

**Minutes of a Meeting of the Town Council held at the Town Hall, Rye, on
Monday 22 August 2011**

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

IN ATTENDANCE Richard Farhall - Town Clerk; Kevin Barry – Town Sergeant; Peter Cosstick – Rye Heritage Centre Manager; County Councillor Keith Glazier; Andy Hemsley – *Rye Observer*; 15 members of the public

The meeting commenced at 6.32pm

54 PRAYERS

In the absence of his Chaplain, prayers were said by the Mayor.

55 APOLOGIES

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

56 DISCLOSURES OF INTEREST

Lord Amphill	<i>prejudicial</i>	item 60	RDC Member
Heidi Foster	<i>personal</i>	item 60	Rye allotment holder
Sonia Holmes	<i>personal</i>	item 60	Rye allotment holder
Ian Potter	<i>personal</i>	item 60	Director of a CIC formed to explore managing Rye's allotments (and other activities)
Shaun Rogers	<i>personal</i>	item 60	Director of a CIC formed to explore managing Rye's allotments (and other activities) – and Rye allotment holder
Mary Smith	<i>personal</i>	item 60	Rye allotment holder and Rye Allotments Association member
Sam Souster	<i>prejudicial</i>	item 60	RDC Member

57 MAYORAL ANNOUNCEMENTS

Members had no objections to an Australian visitor taking photographs.

The Mayor reported that he had mainly attended events in the towns of other Confederation members – he received relatively few invites to attend events in Rye.

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

6.44 Cllr Fiddimore arrived during this item.

58 **COUNCIL MINUTES**

RESOLVED To adopt the Minutes of the Council meetings held on 25 July 2011 (C6) and 25 July 2011 (C7).

59 **COMMITTEE MINUTES**

- a) **Planning & Townscape**
RESOLVED Adoption of the Minutes of the meetings held on 25 July 2011 (PT04) and 8 August 2011 (PT05).
- b) **Policy, Resources & GP**
RESOLVED (with the exception of the Recommendation under item 24 – see main agenda item 60) **Adoption of the Minutes of the meeting held on 8 August 2011 (PR02).**
- c) **Public Services**
RESOLVED Adoption of the Minutes of the meeting held on 4 July 2011 (PS01).

Cllr Amphill and Souster re-stated their prejudicial interest in the item following and left the Chamber.

60 **RYE ALLOTMENTS: MANAGEMENT**

Members were invited to consider the Recommendation following:

That the Council considers entering into some form of an allotments management arrangement with RDC on a 'without prejudice' basis (and subject to agreement on terms and conditions) – and that the Allotments Association be advised.

PRGP Committee 8.8.11

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

Cllr Mary Smith read out a statement in relation to the documentation provided to her by RDC following her FOI request. She suggested that it was unreasonable to expect Members to consider the PRGP's Recommendation without having had the opportunity to view the documentation and to assess the implications of the RAA's findings. She proposed that consideration of the Recommendation be deferred. Cllr Bantick spoke in support of a 'pause'.

The Clerk advised that Cllr Amphill was willing to present the RAA's findings to RDC's senior officers and obtain a response.

Cllr Eve advised that he was aware that the RAA had also written to RDC seeking details of the costs associated currently with managing Rye's allotments [confirmed by RAA's Government & Local Government Affairs Officer] – but had not yet had a reply. He suggested that it would be useful for RTC to have sight of this information.

The Clerk advised that RDC wished to 'outsource' the management of its allotments by 1 April 2012. There was no formal timetable but RDC was hoping that as much of the groundwork as possible would be completed by the time of the departure (under the 'resetting agenda') of two officers – in September and December.

Cllr Potter advised that he had difficulty understanding why developments relevant to RTC's land ownership claim prevented RTC exploring taking on the management of the allotments on a 'without prejudice' basis. He added that the CIC he had set up

with Cllr Rogers would be willing to take on the management of the allotments if there was a risk of some other 'external body' (ie not RTC nor RAA) being entrusted with the task. He advised that, as at 10 days ago, no organisation had advised RDC that it was willing to manage Rye's allotments.

Cllr Fiddimore was concerned that, the longer the management issue was in the air, the greater was the chance of some body stepping in which would not necessarily act in the best interests of the plot holders. The Mayor considered it unlikely that anyone else would consider taking on the allotments.

