

**Minutes of a Meeting of the Town Council held at the Town Hall, Rye, on  
Monday 14 February 2011**

**PRESENT** Councillors Granville Bantick, John Breeds (**Mayor**), Lorna Hall (**Deputy Mayor**), Sonia Holmes, Jo Kirkham, Paul Osborne, Frank Palmer, Ian Potter, Shaun Rogers, David Russell, Mary Smith, Sam Souster

**IN ATTENDANCE** Richard Farhall - Town Clerk; Kevin Barry – Town Sergeant; Captain Paul Tyler – Mayor’s Chaplain; Andy Hemsley – *Rye Observer*; 17 members of the public

*The meeting commenced at 6.30*

**87 PRAYERS**

Prayers were said by the Mayor’s Chaplain, Captain Paul Tyler.

**88 APOLOGIES**

Apologies for absence – and the reasons logged with the Clerk – were accepted from Councillors Jonathan Breeds and David Wright.

**89 DISCLOSURES OF INTEREST**

- |                    |                    |                      |  |
|--------------------|--------------------|----------------------|--|
| Cllr Sonia Holmes  | <i>prejudicial</i> | <b>item 94(a)(b)</b> | RDC Member   |
| Cllr Paul Osborne  | <i>prejudicial</i> | <b>item 94(a)(b)</b> | RDC Member   |
| Cllr Frank Palmer  | <i>personal</i>    | <b>item 94(a)</b>    | Allotment holder   |
| Cllr Shaun Rogers  | <i>personal</i>    | <b>item 94(a)</b>    | Allotment holder   |
| Cllr David Russell | <i>prejudicial</i> | <b>item 94(a)(b)</b> | RDC Member   |
| Cllr Mary Smith    | <i>personal</i>    | <b>item 94(a)(b)</b> | Allotment holder; member of the Rye Allotments Association |

**90 MAYORAL ANNOUNCEMENTS**

There was none.

*The Mayor adjourned the meeting for the Reports of the County and District Councillors, and Public Question Time. (See Appendix A)*

*The meeting reconvened.*

**91 COUNCIL MINUTES**

**RESOLVED To adopt the Minutes of the Council meeting held on 20 December 2010 (C8).**

**92 COMMITTEE MINUTES**

**a) Planning & Townscape**

**RESOLVED Adoption of the Minutes of the meetings held on 20 December 2010 (PT16), 4 January 2011 (PT17), 17 January 2011 (PT18) and 31 January 2011 (PT19).**

b) **Policy, Resources & General Purposes**

**RESOLVED Adoption of the Minutes of the meeting held on 31 January 2011 (PR04).**

c) **Public Services**

**RESOLVED Adoption of the Minutes of the meeting held on 13 December 2010 (PS03).**

**93 BUDGET 2011-12**

**RESOLVED (unanimous) To approve the Draft Town Hall and Heritage Centre Budgets 2011-12 – Recommended for adoption by the PRGP Committee – and to agree that the precept for 2011-12 shall be £84,487.00. Clerk**

*Cllrs Holmes, Osborne and Russell re-stated their prejudicial interests in the item following.*

*Prior to leaving the Chamber – and in accordance with the Code of Conduct – Cllr Osborne made the statement following:*

*This issue had been ongoing for c4 years, costing the Rye Tax Payer around £8,000pa in Special Expenses – as well as RTC's £6,000 legal costs. The only Council with a history of developing allotment sites was the former Rye Borough Council which allowed development on the Mill Salts allotments. RDC's solicitor had stated clearly that there would be 'double lock' guarantee in any lease – ie neither RDC nor RTC would be able to develop allotment land independently. The freeholds rest with RDC and RTC should accept a lease. In relation to challenging an interpretation of the likely reasons behind the transfer of assets from RTC to RDC: RDC officers have enough to do currently trying to identify savings of some £1m.*

*Cllr Russell emphasized that the proposed lease would incorporate an effective 'double lock, protecting the two sites from development.*

*Cllrs Holmes, Osborne and Russell left the Chamber.*

**94 ALLOTMENTS**

**(a) Leasehold offer**

Members were invited to consider an invitation from Rother District Council that RTC re-considers its offer of a lease in respect of Rye's two allotment sites.

