

FULL COUNCIL MEETING – 10 SEPTEMBER 2014

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 Ellis to the Deputy Leader of the Council and Cabinet Member for Corporate Governance, Councillor Wensley
2. From Mrs Beaton to the Cabinet Member for Planning & Infrastructure, Councillor Bower
3. From Mr Coster to the Leader of the Council, Councillor Mrs Brown

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 Ellis to the Deputy Leader of the Council and Cabinet Member for Corporate Governance, Councillor Wensley

During public question time we have one minute to ask our question, coupled with a reply, this means that approximately 3 questions per month will receive answers. That is an average of three and a quarter minutes of questions per month. From a population of approximately 60,000 people in Arun, this does not appear to be a very democratic figure, considering the Localism Act welcomes greater understanding of public wishes. Given the consistently controversial decision making on the part of the Council, more and more people want to attend Full Council and submit public questions – will the Council consider extending public question time to 30 minutes on a permanent basis?

There are two major points which are also felt by a great majority of those questioners.

1. That the answers which are given, to pre-submitted questions, are merely replies and do not provide adequate answers to our questions. This statement is easily checkable by reading through past minutes of meetings, especially with questions posed to cabinet members.

2. There is then no chance to ask a supplementary question, even if you feel very strongly that you have not received an answer to your question – just a reply. This is felt by many who attend council meetings at various committees, to be totally undemocratic, unfair, bad practice, unjust and most of all absolutely showing disrespect for members of the public.

To redress this matter would the Council please consider holding one or two Public meetings during the year, where questions can be asked of Cabinet Members and Council officials, and an honest and open debate under a Chairman could take place.

If this is not something the Council is prepared to do, could you please give a full and honest explanation of your reasons for this, which can be published on the Council web site and in the local media?

Response

Firstly, I am sure we would all agree that we welcome questions from members of the public and we also welcome their presence at meetings of the Council - that is good for democracy.

However anyone can ask a question of the Council or Councillors at any time, their contact details are on the web site. It does not need a meeting of the Council to ask a question. Indeed there is a link on the web site entitled "Ask the Leader" which allows anyone to submit a question to the Leader of the Council and a response will be provided.

As an alternative any resident can ask their Ward Councillor to ask a question.

Secondly, any change to the Council's procedure for dealing with questions asked at Council meetings is a matter for the Council – I do not have the power to change the procedure. However, I believe that the Constitutional Review Working Party has a review of the procedure laid down in the constitution at the request of the past chairman, and will make any further recommendations it feels appropriate to Full Council.

QUESTION TWO

From Mrs Beaton to the Cabinet Member for Planning & Infrastructure, Councillor Bower (this question was asked by Mr Ward as Mrs Beaton was not able to attend the meeting)

Question

The Villages Action Group provided in May, this year, a hydrology report produced by independent experts on the Flood Risk Implications of Strategic Development at Barnham, Eastergate and Westergate. This concluded: "It is premature for this site to be allocated for housing before the Surface Water Management Plan and the Aldingbourne Rife Studies are complete. Both of these are vitally important in quantifying the flooding risk and most importantly to identify whether the technological challenges of developing this site can ever be overcome."

Could you please confirm whether the SWMP and ARS are yet published and if not when they are likely, whether the Council will proceed to regulation 19 consultation in their absence and what it will do if the results are negative in respect of development on this site? While I understand the Council had received no objection from the Environment Agency to development on this site, the Environment Agency is not the responsible authority for groundwater, which is what affects this site."

Response

Thank you for your question Mrs Beaton.

We are aware of the Richard Allitt Associates Ltd report you refer to and the Environment Agency, West Sussex County Council and Southern Water have agreed the policies within the Arun Local Plan and are content with them proceeding to Regulation 19 consultation. The Lidsey Waste Water Treatment Management Plan considers the geography of the Lidsey Wastewater Treatment Works. This study considers the management of surface water and foul water works. The Council and the Environment Agency already considers that any application for development in the area should not make the current situation worse and the purpose the Local Plan policy is to make the current situation better and this study will help inform improvement solutions. The study is not currently published and we have not been advised of the publication date.

The Aldingbourne Rife Integrated Flood Risk Management [ARIFRM] Project has recently been awarded to consultants. The Elmer Sands Management Plan is at its implementation stage with a number of initiatives underway.

The ARIFRM relies heavily upon modelling, the results of which are not expected before November, the final output is therefore due in approximately 15 months from now.

