

**Minutes of a Meeting of the Town Council held at the Town Hall, Rye, on
Monday 12 December 2011**

PRESENT Councillors Lord Amphill, Granville Bantick, Gemma Blumire, John Breeds (**Mayor**), Mike Eve, Bernardine Fiddimore, Heidi Foster, Sonia Holmes, Jo Kirkham, Ian Potter, Shaun Rogers (**Deputy Mayor**), Adam Smith, Sam Souster

IN ATTENDANCE Richard Farhall - Town Clerk; Kevin Barry – Town Sergeant; County Councillor Keith Glazier; Andy Hemsley – *Rye Observer*; 5 members of the public

The meeting commenced at 6.30pm

89 PRAYERS

Prayers were said by the Mayor's Chaplain, The Reverend Canon David Frost.

90 APOLOGIES

Apologies for absence – and the reasons logged with the Clerk – were accepted from Cllrs Jonathan Breeds and Nigel Jennings.

91 DISCLOSURES OF INTEREST

Ian Potter *personal* **item 94(b),** Opposed to the 2012
Minute 55 Olympics being held in London

92 MAYORAL ANNOUNCEMENTS

The Mayor advised that a number of members of the public had told him that they had found the attendance of Councillors at the Remembrance Sunday Service disappointing.

Mayor's Christmas Reception (10 Dec) Once again the Rye College students performing had displayed considerable talent. They would be performing again at the College on Wednesday and Thursday (14th-15th).

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

The meeting reconvened.

93 COUNCIL MINUTES

RESOLVED Adoption of the Minutes of the meeting held on 28 November 2011 (C11).

94 COMMITTEE MINUTES

a) Planning & Townscape
RESOLVED Adoption of the Minutes of the meeting held on 28 November 2011 (PT13).

b) Policy, Resources & GP
Cllr Potter restated his personal interest in PRGP Minute 55. He reiterated his view that the 2012 Olympics were a waste of public money, adding that the visit of the Torch Relay in Rye was likely to cause considerable congestion. Cllrs Mary Smith and Fiddimore had sympathy with this view. The Clerk advised that any proposal to oppose the holding of the Olympics and/or Torch visit, would need to be placed on a suitable agenda. Cllr Potter

requested that this be done.

Clerk

Cllr Foster suggested that a lot of parishioners were looking forward to the Torch coming through Rye and reminded Members that schools in – and around – Rye would be lining the route and organising related activities.

RESOLVED Adoption of the Minutes of the meeting held on 5 December 2011 (PR04).

95 RYE INTERNATIONAL JAZZ FESTIVAL 2012

The Clerk advised that Ian Bowden, Director of the Rye International Jazz Festival and Primo Promotions was unable to attend and had withdrawn his funding application (for £5,000), pending the outcome of attempts to secure greater corporate sponsorship.

The ensuing discussion included the comments following: RTC had not been provided with a receipts and payments forecast for the proposed Festival; preparation for an event of this size would normally commence 12 months' earlier; it was difficult to see how sufficient funding could be sourced to guarantee the participation of headline acts; RTC's 'good name' should not be associated with the Festival; Primo had not filed any meaningful accounts with Companies House; Ian Bowden's presentation at the PRGP Committee meeting had been well-researched and presented – and the delivery of the project was not dependent on RTC's involvement; there was a risk that RTC could be portrayed in the media in a negative light; RTC should, at least, welcome the project; there had been problems associated with an event organised by Ian Bowden in Tunbridge Wells in 2006.

With the consent of the meeting, the Mayor adjourned the meeting to permit John Izod to address Members: Mr Izod understood that the withdrawn funding application would be submitted, in some form, in the New Year. Ian Bowden has many connections and had devoted many hours to the project. He suggested that the Council should consider supporting the Festival in principle – subject to receipt of the necessary financial forecasts.

Responding to a question from Cllr Adam Smith, Mr Izod confirmed that he had, in the past, helped organise a jazz concert locally – but nothing on the scale of the proposed Festival.

Cllr Potter declared a personal interest in this item because it was possible that a business he was associated with locally might be used as a Festival venue.

The meeting reconvened.

RESOLVED (F - 7; Ag – 3) To welcome initiatives of this nature and to wish the enterprise well.

Note Should the organiser apply for grant funding for the Festival in the New Year, Members would expect to see a statement of forecast receipts and payments.

96 PUBLIC CONVENIENCES

Cllr Mary Smith advised the meeting that there had been complaints from members of the public about the condition of the Crownfields public convenience.

