

## COUNCIL MEETING – 18 SEPTEMBER 2019

### QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 13.3

**Q1 Councillor Huntley to the Cabinet Member for Planning, Councillor Lury**

**Q1** The Government is aware that the top 10 major housebuilders have 633,000 building plots, 358,000 with planning permission, that is 8 years supply at current building rates. A large firm building locally has a consented of 76,000 plots and 128,000 plots as a land bank, owning almost 14 years' worth at the current construction rate of 15,000 construction yearly.

Is there a case for moratorium on all new planning permissions until these sites with planning permission are built out? (Clearly there are enough sites with planning permission to cover our 5 year land supply targets.)

Also, I am asking how much land exists within Arun District with planning permission already granted and not being built? (Perhaps we need to know this before we grant any more unnecessary planning permissions.)

**A1** Thank you for your question.

The Council's Annual Monitoring Report was considered by the Planning Policy Sub-Committee in June. In that report Members were advised that a total of 6244 homes were required to meet our housing requirements for 2018 to 2023. However, the Council is currently only able to show a total supply of 5911 homes. Thus our 5 year housing land supply position is currently only 4.7 years.

Therefore, as it stands, in accordance with the National Planning Policy Framework the presumption in favour of sustainable development now applies which means that the Council (and Planning Inspectors) has to positively consider approving developments which are not allocated in the Local Plan in order to work towards re-establishing a 5 year supply of housing.

It is important to note that a proportion of the supply I referred to earlier is made up of our anticipated delivery from the sites allocated in the Local Plan. Therefore, each one that is delayed or refused will in due course have a negative impact upon the level of housing supply we are able to demonstrate. The natural consequence of this is the Council is left having to agree even more development outside the strategic allocations in the Local Plan.

**Supp**

**Q1** There are several completed planning permissions and the erection of these houses is not happening – they are not being built. For instance, why is there a reluctance amongst developers to turn these completed planning permissions into houses. There is a total of 640 empty properties in the Arun District, I would like to know how much property is not being built even though we have full permission to build. Is this a ploy to keep house prices up and to create

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land banks? How much land exists with permanently granted applications and houses not built.

#### **Supp**

**A** This out of our hands and there is little we can do. What we can do is, and I have been trying to talk to certain developers to speed up applications – this is the absurdity of the Government's plan for a 5-year land supply – we are set up to fail – this applies to not just the previous administration but this administration. I am not anti-housing I just want the houses in the right areas.

#### **Q2 Councillor Chapman to the Leader of the Council, Councillor Dr Walsh**

**Q2** On the evening of 2 September 2019 you informed me that the Liberal Democrat Group, supported by the Independent Group, had resolved that the Leader and Deputy Leader of the Conservative Group would be excluded from meetings at which the future strategies of the Council would be discussed by the Leaders and Deputy Leaders of all the Political Groups of the Council. You did not tell me why this exclusion had come about nor what it was designed to achieve.

So, in view of the fact that the Conservative Group is currently the largest Group in this Chamber explanations are required on:

- Why this decision was taken?
- How does it help facilitate the efficient running of the Council?
- How does this decision sit with the Codes and Protocols of our Constitution particularly Part 8 Section 3 Paragraph 16?
- How does it promote and protect the spirit and intentions of representative democracy?

**A2** Thank you Councillor Chapman for your question. I have responded using the same bullet points that you have used:

- Why was this decision taken? The Liberal Democrats and Independent Group currently have 28 seats and have together decided to hold strategic policy discussions in private before bringing them to Committee or Cabinet. The previous Conservative administration did that also, but we are planning to scrap the Cabinet system allowing all Members to participate in decision making and not just 7 Cabinet Members.
- How does it help facilitate the efficient running of the Council? It enables clearer decision making by the majority groups before bringing to Committee; Cabinet or Council for decision.
- How does this decision sit with the Codes and Protocols of our Constitution, particularly Part 8 Section 16? There is no conflict.
- How does it promote and protect the spirit and intentions of representative democracy? Just as it did under the previous administration.