**RESOLVED To suspend Standing Order 28(j) (not speaking more than once).**

The discussion ensuing included the comments following: the simplest solution to the dispute would be for RDC to transfer the freehold back to RTC; there was little evidence that Rye's allotments actually cost £8,000pa to maintain – and this sum actually included office costs; RDC was unlikely to return the freeholds; the Government did not appear to be supportive of RTC's position; Rye Allotments Association had acknowledged that seeking a legal ruling would expose RTC to considerable financial risk; a long lease would provide the sites with protection; RDC would be pleased to offload a loss making service; why would someone accept a lease on land they believed they owned?; if RDC disposed of the allotments sites for development RTC would be obliged statutorily to provide allotments elsewhere; RTC voluntarily handed the allotments to RDC in 1976 despite it being the Proper Allotments Authority under the LGA 1972; RDC is the registered owner of the land; if RTC does not accept the lease offer the status quo will prevail; the Allotments Association was continuing to work to secure

the allotments' return; the allotments are 'statutory'; the email from RDC's solicitor appeared to be an 'opening gambit'.

*Speaking from the Gallery, Roy Godwin added: The Allotments Association could not understand RDC's reluctance to pass the sites back to RTC. He considered that RDC was beginning to come around to the idea. The Association could run the allotments at no cost to the Rye Tax Payer. The sites were statutory allotments and therefore had some protection. The offer of a lease should be resisted. There were other options: the Association was corresponding with the Under Secretary of State and would be trying to persuade RDC Members to vote to return the allotments to RTC.*

Cllr Kirkham who had been a Rye Borough Councilor and Town Councillor at the time of the decision to transfer a package of assets to RDC advised that: although she was involved in the transfer discussion Members should be mindful that it was 35 years ago. Councillors would have preferred for the Rye ward to have been encompassed by Hastings BC because Rye had/has more in common with it than Bexhill. However, the total electorate covered by the newly-created RDC needed to be boosted. Most parish councils were hardly affected by the 1972-74 Local Government reorganization; however in Rye, RBC found itself losing its staff, handing over most of its property and giving up records. The new RTC was left with the Town Hall, no offices, regalia, the Ypres Tower, the Landgate and allotments. Most of the newly elected Town Councillors had not served on the Borough and the Council could afford only to appoint a Town Clerk for 9 hours a week. At the time Rye was paying RDC an additional 7.9p in the pound to provide services in Rye and there was 'double taxation'. The economy nationally was in a poor state with high unemployment. RTC felt that it could not impose a higher tax burden on Rye Tax Payers in order to provide and maintain RTC's services and assets. Therefore the Council decided, reluctantly, to pass a package of assets to RDC.

Cllr Smith requested a recorded vote in relation to the proposal following:

**PROPOSAL That RDC's offer of a lease be rejected.**  
**For Bantick, Hall, Kirkham, Palmer, Potter, Smith, Souster**  
**Against Rogers**  
**Abstentions John Breeds**  
**Carried** **Clerk**

**RESOLVED (unanimous) To write to RDC calling on it to return possession of Rye's (statutory) allotments to RTC, without charge.** **Clerk**

**(b) Advice to Cabinet**

Members noted that a briefing note prepared by the Interim Solicitor for the RDC Cabinet meeting held on 6 June 2008 states [in relation to the transfer of Rye's allotments in 1976]:

*We will probably never get to the bottom of why things turned out the way they did at this juncture, but in my view the most likely interpretation is that those involved in 1974 were fully familiar with the 1972 Act and that the reason the land was transferred to the District Council was because it was even then seen as potentially developable land rather than as statutory allotments.*

Cllr Smith asked Members to consider challenging this interpretation. The Cabinet should have been advised that the allotments were statutory. In another letter the Interim Solicitor states that the origin of the allotment sites goes back to the war (even though there is evidence to date them back to the 19<sup>th</sup> century) and, in the briefing note, he suggests that RDC should retain possession of the sites as an asset to RDC. She suggested that it would be

desirable to write to RDC Members challenging the interpretation.

