

Tony Dixon

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Sent: 11 October 2009 16:04
Attach: Appendix 1 - Meetings with Hallam Land Management.pdf; Appendix 2 - Arun press release - Dismay at Eco Town announcement.pdf; Appendix 3 - Arun statement in Greencore brochure.pdf; Appendix 4 - Derek Waller reference to blind copies.pdf; Appendix 5 - E-mail to Cllr. Mrs Brown - concerns on impartiality 8.12.08.pdf; Appendix 6 - Cllr Mrs Brown response on blind copying.pdf; Appendix 7 - Public questions to Arun at Full Council 14th January 2009.pdf; Appendix 8 - CAFE meetings schedule at Arun.pdf; Appendix 9 - Arun relationship with CAFE.pdf; Appendix 10 - E-mail to Cllr Mrs Brown - concerns on impartiality 18.05.08_.pdf; Appendix 11 - Cllr Mrs Brown - response on concerns on impartiality.pdf; Appendix 12 - Cllr Dr Walsh - Bognor Observer 24.04.08.pdf; Appendix 13 - Transcript of BBC Inside Out programme 24.09.08.pdf; Appendix 14 - Cllr. Bower statement to Aldingbourne Parish Council 16.11.08.pdf; Appendix 15 - Cllr Bower apology to Cllr Mrs Briggs 16.11.08.pdf; Appendix 16 - Cllr Bower resigns - Bognor Observer 18.12.08.pdf; Appendix 17 - From Ian Sumnall 07.11.05 re public exhibitions.pdf; Appendix 18 - To Ian Sumnall 04.11.05 re public exhibitions.pdf; Appendix 19 - Cllr. Emma Neno election literature - front.pdf; Appendix 20 - E-mail to Cllr. Bower.pdf
Subject: Complaint: maladministration relating to the Arun District Council LDF
 Attn: Wendy Ashenden-Bax
 Solicitor to the Council and Monitoring Officer
 Arun District Council
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By post and e-mail

11th October 2009

Dear Wendy

Complaint: maladministration relating to the Arun District Council LDF

We have a number of concerns relating to the ability of Arun District Council to consider its LDF option 2 objectively and under the same conditions as all other options. We believe there is sufficient evidence to demonstrate maladministration and sought the advice of GOSE before addressing this to the Council.

The matters outlined in this letter demonstrate a clear pattern of events, in which the Council sought to avoid full and equal consideration of LDF option 2, a new settlement on the disused airfield at Ford.

Furthermore, the council has, by its actions, deliberately disadvantaged residents in other locations under consideration through the LDF, for instance, Bersted, Barnham, Eastergate and Westergate, Angmering and Lyminster/Toddington.

Formation of "council-led community campaign"

On 3rd April 2008, the council issued a press release announcing "*an emergency meeting of the Council's Cabinet has been called for Monday 14th April to kick-start a community campaign against the proposal*" and "*the Leader of Arun District Council, Cllr Mrs Gillian Brown, signalling the start of a council-led community campaign against the proposal said she was appalled that no account had been taken of the Council's consistent and overwhelming objections to an eco-town at Ford.*" See Appendix 2.

It is clear from this statement that not only had the Council already decided against a new settlement at Ford but that its intention was to start a campaign against those proposals.

At the Special Cabinet meeting those Cabinet Members present voted unanimously in favour of the recommendation: *"the council, together with local organisations, mount a campaign against the **principle** of Eco-Towns in the District"*. A small number of backbenchers also spoke in support of this recommendation. It was this recommendation that was subsequently put to Full Council.

Full Council declined to accept this recommendation – insisting that the words *"principle of"* were amended to *"process being followed by Government to establish Eco-Towns"*.

At the Cabinet Meeting of 12th May 2008 an adjustment was made to the minutes of the Special Cabinet meeting – changing the wording of the recommendation from *"principle"* to *"process"*.