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

Cllr Souster suggested that (in accordance with the Standing Orders) 3 minutes should be sufficient for a Member to make their case.

Cllr Mary Smith advised that messages had been circulated within the RyePIG 'forum' from people commenting on the unacceptable condition of the town's toilets – especially Crownfields. She had been provided with pictorial evidence (displayed within the Chamber).

She had inspected the Crownfields facility that day and found that that the gutter had a hole in it – which meant that anyone trying to access the disabled toilet in the rain would get very wet. The odour in the Ladies was off-putting – with soggy paper on the floor and water seepage. The painted walls and plaster were in poor condition. Overall the facility gives visitors a poor impression of the town.

RESOLVED (unanimous) To ask RDC how often the public conveniences are monitored, what is monitored specifically – and what triggers repairs. Clerk

RESOLVED To re-instate Standing Order 28(j) (not speaking more than once).

97 CAR PARKS REVIEW

Members were advised that Cllrs Eve and Potter had presented RTC's agreed position (Council meeting of 28 November 2011 refers) at the meeting of RDC's Car Parks Review Working Group held on 30 November.

Unfortunately, on the day the WG decided that RTC's representatives should not be permitted to observe the Rye & District Chamber of Commerce and Battle Town Council presentations. At the WG meeting, Cllrs Eve and Potter flagged up: the under-utilization of Gibbet Marsh – and encouraging hoteliers to promote it to their guests, introducing clearer signage and reducing the daily charge to £1.00-£1.50; and the map on VisitRye showing the location of car parks and their fees. Some RDC WG Members had suggested that RTC was responsible for maintaining the footpath running through Gibbet Marsh. Cllr Souster advised that this had been installed by the Rye Partnership.

At the informal meeting with the Battle Mayor and Clerk to discuss devolved services, the Mayor had given RTC a copy of its Car Parks Review Working Group presentation. He had mentioned also that Battle TC is looking into purchasing the freeholds of RDC's car parks – which could generate a substantial sum for RDC.

RESOLVED (unanimous) To seek to establish responsibility for the Gibbet Marsh footpath. Clerk

98 BUDGET 2012-13

The Clerk asked Members if they had any objectives relevant to the drafting of next year's budget and precept.

Cllr Potter observed that it had been difficult to achieve a precept freeze for the current year.

RESOLVED In view of the continuing economic downturn: to ask the Clerk to draft another budget based on a zero percent increase. Clerk

Cllr Kirkham declared a personal interest in the item following by virtue of being the Chairman of Rother Voluntary Action (which is delivering the Community Friends initiative).

99 COMMUNITY FRIENDS

Following Val Smith's presentation at the PRGP Committee meeting held on 5 December, Members were invited to consider joining the proposed Rye Community Friends Steering Group.

John Izod declined to accept a suggestion that he be appointed RTC's representative.

Cllr Foster offered to discuss her possible involvement with Val Smith. Cllr Foster

100 URGENT ITEMS

There were no urgent items to consider.

The meeting ended at 8.05.

Date Chairman

REPORT OF THE COUNTY COUNCILLOR

Mayor's Christmas Reception Cllr Glazier apologised for having another engagement on the night.

Cobbled areas Work on repairs would cease Christmas-New Year. The work undertaken thus far would then be assessed to determine if further repairs are required.

Highway Stewards ESCC had appointed 12 across the county. They would be the first point of contact for highways-related problems and it was hoped that they would quickly become familiar with their patches in order to pick up issues at an early stage. The Rye Steward is Michael Sherwood.

Council Tax Tomorrow the Cabinet would be considering accepting the Government's offer of help to freeze Council Tax for another year – albeit on a 'one off' basis. This could cause difficulties in future years; however, Cllr Glazier had a number of ideas for implementing a freeze in 2013-14.

REPORT OF THE ROTHER DISTRICT COUNCILLORS

Cllr Lord Amphill

See Appendix B.

Cllr Sam Souster

See Appendix C.

Prior to delivering his report Cllr Souster acknowledged that opposition Members do have the opportunity of addressing the Cabinet. He recently attended a course at which he mentioned that RDC's ruling group holds pre-meetings for its Members prior to Overview & Scrutiny committee meetings. The trainer had been horrified that this was considered acceptable. Cllr Souster had mentioned this to the Chairman of the Services OSC who had responded that the purpose was solely to brief Members (albeit not opposition Members).

Lower School site An RDC officer had suggested to Cllr Souster that RDC's original decision to turn down Tesco's planning application could have been successfully defended on the grounds that the Rother District Local Plan clearly designates the land for affordable housing.