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#### Supp

**Q2** I wanted to come back on your response to my question about excluding the Conservative Group from strategic meetings. Your response indicates that your Group including the Independent Group have 28 seats so are you in formal coalition with the Independent Group?

#### Supp

**A** We are not in formal coalition we are a Liberal Democrat minority with general support via a Memo of Understanding with the Independents and Greens.

**Q3** **From Councillor Clayden to the Cabinet Member for Residential Services, Councillor Mrs Gregory**

**Q3** Can the Cabinet Member for Residential Services now confirm that all Elected Members of this Council are fully compliant with their responsibilities regarding the payment of Council Tax?

**A3** No, three Councillors remain uncompliant.

#### Supp

**A** It is unfortunate that three Members in this Chamber who are claiming allowances are not paying their Council Tax. What actions are being taken to resolve this?

#### Supp

**A** The three non-compliant Councillors have each received advise from the Council's Monitoring Officer and the Revenues and Benefits Manager in terms of what their obligations are under the Law.

**Q4** **From Councillor Oliver-Redgate to the Leader of the Council, Councillor Dr Walsh**

**Q4** The Government is currently running a consultation with Planning Authorities, such as Arun, on proposed reforms to permitted development-rights to both support and speed up the development of 5G. Both I and many others have serious reservations on a number of issues connected with the 5G roll-out and those can be summarised as follows:

The Arun District Council (ADC) constitution makes various references to its responsibility for the health and wellbeing of the public (specifically we mention 'Community Wellbeing' and 'Safeguarding' and the responsibility 'to establish and maintain partnerships and initiatives with a focus on improving health and wellbeing' in Part 3 of our Constitution). We also have the Arun Wellbeing and Health Partnership to consider. On that basis, it is most appropriate that ADC should be listening to the concerns (\*) of both the general public and highly qualified medical and scientific experts, globally, in relation to the proposed 5G Roll-out; which has the potential to increase the public's EMF exposure by an

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unknown degree, but in many multiples, and which cannot practically be regulated via the so-called 'safety-standards' we are being told the government is adopting (i.e. the ICNIRP guidelines which are being relied upon by Public Health England (PHE) which many experts are now questioning), and which could have a harmful effect on those who are living and working in the Arun-District. I ask whether ADC will honour its responsibilities for health and wellbeing by reviewing these concerns (\*) in detail, and consider whether it would be appropriate to adopt the 'precautionary-principle' of many other councils in the UK (even in cities in Europe), in relation to the 5G roll-out? Members may be aware that the Health Protection Agency (now included in PHE) stated in its response to the 2012 AGNIR report that it would 'support continuation of the UK's long-standing precautionary approach to mobile phones'. As we all know, 5G is about far more than mobile phones as it enables wireless connectivity of countless devices, through the Internet Of Things, in an unregulated manner which would be powerful enough to compromise human health and wellbeing of all age-groups in our society in many different ways; including its known potential as a Type-2b-Carcinogen as classified by the World Health Organisation in 2011, even before the enhancement of 5G which would raise its potential to a Type-2a-Carcinogen.

**My question is therefore:** Will the response from Arun District Council be tabled in draft at the Planning Policy Sub-Committee, for debate by members, and then come to Full Council for ratification, before it is registered with Government? I would be happy to provide members, who may not be conversant, even in denial of the health-implications of the 5G roll-out for themselves and their families, with more details of the concerns (\*) that I have referred to.

- A4** I am aware that the Government is currently consulting on relaxing the permitted development rights for 5G masts to allow for masts to be erected without needing to apply for permission from the Council. I would urge the member to make a response to this consultation by 4 November 2019 when the consultation closes.

I believe it is for the Government to determine if there are significant health impacts associated with such technology as this would be a national issue and not an issue specific to Arun District. Current national policy confirms that health impacts of such infrastructure are dealt with through the International Commission guidelines for public exposure. These decisions will also be informed by expert advice from Public Health England, the Health Protection Agency and other national policy guidelines. High speed fibre broadband is the main thrust locally as present.