As the minutes of the Special Cabinet correctly record, no amendment to the recommendation was proposed, seconded, debated or voted upon. Therefore, this was an unconstitutional and inappropriate adjustment to the minutes.

Given that Cabinet quite clearly voted to *"mount a campaign against the **principle** of Eco-Towns in the District"* we believe those Cabinet members have, in effect, predetermined their position with regard to consideration of LDF spatial option 2 and that their continuing participation renders the LDF unsound.

The "council-led community campaign" has been active throughout the LDF process, including the recent public consultation.

Appointment of Select Committee

According to the minutes of the Council Meeting of 7th May, those Cabinet Members who had already voted to *"mount a campaign against the principle of Eco-Towns in the District"* took part in the appointment of Arun's Eco-Town Select Committee members.

Membership of the Select Committee was directly influenced by Cabinet Members who had already voted to oppose the eco-town proposals – calling into question the impartiality of the Select Committee.

Relationship with developers

In February 2009, Arun District Council took a full page in the brochure promoting the Greencore development proposals for Lyminster/Toddington. See Appendix 3.

This created a clear impression with the general public that the Greencore proposals were part of the council's wider masterplan.

Councillor Norman Dingemans, the Cabinet Member for Regeneration stated in the brochure: *"These exciting developments all fit into an overall masterplan that ensures nothing happens in isolation."*

The Cabinet member also attended as guest speaker at Greencore's promotional event on 26th February 2009 to reinforce the Council's message.

There is no logical reason for a local authority to talk about its regeneration proposals in a developer's brochure (especially whilst it is considering those same proposals through its LDF) other than to give endorsement by association. The Council was clearly endorsing the Greencore proposals.

Predetermination of LDF

On 27th August 2008, in its response to the SE Plan consultation, Arun councillors resolved that *"The council overwhelmingly supports that where greenfield releases have to be made, this should take the form of sustainable urban extensions in the Arun District."*

The LDF evidence base was in its early stages and so the resolution appears to deliberately predetermine the outcome of Arun's LDF process.

Members should have considered the LDF evidence base before giving their overwhelming support to sustainable urban extensions – a formality that should have been observed, for the sake of residents in those areas.

LDF project board – predetermination

The two Cabinet Members on the LDF Project Board have already voted that “*the council, together with local organisations, mount a campaign against the principle of Eco-Towns in the District*”. It is clear that their position on development at Ford airfield had already been determined and they were not able to approach consideration of the LDF options in an open and even handed manner.

In any event we question the democratic legitimacy of a sub committee of the Council further delegating the development of policy to a small group in which challenge to the Cabinet’s objectives would be slight.

Withholding key documents from the LDF Core Strategy Options for Growth consultation

SQW consulting was jointly commissioned by Arun and SEEDA to provide a report on the economic impacts of the proposed new Ford Eco-town.

This report was not listed amongst the Core Strategy Background Studies and appears not to have been taken into consideration, or made available to the public, during the recent LDF consultation.

Bias in the dissemination of information

Following a Freedom of Information request for “*Copies of all communications, and any records of meetings, between the council, including its councillors, and representatives of the Campaign Against Ford Eco-Town (CAFE)*.” the council sent a number of documents, including an e-mail from Mr Derek Waller of CAFE to Arun Chief Executive (and acting head of planning at that time) Ian Sumnall (see Appendix 4), in which Mr Waller said;

“Many thanks for, once again, hosting the CAFE meeting this morning. Also, many thanks indeed for the various updates; both useful and interesting. I am very pleased to see from the bcc’s that Sue has sent me the action you have initiated re the BW Master Plan and the PWC financial study. It will be interesting to know what transpires” (bcc’s are blind copies).

An e-mail raising this matter with the leader of Arun District Council is attached – see Appendix 5. The leader’s response is attached – see Appendix 6. The correspondence was copied to members on 7th January 2009 – see Appendix 7.

Secretive copying of information to an action group, by planning officers, implies support for the action group and calls into question their impartiality in dealing with different groups in the community.