PUBLIC QUESTION TIME

John Howlett (to Cllr Amphill) *As a resident of Rye does Cllr Amphill despair about the performance of RDC's Planning Department and the way it handled the supermarket applications? Has Cllr Amphill apologised to Cllr Souster for the way Cllr Souster was treated at the RDC Planning Committee meeting at which he was thrown out and deprived of a vote?*

Cllr Amphill Cllr Souster had not been ejected from the meeting – he had been given professional advice that he might like to consider not being involved with the consideration of the Sainsbury's planning application and he chose to leave the meeting. This followed an agent for Sainsbury's observing a conversation taking place between Cllr Souster and members of the public. Cllr Amphill was not convinced that RDC had been inept in the matter of the supermarket applications; however, it made for a difficult situation which was not helped by the fact that both applicants were refusing to work towards a solution.

John Howlett (to Cllr Amphill) *Did Cllr Amphill agree that RDC's Planning Department is not fit for purpose?*

Cllr Amphill One would need strong evidence to reach that conclusion. It was certainly possible to learn from the way the supermarket applications have been dealt with.

Cllr Souster outlined the circumstances leading up to him accepting advice that he should not participate in the debate on the Sainsbury's application: during a coffee break Cllr Souster had a brief discussion with a Rye Town Councillor and Rye resident – but not about the supermarket planning applications. A Sainsbury's agent had observed the discussion and complained about him and one other Member. Cllr Souster was subsequently advised by RDC's solicitor not to participate in the consideration of the Sainsbury's application – so he did not return to the meeting. Had he had more time to consider the matter he may well have decided not to absent himself. With the benefit of hindsight, it was apparent that Sainsbury's agent was seeking to 'remove' two Members from consideration of the Sainsbury's application. Although he was not aware of it at the time, other Planning Committee Members had spoken with members of the public during the break. This might explain why, at the subsequent Planning Committee meeting, the physical layout of the Chamber had been altered so that Members and the public were separated. He considered that an apology from Cllr Amphill would be inappropriate – it was RDC that had let him down.

Cllr Potter *Could RDC be expected to treat Tesco and Sainsbury's equally if both pressed it for CPOs? If the companies are unable to resolve the impasse amicably, why not grant both CPOs?*

Cllr Souster RDC was concerned about the costs associated with going along the CPO route. The decision would be made by Cabinet.

Cllr Adam Smith queried whether it was appropriate for RDC to allow Sainsbury's to advertise on its web site.

Cllr Adam Smith *Were the District Councillors aware that, in February 2011, the Supreme Court ruled that local authorities should not grant CPOs solely to support the commercial aspirations of private companies – the overriding consideration should be that it would be in the public interest?*

Cllr Amphill suggested that determining 'the public interest' required sound judgment – and that RDC might not be able to avoid intervention.

John Howlett *RDC is discussing sharing services with other authorities – but is it also considering merging with Hastings and Wealden to become a unitary authority?*

Cllr Amphill For the time being RDC is developing shared services to achieve efficiencies.

Andy Stuart (to Cllr Amphill) *In relation to the former Lower School site: did Cllr Amphill agree that RDC had, effectively, found itself having to deal with a mess created by ESCC – and should ESCC be helping RDC get out of it?*

Cllr Amphill There are some loose ends.

Cllr Glazier reminded Members that he had recently circulated – via the Clerk – an email setting out the sequence of events leading up to the disposal of the Lower School site. ESCC sold the land with no planning permission. It was up to RDC – as the Planning Authority – to decide what it wanted to see on the site – eg houses or a supermarket.

Andy Stuart observed that, for many years, ESCC had refused to acknowledge the interest of Tesco in the site, citing 'commercial sensitivity'. There was no opportunity for members of the public interested in the use of the site to address RDC's Planning Committee. Cllr Amphill suggested that it was up to RDC to make the case for public participation. The Clerk added that he had placed 'public participation at RDC Planning Committee meetings' on the January RALC meeting agenda.

John Howlett suggested that the notion that ESCC sold the Lower School site to Sainsbury does not know what it would be used for was ridiculous. Cllr Glazier reiterated his assertion that land use was down to RDC.

Cllr Holmes (to Cllr Ampthill) *What was the RDC Devolved Services Working Group's timetable?*

Cllr Ampthill believed that the WG had been asked to report back within approximately two months. However, the issue of devolved services had been ongoing for a number of years. The key consideration should be that the devolvement of services should result in no increased cost for the Rother taxpayer.

