

**Minutes of a Special Meeting of the Town Council held at the Town Hall, Rye,
on Monday 11 May 2009**

PRESENT Councillors Granville Bantick, John Breeds (Deputy Mayor), Brian Elliott, Bernardine Fiddimore, Lorna Hall, Sonia Holmes, Jo Kirkham, Paul Osborne, Frank Palmer, Shaun Rogers, David Russell, Mary Smith, Sam Souster (Mayor), David Wright

IN ATTENDANCE Richard Farhall - Town Clerk; Peter Cosstick – Heritage Centre Manager; 17 members of the public; County Cllr Keith Glazier; Andy Hemsley – *Rye Observer*

The meeting commenced at 6.30

14 APOLOGIES

Apologies for absence – and the reasons for them (as notified to the Clerk) - were accepted from Cllrs Jonathan Breeds and Ian Potter.

15 DISCLOSURES OF INTEREST

Cllr Brian Elliott	<i>prejudicial</i>	item 28	Owner of adjacent business which sought the removal of the benches originally
	<i>prejudicial</i>	item 36	Shareholder in, and creditor of Rye Town Services
Cllr Sonia Holmes	<i>prejudicial</i>	item 35(a-b)	Member of the authority which currently provides and maintains the allotments
Cllr Paul Osborne	<i>prejudicial</i>	item 35(a-b)	Member of the authority that currently provides and maintains the allotments
Cllr Frank Palmer	<i>personal</i>	item 35(a-b)	Rye allotment holder
Cllr Shaun Rogers	<i>personal</i>	item 35(a-b)	Rye allotment holder
Cllr David Russell	<i>prejudicial</i>	item 35(a-b)	Member of the authority that currently provides and maintains the allotments
Cllr Sam Souster	<i>prejudicial</i>	item 36	Partner is a RTS Director
Cllr Mary Smith	<i>personal</i>	item 35(a-b)	Rye allotment holder

16 MAYORAL ANNOUNCEMENTS

Mayor Making & Luncheon The Mayor thanked those Members who had attended these.

6.33 *The Mayor adjourned the meeting for questions from members of the public.*

Responding to a question put by Keith Taylor, the Clerk advised that item 28 could not be considered informally because the Council needed to make a decision and this could be done only within the context of a properly convened meeting.

The Secretary of Rye Allotments Association, Royston Godwin suggested that RDC was being intransigent on the question of returning Rye's remaining allotment sites. RTC is the proper allotments authority. RDC appears to be claiming ownership of the land solely on the strength of inaccurate entries at the Land Registry. On behalf of the Association he asked Members to support Cllr Smith's proposal (as set out at item 35b).

17 RYE HERITAGE CENTRE: PROGRESS REPORT

The Mayor invited the HC Manager, Peter Cosstick (PC) to provide a brief update.

PC advised that, in the first 6 weeks of his contract, sales had been going well with lots of positive feedback. The Town Model lighting had been deep cleaned and restored – resulting in a greatly enhanced visitor experience. Two long-serving members of staff would be leaving/retiring in May and two positions were being advertised – one for 6 months, the other for 34.

Responding to a question from Cllr Kirkham, PC advised that the Centre opening hours would be more flexible – especially with the summer approaching.

18 COUNCIL MINUTES

RESOLVED To adopt the Minutes of the Council meetings held on: 18 November 2008 (C7); 24 November 2008 (C8); 16 December 2008 (C9); 26 January 2009 (C10); 26 January 2009 (C11); 9 February 2009 (C12); 3 March 2009 (C13); 16 March 2009 (C14) and 30 March 2009 (C15).

19 COMMITTEE MINUTES

(a) Planning & Townscape

RESOLVED To adopt the Minutes of the meetings of the Planning & Townscape Committee held on 16 March 2009 (PT22), 30 March 2009 (PT23), 14 April 2009 (PT24) and 27 April 2009 (PT25).

(b) Policy, Resources & GP

RESOLVED To adopt the Minutes of the meeting of the Policy, Resources & GP Committee held on 19 January 2009 (PR04).