We are aware that groundwater does present a challenge in this area but within the scope of the ARIFRM project the consultant will be examining the possibility of incorporating overall flood risk reduction measures and these will be taken forward to discussions with potential developers. The developers themselves have already undertaken an assessment and this has been on our website for over a year. The advice from West Sussex County Council and the Environment Agency has consistently been that groundwater issues should be dealt with at planning applications stage rather than plan making stage. In other words this is one of many infrastructure issues that are dealt with at Planning Application stage as planning applications consider in detail site specific constraints.

In summary the surface, foul groundwater conditions have been taken into account of in the making of the Local Plan and the statutory agencies have been informed of its policies and its content with the plan and proceeding.

QUESTION THREE

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

Question

On 6 November last year St Modwen told you of the reduced value of their proposed scheme. You now admit that you knew this breached the OJEU tendering rules. That was 10 months ago. Yet you carried on and tried to bluff it out.

On 1 April this year you were recommended by the Cabinet Office to commence a new tendering procedure. 5 months ago that was yet you still carried on and tried to bluff it out.

Now you finally admit it all, but instead of following Cabinet Office advice you are trying to circumvent it and instead force this bad value scheme on Bognor Regis by throwing at least another £500,000 at it to, as your C/E says, reduce the risk to developers -- which means increase the risk to us council taxpayers.

This has been a massive bungle from the start and you plan to continue that bungle at massive public expense. Can you answer this question please - are you prepared to admit this and resign, or if you disagree will you attend an independently chaired Q&A session in Bognor Regis – this has to be you Mrs Brown, within the next two months on a date of your choice to explain it all in detail to the public?

Response

Thank you for your question which has been answered before but I will answer it again.

From the outset the Council has promoted the re-development of these two sites as a way to secure regeneration and investment into the town. We did well to secure a development partner of the standing of 'St Modwen'.

Notwithstanding the recession both parties have continued to work together to endeavour to secure a development in compliance with the Development Agreement for both sites. We have remained committed to securing this outcome which we believed was best for the economy of the town and Arun as a whole.

At the Council meeting on 6 November 2013, St Modwen informed the Council that:

- A development as tendered was not viable in the market at that time, and
- St Modwen presented at that meeting its work in progress on what it considered to be a financially viable scheme in the market at that time, 'the St Modwen Alternative Scheme'. Having debated the issues before it Council resolved:
 - That the Development Agreement be amended to require the submission of a valid planning application by 31 December 2014.
 - That officers and legal advisors negotiate with St Modwen on making any necessary **minor** modifications to the Development Agreement on the understanding that the Council and St Modwen both recognise that a new OJEU procedure would need to be undertaken if the outcomes would be beyond the boundaries of the existing procurement process.

The St Modwen Alternative Scheme was its view of what was commercially viable in the market at that time. St Modwen was quite clear in its answers to members' questions that it needed the Council to work with it to examine how if possible to add value to that scheme to make it compliant in procurement terms with the Development Agreement. The parties could have walked away at that time but the resolution reached was to keep talking to the market and try and find additional profitable end users.

Officers and the Council's advisors have explored at some length what is and isn't possible that would add value to the development and also be within the terms of the existing Development Agreement and any other regulatory restrictions. During the course of this work a member of the public reported the Council to the government's mystery shopper scheme. On the 1st April 2014 the Cabinet Office issued a draft response based on the complaint made, but that draft did not take into account the response that the Council had already provided to the Cabinet Office. In July 2014 the Cabinet Office published its response which notes the resolution of Council on 6 November 2013. The recommendation from the Cabinet Office continued, "Where contracts have been entered into several years ago and under which construction work has not yet commenced, the Cabinet Office recommend that authorities consider, if they continue to represent best value for money, and that a new procurement is initiated if they do not. The Cabinet Office recommendation is not-binding and the Cabinet Office is not instructing the Council to terminate its current contract." The Cabinet Office found no breach in the EU Directives by the Council and the recommendation of the Cabinet Office was made on the basis of achieving best value for money.

The conclusion now jointly reached by officers of the Council with St Modwen is that, for the reasons set out in detail in the report before members tonight, a scheme compliant with the Development Agreement in the current market would not be commercially viable. That does not mean that there is not a different scheme that in the current market would be commercially viable and that would provide public benefit and contribute to the future regeneration of Bognor Regis.

The intention now (subject to member agreement tonight) is to move forward with the benefit of the information gained about the changed market, with a view to submitting a planning application next summer. Subject to market conditions, the cost of which could be recovered through the process of securing a developer once the planning applications have been determined. I would just like to finish by saying that I will not be setting a date for a public meeting as it is not necessary at this time. I remain committed to achieving successful regeneration in Bognor Regis and to that end I will be focusing my energies on ensuring that this work progresses as quickly as possible and not events which will generate only heat and no light.