Cllr Mary Smith suggested that, in any case, it would take RTC quite a while to negotiate an allotments management arrangement with RDC – especially with the need to address the Rye Special Expense. A deferral would allow Members to review the FOI documentation and give Cllr Amphthill time to obtain a response from RDC senior officers to RAA's findings.

Cllr Fiddimore suggested that if Council agreed to defer consideration of the Recommendation it would be prudent to indicate to RDC that RTC had not discounted the possibility of entering into an agreement.

Cllr Mary Smith confirmed that the RAA was willing to self manage the allotments under an agreement with RTC only.

Cllr Potter requested a recorded vote on the proposal following.

PROPOSAL That consideration of the PRGP's Recommendation be deferred for up to 3 weeks.
Proposer: Cllr Mary Smith Seconder: Cllr Holmes
For: Bantick, Blumire, John Breeds, Jonathan Breeds, Eve, Fiddimore, Foster, Holmes, Kirkham, Potter, Mary Smith
Ag: Rogers
Abst: None
Carried

Cllrs Amphthill and Souster returned to the Chamber.

61 **PRIORITY SETTING**

The Clerk reminded Members that they had previously appointed Members as 'Champions' to assess what needs to happen to take forward new high-medium priorities (including those attributed to RTC within the Rye LAP). He invited Members to consider how this process might be managed: should Members report to an appropriate meeting on an 'ad hoc' basis or should Champions be given a deadline of 3-4 months so that their assessments were considered on an equal footing?

It was noted that some of the priorities require considerably more research than others.

RESOLVED To encourage the Champions to take forward their priorities as soon as possible.

62 **URGENT ITEMS**

There were no urgent items to consider.

The meeting ended at 8.17.

Date Chairman

REPORT OF THE COUNTY COUNCILLOR

Polling stations RDC had just announced a review of Polling Places. Cllr Glazier was pleased to note that the officers were recommending that the new Tilling Green Community Centre be used instead of the Ferry Road Surgery.

Lower School site – supermarket planning applications Cllr Glazier had been made aware of an email (see Appendix B, page 2) that had been circulated which he considered contained assertions that ESCC had not acted in a proper and professional manner. He had consequently sought advice from officers and proceeded to read out their response (see pages 1 and 2 of Appendix B). He added that it is clear that a majority of people in Rye would like a 'second supermarket' and it was the Planning Authority's responsibility to grant consent when it was satisfied that matters of concern (eg the proximity of the level crossing) had been addressed.

REPORT OF THE ROTHER DISTRICT COUNCILLORS

Cllr Lord Ampthill

See Appendix C.

Cllr Sam Souster

See Appendix D.

PUBLIC QUESTION TIME

John Howlett (Referring to Cllr Souster's report) *RDC did not appear to be functioning well. Is it considering reorganising Planning?*
Cllr Ampthill Not to my knowledge.

John Howlett (to Cllr Glazier in relation to the supermarket planning applications) *Will the Highways Authority now submit a more detailed reply to the Planning Authority prior to RDC's Planning Committee meeting in September?*
Cllr Glazier Unknown – however, he believed the Planning Authority was waiting for information from Network Rail regarding possible changes to the footway at/in the vicinity of the level crossing.

Cllr Eve observed that RTC's request that the permitted parking be removed from the SW side of Ferry Road between Mill Road and Magdala House – in order to mitigate traffic congestion – appears to have been disregarded. Cllr Glazier responded that he was not a professional planner. Cllr Ampthill offered to follow this up. **Cllr Ampthill**

In relation to agenda item 60, John Howlett suggested that 'and be asked to carry out the management' should be added to the Recommendation.

Cllr Mary Smith observed that, since 2002, Rye Council Tax Payers have paid c£70,000 in Special Expenses to RDC to manage and maintain Rye's allotments. The RAA has offered to manage them purely in return for rental income derived from plot holders.

Prior to leaving the Chamber, The Mayor declared a prejudicial interest in the matter following by virtue of that he works for the webmaster, Domain Support, from time to time – and has known Oliver Campion as a friend for over 25 years.