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#### Supp

**Q** I thank Councillor Dr Walsh for his answer and maybe on behalf of Councillor Ms Thurston in terms of her next question. The roll-out of 5G has many implications and we need to know prior to this and before the consultation closes on 4 November 2019 what these are. It is not good enough for authorities to say it cannot see conclusive proof in terms of exposure and risk to health, a “suck and see” approach to the roll out of 5G will not do – where does the liability come to rest with the planners, WSCC or Arun District Council or Central Government or utility companies? Has the Council received any conclusive guidance from Central Government on the health risks relating to exposure to planned 5G roll-out. Can the Council ask other Councils to join others in the UK to declare and moratorium on the rollout of 5G in the area of Arun while more conclusive evidence is sought?

#### Supp

**A** This is a detailed speech and had I been advised of your written supplementary beforehand, I may have been able to provide a fuller response. We rely on Government advice, we cannot in Arun make our own laws on this matter, however, we must listen to scientific advice and read the whole literature provided – not just that from interested advocates.

#### **Q5 From Councillor Roberts to the Leader of the Council, Councillor Dr Walsh**

**Q5** Do you agree that the housing crisis has become an emergency, and that for far too long Britain has built many fewer homes than we need, and that unless we build enough to meet demand, year after year, we will find that housing costs rise further out of reach?

And what is your view on the current effectiveness of the Development Control Committee, given that Liberal Democrat Members have, on numerous occasions, voted in opposition of Officer’s recommendations, and recently also against legal advice which clearly advocated voting against an item would be illegal, yet the Liberal Democrat Chairman used his casting vote to approve the illegal decision. I have also been in receipt of an email from a Liberal Democrat Member which, in my opinion, clearly demonstrated predetermination and an indication of how she would vote. You mentioned your desire not to waste any money, yet, many of the applications that Liberal Democrats have voted against, have, and will win at appeal, wasting the money of tax payers all across the District. What actions will you take to ensure Liberal Democrat members in future do not predetermine, do not take illegal actions, and do not waste the money of tax payers across the District?

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**A5** The Liberal Democrat administration is determined to build more truly affordable homes for rent or to buy by local young people, and fewer 3-4 bed “Executive Homes” bringing in more and more out-commuting residents. Many decisions have been taken in past years against Officer advice, including the past Chairman, and tens of thousands of pounds incurred in defending and losing appeals and/or costs.

#### **Supp**

**Q** Your response has failed to address the points raised especially on Liberal Democrat pre-determination and the meeting of the Development Control Committee held on 4 September 2019. Despite all of this, what action will be taken by the Liberal Democrats in the future to not predetermine and expose this Council to unlawful activity.

#### **Supp**

**A** I agree that there is a huge housing crisis in the District as I indicated earlier in the meeting. I challenge you to come up with the evidence to support your accusations and please supply the Monitoring Officer with any evidence.

**Q6** **From Councillor Ms Thurston to the Leader of the Council, Councillor Dr Walsh**

**Q6** I am concerned that the Government’s strategy is to make the UK a global leader in 5G, and I am glad that we have been offered the opportunity to be consulted on this idea. The health and wellbeing of citizens is of course a responsibility of the Council. I wish to make the Council aware that there are growing concerns worldwide, backed up by peer-reviewed research, about the negative impact on health, in particular, that of children, of Electro-magnetic frequency radiation, from mobile technology and millimetre- wave technology, present in 5G. Children are particularly at risk due to less-developed physical defence systems. Members of this Council may not be aware that 5G superfast broadband technology requires the use of many small wireless antennae, to scramble and unscramble packets of data. This may result in antennae literally everywhere, in order to get the speeds required. The risks of constant exposure to low-level wireless radio frequency radiation for humans are likely to include disruption of cell metabolism, disruption to brain function, and damage to DNA. It will also disorientate insects, especially bees, on which we as a species also depend and which are already at risk from insecticides and other pollutants. The Council may be aware that the International Agency for Research on Cancer, a branch of the World Health Organisation, has classified Electro Magnetic Frequency Radiation as a possible carcinogen. In the same year, The Council of Europe unanimously voted to ban Wi-fi and mobile phones in schools. There is increasing evidence that advice to the Department of Education in this country is unsound on current WiFi guidelines, and there are likely to be cumulative effects on health for users. The rollout of 5G would serve

