supportive approach fosters better relationships where those affected are more likely to engage and comply with the requirements. This being said, there are always exceptions to the rule and enforcement may become necessary albeit at the discretion of WSSCC.

Given the size and complexity of the land drainage network it would not be possible to inspect and assess every watercourse in the Arun District with our current resources. Therefore, we work on a priority basis identifying works that are likely to decrease flood risk to residential and commercial properties or highways. All landowners have a legal duty to maintain watercourses for which they have a riparian responsibility and additional information on this matter can be found in on both ours, and the Environment Agency's, websites.

Additionally, some of the watercourses in Climping fall within an area managed by the Internal Drainage Board, named the River Arun IDB. The River Arun IDB is administered by the Environment Agency (EA) and also includes watercourses designated 'Main River'. The EA have permissive powers to undertake works within the IDB and on 'Main Rivers' also possessing enforcement powers to ensure landowners fulfil their duties.

Our Principal Drainage Engineer is involved in a number of ongoing matters in relation to watercourses in Climping, this includes those at Horsmere Green Lane, Atherington & Littlehampton Marina, Ferry Road. He is more than happy to discuss any particular watercourses of concern and can provide assistance in identifying if a watercourse is within the River Arun IDB and/or designated as 'Main River'. Please send further enquires to Land.Drainage@arun.gov.uk

With respect to the flood forum statement, on the 8 November 2023, Full Council recognised the impacts on residents and business and recommended the Environment Committee establish a Forum to review the incident and; investigate and consider the contributing factors, impacts and possible solutions. The Committee recently approved the terms of reference agreeing that the Forum will be made up of various partners responsible for flood preparation, planning and response, including the Environment Agency, Southern Water, West Sussex County Council and others. The minutes of the Environment Committee can also be viewed on our website.

