

## RYE LOCAL ACTION PLAN

## FINANCE UPDATE (AS AT 10 AUGUST 2009)

*italics* = actual expenditure      plain text = budgeted expenditure

		Note
<b>Income</b>		
Town Council provision/reserves to 28.2.09	5,455	
Rother Local Strategic Partnership	2,000	<i>Received</i>
Additional RTC contribution (March 09)	500	
Plan publicity (2009-10 RTC Budget)	<u>250</u>	<b>8,205</b>
<b>Expenditure</b>		
Co-ordinator remuneration	3,060	<b>1</b>
Co-ordinator expenses	300	<b>2</b>
<i>Printing of general questionnaire 12 A5 sides (5,000)</i>	690	
<i>Insertion of questionnaire in Fixtures (3,500)</i>	171.92	
Web page (RTC site)	100	
Printing of Plan (2,000)	2,232	<b>3</b>
Printing publicity flyer (4,000)	213	
Insertion of flyer in <i>Fixtures</i> (4,000)	98	
Launch and publicity	150	
<i>Questionnaire prize</i>	50	
<i>Independent collation of main questionnaire data (530)</i>	991.78	
Balance (Contingency)	<u>148</u>	<b>8,205</b>

**Notes**

- 1** £12/hr. Assumes 15 hours per week until 31.3.09  
(17 weeks)  
Actual paid to end Feb 09 = £2,364  
Hours worked in addition to budget provision as at 10.8.09 = 63  
(@ £12/hr = £756)
- 2** Actual to date = £218.12
- 3** Plan increased from 16 pages to 20. Original print run: 3,000  
Original budget: £2,000

**TOWN CLERK BRIEFING NOTE****62 CHAMBER TABLES**

At the last meeting Members approved the purchase, from CH Workshop Ltd, of six replacement meeting room tables (160cm x 80cm) with removable oak veneer tops and folding frames (in dark grey) for a price of £1,628 + VAT.

Since then two pieces of additional information have come to light:

Firstly (and most significantly) the member of staff we dealt with originally gave us inaccurate information: he quoted to supply oak veneer table tops of the size needed with the incorrect frame required (Reflex rather than 'quick fold') for £1,628 + VAT. Also the 'quick fold' frames come only in black or silver.

Reflex folding frames weigh 11.5kg and require much more storage space than the 'quick fold' frames which weigh just 4-5kg. The Reflex frames are far too heavy and cumbersome to carry up and down the attic stairs.

Secondly, given the frequency with which we will be dismantling/reassembling the tables - and carrying them to and from the attic - the chances of chipping oak veneer are high - the alternative 'oak effect' MFC (Melamine Faced Chipboard) would be more resistant to chipping.

Revised prices have been provided as follows:

- a) 6 x 2-sectional table, W160xD80cm *oak veneer finish*, 25mm top on black finish frame with quick fold mechanism. £2,730 + VAT
- b) 6 x 2-sectional table, W160xD80cm *English oak MFC finish*, 25mm top on black finish frame with quick fold mechanism. £2,070 + VAT

**Options/Considerations**

(i) If the Council is minded to approve **b)** (*above*) I would suggest that the existing red textile chairs would work better 'at the table' than the red leather chairs: the former have a black frame. An advantage of having Members sitting on the red textile chairs is that they don't 'creak' (whenever a leather chair 'creaks' members of the public have difficulty hearing what is being said).

(ii) Replacing the existing tables with oak is likely to cost in excess of £10,000. Although more hard wearing they would be difficult to store/move and would quickly become marked.

(iii) Replacement softwood tables would be cheaper but not durable.

(iv) Despite the health & safety implications, the Council might like to consider trying to extend the life of the existing tables by seeking estimates from joiners/furniture makers to 'smooth off' and reinforce them.

10.8.09

**TOWN CLERK BRIEFING NOTE****60 ALLOTMENTS**

At the Council meeting held on 11.5.09 the Council rejected RDC's leasehold offer but there was no consideration of what action it should pursue next in relation to its claim that the ownership of the allotment sites rests, properly, with the Town Council.

If Members are minded to proceed along the litigation route, it would be prudent to firstly assess the risks involved and, in doing so, to (re)consider/ascertain:

- Counsel's Opinion of 2 January 2008 (*see below*)
- The likely costs of an action - win or lose – including whether the Council could insure itself against losing the action
- The chances of success
- The worst outcome – ie RTC losing its case, the allotment holders being evicted and RTC finding itself being asked to provide allotments elsewhere.

Counsel's opinion is that the allotment land is held by RDC on RTC's behalf and that RTC can request its transfer (back) or apply to the Secretary of State. In essence, Counsel advised that the allotments are statutory and that there was no power under statute for the underlying function (provision of allotments) to be passed to RDC. Even though the title to the land was passed to RDC, in law, RDC holds the land for the same delegated function as RTC. Having effectively delegated the function to RDC, RTC can, at any time, resume that function.

These points have been put to RDC but have not been accepted.

Para 74 ('The way forward' section) of Counsel's Opinion states: *RTC would also need to be able to reach the reasoned conclusion that RDC's intentions for the two sites are such that the meeting of that need [allotments] might be prejudiced were the delegation arrangement to continue, and that the benefits of recovering the function – and consequently the use and management of the land – outweigh the disadvantages, including any outstanding rating problem of the kind that apparently prompted the 1976 arrangements in the first place.*

He suggests that *if RDC withholds its agreement [to transfer the land and function] back to RTC it would be open to RTC to act unilaterally, and to seek to recover title to the land by asking the Secretary of State to make a further order under LGA 1972 s254(1). If that request were contested by Rother, a possible way forward would be for the Secretary of State to convene a public local inquiry under LGA1972 s250 to hear evidence about the status of the allotments and the effect of the 1976 and subsequent events.*

He continues: *I am concerned not only that a number of factual points would benefit from clarification, but more importantly that launching a contest with RDC before the Secretary of State – perhaps even involving litigation – is likely to*

*involve a commitment of resources that RTC can ill afford and from which only the lawyers would benefit.*

*As a way forward he emphasises the importance of involving Rother Members (rather than just officers) and suggests that, if it is still not possible to reach agreement the two Councils could agree on some sort of mutually acceptable machinery for negotiating or arbitrating their differences: for example, with the involvement of the Local Government Association, the Audit Commission or some other independent person. All this is rather speculative at the moment, but I canvas these possibilities to reassure RTC that there need not be a simple choice between doing nothing and embarking on a prohibitively expensive litigious process.*

11.8.09