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Only to compound these risks. In the light of well documented proof of significant mental and physical harm which already exists with the current generation of mobile technology, does the Leader of the Council agree that, following several other UK Councils, (Glastonbury, Totnes) as well as the cities of Brussels and Geneva, the Precautionary Principle needs to be applied before any further installation of masts or cell towers goes ahead, and that the Council must ensure they carry out their duty of care to citizens by making themselves fully aware of the implications of the findings by scientists and medical practitioners, before any discussions regarding the uptake of millimetre wave (5G) technology take place?

**A6** Please see response to Question 4.

The moratoriums referred to in the UK have been declared by Town/Parish Council's and is not supported by the District/Borough as planning authority. I would imagine this is because the planning authorities do not consider that they are able to in light of the national policy I have referred to.

**Supp**

**Q** Is the Council going to make a response to the Government's consultation. We do not have the long-term picture in terms of how current technology will affect us. I was hoping that we might be able to have a discussion in Council at some point or will this issue come forward or will a response be submitted without discussion?

**Supp**

**A** I don't know the answer but will take advice whether as a Council will respond to it. I encourage all Members to individually respond to the consultation. Also, if they wish for a matter to be discussed at any Committee then it is up to each individual Councillor to instigate this.

**Q7** **From Councillor Charles to the Leader of the Council, Councillor Dr Walsh**

At the July Cabinet meeting in reply to a question from a member of the public it was stated that the £350,000 spent on the development and planned consultation would not be wasted. At the last Full Council, the leader emphatically stated that the plans were not happening. Does this mean that the money WILL be wasted and the public who provided that money are not being allowed to have any say or even see the planned consultation?

**A7** A verbal response was provided by the Leader of the Council. Negotiations with the previous contractor are still in progress over the level of their fee and I stand by the assertion made that some of the work from the previous study will form the new plans going to public consultation.

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#### Supp

**Q** I am not quite sure I believe from your response that this is correct in terms of whether any negotiations are going on. I do not understand that negotiations are taking place about the money as I am aware it has already been paid out.

Councillor Dr Walsh confirmed that the Chief Executive had confirmed to him that his response was correct in that negotiations were still taking place.

#### **Q8 From Councillor Charles to the Leader of the Council, Councillor Dr Walsh**

**Q8** At the last Full Council, I asked if the stoppage put on the plans for the Pavilion Park was legal having been made by person or persons unknown before any Committees or Cabinet had been officially formed. I have not received any official answer to this, may I please have one.

**A8** The decision was taken by me and the Deputy Leader of the Council in consultation with the Chief Executive and the Council's Corporate Management Team as we believed that the scheme was unwanted locally.

#### Supp

**Q** You are not answering the question asked in full. Challenges the reply given – still of the opinion that this This decision could not be made by any Councillor or Group before any Committees had been formed – at this time none were. The Pavilion Park plans were approved by a Full Council meeting so any further decision can only be taken by all Members of the Council voting so will this occur?

#### Supp

**A**

The advice we received when the new administration was formed was that it was legal for the Cabinet that was being formed; the Leader and Deputy Leader to make that decision. This was made and this was communicated to the Council at the earliest opportunity.

#### **Q9 From Councillor Charles to the Leader of the Council, Councillor Dr Walsh**

Again, at the last Full Council, the Leader, Dr Walsh stated the reason for the cancellation was "Unforeseen Circumstances". What were those Circumstances?

**A9** A verbal response was given at the meeting by the Leader of the Council. He explained that there was a need for certainty by the new administration about the mechanism for further public consultation on the new proposals.