(c) Leisure & Tourism

RESOLVED To adopt the Minutes of the meeting of the Leisure & Tourism Committee held on 9 February 2009 (LT04).

(d) Public Services

RESOLVED 1 To recommend the amendment following to the next meeting of the Committee:

Page 2, 37 Voluntary Sector issues, Resolution To delete Cllr Glazier and insert Cllr Wright. **Public Services Comm**

RESOLVED 2 To adopt the Minutes of the meeting of the Public Services Committee held on 30 March 2009 (PS04).

20 RECORD OF ATTENDANCES

RESOLVED To receive and note the Record of Attendances for 2008-09 (as at 27.4.09) (Appendix B).

21 MEETINGS START TIME

RESOLVED That Rye Town Council's usual meeting start time should remain at 6.30pm.

22 COMMITTEE FORMATION

- a) Number and title of Committees and number of Members appointed to each Committee**

RESOLVED That the Committees following be confirmed:

- (i) Policy, Resources & GP**
- (ii) Planning & Townscape**
- (iii) Leisure & Tourism**
- (iv) Public Services**

- b) Members appointed to Committees**

RESOLVED Appointment of Members to Committees as specified in Appendix C.

*The meeting adjourned and each Committee convened and appointed Chairmen (see **Appendix C**).*

The Public Services Committee resolved to consider the appointment of a Vice Chairman at its next meeting.

The meeting reconvened.

23 COUNCIL REPRESENTATION TO ORGANISATIONS

RESOLVED The appointment of representatives as recorded at Appendix D.

24 FIXED TERM/DETERMINED REPRESENTATION

RESOLVED The appointment of representatives as recorded at Appendix D.

25 ANNUAL TOWN MEETING

Members were invited to evaluate the 2009 meeting, consider preparations for 2010, and agree the preferred venue.

As he had been criticised publicly after the meeting, the Mayor stated that he wished to take the opportunity to make the points following: in 2006 8 members of the public attended the ATM – in 2007 there was a total of 39 people present; a working group was set up, publicity was improved, and this resulted in around 100 people attending the 2008 meeting; similar numbers had attended this year; the CDR group had written to the *Observer* apologising for the ATM, citing (amongst other things) weak chairmanship, reports being too long and insufficient time for public participation; prior

to the ATM, the working group had agreed that Committee Chairmen should not make reports but provide the Mayor with bullet points for his report; the Mayor had complied with the working group's format but still found himself being taken to task in *Rye's Own* for 'failing to command the type of respect needed to lead a divided Council' and had been accused, unfairly of attacking CDR Councillors.

A number of Members considered that, although some of the points within the CDR *Observer* letter were valid, the matters addressed should have firstly been brought to the Council for consideration. The letter had given the impression that the Council was divided. Cllr Osborne added that Members should feel able to work with each other for the collective good of the Council, even if they do not agree with each other on certain issues.

Cllr Wright observed that, at the 2008 ATM, it had been evident that too much of the 'burden' for conducting the meeting – and for responding to public concerns – had fallen on the Mayor; hence, the amended arrangements for 2009. Future arrangements and enhancements needed to be considered by the Council as a whole.

It was considered generally that the College presentation had been a positive feature and that the creation of a working group had been beneficial in terms of increasing attendance and engagement.

Cllr Smith suggested that the main thrust of the ATM should be to provide an opportunity for the public to make known their concerns. She had received negative feedback on this year's meeting and it had been evident that there were strong views on issues such as allotments and the Heritage Centre.

Cllr Elliott advised that the CDR had met soon after the ATM and had constructed the *Observer* letter whilst the issues arising were still fresh in everyone's minds. In retrospective, it could be argued that the action was a little hasty.

Adverse feedback received by Cllr Russell had been confined to the PA system.

RESOLVED To hold a Special Meeting of Councillors solely to consider the arrangements for next year's ATM.
Clerk

26 EXTERNAL COMMUNICATIONS

Cllr Fiddimore offered to edit a regular column for the *Rye Observer* which would convey Councillors' activities in a positive way. She suggested that many members of the public did not appreciate the work Members undertook between meetings. She could make a similar offer to *Rye's Own*. Cllr Fiddimore considered that her background in creative and formal report writing would prove valuable and envisaged periodically inviting Members to update her on their activities.