Furthermore, secret copying of information to CAFE is likely to, or may even be deliberately intended to, disadvantage residents in other locations under consideration through the LDF, for instance, Bersted, Barnham, Eastergate and Westergate, Angmering and Lyminster/Toddington.

We are not aware that any steps have been taken to discontinue this practice and so we assume that it is still continuing.

Relationship between Arun District Council and the Campaign Against Ford Eco-Town (CAFE) action group

There are a number of concerns relating to the closeness of the relationship between Arun District Council and CAFE, for instance:

Blind copying of information – see above.

The Chairman of CAFE (Littlehampton Gazette letters, August 21st) is confident enough in his relationship with Arun District Council to state “*we work closely with Arun District Council, which shares our views.....*”

Throughout the Select Committee process, said by its Chairman to be approached with open minds, there was a sign on the door of the council chamber stating “*Eco-Town campaign group meeting is now taking place in the council chamber and not committee room 1*”. When participants arrived in the council chamber on the first day of the Select Committee, CAFE agenda’s were still on the desks, left over from its meeting of May 23rd.

CAFE met in the council chamber/committee room 1 on a regular basis – see Appendix 8 for a schedule of meetings.

Council officers regularly attend CAFE meetings – see Appendix 9 for some examples of the close relationship between Arun District Council and CAFE.

CAFE sent the notes of its meetings to the Cabinet Member for Planning and copied them to the Leader and Chief Executive (and acting head of planning at the time). No doubt, in order to keep the leaders of the "council-led community campaign" informed.

The Chief Executive of Arun District Council (and acting head of planning at the time) attended CAFE meetings.

The council distributed CAFE campaign leaflets from the reception area at the Civic Centre.

The council set up a signing point for the CAFE petition in the reception area at the Civic Centre. In doing so, it made no attempt to make the public aware of its obligations to provide housing as required by the RSS, nor did it make the public aware that alternative locations would need to be identified if the Eco-Town proposals did not go ahead.

As a result many of those members of the public who signed the petition did so without full knowledge of the Council's housing obligations.

Councillors participating in an election campaign opposing an Eco-Town

Councillor Mrs Neno's by-election campaign in Yapton ward was based, at least in part, on opposition to the Ford Eco-Town proposals (LDF option 2) and Councillor Mrs Neno has quite properly left the Chamber whenever the subject was being considered at Council. Cllr. Mrs Neno's election literature is attached. See appendix 19.

In an e-mail on 19th May 2008 the leader states; "*On the subject of the by election, all Councillors who helped in any way played a minor role in delivering campaign leaflets as part of the election campaign and no view was expressed by any of them in the specific issue of eco towns.*" See Appendix 10 and 11.

The delivery of leaflets by sitting Councillors is a clear endorsement of the candidate's position on development at Ford airfield.

The Council has declined to name the councillors involved and none have declared an interest at Council meetings. They continue to play an active part in the LDF.

Councillor Mrs Neno is Councillor Tyler's daughter. Councillor Tyler went on to chair Arun's Eco-Town Select Committee. Did Councillor Tyler play any part in his daughter's election campaign? Can we have a straight answer?

Councillor Dr Walsh - position

Councillor Dr Walsh made a number of statements at Arun District Council and West Sussex County Council at the meeting of 18th April 2008 which will be perceived by the public to imply his opposition to the Eco-Town proposals, for instance;

"this is less of eco-Ford and more of eco-fraud" (West Sussex Gazette 23rd April 2008, Bognor Observer 24th April 2008).

and the blatant scaremongering of:

"There is disbelief that this can be funded from 5,000 houses and perhaps it may be a kite flying proposal for 15,000 to 20,000" Bognor Observer 24th April 2008.

See Appendix 12.

Councillor Dr Walsh then went on to play a prominent part as Vice-Chairman of the Eco-Town Select Committee, when he had, in effect, already decided that the proposals were "eco-fraud".