Comments from Members included: the extract from the briefing note represented one person's view; it could be tactically disadvantageous to keep reminding RDC that it is the registered owner of the sites; RDC believes it has possession of them under the LGA 1972 – whereas RTC knows that it could fight any development threat by providing evidence that they are statutory allotments; there appeared to be little to be gained from challenging the interpretation; how would RTC Members feel about documents confidential to RTC being considered by RDC Members in public?

Cllr Kirkham added that it had not occurred to RTC in 1976 that there might be any possibility of RDC developing the allotment sites. It was not until some 10 years later that this was raised.

Cllr Smith's proposal that the interpretation be challenged did not find a seconder.

*Cllrs Holmes and Russell returned to the Chamber.*

**95 DRAFT PROVISIONAL TIMETABLE OF MEETINGS 2011-12**

**RESOLVED 1** (At the request of the Clerk) **To amend the Draft Provisional Timetable of Meetings 2011-12 by moving Committee Formation from Tuesday 17 May 2011 to Monday 23 May 2011.**

**RESOLVED 2** To adopt the **Draft Provisional Timetable of Meetings 2011-12, as amended.**

**RESOLVED 3** To note that the new Council will be invited to adopt the timetable at Committee Formation.

**96 PLANNING & TOWNSCAPE COMMITTEE MEMBERSHIP**

**RESOLVED** To accept Cllr Souster's offer to join the committee for the remainder of the civic year.

**97 REGALIA LOAN REQUEST**

The meeting was asked to consider a request by Kevin Barry on behalf of the Boathouse Arts Project for the loan of 1-2 tricorns (or bicorns) for use in the production of a performance involving young adults in supported education/learning.

Cllr Kirkham advised that it was possible to obtain such items on Amazon at comparatively little cost. She suggested giving the Project a grant of £20 instead.

The Mayor observed that the Council's headware was antique and suggested each item would obtain a good price at auction.

Cllr Smith had worked with younger people in supported learning and feared that there was a strong possibility of them being damaged, resulting in an additional cost to the Tax Payer.

Cllr Rogers suggested it was somewhat mean spirited not to make a couple of hats available, observed that they were generally not in a good state of repair, and suggested that any further damage incurred would not be disastrous.

Because the possibility of making a grant to the applicant to purchase suitable hats had not been placed on the agenda, the Mayor advised that he was prepared to make a donation from his Mayoral Allowance.

Cllr Potter requested a recorded vote in relation to the proposal following:

**PROPOSAL That the Council endeavours to find an alternative way of facilitating the provision of hats to the applicant.**  
For **Bantick, Hall, Holmes, Kirkham, Smith**  
Against **Potter, Rogers, Russell, Souster**  
Abstentions **John Breeds**  
**Carried**

**98 URGENT ITEMS**

There were no urgent items to consider.

*The meeting ended at 8.05*

Date ..... Chairman .....

### REPORT OF THE COUNTY COUNCILLOR

*Deadman's Lane* The Lead Member would be considering approving the proposed Experimental TRO on 22.2.11. Cllr Glazier was unable to attend (it clashed with the official opening of Rye Library) but would write in support.

*Tilling Green Resource Centre* This former school site was in the process of being leased to Rye Partnership for 3 years. A number of local organisations would be based at the premises and he had to be in a position to give a full report at the next meeting.