Cllr Palmer considered this would provide a more balanced account of the work of the Council and the Clerk advised that *Rye Observer* reporter had expressed interest in the proposal.

RESOLVED To accept Cllr Fiddimore's offer.

27 ACOUSTICS

The Clerk advised that members of the public had complained of having difficulty hearing the proceedings of meetings held in the Chamber.

RESOLVED To authorise the Clerk to seek prices for the provision of a cordless system.
Clerk

28 GIBBET MARSH BENCHES

Members were invited to:

- a) Receive a summary of the outcome of the mini consultation carried out at the Annual Town Meeting;

- b) Note that the Council had received a petition from 68 Rye residents calling on it to pursue the reinstatement of the benches formerly adjacent to the railway gate, overlooking the river – and to agree a course of action.

Prior to any discussion, Cllr Elliott re-stated his prejudicial interest in this item and, in accordance with the Code of Conduct and Standing Orders, made the statement following, immediately before leaving the Chamber:

Cllr Elliott had seen the results of the 'mini consultation' undertaken at the ATM and had concluded that these indicated that the benches should not be returned to their original position and that the Council's decision to locate a bench at a 'mid point' on Gibbet's Marsh was the most popular choice.

The Mayor observed that when Cllr Elliott had made a lengthy statement on this subject at the Council Meeting held on 16 March, he had had difficulty hearing it. He had realised later that serious allegations had been made about him which needed to be addressed (*Appendix E*). He regretted that Cllr Elliott was no longer in the Chamber to respond.

It was agreed generally that the situation would not have arisen had the Safer Rother Partnership not removed the benches from their original position without having firstly consulted. There was a general consensus also that the Council needed to 'move on' in relation to this matter.

RESOLVED To re-affirm the Council's current position – ie to install a bench at a mid point on the Gibbet Marsh footpath.

29 POWER OF WELL BEING

Members considered a SALC PowerPoint presentation giving guidance on the exercise of the newly-available power of wellbeing.

The Clerk emphasised that although the power allowed local councils to do (virtually) anything to benefit the area or individuals within it, it came with no additional funding – ie councils eligible to exercise the power would need to raise funds in the usual manner (precept, grants, funding from other authorities, donations etc).

It was agreed generally that the power had the potential to be useful.

RESOLVED To support the acquisition of the power of wellbeing in principle.

30 LEISURE FACILITIES CONSULTATION

Members were invited to consider whether to appoint a Members (or Members) to draft a response (questionnaire) to the *Hastings & Rother Leisure Facilities Strategy Consultation* (deadline: 22 May 2009).

Cllr Palmer expressed concern about the continuing lack of climbing walls in the area.

RESOLVED To accept Cllr Smith's offer to draft a response. Cllr Smith

31 RYE RELIEF IN NEED: ORGANISATIONS

The meeting considered an application from Vitalise for £129.25 towards the services (breaks for those with disabilities) it provides within the Parish of Rye. It was noted that the applicant had stated that the full cost of providing the services in Rye last year had been £517.

RESOLVED To contribute £250.

Secretary

32 URGENT ITEMS

Cllrs Holmes, Osborne and Russell declared a prejudicial interest in the item following by virtue of being Members of the Authority awarding the grant.

Interim Rye TIC contract

The Clerk advised that TSE was attempting to locate suitable premises in Rye from which to operate Rye TIC.

RESOLVED (Mindful of RDC's call-in procedure) To accept the Cabinet's request that the interim contract between RDC and RTC be extended again by up to an additional 3 months – ie 30 September 2009.

Clerk

RESOLVED To bring forward consideration of item 35 and not to exclude the public and press.

Cllrs Holmes, Osborne and Russell re-stated their prejudicial interest in the item following by virtue of being Members of the Authority that believes it is the lawful owner of the allotment sites.

