167. Declarations of Interests

No declarations were received on this occasion.

168. Chairman's Introduction

The Chairman welcomed members of the public to the meeting and clarified the process for evening. Members were reminded that questions should not be personal and should be to ascertain facts.

Councillor Hallam, one of the two Ward Members was not present. Members also asked that the Portfolio Holder for the Environment be asked to contribute. It was agreed that both Members would be asked to contribute either through the Highcliffe Beach Huts Task and Finish Group, or at the next meeting of the Scrutiny and Policy Overview Committee.

169. Discussions with Members, Officers and Others

Process leading to the project commencement

Louise Miller, Strategic Director; Judith Plumley, Head of Community & Leisure; Matt Reeks, Community and Open Spaces Manager.

The Chairman asked the Officers to give their views and share their experiences in relation to the proposed project timeline, starting with how the project plans were commenced to the present:

Strategic Director: The Beach Huts project proposal paper had been presented to the Community Services Committee in November 2015, following discussions with Members. At the meeting of the Resources Committee held in December 2015, the project was outlined and at the meeting of Full Council the budget was allocated, following which, officers initiated work on the project.
How were the project plans initiated prior to November 2015?

Head of Community & Leisure: Discussions regarding the future commercialisation of beaches as a whole, commenced from 2008 onwards. Documents outlined the policy which detailed where it may be appropriate to locate beach huts in general. During the summer 2015, the Council was approached, in a cold call approach, by Plum Pictures who were looking for a place to film an episode of George Clarke’s Amazing Spaces television programme. The project was to include a floating beach hut to go from the harbour and up the sea to a fixed location. A site would be needed to launch it from and Christchurch Quay was agreed as the place to do this from. Further discussions took place with Plum Pictures, who asked what other projects the Council had in mind. The policies were mentioned and on the back of that Plum Pictures suggested the idea of a competition for unique beach huts to be designed and located within the area. A briefing was then presented by the Community & Leisure Team to the Portfolio Holder for Environment, the Leader, where they put forward the proposal, with a suggested location of Highcliffe and then it was reported to Community Services Committee in November 2015.

Before the Council got to the principal of beach huts in 2008, how were papers produced?

Head of Community & Leisure: The Beaches and Hinterland Management Plan went to Community Services Committee there was a consultation process and it was then adopted.

Minutes from the Committees were accepted at Full Council but there was not as a recommendation on the beach hut project to vote on. When the project was presented at Full Council, what was the process?

Strategic Director: when the minutes from Resources and Community Services Committee’s went to Full Council on 15 December 2015, there was an opportunity for Members to discuss the Resources minutes but they were not debated.

Democratic Services & Elections Manager: it was a recommendation from Resources, with supporting papers, for Members to vote on. All Members were present but Councillors Hall and the Chairman did leave before this item. It was voted on unanimously, in support.

What exactly was presented to Full Council – was it an outline of the proposal or the full scheme?

Head of Community & Leisure: at the Resources Committee, the report was as full as it could be made at that time. The exact location was not agreed, as discussions were still being held with various parties at that time. The ecological survey was included and a presentation was given. The full report subsequently went to Full Council.

What is definition of the beach and foreshore?

Head of Community & Leisure: this is defined in the Beaches and Hinterland Plan, including Chewton Bunney, the cliffs and the beach.

Officers were thanked for the contribution to the meeting.
Technical / Expert advice

Professor Vincent May, Steve Woolard, Council Engineer; Lynda King, Development Management Team Leader; and Dave Gayle, Building Control Partnership Manager

Please set scene in relation to the foreshore.

Professor May: he was invited, at the end of January 2016, to be involved with the Local Government Challenge and was asked to provide information to the contestants, explaining the geology of the site. He learnt later that the contestants had thoughts of locating beach huts, but was not personally involved in these discussions. He was asked to treat as confidential information, any plans relating to the proposals.

He only became aware of the project at Easter when out of the country and he was slightly taken aback by the proposals. He then saw the framework for the competition project, on 9 April, which had been sent to the competition competitors. He was asked by the Community & Open Spaces Manager, on 11 April, to help the Council with work regarding the geology of the cliff. Due to the controversial nature of the scheme, he did not feel that he could take on a formal contract with the Council. He needed to be seen, publically, as independent of the Council or any other organisation. However, on a pro bono basis, he produced an impact statement. On 26 April he had a meeting with the Council and Natural England, to look at the site and possible locations. He was asked to keep information confidential at this stage. The purpose of the meeting was to finalise the location of the beach huts and additional day huts but he was not really involved in the process. He attended the public meeting held at Highcliffe School, at which he advised that completing any work on a stabilised landslide was not a good idea. This was considered seriously by the Council’s coastal engineer. If applying to the Environment Agency for funding, under the Coast Protection Act, the likelihood would be that if building works were to be carried out on the landslide site, it would not be seen as suitable.