Cllr Eve (to Cllr Glazier) *Tesco and Sainsbury's bidding for the Lower School site provided a clear indication of intent to seek to construct a supermarket. Did the disposal sum realised reflect this?*

Cllr Glazier Obviously they were not bidding to build houses. That said, the tender process – which he was confident had been conducted lawfully - was not based on an assumption that planning permission would be obtained.

APPOINTMENT OF MAYOR & DEPUTY MAYOR ELECTS 2012-13

Cllr Eve expressed surprise that this had been raised so early in the civic year and suggested that, by March-April next year, those Members elected in May 2011 would have a better feel for who might be suitable candidates. Cllr Bantick agreed.

Cllr Potter sympathised with this view but suggested that Members elected so recently would probably not be interested in being nominated. He suggested appointing the Mayor Elect now and the Deputy Mayor Elect at the February Council meeting. Cllr Foster agreed.

Cllr Ampthill, noting that there had been email correspondence about separating the roles of Mayor and Chairman, asked if this could be discussed now. Cllr Potter advised that this had been explored around 10 years ago and was not straightforward. Cllr Sam agreed – he could see the logic in separating the roles but there were many issues to resolve. The Clerk advised that this matter would need to be placed on an agenda.

PROPOSAL That Members proceed to appoint a Mayor Elect 2012-13 but defer the appointment of a Deputy Mayor Elect 2012-13 until February 2012.

Proposer Cllr Potter *Seconder* Cllr Foster

For Cllrs Ampthill, Bantick, Blumire, Fiddimore, Eve, Foster, Kirkham, Potter, Rogers, Souster

Ag Cllrs Holmes and Mary Smith

Abst Cllrs John Breeds and Adam Smith

Carried.

Cllr Fiddimore proposed, and Cllr Blumire seconded, Cllr Rogers for Mayor Elect 2012-13.

There were no other nominations and so Cllr Rogers was declared elected.

RYE TOWN COUNCIL, 12th DECEMBER 2011: REPORT OF ROTHER DISTRICT COUNCILLOR

Now that planning permissions have been granted to **Sainsbury's** and **Tesco**, the question arises of progressing a Compulsory Purchase Order. Rother has such powers; and has been formally asked by Sainsbury's to use them. A CPO could be taken forward on behalf of either of them. The process is long and costly and should be avoided if possible. Therefore, Rother's Chief Executive is in correspondence with both organisations at the most senior levels. There have been inconclusive exchanges; and the Council will seek its own counsel's opinion. The sincere hope is that the matter can be resolved between the two companies – but it may be a pious expectation; in which case the Rother Cabinet will have to take an appropriate decision. In addition, there are other avenues to explore.

A motive for mentioning this ever-vexing business is that the principal reason given for refusing either of the applications was the requirement for additional "affordable" housing - which was identified in the 2006 Local Plan as well as the need for additional "convenience" shopping space. The 54 affordable homes coming on stream as a consequence of the Valley Park development were not part of the 2006 calculation and represent a bonus. The overwhelming advice was that that reason for refusal could *not* have been defended on appeal.

Members may be interested in some **Housing** statistics. In England & Wales, affordable housing stock runs at approximately 19 per cent of the total. In the South East, the percentage is 14 and in Rother District it is 11 – which may have a lot to do with the rural character of the area. Within Rother, the proportion of existing housing stock which is Social Housing is Bexhill 9 %, Rural Rother 10%, Battle 13% and Rye 20% (some 400 homes out of more nearly 2,000 dwellings). This is a delicate and vital subject which needs careful thought.

It has been decided that Rother will tender on a joint basis with Hastings Borough Council, and possibly Amicus Horizon, in respect of the procurement of a **Grounds Maintenance contract** covering that whole area - with Hastings taking the lead role. The **Joint Waste Collection** contract, also covering recycling and street & beach cleaning, which is a co-operative venture between Hastings, Eastbourne, Wealden and Rother (with RDC taking the lead role) has reached the stage of an inter-Authority agreement (from which it could now cost any of the partners up to £100,000 to unilaterally withdraw).

RDC cabinet has approved the lease of the **allotments** at Chain Lane, Battle, to Battle Town Council for a term of 99 years. The land must be used solely as allotments – for a nominal premium and rent.

Some **Planning** statistics: delegated decisions are currently running at 87% (the target being 90%) - so 13 per cent are being taken to Committee. Any member

can call an application before the Planning Committee - just as any member can speak at Cabinet on the agenda item which is being discussed. These arrangements do *not* apply at all district or borough councils – just as there are plenty of such councils which do *not* allow public speaking at Planning Decision meetings. If we want to see such public speaking, we should make the case!

