

SPECIAL COUNCIL MEETING – 17 JUNE 2015

AGENDA ITEM 3 – PUBLIC QUESTION TIME – ORDER IN WHICH THE CHAIRMAN OF THE COUNCIL WILL INVITE QUESTIONS BELOW RECEIVED IN WRITING IN ADVANCE OF THE MEETING

1. From Mr Dixon to the Leader of the Council, Councillor Mrs Brown
2. From Mr Truin to the Leader of the Council, Councillor Mrs Brown
3. From Mr Ellis to the Cabinet Member for Corporate Governance, Councillor Wensley
4. From Mr Dixon to the Leader of the Council, Councillor Mrs Brown
5. From Mr Truin to the Cabinet Member for Planning & Infrastructure, Councillor Bower

THE FULL DETAIL OF THE QUESTIONS TO BE ASKED IS DETAILED BELOW

NOTE: The Chairman will invite questions from members of the public who have submitted in writing their questions in line with the Council's Constitution. Chairman will explain that the questions received will be answered by the appropriate Members of the Cabinet or the Chairman of the Overview Select Committee. Chairman to 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. Chairman is to 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.

QUESTION ONE

From Mr Dixon to the Leader of the Council, Councillor Mrs Brown

Question

Arun District Council's approach to public consultation was called into question during the 2003 Local Plan when the Council increased the strategic housing allocation for Bersted without going back out to public consultation.

This led to a high court judgement against the Council and a substantial bill for both Arun District Council and Bersted Parish Council. Of course, it was ultimately taxpayers that paid for the Council's failure to consult properly.

It seems to me that the Council is once again considering increasing the strategic housing numbers, on a much larger scale than 2003, and after the public consultation stages have concluded.

Given the successful legal challenge to the 2003 Local Plan, has the Council's Solicitor provided legal guidance on the Local Plan Sub Committee's proposal to increase the strategic housing allocations and, if so, what is that legal guidance?

Response

Thank you for question. The Council's Solicitor has not been asked for guidance on this matter and if she had, then any advice would be subject to legal privilege. As the report before Members confirms, public consultation will be one of the matters that will need to be addressed should the Council decide to explore increasing the scale of housing being provided.

QUESTION TWO

From Mr Truin to the Leader of the Council, Councillor Mrs Brown

Question

At the 1 June Local Plan Sub-Committee meeting that you attended, 14 Councillors considered dumping another 1,000 houses in BEW, 400 in Fontwell and 700 in Ford where the Local Plan called for zero new houses. Of these Councillors, 6 (including the Chair), offered opinions on the 3 options available. Two others just asked questions, one of which on affordable housing was not answered by officers. The other 6 were silent. Should the residents of the District expect more from their newly elected Council?

Response

Thank you for your question Mr Truin, as you have corrected your question to state that there are 14 Members on the Sub-Committee and not 15, I need not point out that your figures did not add up.

I don't remember exactly who spoke during the debate and who didn't but what I do remember is that it was a good debate and Members had a huge amount of information to assimilate before they took any decision.

You say that the Officers didn't answer a question on affordable housing but I have spoken to that Member who asked that question and he told me it was answered to his satisfaction.

You end by posing the question should the residents of the District expect more from their newly elected Councillors and I would say that it is very easy to criticise but not so easy to take the difficult decisions that we have to as Elected Members.

The recent election has given all Councillors a 4 year mandate to make decisions on behalf of the residents of this District and for the benefit of the entire District, not just their ward, and I believe that the majority of the Members of the Local Plan Sub-Committee did just that.

QUESTION THREE

From Mr Ellis to the Cabinet Member for Corporate Governance, Councillor Wensley

Question

Petitions help local people get their voices heard and are seen as important to stimulating debate. About one in five of us are likely to sign at least one petition during any given year. Under new proposals, local councils will have a duty to respond to petitions to encourage more local influence in Council decisions.

The Government accepts Electronic Petitions, the Nation accepts Electronic Petitions, International Organisations including The United Nations accept Electronic Petitions.

Many jurisdictions throughout the world now recognise the online petition. For example, 10 Downing Street, UK, accepts online petitions as long as each petition complies with basic content requirements. In Scotland, e-Petitioner (a parliamentary service) has introduced online petition formats and protocols. Petitions addressed to the European Parliament require signers to indicate nationality and job. When will Arun District Council accept Electronic Petitions?