Prior to leaving the Chamber, Cllr Potter declared a prejudicial interest in the matter following because Oliver Campion is one of his clients.

VisitRye web site

Cllr Eve expressed concern that it appeared the VisitRye domain name (an asset) had transferred to RDC with no consultation. He suggested that the Partnership's Board should have firstly sought RTC's opinion and queried the process by which this had come about. He observed that, despite paying business rates, VAT etc, many businesses do their own marketing (which benefits the whole town).

Cllr Glazier read a potted history of the Partnership's role in marketing – and VisitRye – since July 2007 (see *Appendix E*) and quoted an extract from the Minutes of a meeting of the Rye Marketing Group held on 28 March 2011 (*Appendix F*).

Cllr Amptill added that, under the SLA between the Chamber of Commerce and RDC, the Chamber is responsible for liaising with the webmaster regarding the content of VisitRye. RDC would be responding to the complaints that had been made by a local accommodation provider about the re-launched web site

Cllr Glazier reminded Members that RTC is a member of the Partnership and has representatives who are invited to attend Members' Meetings. RTC was given the opportunity to oversee marketing but chose not to do so. Cllr Kirkham observed that RTC had representatives on the [old] Rye Marketing Group.

Cllr Eve suggested that many people knew little about how VisitRye operated and that there were issues around the town's two main tourism web sites being owned and/or managed by the same provider. He suggested arranging an informal meeting to consider this and VisitRye's content.

Cllr Souster observed that, since he was elected to RTC 11-12 years ago, the Leisure & Tourism Committee had been resurrected and then dissolved (again) – when he was incapacitated. He considered the committee had operated well but acknowledged it had become dependent on the Committee Chairman's substantial involvement in local marketing activities. If RTC was concerned about how marketing was being handled it could always re-establish the L&T Committee.

Andy Stuart *Which Rye Partnership Minutes are available to the public?*

Cllr Glazier Minutes are available on request and used to be uploaded to the Partnership's web site.

Peter Cosstick (HC Manager) had been surprised to find no references to Rye Heritage Centre (which he was attempting to remedy) on the relaunched VisitRye site

The Deputy Mayor brought this item to a close by suggesting that the Clerk arranges a meeting with the Chamber of Commerce to discuss Members' concerns. **Clerk**

The Mayor and Cllr Potter returned to the Chamber.

22 August 2011 (C8)

APPENDIX B

County Councillor's Report

Officer's response to circulated email (below)

It is the understanding of officers that during the July Planning Committee, the Rye Supermarket applications, (planning references RR/2010/2570 and RR/2011/506), were deferred due to the unresolved pedestrian access issues that relate to the level crossing. Negotiations on potential improvements are on-going between the applicant and Network Rail and I understand that these are progressing well. Whilst in principle, the highway authority would welcome pedestrian improvements, it is not something that the County are directly involved in as the land belongs to Network Rail. If and when an improvement scheme can be agreed then the County will be consulted to ensure safe pedestrian connection to the existing highway network.

In making their previous recommendation to both applications RR/2010/2570 and RR/2011/506, the County's Transport Development Control (TDC) Team considered the primary concern of the proposed priority junction being constructed in close proximity to the existing railway crossing. Specifically, the potential of problems being caused by road users waiting to turn right into the proposed access from Ferry Road causing a queue back towards the level crossing was a particular cause of local concern. The team thoroughly assessed the likely number of vehicles associated with a superstore development and were satisfied that waiting vehicles would not impact on the level crossing. I confirm that Network Rail were previously consulted by Rother District Council but did not raise an objection to the applications. They also confirmed that the Ferry Road level crossing is controlled by a signaller which reduces the safety risk of a vehicle being trapped at the level crossing, something that both the highway authority and Network Rail are keen to avoid.

As a result, my TDC team are satisfied that the impact of these developments on the transport networks are considered acceptable subject to a package of measures which include:

- A ghost island right turn lane for westbound vehicles turning right into the site which will help minimise any disruptions to the free flow traffic along Ferry Road.
- A Yellow Box (Diagram 1045) to be provided at the level crossing to prevent road users from waiting on the carriageway between the gates.
- Improved pedestrian links with the Town Centre, which is to include reviewing the pedestrian cycle links to the School and Leisure Centre located north of the site that was outlined in Rother Local Plan Policy RY4.

