

FULL COUNCIL MEETING – 9 MAY 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 and Mrs Smith to the Chair of the Corporate Support Committee, Councillor Oppler
2. From Mr and Mrs Smith to the Chair of the Corporate Support Committee, Councillor Oppler
3. From Mrs Godfrey to the Chair of the Environment Committee, Councillor Wallsgrove

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

In the absence of Councillor Oppler, the Vice-Chair of the Corporate Support Committee, Councillor Tandy provided the response below

Question

Because you never ever came to our house to investigate any of the issues we ever identified, we finally made a Formal Complaint of Malfeasance against certain Members of the Planning Department. This Stage Two Complaint was 'investigated' by Oliver Handson. As well as concluding that some opportunities to solve the problems described had clearly been missed, he took the attitude that no Officer had done anything wrong and rather than solve these problems, he would recommend that the Council strengthened the procedures already in place to develop a Policy for 'Vexatious Complainants' which did not exist at that time. Clearly a way to silence us and make us 'go away'.

Before doing that, we were officially declared, 'Vexatious Complainants', by the Chief Executive and all our emails and telephone calls to all Council Officers were BLOCKED and Elected Councillors were informed not to reply to our emails or telephone calls.

We would like you to explain, which legal process you used in order to do this, and deny us access to both Government Officials (Public Servants) and our democratically elected representatives.

Response

Thank you for your question.

My understanding of the situation is that on 24 February 2021 you were written to by the then Interim Monitoring Officer – Mr Nicholas Bennett, regarding your behaviour and asked that it be modified otherwise it would lead to an assessment on whether you should both be treated as vexatious complainants. That warning was not heeded and so an assessment was undertaken by the new Interim Monitoring Officer – Mr Solomon Agutu. The outcome of his assessment is that you should be treated as vexatious complainants. Mr Agutu confirms this to you in a letter dated the 25 June 2021 in which he explains the rationale for his decision. The same letter explained how we would as a Council manage your communications with the Council and that this decision would be reviewed in three months. It is my understanding that two review meetings took place and after the second one held on 6 January 2022 it was agreed that the vexatious classification should now be lifted. Whilst it is helpful and desirable to have a policy regarding 'Unreasonable Behaviour' to ensure consistency and improve

transparency it is not an absolute requirement and prior to the introduction of the policy the Council relied upon guidance available from the Ombudsman and Information Commissioners Office (ICO). The Council adopted its policy in mid-January 2022 and has subsequently reviewed and approved it in January 2023.

Supplementary Question

I would like to say that you have not actually, as in the past, answered the question. I asked you what legal process you could deny me access to duly elected representatives. It is undemocratic and where is the law that allows you to do that.

Supplementary Response

I can briefly respond, as you said Chair, I am not an expert and was not on the Council at the time. My understanding is that it is perfectly common for a Council to have vexatious complainants policies and that the Council has followed the guidance from the Ombudsman and the appropriate Information Commissioner's office and in terms of the process taken, both the original policy of January 2022 and then the review of January 2023 went to, and was approved by, the Corporate Support Committee which has delegated authority to make such a decision.

QUESTION TWO

From Mr and Mrs Smith to the Chair of the Corporate Support Committee, Councillor Oppler
In the absence of Councillor Oppler, the Vice-Chair of the Corporate Support Committee, Councillor Tandy provided the response below

Question

As there was no policy in place at that time, and you have already confirmed by a Freedom of Information Request, (Subject Access Request) that NO SPECIFIC MEETING was held to make this decision, we would like to know what criteria was used, other than gossip and innuendo from individual Officers, in order to substantiate the declaration, that we were 'Vexatious Complainants and therefore could be deprived of the normal democratic right of access to the Council?

Response

As indicated in the response to the previous question the decision to give the status of vexatious complainants was made by the then interim Monitoring Officer and he issued a letter on 25 June 2021 in which the reasons and rationale for the Councils actions was made and I am sure that if necessary a copy of that can be provided by the Council.

Supplementary Question

I would like to say that there are further questions related to this issue that will be coming along and I am happy to provide, as I have already done so, copies of the letters that Councillor Tandy had just referred to, to all Elected Councillors tomorrow morning.

QUESTION THREE

From Mrs Godfrey to the Chair of the Environment Committee, Councillor Wallsgrove

Question

Could the Chair of the Environmental Committee who does not live in the Parish of Middleton on Sea please advise why the decision to install ticket machines at the free car park at Shrubbs Field was made and how she thinks this would be of benefit to the residents of the Parish?

Response

The free car park at Shrubbs Field is currently open to abuse as motorists can park for over the current 24 hour restriction. They are able to take advantage of extended parking as this Car Park does not have a no return period.

In practice, this means that motorists can park for an unlimited amount of time, without the need to move their vehicles.

The responses received during the consultation period evidenced that the current 24 hour maximum stay time is regularly breached, with cars remaining in situ for several days/ weeks at a time. To ensure that the parking restrictions can be enforced, motorists using the free Car park, will be required to obtain a free ticket between the hours of 8am-6pm. The maximum free parking time has only been reduced to 23 hours in Shrubbs Field, as there is no requirement to obtain a ticket between 6pm-8am.

In addition, the current restrictions make it extremely challenging to identify abandoned vehicles and the process of identifying and removing these vehicles takes a significant amount of officer time and results in legal costs for Arun District Council. The proposed changes will enable Arun District Council to identify abandoned vehicles as soon as possible which will facilitate their removal at the earliest opportunity, increasing amenity and reducing costs to ADC.

The installation of the machines will also enable us to collect usage data from Shrubbs Field car park. This data can be used to inform decisions regarding any future changes to the car park.

Supplementary Question

Bearing all of what you have said, why has Arun District Council agreed to give Buckingham Court, an assisted living facility, 23 parking places.

Supplementary Response

I do not have a reply to that question. I will endeavor to find out and will get back to you.

The response from Councillor Wallsgrove is set out below:

Bearing all of what you have said, why has Arun District Council agreed to give Buckingham Court, an assisted living facility, 23 parking places.

The following is an extract from the report presented to Full Council on the 9 May 2024, accompanying the petition:

'It is accepted that whilst Buckingham Court have their own car park for their residents, some residents have been parking their cars at Shrubbs Field car park in breach of the existing 24-hour maximum stay time. In order to avoid displacing such vehicles onto the highway, as a transitional measure the operators of Buckingham Court will be offered in the region of 20 parking permits for use within Shrubbs Field Car Park, for a period of one year.'