Cllrs Holmes, Palmer, Rogers and Smith re-stated their personal interest in the item following by virtue of being holders of Rye allotment plots.

Prior to leaving the Chamber – and in accordance with the Code of Conduct and Standing Orders – Cllr Russell read out the statement set out at Appendix F).

Prior to leaving the Chamber – and in accordance with the Code of Conduct and Standing Orders – Cllr Holmes stated that she had only just acquired an allotment and had formed the impression that allotments holders feared that RDC could develop the sites at some future point. Responding to a question from Cllr Hall, Cllr Holmes observed that there were problems between allotment holders and RDC – including netting around the Love Lane allotments not being installed correctly (something the allotment holders could have done themselves).

Prior to leaving the Chamber – and in accordance with the Code of Conduct and Standing Orders – Cllr Osborne suggested that, whichever Authority owned the allotment sites, the annual rent would be similar. A long lease (proposed by RDC) was 'as good as' a freehold and local taxpayers were unlikely to appreciate the costs involved in two public bodies take legal action against each other. RDC had no plans to build on the sites and, apart from the possibility of widening the footpath to the south of the South Undercliff site, the Development Brief for Rock Channel makes no provision for encroachment on the allotment site.

35 ALLOTMENTS

In accordance with the *Standing Orders*, having heard from Members with a prejudicial interest, the Mayor invited members of the public to speak to this item before it was debated formally by the Council.

The Secretary of Rye Allotments Association, Royston Godwin stated that the *Rother District Local Plan* records the South Undercliff allotments site as 'undeveloped building land'. Legal advice suggested that both the function and title to the land (both sites) should not have been transferred in 1976 because RTC was the Allotments Authority under the LGA 1972.

Cllr Glazier observed that, at the LDF public meeting held in January 2009, a RDC planning officer had conceded that the sites were statutory allotments (and so had a degree of protection).

a) RDC Proposal

Members were asked to consider Rother District Council's proposal that it grants RTC a long lease, at a peppercorn rent, for it to use the land at Love Lane and South Undercliff as statutory allotments.

The Clerk took a 'long lease' to mean 99 years and a 'peppercorn rent' to be £10pa.

Cllr John Breeds queried why RDC would wish to own the allotment sites if it had no intention of developing them.

Cllr Palmer considered that it was not necessary – as well as being impracticable – to widen the footpath south of the South Undercliff site: cyclists could be asked simply to dismount.

Cllr Hall suggested that if RTC accepted a lease on the allotment sites this could be seen as it accepting the validity of RDC's claim to the freeholds.

Cllr Wright questioned whether RTC and the Allotments Association had sufficient funds to take legal action against RDC. A long lease could give both RTC and Allotments Association a guarantee of control over the sites for 99 years. He favoured accepting a long lease but with the removal of the caveat that would permit RDC to widen the Rock Channel footpath.

RESOLVED To reject RDC's leasehold proposal. Clerk

b) Rye Allotments Association

Cllr Smith asked Members to consider supporting fully the Rye Allotments Association in its actions to return ownership of the allotments to the Parish.

RESOLVED (unanimous) To thank the Rye Allotments Association for its contribution thus far.

Cllrs Holmes and Osborne returned to the Chamber.

33 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED In accordance with the Public Bodies (Admissions to Meetings) Act 1960 (1)(2): to exclude the public and press on the grounds that the items following include personal financial information or may include consideration of litigation.

34 RYE RELIEF IN NEED: INDIVIDUALS

RESOLVED 1 To contribute £500 to Ms H towards the purchase of a gas cooker, single bed, table and chairs. Clerk

RESOLVED 2 To remind Casa Support's officers that there are other possible sources of funding/resources for such applications – including Hastings Furniture Service.

9.05 *Cllr Souster re-stated his prejudicial interest in the item following and left the meeting.*

9.06 *Cllr Elliott re-stated his prejudicial interest in the item following and left the meeting.*

36 RYE TOWN SERVICES

Confidential – not included (see Appendix A)

The meeting ended at 9.16

Date Chairman