With regard to the second point, I note with concern the comment that 'East Sussex CC having sold the site are trying to facilitate the purchasers in

connection with the planning application'. This allegation has no basis in fact whatsoever and for the record, the County Council totally rejects any such contention. You will be aware that planning applications are to be determined on their merits, on the basis of planning policy and material planning considerations alone. In so far as the County Council is concerned, this planning application has been processed in the proper manner by Rother District Council and you may note that the role of the County Council has been restricted to responding as a consultee on the highways issues in the usual way. Any specific questions on the applications should be directed to the case officer Richard Wilson at Rother District Council.

Email text

I was at the RDC Planning meeting last Thursday when both applications were deferred. The Planning Officers themselves advised to defer because (1) safety issues concerning the rail crossing and pedestrian access across it had not been sufficiently addressed. This in contrast to the Officers concern at the previous meeting (Sainsburys) when they were anxious to approve the application. Adam Smith (Chair of Rye Town Council Planning) has done great work digging out unresolved problems and has put the fear of God into the Officers. It is clear that neither RDC officials nor East Sussex Highways have sufficiently done their homework - even though they've had months of ongoing discussion (I imagine East Sussex having sold the site to Sainsburys are trying facilitate the purchasers). I am also told by Adam Smith that Network Rail have no knowledge of either application at a sufficiently high level.

There is still disquiet among RDC Councillors that the intended Supermarket is being built on Housing land. There is also a legal argument now about the 106 obligation for the winning Supermarket to provide finance for alternative building land. It is being contested. (2) Second reason for deferral: the RDC are taking legal advice about this.

The plans themselves are seemingly approved now that the (Sainsburys) carpark has been revised and we have to ask ourselves whether there is still a chance to contest what are two very clumsy pieces of architecture for a town such as ours.

The dark suits from both Supermarkets at the meeting were mightily hacked off. I wouldn't be surprised if one or other applicant withdrew or sued.

John Howlett

RYE TOWN COUNCIL, 22nd AUGUST 2011: REPORT OF ROTHER DISTRICT COUNCILLOR

On 22nd September, the **applications by Sainsbury's and Tesco** are likely to reappear before the District's Planning Committee. On balance, it would appear that a majority of Rye people wish to see a new supermarket in Rye. The chosen site is not ideal – particularly because of its proximity to the railway crossing. Both designs are broadly acceptable; the access is tight but just reasonable; connectivity with the town centre has been addressed as has the area of scrub along the railway track and many of the concerns of residents of Tillingham Avenue. The main items to be agreed include the completion of Section 106 agreements (particularly relating to affordable housing); and resolution of safety issues raised with the Railway Authorities. I wish that this Council had not said "no" at our meetings on 25th July. We should have said, "yes, but". If we were the deciding authority, the two applicants would, by now, have registered an appeal on grounds of non-determination; and control of this vital matter would be beginning to shift in the direction of a Planning Inspector.

The matter of **Allotments** will be discussed this evening. We may recall that RDC wants to find the simplest and most cost effective solution for *all Rother tax payers*. I am aware that details will be reported of a significant legal development. Since RDC Councillors are deemed to have a personal and prejudicial interest, I cannot take part in any debate and cannot test any assertions which may be made. If there is new evidence which "destroys RDC's claim to ownership", I would urge that the relevant papers should be presented to Rother without delay. Meanwhile, it would be perfectly possible for RTC to enter into a form of management arrangement *without prejudice to subsequent resolution of the land ownership issue*.

An application by **Fletcher in Rye CIC** for a grant of £30,000 was considered by RDC's Grants Panel on the 8th August. There was considerable interest in the proposal; and it is possible that Rother will offer officer assistance. Much will depend on the levels of other fund-raising and grants and donations obtained. It would open some doors and set a good example if this Council were first in the queue. Cabinet will decide on grants to be awarded in the current round on 5th September.

There is current interest in the ownership of the **Visit Rye website**. Now that the Rye Marketing Group no longer operates under the wing of the Rye Partnership, that ownership was transferred to RDC on 11th May. RDC is a principal funder of the marketing and public relations campaign which, together with the production of the Official Guide to Rye, will now be delivered by our Chamber of Commerce under the terms of a Service Level Agreement.