Finally the two high-profile Working Groups. The **Devolution Working Group** is under way; and there are reports in the public domain for everyone to consider – including the RDC Asset Register and full list of some 73 Services provided. Now is absolutely the time for our Town Council and any interested parties to submit evidence and state our priorities. In respect of the **Car Parking Review**, RTC has already made plenty of points; and it remains essential that we should make whatever case we wish to make, in as much detail as possible on both of these topics, just as soon as possible.

DA 12/12/11

**ROTHER DISTRICT COUNCIL REPORT
12TH DECEMBER 2011**

Member Development and Training

There is a very comprehensive training programme available to councillors. This programme is managed by the Member Development Task Group (MDTG), of which I am a member being the leader of the Labour Group.

All councillors are really expected to take advantage of these arrangements, but with the exception of Equality and Diversity training none are mandatory, so the take-up of this training averages around 30%.

At the end of each training session a feed-back form is completed and analysed by the MDTG, and comments are taken into account when developing further training. As a result it is being proposed that members of both the Planning and Licencing Committees will have to undergo a full training programme before being appointed to the appropriate committees. I fully support this action in view of the happenings during a recent Planning Committee meeting.

The effectiveness of this member training has been recognised by the Council retaining the Member Development Charter following a recent reassessment.

Shared Service Provision

Joint Waste Collection Service (Hastings and Eastbourne BC and Rother and Wealden DC).

An inter-authority agreement and specification/contract is being prepared. RDC leads.

Joint Grounds Maintenance Service (Hastings BC and Rother DC).

A specification/contract is being prepared. Hastings BC leads.

Joint Legal Services (Rother and Wealden DC).

Wealden leads. This is now in operation.

Public Conveniences and Refurbishment

This comprehensive report that covers all 32 PC's across the District identified. 5 that require demolishing and rebuilding and 2 that require major refurbishing, (none are in Rye 1 in Winchelsea Town, 1 Winchelsea Beach, 1 Pett Level, 1 Rye Harbour and 3 in Bexhill). This would require a substantial financial input. The Cabinet has resolved to put this investment programme on hold indefinitely.

As it has been known for some time that RDC wish to dispose of this service, one could ask how much this abortive Director of Services' report has cost.

Expect the past PC's Working Group to be reinstated in the near future. This will mean three overlapping working groups reporting to the Services OSC.

Allotments (not Rye but may be of interest).

It has been resolved that the land that was formerly Watch Oak Administration Offices be leased for a term of 99 years to Battle Town Council to be used solely as allotments.

Car Park Working Group

Rye Town Council, along with Battle Town Council, Parish Councils, Chamber of commerce from the 3 towns and other interested parties attended the Car Park Review meeting on 30th November to comment on the ten recommendations that have been put forwarded. As I am not a member of this group I can only await the outcomes before I can get involved. I have the notes presented on behalf of RTC.

The Localism Act 2011

This is now an Act of Parliament, and has been published. It runs to 482 pages and consists of 10 parts comprising numerous chapters.

Fortunately, a plain English guide to the Localism Bill together with a NALC Policy Briefing has been published. The Town Clerk has also prepared a summary of the Bill and these are available to assist in the challenges facing local government.

The Devolution Working Group is recommending to the Services OSC that RDC host a workshop style event for Town and Parish Councils and including the voluntary sector to give an introduction to the Act and its implications for RDC.

It is suggested that the Workshop be Officer led and would take the initiative instead of waiting for communities to come to RDC in a fragmented way. Lewes District Council is soon to re-establish a Devolution Working Group that last met in 2007 and RDC Working Group members are keen to attend.

I recently attended a Road Show built around the Localism agenda; whilst it was interesting it raised more questions than answers. The councillor who accompanied me made the following comment about the granting of the Royal Assent "One got the impression that someone had said 'let's stop tinkering with it and get it published even if we don't quite know how it will work out". I think I agree with him.

Stores Wars

It has gone quiet. Sainsbury's has stated that they required RDC to impose a Compulsory Purchase Order (CPO) on the properties that Tesco own and which prevent access to the site. During the planning process the councillors were told that both applications were to be "given" the same consideration. Therefore, for RDC to favour one commercial enterprise over another would be wholly wrong. The problem is of its own making and they must sort it out.

Cllr. Sam Souster
RDC – Rye Ward
12th December 2011