This further calls into question the conduct of the Eco-Town Select Committee.

Cabinet Member for Planning - predetermination

When Arun District Council announced its Core Strategy Issues and Options public consultation in the autumn of 2005 it organised a series of public exhibitions – 5 days each in Littlehampton, Bognor and Arundel. The Five Villages area was excluded even though it has a combined population far higher than Arundel and was an area under consideration for large-scale development, whereas Arundel was not.

Despite protests from public and District Councillors Arun refused to hold an exhibition in the Five Villages. See appendices 17 and 18.

Residents in Aldingbourne were already aware of, and sensitive to, development proposals made at the time of the Structure Plan and were concerned at the Council's refusal to provide an LDF exhibition in the Five Villages. They requested a public meeting.

At the public meeting residents were briefed on the newly introduced LDF procedure, the nature of the first public consultation and were each given a copy of the consultation questionnaire. These were completed by residents in the privacy of their own homes.

There would have been no need for a public meeting if the Council had carried out its consultation properly and included an exhibition in the Five Villages.

Then, on 24th September 2008, Councillor Bower, Cabinet Member for Planning stated on the BBC's Inside Out programme that;

Cllr. Bower - "50% of the responses came from one parish namely Aldingbourne and of those responses something like 91% of those who responded from Aldingbourne all said that Ford should be in the top three of their choices. It made us sit up and think – has this been an organised response? Was this something that there was an organisation behind perhaps?"

and

BBC – "If the Eco-Town doesn't get the go ahead then the pressure to build will return here, to Aldingbourne."

Cllr. Bower – "It is my understanding that there is a developer looking at this particular field here but there are other development sites around Aldingbourne and the Westergate area."

BBC – "How likely is it that this would be developed."

Cllr. Bower – "Well, I think there is a strong likelihood that it will be developed at some point in the future."

See Appendix 13 for a full transcript of the BBC programme.

The context of the BBC's programme was one of community against community. Councillor Bower chose to introduce the LDF consultation response into the programme. In doing so, he made an unwarranted attack on an entire community whose only "crime" is to be aware of the issues facing the district and to care enough to actively participate in both Structure Plan and LDF public consultations.

His comments were a deliberate attempt to portray the new settlement versus urban/village extensions debate as one of community against community and were likely to turn the wider community against the people of Aldingbourne. We believe that was his intention.

Councillor Bower's comments were insulting to the community in Aldingbourne and to all other communities that play an active part in public consultations. As a result of his comments it is now impossible for residents of Aldingbourne to participate in any future LDF public consultations without their motives being questioned.

We believe that he did predetermine his approach to consideration of the LDF Options when making it clear that *"there is a strong likelihood that it will be developed at some point in the future"*.

Councillor Bower subsequently provided a full written apology for his comments to both Aldingbourne Parish Council and Cllr. Mrs Briggs – see Appendix 14 and Appendix 15.

Cllr. Bower also resigned as Chairman of the LDF sub-committee because his impartiality was compromised – this was reported in the Bognor Observer on December 18th 2008. A spokesman for Arun District Council stated: *"The Local development framework is a complicated process and the council must remain impartial at all times. Cllr. Bower's decision to stand down is appropriate given the circumstances."* See Appendix 16.

Councillor Bower is now reinstated as Chairman of the LDF sub committee as if nothing happened, and continues in office as Cabinet Member for Planning – further calling into question the conduct of the Council.

Secret discussions with Hallam Land Management regarding LDF option 3

Local action group the Villages Action Group has uncovered evidence that Arun District Council has been

discussing development proposals for the Aldingbourne area with Hallam Land Management since at least June 2007. See Appendix 1.

Hallam Land Management made its proposals public on the last day of the Core Strategy Options for Growth consultation, ensuring that, although Arun District Council was fully aware of its proposals, members of the public were not.

It has been alleged by the Villages Action Group that the Chief Executive stated at public meetings during the Core Strategy Options for Growth consultation that there were no such proposals. (We were not at the meetings and so we would appreciate the Council's clarification on this point.)