The management of the official town website has been transferred from Marcomm to the newly designed **Domain Support** site. All current advertisers

and as many interested parties as possible have been informed of the development. Domain Support will be the point of contact for all updates to the website; and there will be close liaison to ensure that a consistent message is given out relating to all news and promotions. RDC now has a 4-year contract with Domain Support for the delivery of the Visit Rye website. Before the appointment, a proper tender process was followed.

The marketing campaigns of the past three years have been very successful. RDC was the main funder of activity and supported the employment of an events co-ordinator. If RDC had not been actively involved in terms of money and officer time and expertise, very little would have been delivered. Rother brought 1066 Country Marketing to the table; and they did much of the work in assembling the last three Official Guides. They engaged in a phenomenal amount of public relations work which resulted in massive editorial coverage of what goes on in Rye. A number of other individuals gave of their time and skills way beyond the call of duty. The Town Council has not played a significant role in marketing, other than through the participation of some four individuals. It proved very difficult to find Members who were prepared to attend meetings; and we may recall that we wound up our Leisure & Tourism Committee. Therefore, I do not understand the claim that this Council would automatically be the proper owner of the Visit Rye website.

Finally, RDC's Services Overview & Scrutiny Committee will meet on 26th September. On the agenda will be likely to be such issues as the **management of car parks** and the **devolvement of services** to Town and Parish Councils. I suspect that, if we can demonstrate a common approach, or work up partnerships with neighbouring parishes, there will be every chance of success.

DA 22/08/11

RYE TOWN COUNCIL MEETING
22ND AUGUST 2011

Agenda Item 57(b) Report of Rye Ward – District Councillors.

This is the quiet period of the year, and I am sure any significant happenings will be reported by my councillor colleague, a member of the controlling group.

I shall be reporting to you about democracy as Rother see it. My criticisms and disquiet are aimed at the system that prevails, not at individuals, certainly not at my local councillor colleague, that I have reason to respect.

Rother, as you know, has a huge Conservative majority, and its main system of government is through two Scrutiny Committees, one Resources which is basically the Finance Committee, and the other Services. These two Committees make recommendations to Cabinet, which more often than not accept the recommendations following a superficial period of debate.

I have an issue with this and will give an example. Part of the intensive training which councillors have undertaken included a programme on Scrutiny Skills, which was conducted by a development consultant employed by a company called "South East Employers", and it is those who have been fit to present Rother with its coveted "Member Development Charter".

The dictionary definition of Scrutiny is "close study or investigation" and the training course went into some detail as to how this can be achieved.

I will now, as briefly as possible, give an example of how Rother's Services Overview and Scrutiny Committee (OSC) perform this important function. First, I should explain that before the main meeting a pre-meeting is held, but only members of the controlling group are allowed to attend. The purpose, I assume, is that if there is any dissent, this will be addressed there and unity will prevail in the main meeting.

At the first meeting of the Services OSC (13th June 2011) there was an agenda item "Appointments to Outside Bodies". There were 48 to consider, one was for the Rye Sports Centre Management Committee (Rye SCMC). It was agreed that no appointments were to be made, and the Chairman move on. I had not been advised that this was to happen but eventually I was able to question the decision and was told that it was the Council's intention to disband the Committee basically to make savings of a Minute Secretary and Rother Officer once every six months.

At the next meeting of the Services OSC (18th July 2011) there was a recommendation to disband the Rye SCMG with effect from 1st September 2011. This combined service is important to Rye and it was not my intention to see it nodded through. So, before this could be agreed I moved an amendment that the two other key representatives (ESCC and Rye College) be consulted before proceeding any further. The amendment was debated, got some support, but was rejected.

When the minutes of the meeting were produced there was no mention that the recommendation to Cabinet had been opposed, let alone that an amendment had been moved and voted on.

If Scrutiny had worked properly, the Committee would have listened to the person who was aware that Rother could not act unilaterally, and had chaired the Committee for over 8 years.

I complained about this omission, but was told that it was custom and practice that this should not happen. I replied that perhaps custom and practice should be reviewed.