### REPORT OF THE ROTHER DISTRICT COUNCILLORS

#### Cllr David Russell

See *Appendix B*. Cllr Russell ended his report with a brief explanation of the Alternative Vote system (should there be a referendum on 5 May): voters would be invited to rank candidates in order of preference (until they had no preference). To be elected a candidate must have more votes than the other candidates combined. If not, then second preferences would be redistributed – the process moving on to third preferences etc until the successful candidate had reached the threshold required to fill the single available seat.

#### Cllr Sonia Holmes

*Scrutiny Committees* On 25.1.11 the Services and Improvement & Resources OSCs had held a joint meeting. Members had discussed performance targets and the Corporate Plan – including service outputs and efficiency ratings. The meeting also considered the Draft Revenue Budget 2011-12 and an update on RDC's Government Settlement. RDC's share of Government funding would decrease by 16.8% in 2011-12 and a further 12% in 2012-13 – a total reduction of £1.7m. It was hoped that Rother residents would see minimal impact on their services because RDC had been so prudent in the past. RDC was working with other authorities and partnerships to achieve efficiency savings. The situation would be clearer after the Cabinet meeting on 21 February.

*FE Centre, Lion Street* RDC's Planning Committee had decided not to grant planning consent for (partial) demolition and residential accommodation.

*Planning Committee agenda, 17.2.11* Items for consideration would include the Tesco and Rye United FC (new pavilion) planning applications.

*Localism Bill* Once enacted this was likely to facilitate the creation of Neighbourhood Development Orders which would give local councils the power to take forward appropriate development without planning permission – and give local communities more freedom.

Cllr Souster *in view of the ConDem Coalition at national level, is there now any effective opposition within RDC?*

Cllr Holmes The Liberal Democrat Group is working with the Conservative Group to mitigate the effects of the poor Settlement Grant. The ruling group has accepted some of the Lib Dem Group's ideas.

Cllr Potter *How is it fair for parking charges to be raised by 10% and for charging levels to vary throughout the District?*

Cllr Russell This appears to be inconsistent but he would need to see the full schedule of charges before commenting further.

## **PUBLIC QUESTION TIME**

John Howlett *Was it correct that the Queen Adelaide PH had been sold to Sainsbury's? The Tesco application must be using a considerable amount of RDC's resources – and the company did not even own the site.*

*Cllr Russell* He had no knowledge of a change of ownership. RDC would have levied a charge (a ceiling would apply) for pre-application advice.

John Howlett *Referring to the officer paper prepared for the next RDC Planning Committee meeting: Network Rail's objection to the close proximity of Tesco's proposed access to the Lower School site in relation to the level crossing did not appear to have been taken on board by the Highways Authority – and RDC did not appear to be taking the safety implications seriously.*

*Cllr Russell* Agreed. He would be attending the meeting and would highlight this consideration.

*Cllr Holmes* Encouraged everyone to attend the Planning Committee meeting.

Keith Taylor *When was it likely that the Sainsbury's application would be submitted and would there be an opportunity for the public to be fully involved in its consideration?*

*Cllr Russell* Rother Officers had viewed the draft application material and had suggested improvements to the applicant.

John Howlett *The Rye Conservation Society has serious concerns about the design of the proposed Tesco store, which resembles an industrial building.*

*Cllr Russell* Both the Conservation Society and RTC had stated that the building (especially the roof) was inappropriate.

Mike Eve *RDC was intending to raise the annual permit parking fee at the Gun Garden car park from £225 to £900. Currently 22 permits are issued for 10 spaces – from April only 10 permits would be available. It appeared to be case of blatant profiteering because, proportionately, the increased charge should be closer to £500. It is likely that residents will refuse to pay the new charge.*

*Cllr Russell* The system of issuing more permits than spaces had worked well until recently when, in general, there were similar numbers parking day-times only – and night-times only. He understood that this informal practice had broken down, meaning that more vehicles were being parked for 24 hours. This had resulted in a number of complaints from those who had purchased permits but found they were unable to park. He suggested that anyone unhappy with the new charge should write to RDC and complain.