Copies of his report were sent to Natural England and the Head of Community & Leisure, whom he also sent a copy of a House of Commons paper on Permitted Development rights - March 2016, which included SSSI information.

When was the summary of conclusions written?

Professor May: 26 June 2016.

How important is the stretch of coast from Highcliffe to Milford?

Professor May: this piece of coastline is remarkably important for the geology and particularly for the fossils. They are historically significant due to the studies and drawings of the fossils from this are, which were given to the British Museum. This lead to the classification of fossils, which was started from the studies in Christchurch. Along this coastline, it has been increasingly used by schools, to educate young people on how to manage the coast well. It was classed as a World example. As the cliff has stabilised, a very careful design to include planting and inclusion of a specific type of grass has assisted the stabilising effect. This was a unique
piece of bio-engineering. This piece of coast is just as important as the rest of the Jurassic Coast, as it forms part of the same story.

What would be the best use of the coast?

Professor May: to leave it alone and keep it good. There are some really important stories which could be shared and attract visitors. There needs to be careful maintenance and ensure biodiversity increases.

Was the Planning Department asked if the project would need planning permission?

Development Management Team Leader: yes, a request was received from the Countryside Management Team, the answer given advised that no, it was permitted development. Members received an explanation of how the Planning Act sets out how this decision was reached.

Would the view of something being permitted development depend on the interpretation of a few phrases?

Development Management Team Leader: Planning permission had been sought in other areas for the erection of beach huts but they exceeded the permitted development limitations, due to the size of the buildings.

Regarding beach huts being built on concrete slabs, what was the impact of this on stabilised landslide land?

Development Management Team Leader: if the whole structure exceeded four meters in height, it may require planning permission.

Council Engineer: the Engineers role - they were approached by the Community & Open Spaces Team for an unbiased representation of what was acceptable, concerning stability, for the placing of beach huts. Worked with a map which had a lot of potential sites identified on it. However, in the Engineer’s Stability Report, they had ruled out many potential sites, as they were not suitable for the erection a beach hut. There would have had to the use a foundation for the structures, as they would need a stable level base, with minimum depth of 6-9 inches through the top soil. This would not have meant going through the solid geology, which was sensitive.

Once a beach hut was in situ, as there were few dwellings where overnight stays were allowed, how would the Council approach the need for toilets, etc?

Development Management Team Leader: this was not a planning issue.

Building Control Partnership Manager: no plans were submitted but it would be presumed that they would have to use the public toilets.

Community and Open Spaces Manager: the project had been centered on a design competition, so until the submissions came back, the Council would not know what facilities would be included. There were existing facilities nearby. Some options did include internal washing and toilet facilities with water tanks. An immovable point was that there would be no grey water discharge from the huts and water run off would be closely manged.

In respect of openness, was planning permission or a Certificate of Lawfulness ever considered?
Development Management Team Leader: no, but Officers did seek legal opinion, to ensure due process. The Officer read out an email clarifying the position: Do permitted development rights apply? It is clear that the individual participants are not expected to apply for planning permission, instead the Council maintains it is relying on permitted development rights, as contained in Part 12 Development by Local Authorities, set out in Schedule 2, to the Town and Country Planning General Permitted Development Order, (GPDO) England Order 2015. Article 3 (i) grants planning permission for classes of development as prescribed as permitted development in the Schedule, subject to the review of the GPDO and the regulation 73 – 76 of the Conservation and habitats species regulations 2010. (That would be the part that would affect if it were classed as a SPA or a higher level conservation site). The reference to class A to any small ancillary building works or equipment is a reference to any small ancillary building works or equipment not exceeding four metres in height or 200 cubic metres in capacity. That’s providing the dimensions of each individual beach hut does not exceed these limits then they fall within the permitted development rights under Part 12. Some but not all residents maintain that the Council has in effect granted itself planning permission, however such a view is wrong. Permitted development rights under the GPDO are pre-existing planning permissions granted by the Secretary of State, through Parliament, and the provisions of Section 59, 60, 61 and 73 and 333(7) of the Town and Country Planning Act 1990. In essence they apply as much to a Local Planning Authority under Part 12 as they do to a private property, under Part 1. It is a permitted, the scope of which determined by the precise wording of the relevant part of the GPDO. In this case the only relevant limitations, in relation to Part 12, are the size limitations and the needs for the building to be required for the purposes of any functions exercised by them on that land and subject of course to any of the habitats regulations.