Members of the public in Bersted, Ford and Toddington were fully aware of development proposals in their area and had the opportunity to respond accordingly. Residents in Aldingbourne did not have the opportunity to consider the Hallam proposals before responding to the LDF consultation and so were disadvantaged by this.

The Villages Action Group requested that the LDF consultation be extended to enable local residents to respond to the Hallam proposals. This was refused by Arun.

Was Councillor Bower aware of these proposals when he made his comments about Aldingbourne on the BBC?

Recent Core Strategy Options for Growth consultation

There are many questions relating to the manner in which the recent LDF consultation was conducted, for instance:

How hard did the Council try to engage local communities in its LDF? The council only printed 7,000 forms in total for a district with around 67,000 households. These forms were only obtainable on request or by calling in to the Council's offices.

By contrast, Green Issues who represent the landowners for the proposed Bognor Regis Eco-Quarter stated in a recent issue of the Bognor Observer "*This month we have already had three exhibitions and two stakeholder meetings..... each time we have a meeting we have written to 18,000 residents to invite them.*" This only serves to highlight the inadequacy of the council's communication strategy.

The Arun Times is the council's own periodical newspaper and would have provided a cost effective vehicle to reach all homes in the district. The council publicly pledged to publish the consultation questionnaire in the Arun Times and then failed to do so – why?

Not surprisingly the response to the consultation was poor. Of the 712 paper and on-line responses sixteen wards provided 10 or less responses – a level of participation so low that it calls into question the efforts of the council to engage the public in the consultation in the first place, and also the robustness of the consultation results.

The timing of the mobile exhibitions was set for the convenience of Arun District Council's officers rather than the public. The exhibitions closed at 3.00 p.m. This meant that only retired or unemployed people were likely to attend. Large numbers of working people were unable to visit the exhibitions (40% of the working population leave the district each day to work). This made the participation of working people less likely and will have distorted the response to the consultation.

Given Councillor Bower's comments on the BBC, the council's meetings with Hallam Land Management, plus the fact that Eastergate and Westergate are included in LDF option 3, the council's original decision to exclude Eastergate and Westergate from the LDF exhibition schedule looks highly suspicious. These villages were only included after protests by Ward Councillors.

Why did the council originally exclude these villages from the LDF exhibition schedule when at the same time it was engaged in discussions with Hallam Land Management for development proposals in those same villages? This is seen as a deliberate attempt to disadvantage residents in these villages.

Several of the questions in the consultation document were such that they made no contribution towards choosing between the options and could not have assisted in any meaningful decision making.

This was a flawed consultation.

Conclusion

There is increasing public disquiet about the manner in which Arun's LDF process has been managed.

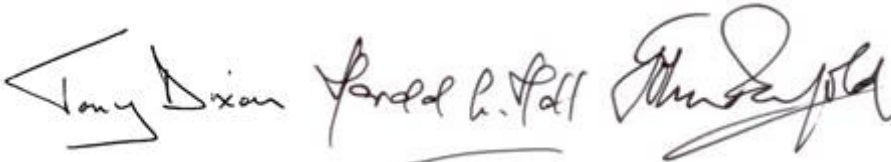
The matters outlined in this letter demonstrate a clear pattern of events, in which the Council has deliberately avoided proper consideration of LDF option 2 – major development on brownfield land at Ford airfield.

We wrote to Councillor Bower on 4th September to raise some of these concerns and to ask him how the Council intended to deal with concerns raised through the recent LDF consultation – he has not responded. See Appendix 20.

Therefore, we request that you treat this letter as a formal complaint.

Can you please advise by what procedure the Council will now deal with this complaint.

Yours sincerely



Tony Dixon

Harold Hall

John Penfold

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Copies:

Mr I Sumnall – Chief Executive

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Ward members:

Councillor Mrs M Briggs (by e-mail)
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