Can we please be given a date by which Epetitions are either accepted by ADC or the information/knowledge that they will not be accepted by ADC.

Response

Thank you for your question Mr Ellis.

The Local Democracy, Economic and Construction Act 2009 required all principal authorities in England to establish a petitions scheme. Arun adopted its scheme at the Full Council Meeting held on 18 October 2010. At that time it was proposed that the e-petitions element of the Scheme be introduced from December 2010.

The Department of Communities and Local Government then wrote to the Chief Executive in September 2010 advising that the statutory guidance on the duty to

respond to petitions was being withdrawn which allowed Councils more discretion to decide how to approach petitions locally. The Localism Act 2011 then repealed the requirements in the 2009 Act taking away the prescribed duty to have a Petitions Scheme in place. The requirement was removed from 1 April 2012 and so Councils have been in a position, since then, to decide locally how they wish to deal with petitions.

A review of this Council's Petitions Scheme was undertaken by Democratic Services during the mid part of 2013. This identified that at that time only 1 enquiry had been made since 2010 about when the e-petitions element of the scheme might be implemented.

Based on the lack of public interest in the e-petitions element of the Petitions Scheme; the limited level of funding and that there was no longer a statutory requirement to maintain a scheme, the Constitutional Review Working Party put forward recommendations to Full Council on 10 July 2013 to amend the Council's Petitions Scheme and to accept a paper only based scheme. In discussing the proposed changes to the Petitions Scheme, some concerns were expressed over the proposal to accept a paper only based scheme and so it was agreed that the proposed changes to the Petitions Scheme be referred back to the Working Party.

On 4 December 2013, the Working Party considered options for revising the Council's Petitions Scheme and reconsidered the reasons for not wishing to implement the e-petition element of the scheme. The Working Party took into account the fact that the Council lacked suitable software and manpower to receive and manage two different schemes at the same time.

Members also considered revisions to the procedure to include how a petition should be handed over at Full Council meetings and whether the current triggers for the Petitions Scheme were still appropriate.

The recommendations put forward to Full Council at its meeting held on 8 January 2014 were all approved. The Minutes from these meetings can be viewed on our web pages at . <http://www.arun.gov.uk/full-council>.

QUESTION FOUR

From Mr Dixon to the Leader of the Council, Councillor Mrs Brown

Question

When the Council advertised its recent Bognor Regis regeneration consultation it made it clear that submissions should include a sustainable business plan to demonstrate financial viability.

Many members of the public (myself included) did not submit their ideas because they did not have the expertise or resources to produce a sustainable business plan to demonstrate financial viability.

I am concerned that, for this reason, the vast majority of the public were excluded from this consultation at the starting post!

Can you please confirm, by name, which consultation submissions provided a sustainable business plan to demonstrate financial viability?

Response

I am somewhat surprised at the use of the word consultation in your question because this exercise was not a consultation. It was an open invitation to anyone to submit their own vision for what might be achieved on these sites. We did ask that submissions be accompanied by appropriate financial information, but where this has been absent or limited in scope we haven't sought to prevent the submission being made. I am surprised that you felt excluded from the process as the Bognor Regis Civic Society, of which I believe you are a regular attendee at their meetings, didn't feel the same way and made their own submission.

Only one submission by REEF Estates had extensive financial information.

The Sir Richard Hotham proposal, which is the subject of a planning application and for which the decision to submit an application at this stage was entirely the decision of that group and not encouraged by Arun, has the most extensive information. Many, however, did make some comment on financial viability matters.

QUESTION FIVE

From Mr Truin to the Cabinet Member for Planning & Infrastructure, Councillor Bower

Question

In evidence to the EiP, the BEW Consortium – that has not consulted with any of the residents of Aldingbourne, Barnham and Eastergate and ignores requests to do so – said it wanted to build 3,000 dwellings in BEW. This increase of 1,000, being dependent upon extension of the so called strategic allocation, north of the Barnham Road. ADC evidence stated that it does not support such a northern extension but now Councillors are being asked to approve the delivery of 1,000 extra houses in the area. Exactly where are you plotting to build them then?

Response

The Council's response was made at a time when the emerging local Plan was seeking to accommodate 580 homes per annum. The revised Objectively Assessed Needs (OAN) assessment has caused the Council to revisit that approach. It is proposed through the commissioning of further evidence and revisiting the Sustainability Appraisal to test the developer's assertion as per their submission that an additional 1000 homes can be provided for.