That was the advice the officers took. That was the guidance under which officer acted.

Community engagement
Malcolm Mawbey and Cllr Lofts (Ward Member)

Malcolm Mawbey: Between March 2014 and April 2016 he was a part of Highcliffe Partnership, which looked at potential improvements for the area. It was at the Community Services Committee in November 2015 that he first heard about the proposals for 12 overnight beach huts, on Highcliffe beach. He knew about the policy but did not know about the beach huts before then. A real indication was gleamed from a Press Release, where it was explained that the project would not need planning permission. He saw further information but nothing had been included about the possible siting locations. Also, the height of the huts was not specified. He had looked at the Eastbourne Iconic Hut Competition’s specifications. He had contacted the Planning Department, and suggested that they should consider applying for planning and building Control permission. He had attended the Local Government Challenge and afterwards had asked for a copy of the report but did not get a copy. There had been a lack of clarity
regarding the potential siting of the huts. Permitted development seemed to rule out any public consultation; people seemed to be split on opinion but felt it needed proper consultation. The potential designs of the beach huts were a concern. There had been no consultation on the amendment for the policy.

He did not feel that the public were told the whole truth. Engineering report did not come out until June 2016 and it should have been sooner. There seemed to be a lot of last minute thinking.

Regarding the pop-up-shop, was it a case that there had not been any consultation or was it that Highcliffe did not want beach huts?

Malcolm Mawbey: there was only one active response, that Highcliffe did not want beach huts. A Pier; improved access, sign posts had been suggested ideas for the area. On the questionnaire that had been circulated, there had been a few for in favour of beach huts, then there had been five different suggestions. Facebook had been used to rank items: beach huts had come bottom, improving the path to the beach came top.

On the questionnaire, would those completing it assume it was anything other than little typical beach huts?

Malcolm Mawbey: there had been just a brief mention of beach huts, not overnight dwellings.

Cllr Lofts: the project had first been discussed in December 2015, as a confidential item. He had never had any indication that it was not confidential. When it was first discussed as Ward Members, they had been asked if they would accept beach huts being located. He had said he would agree to the process being started of the Council’s decision making mechanism. He had understood it was being dealt with confidentially.

Due to the confidentiality of the project, did this mean you were unable to do any consultation with residents?

Cllr Lofts: yes I did not do any. Policy & Resources Minutes in March 2016 started to clear the position.

If applying for the Coastal Revival fund, wouldn’t further community consultation be needed?

Malcolm Mawbey: he was aware of the Christchurch Coastal Plan. It had been published on the Council’s website in January 2016 and to his knowledge, there had been no consultation.

Community and Open Spaces Manager: it was confirmed that the Dorset Coast forum had been involved with this publication. It had resulted in an over-arching strategy for the area. The latest round of funding had opened in late 2015 and the Council had been invited to put forward bids for coastal revival works. The Council submitted a bid, which had primarily been around the feasibility work, access and community engagement. This would lead to access for bids up to £5m worth of enabling work.

Concerning the first two points of the revival project, did the small installation of beach huts fit in with the policy of Plum Pictures?

Head of Community & Leisure: Beach huts were part of the wider project of revival for Highcliffe, which was what the money was granted for.
Head of Community & Leisure: regarding the Plum Pictures proposal, the policy decisions had been made in 2008. Once the Council had been approached by Plum Pictures, an urgent item had been reported to Community Services Committee, with one week's notice. Therefore there had been no time for public consultation but officers had relied on Members views. Once the report had been through the full decision making process, there had been no opportunity to go into public consultation, due to the sensitivity of the issue and it would have contravened the terms of the contract with Plum Pictures and also gone against competition rules, as local residents would have had prior information.

At the pop-up-shop, had there been a view that beach huts would be welcomed?

Strategic Director: from the notes of the Beach Huts Panel, the Chief Executive had asked if Cllr Hallam could clarify what was happening in Highcliffe, as she had attended the meeting and spoken with members of the public, who were supportive of beach huts.