I can fully understand speeches, statements and comments from councillors not being recorded, but I believe a relevant amendment to the recommendation, which is seconded and gets support, even if defeated, will be of interest to those outside the council who bother to read the minutes, especially if it is a decision that affects them.

I have now been told that had this happened in full Council an amendment would be recorded. This makes no sense because Council is now largely insignificant under the Cabinet system and some speaker usually has to be invited to pad it out.

At the Cabinet meeting (1st August 2011) it was announced that the "Rye Sports Management Committee **NOT** be disbanded, a Rother officer would attend when required and services of the Committee be taken up by one of the other parties". This arrangement was always available, if it had been investigated. The 'U' turn demonstrates conclusively that Rother just plays lip service to Scrutiny and has been left looking foolish.

I shall challenge the accuracy of the minutes of the Services OSC (18th July 2011) when they come up for approval at the next meeting. I have written to the Chairman informing him of this.

On 27th September 2011 Rother is to be reassessed for its much valued "Member Development Charter", and as an Opposition Leader I am being interviewed. This will give me the opportunity to express my concerns about local government Rother style.

Cllr. Sam Souster
Rye Ward
21st August 2011

CS

APPENDIX E

- July 2007 Rye Town Initiative Review completed and report circulated. Recommendation of the report was a review of Town Management and Marketing as many respondents to the review had said they thought RP not the appropriate body to hold this remit. The Rye Town Initiative Review Steering Group members were Cllr Jo Kirkham, Rye Partnership; Cllr Peter Dyce, RTC; Noell Ward, 1066 Country; Mark Dowling, Tourism South East; Cllr Sam Souster, RDC; Christopher Strangeways, Rother Environmental Group; Kenneth Bird, Rye Conservation Society; Yolanda Laybourne, Rye Partnership; Allan Downend, Rye Museum; Richard Farhall, RTC; Gina Sanderson, Rye & District CVS; Graham Burgess, RDC; Lucy Harris, Environment Agency; Shelagh Powell, ESCC; Kerry DeCourcy, HOTCATS and Rye Town Services; Emma Oldham, RDC
- November 2007 *Marketing and Town Management Review 2007 – Final report* identifies the majority of respondents want RTC to oversee marketing. It recommended a facilitated discussion between RP and RTC as to who will host. Key stakeholders of review were RTC, RDC, ESCC, HOTCATs, Rye and District Chamber, Rye Town Services, Rye Conservation Society, Rye Museum Association, 1066 Country Campaign, Camber Parish Council, and Icklesham Parish Council.
- December 2007 Discussion paper on review circulated – stakeholders asked to send up to two representatives to a discussion evening at Rye Town Hall on 17 January.
- March 2008 Marketing group tendered for the delivery of a marketing campaign. Whoever won the tender to get the marketing group, (Chamber, Brian Elliot, RTS, Joint 1066 and RDC). RTS and 1066 won. Paul K complained about the tender. Rye Town council **did not tender** for the marketing.
- June 2008 Rye Partnership board approve RMG decision for RTS and 1066.
- August 2008 RDC Cabinet approve funding for RTS to run marketing. RDC would only release the funds into RP and not to RTS. This appears to be because RTS was under investigation.
- September 2008 TRC minutes not that only 3 RTC councillors had responded to the Marketing and Town management Review. Chairman of RP encouraged, from the gallery, RTC to engage fully in the review. An additional RTC councillor was approved to join Cllr Hall on the Rye Marketing Group.

	Paul K submits a draft tender to the group for consideration.
May 2010 July 2010	Tender advert placed with a closing date of June 2010 Reported only 2 tenders received. Following concerns from HOTCATs and Chamber reps the Chairman confirms that online booking is not part of the system. (One of Paul's big issues).
September 2010	Reported that Domain Support had been awarded the tender.
January 2011	Presentation by Paul K at meeting of his concerns. It appears at this point Paul is no longer sitting on the subgroup.
February 2011	Agreement was reached about many points, but no agreement was reached on the online booking system, free entries for those who have paid to go in the Rye Guide, the uniqueness of the site and a couple of other sticking points such as ownership of the database, where it was agreed a quotation would be provided to enable this. Many of these still form the basis of Paul's complaint and should have been resolved before the Chamber signed the SLA.
February 2011	I had several discussions with Neil leading up to the handover meeting. Neil was clear that the Chamber did not want the website.
March 2011	Graham wrote to Keith G re handover to Chamber and ownership of website. My response was that we needed to involve the Chamber in the website stuff. I already knew Neil didn't want it. Neil told Emma he didn't want it.
March 2011	Final meeting of old marketing group. Neil C and I were there. Group was informed that the website was going to RDC. There was a big discussion around the SLA etc.