John Howlett *It was time for RTC to take control of the town's car parks and associated revenue.*

*Cllr Osborne* The annual rent of a garage in Rye was £1,200-£1,500. Car parking revenues across the District subsidise Council Tax. Charges vary to control usage – the Sports Centre charges are higher to ensure there are sufficient spaces for Centre users (who receive a refund).

*Cllr Smith* *Rye car park revenue could make up some of the £500,000pa provided by Rother to subsidise the De La Warr Pavilion, which saw few visitors from Rye.*

*Cllr Russell* The revenue could be funding the £150,000pa required to subsidise the running of Rye Sports Centre.

Mike Eve *In the commercial world, entertainment venues/sports centres would not operate if they could not pay for themselves.*

*Cllr Russell* Applying that rationale there would be no public conveniences.

Andy Stuart *There was a rumour that full-time courses were to be provided at the FE Centre/Old Library site. Was there an update on the proposal to provide a new learning/training centre on the Rye College campus?*

*Cllr Glazier* There would be no further discussion on the proposal until funding had been identified. In principle, Rye College is prepared to make land available.

RYE TOWN COUNCIL, 14<sup>th</sup> FEBRUARY 2011: REPORT OF ROTHER DISTRICT COUNCILLOR

**Planning matters.** Several Rother members have each received about 20 letters from Rye residents drawing attention to the merits of the **Tesco** planning application – perhaps part of a campaign. RDC officers recommend approval of the scheme which comes up for decision on Thursday. (The recommendation marks a departure from the adopted Local Plan wherein the site is allocated for some 32 dwellings). It is considered, however, that there is a real need for additional retail floor space in Rye. A raft of conditions are proposed: together with a legal obligation to deliver public realm and public transport improvements – including better access and connectivity to the town centre and improved pedestrian and cycle linkages. There should be a commuted sum for off-site affordable housing provision. Junction improvements are set out - including a footpath link to the bridge crossing the railway. But my main concern remains the proximity of the site entrance to the railway crossing (some 40 metres) and to the access to the Fire Station. The clear solution is to remove the terrace of four houses, 25-31 Ferry Road, adjacent to the pub. Those are, of course, in mixed ownership – and will certainly come into play when RDC considers the eventual **Sainsbury's** application. (Sainsbury's own the whole site apart from the Queen Adelaide and one house).

The Planning Committee will also consider the application for a replacement **Pavilion** on the Salts. And finally, on Planning, the Council is having considerable success in winning **appeals** against its planning decisions.

Currently, all the Council's Heads of Service are having their operational plans and budgets examined in minute detail. The process is named **re-setting**; and it is now widely known that RDC has to find savings of one million pounds in the budget now being finalized. The difference between what Rother earns and what it spends is £13.8 million. That gap is made up by Council tax and Government support - which has been slashed. It is likely to be proposed that **Council tax will be frozen** at the current rate (£161, Band D) and savings will be made from voluntary redundancies, leaving vacant posts unfilled and joint working with other Councils. There is a continuing pay freeze. Prices for use of Council services will rise (like car parking); and there will have to be use of reserves. Rother is a much leaner Council than many might think; and there is not much fat to cut away. Nor does it seem that there are any prizes for being an efficient business and actually having reserves.

There has been a review of the **De La Warr Pavilion's** funding agreement with some minor reductions; but we have to be careful not to send any misleading signals to Arts Council England who are our partners in the matter of revenue support. It is worth recalling that RDC was, in 2003, paying more than £800,000 a year – which has been reduced nearer to £500,000.

Visitors to the ground of the very successful **Rye United Football Club** will spot a plaque on their temporary accommodation recording the fabulously generous practical and financial support received from Southern Water and 4 Delivery – without which they would be unable to play home matches. Rother was involved in this matter.

After the Christmas period and weeks of extreme weather, Rother received more than 100 messages, letters and e-mails of appreciation regarding the **uninterrupted waste** and only briefly hindered recycling collections.

DR 14/02/11