Cllr Lofts: he had not been present at the meeting or seen the notes from it.

At what point in the process did the consultations stop following traditional beach huts and morph into the different sort, including overnight stays?

Cllr Lofts: this shows the difference in what was being discussed more than a year ago and since the more specific details.

Plum Pictures Ltd Agreement

Cllr Nottage, Council Leader; and Sophia Nartey, Monitoring Officer

How did Plum Pictures get involved in the scheme and what was the interaction?

Monitoring Officer: Legal Services had been asked to produce a Competition Access Agreement, which had been completed in April 2016. The instruction had been made in February 2016.

Did the contract include terms for early termination?

Monitoring Officer: All contracts include the basics terms of what both parties were entering into, including offer and acceptance and there are then terms to that offer and acceptance. If issues further on, there would be terms included, including disputes.

Were you one of the signatories?

Monitoring Officer: No I did not sign the agreement.

Is the agreement, now that the matter has been closed, still confidential?

Monitoring Officer: Yes.

Can the details be sent to Members on pink papers?

Monitoring Officer: No.

The project was kept confidential, is it usual for information to be part of a contract and confidential?
Monitoring Officer: the project had a secret reveal, so it is normal, in these circumstances, as those in the local area could know information in advance, but would be expected to keep quiet.

The contract would have been signed on behalf of the Council. Is it usual, that Members could not see what the Council was committing to?

Monitoring Officer: due to the commercial sensitivity of the agreement, it was agreed to maintain confidentiality, including correspondence. The Council would have to ask the company for disclosure.

How frequently does the Council sign contracts where Members can not see what has been signed on their behalf?

Monitoring Officer: it is quite common that only certain officers and Members can see all details.

Who did sign the contract?

Monitoring Officer: The Chief Executive, as far as I am aware.

At the inception of this agreement with Plum Pictures and earlier on it was said that they were looking at a floating beach hut, and Plum Pictures asked did the Council have anything else in the pipeline and what they could work with us on. They then suggested a competition to design unique beach huts. To the Leader, is that order correct?

Council Leader: I have no knowledge to be able to answer that question.

It has been repeatedly said, that it was Plum Pictures who came to this Council and said “we have this idea of beach huts and open spaces programme, would you be interested?” And this Council said yes. Is the Leader at least able to confirm that?

Response: I have no knowledge to be able to answer that.

How did Plum Pictures come to have an agreement with the Council in the first place? What was that process?

David McIntosh advised that the question had been covered by officers and suggested that the following question be put to the Leader: when did he become involved with discussions on the project?

Council Leader: at the same time as other Members.

The first indication that this matter was under discussion, was when the minute came to Council, late in December 2015. Did the Leader have no indication of what was happening before December 2015?

Council Leader: no that is not the case. He had attended, along with a number of other Members, a briefing that was handled by officers in respect of the early conception of this idea, when the process was considered by the Ward Councillors and as a result, moved to committee.

One of the Ward Councillors said that they had very limited Knowledge at this time?

Council Leader: The Ward Councillors were at that briefing, as were a number of other councillors and the explanation as to how the project would be prepared and directed was given in brief detail. That meeting was
sometime in November/December 2015 and the process continued from then.

Could the Leader confirm, was he not aware of this plan until there was this meeting with the Ward Councillors and other Councillors?

Council Leader: the briefing was called for all councillors and if councillors attended they were given the briefing and I was one of the Councillors that attended that Briefing.

Did the Leader have a pre-briefing?

Council Leader: No.

Could Leader give his opinion, given what else we’ve heard tonight, of an email sent from Channel Four to a local resident, which says as follows:

“Thank you for contacting Channel Four, it was the decision of Christchurch and East Dorset Council,” alright that’s heresy but we’ll let it pass, “to redevelop the site and build the beach huts. They approached Plum Pictures.”

Council Leader: It was the first time he had heard of this.

What was the total cost of the project?

Head of Community & Leisure: £130K had not been used, which had been committed by the Council; Legal advice £4k; no extra officer costs, as formed part of their work; the only other cost of £1400 was for an ecology report, which was most useful regardless of the beach hut project and would be used for cliff management work. £5400 in total.

170. Summing Up

It was advised that the final report would be drawn together by the Highcliffe Beach Huts Task and Finish Group, which Councillor Dedman would be leading. The membership would also include Councillors Abbott, Hall and Jones. The meeting was being planned to be held during the next week.

The meeting ended at 8.28 pm

CHAIRMAN