RYE PARTNERSHIP

RYE MARKETING GROUP

Minutes of the meeting: 2.00 pm on Monday 28th March 2011

Present: Paul King (Chair), John Smith, Jonathan Dellar, Oliver Campion, Derek Holman, John Izod

In attendance: Neil Cunliffe, Chrissy Stower, Alison Rowland

<p>6</p>	<p>Make up of Rye Marketing Group</p> <p>Rother District Council had forwarded a draft Service Level Agreement (SLA) to the Chamber of Commerce for a four year marketing campaign starting on 1st April 2011. This SLA would contribute £9,000 funding each year with the Chamber providing a quarterly report to Rother District Council's monitoring officer.</p> <p>The SLA had not yet been signed as it currently stipulated that the Chamber of Commerce would take responsibility for the Visit Rye website. Given the current uncertainties surrounding the site and its future management the Chamber members were unwilling to take this responsibility at the current time. It was confirmed that the Chamber may be willing to reconsider this stance should the issues subsequently be resolved.</p> <p>There was some confusion surrounding the ownership of the site but it was considered that Rye Partnership owned the copyright to the website with Rother District Council owning the domain name. With the Rye Partnership withdrawing from its accountable body role it was considered likely that the Partnership would relinquish its rights to the site to the Chamber of Commerce or Rother District Council, subject to board approval.</p> <p>PK pointed out that marketing group should own the website in its own right. It was suggested that this would be difficult as the marketing group currently had no legal status. The Rye Partnership board considered it inappropriate that they sign the agreement with Domain Support as they would not be in a position to monitor the contract given that the Chamber would be managing the marketing effort for the town.</p> <p>It was confirmed that RDC were able to stipulate the money to be taken from the site in so far as the SLA contained specific terms requiring the Chamber to comply with 60% revenue generation.</p> <p>It was agreed that specific comments regarding the Chamber's ownership of the site should be forwarded to NC for review.</p> <p>Action: Forward comments regarding ownership of site.</p>	<p>ALL</p>
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**Statement by Councillor Mary Smith
to a full meeting of Rye Town Council
concerning Agenda item number 60 (Allotments)
on Monday 22nd August 2011**

1] Over the last weekend, with one exception who could not be reached, every Rye Town Councillor was sent by hand a letter dated Saturday 20th August detailing the latest developments relating to Rye's two remaining statutory allotments sites.

2] The final paragraph of that letter describes how the Rye Allotments Association has recently written two letters to officials at Rother District Council. One, dated Monday 15th August, was to Mr Alwyn Roebuck, Technical Services Manager, seeking information about the contracts currently in force between RDC and services suppliers. The other, dated Friday 12th August, was to Mr Derek Stevens, Chief Executive of RDC.

3] As at today, Monday 22nd August, the Association has received no acknowledgement of either letter. That may be because RDC are known to be short of staff, and no doubt some people are on holiday. The association draws no conclusions from the lack of response. As and when replies are received, the Association will pass copies to the Town Clerk for the enlightenment of councillors.

4] In the letter hand-delivered to all Rye Town Councillors last weekend, reference was made to a request I made under the Freedom of Information Act to RDC for all correspondence pertaining to the sale of much of the Love Lane allotments site by RDC to East Sussex County Council. Physical details of the paperwork were given in the letter; there were more than 250 pages, mostly A4 but with a few A3 maps.

5] Details of the Association's meticulous handling of the documentation are given in its letter. There is no need to elaborate on that. As at today's date, neither the town clerk nor councillors have had an opportunity to scrutinise in detail the 150+ letters, minutes, internal memoranda, and plans now in the Association's possession. Some papers appear to have been withheld; a letter dated 17 January 1989 to which reference is made later was not provided, and there are other instances of this.

6] Unless and until the Town Clerk and interested Rye Town Councillors have had the opportunity to see the documents for themselves, this council cannot base any policy decisions or future course of action on them.