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**Supp**

**Q** I am not convinced by this answer – the actions that were taken to cancel the approved project were not within local government procedures.

**Supp**

**A** I took advice from the Chief Executive and Monitoring Officer and they confirmed that this was compliant and was legal.

**Q10** **From Councillor Charles to the Leader of the Council, Councillor Dr Walsh**

At the last Full Council Councillor Oppler stated that 85% of people in HIS survey had stated they wanted no change to Pavilion Park/Sunken Gardens area. But 85% of WHAT - it was not a survey to the electorate of Arun or indeed Bogor Regis but was a question on the reverse of Mr Oppler's Election manifesto. Solely to the Ward in which he was standing. He has provided no evidence of this other than this statement. Can we have that evidence, or he withdraws the statement.

**A10** A verbal response was given at the meeting by the Leader of the Council.

I have ascertained from that this was based on 85% of the replies received in over 600 responses from 5 Town Centre wards in Bognor Regis. The former Leader of the Council took forward her previous plans based on 120 people attending a public consultation exercise out of which 19 people supported the proposals positively so I would contend that the 600 responses were a much better example of public participation than before.

**Supp**

**Q** A survey large or small during an election campaign is not a legal reason to overturn the work of the council. No evidence has been provided and I would like to see this evidence

**Supp**

**A** You have no entitlement to see it. These are the figures, and this is the evidence.

**Q11** **From Councillor Mrs Pendleton to the Cabinet Member for Technical Services, Councillor Stanley**

**Q11** You announced that the seafront toilets on Bognor Regis Esplanade were due to re-open in July this year, but they have not done so. It now appears that the temporary toilets currently situated alongside of them are to be removed later this month, without the new toilets up and running. This will leave the much-used promenade with no facilities for the foreseeable future.

Last year, in January, you wrote on your social media feed –

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*“I’ve spoken out about these toilets at various meetings, this whole project has been shambolic. Next time, lets ensure we get a design more in keeping with our traditional seafront. Do you trust a Council who can’t install toilets with the multi-million pound regeneration of Bognor Regis?”*

You have been in post as Cabinet Member for Technical Services since Spring of this year. The Summer of 2019 has been and gone. There has been no obvious progress on delivering the public toilets on the sea front of Bognor Regis, even though you are now responsible for delivering these essential public conveniences.

Given your statement above on social media in January, can you comment on your shambolic approach to delivering the toilet project on the Bognor Regis esplanade and your inability to date to include, as a matter of urgency, provision of an essential service for local residents and visitors alike?

**A11** Thank you for your question and I welcome your sudden interest in the Bognor Regis seafront.

May I also thank-you for taking the time to view my social media page I must however begin with correcting you, if you actually took the time and care to read the post you are referring to you would realise it is in reference to the re-opening of the refurbished Regis Centre toilets, not the toilets on the Esplanade.

I will however take this opportunity to thank everyone who worked on the refurbishment of the Regis Centre toilets and I would like to congratulate them on finishing these works ahead of schedule.

On one point though you are correct, it is taking a great deal effort for this administration to resolve the mess we have inherited from the previous administration. To be honest I am somewhat surprised you have volunteered to discuss the Conservatives record on public toilets, but I welcome the opportunity.

The reality is this, the Council is not satisfied with the quality of the toilets that have been provided by the contractor, toilets which your party commissioned and installed. We believe the quality of the toilets are so unsatisfactory we are unable to let the public use them.

Simply put, there is less demand for toilets on the seafront for the winter period, bearing in mind the conveniences at the Regis Centre and Waterloo Square it is more cost effective for the Council to take away the temporary toilets while officers continue to work towards a finding a permanent solution.

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**Supp**

**Q** As Councillor Mrs Pendleton had left the meeting, Councillor Chapman asked her supplementary question.

My question focused on your performance record – are there any plans to provide public conveniences temporary or permanent on Bognor Regis seafront?

**Supp**

**A** I have stated in my response that we are continuing to work hard to provide a permanent solution to the toilets on the seafront.