7] I can confirm the Association's belief, mentioned in last weekend's letter, that the documents are now in the public domain.

8] I will therefore put before this meeting a brief synopsis of what Association officers and a legal expert found during their analysis of the contents of the documents.

9] Messrs William Dawes, Rye solicitors, wrote to Rother District Council in a letter dated 17 January 1989 drawing Rother's attention to the state of the fence alongside the footpath running from Love Lane to Tillingham Avenue. This letter is not in the file, but the reply is, and the fence became an issue during negotiations between RDC and ESCC over the Love Lane allotments land. The transfer of the footpath land to the Municipal Borough of Rye happened in 1948. It is clear from the correspondence in the FOI request file that the Borough agreed a legal covenant to the upkeep of the fence. Rother's legal adviser argued that the covenant died with Borough on 1 April 1974. Eventually, RDC and ESCC agreed between themselves that ESCC would become responsible for the fence as one of the conditions of being able to purchase the allotments. The issue of the covenant was not tested in Court.

10] In the letter of last weekend to all Rye Town Councillors, the Association pointed out very firmly that Rother District Council has registered Rye's two allotments sites as general purpose undeveloped land. The Association therefore has no confidence in any covenants into which RDC might enter concerning the legal status of the land; the Association believes that any such covenants will die when RDC does. At the moment, the Association believes that will happen within ten years, because of the pace of local government re-organisation, which it believes will accelerate once the Localism Bill is passed. When RDC is abolished, its successor will inherit the land as registered. The estimate of the allotments having no more than 17 years future existence is therefore based the sum of the years left to RDC and the years after its abolition when its successor decides to sell what will undeniably be prime building land.

11] The only way in which the sites can be protected from future building development is by having them registered at the Land Registry as statutory allotments. This RDC cannot do, because that would put it breach of Paragraph 9 of Section 20 of the Local Government Act 1972, prohibiting district councils from owning or managing statutory allotments sites where a parish council existed.

12] Throughout the FOI correspondence, ESCC argued that the allotments land was wanted for the expansion of Thomas Peacocke School's playing field. This was the thrust of all the correspondence from the very beginning in 1986 to the completion on Friday 29 January 1993. Nowhere were plans for future major building revealed. Throughout the correspondence pressure was on RDC to evict the tenants. Some might interpret the tone of ESCC's letters to RDC as being bullying. The Parks and Recreation Manager put up strong resistance.

On 7 June 1988, Mr Abbs of RDC's Estates Department wrote to Mr J.A. Carter of ESCC that progress of negotiations were slow because the allotments were statutory.

On 17 October 1988, Mr Hudson of RDC's Parks and Recreations Department wrote to Mr Powell, Chief Executive of RDC reporting that according to RDC's records, the allotments were statutory.

On 4 November 1988 Mr Powell of RDC wrote to Mr Hookey of ESCC; "... as you know, these are statutory..."

13] Statutory allotments sites may only be sold with the permission of the Secretary of State.

On 13 January 1987, Mr Powell Chief Executive and Clerk of RDC wrote to the Recreation and Tourism Committee pointing out that the Permission of the Secretary of State was needed to move the former Rye Borough council's allotments.

On 4 April 1989, Mr Powell again, in item 10 of a report marked "Confidential", warned the Recreation and Tourism Committee of RDC that the permission of the Secretary of State would be needed for the sale of statutory allotments land.

14] The Rye Allotments Association has yet to find or be directed to any approach to the Secretary of State for any such permission. It believes that the legally required permission was not sought.

15] Instead, the story was emphasised and re-emphasised that ESCC wanted the allotments land purely for playing fields, and it was sold subject to a restrictive covenant limiting future use to playing fields and horticultural purposes. The Association has no knowledge of the restrictive covenant being legally lifted.

16] I therefore sum up as follows

The recommendation for this Council to consider entering into some form of management agreement has come from this Council's Policy, Resources, and General Purposes Committee

Councillors should really have the opportunity to view the relevant FOI documents and the matter in more detail before considering a course of action

You might consider instead a proposal to defer consideration of the Recommendation pending Town Councillors being given the opportunity to view the FOI documents and discuss them