

TELSCOMBE TOWN COUNCIL



Minutes of a meeting of the **POLICY & RESOURCES COMMITTEE** held on **Wednesday 11th November 2009** in Telscombe Civic Centre at 7.30 pm.

PRESENT Councillors: Mr J Page (Chairman)
Mr T Armour, Ms L Hallett,
Mr B Page, Mr J Livings
Mr R Maskell, Mr D Neighbour
Mr T Banning, Mr P Howson
Mrs B Sawyers, Mr A Smith

ALSO PRESENT Mr Bob Milton (Abbeylands)
Ms Teresa Lipson (ESCC Social Care)

APOLOGIES Councillor: Mr J Harris

The meeting was adjourned at 7.31 pm to take questions from members of the public. *A member of the public asked if the Council had contacted any organisation in respect of marketing the Tye and that the sale of the Tye was not included in Mr Milton's report. The Chairman advised that the Town Council would go through an appropriate consultation as part of the business case for examining options on the future prudent management of the Tye.*

354. DECLARATIONS OF INTEREST

Cllr Livings and Cllr Hallett declared a prejudicial interest in agenda item 12 as members of Peacehaven Town Council.

355. TO APPROVE AND SIGN MINUTES OF THE MEETING HELD ON WEDNESDAY 9th SEPTEMBER 2009

The minutes of the above meeting were approved by the Committee and signed as correct by the Chairman.

356. MATTERS ARISING

It was resolved that agenda item 15 be moved to the end of the agenda for confidential discussion following a resolution to exclude the press and public in accordance with the Public Bodies Admissions to meetings Act 1960 Section 1.

357. TO NOTE THE INCOME AND EXPENDITURE ACCOUNTS FOR THE COMMITTEE TO 30th SEPTEMBER 2009

The Committee noted the accounts to 30th September 2009.

358. PRESENTATION BY TERESA LIPSON OF ESCC SOCIAL SERVICES TO CONSIDER REQUEST FOR FUNDING FOR A COMMUNITY PARTICIPATION WORKER AT DOWNLANDS COURT

The Chairman welcomed Ms Lipson to the meeting. Ms Lipson outlined the services provided by the recently opened Downlands Court in Peacehaven. The facility was for vulnerable people who needed 24 hour support. Downlands Court had been developed in partnership between the County Council and Saxon Weald Housing Association. In addition



TELSCOMBE TOWN COUNCIL

to providing in-house care Downlands Court was a centre for day and outreach care. The services on offer had been designed following research by Brighton University based on the Peacehaven demographic and published under the title of "Growing Old and Being Heard. Ms Lipson explained the centre had been built as a hub for older people across the East Saltdean, Peacehaven and Telscombe area. The purpose of the presentation was to seek financial support for the continuing employment of a community participation worker. The post holder had initially worked with residents and would be expanding into the wider community. The facilities at Downlands Court were already proving popular with non residents in particular the restaurant. It was anticipated that community worker would organise events for residents and non residents using the communal facilities of the new building. Contacts had already been established with existing community groups such as Kempton House. Funding of £8,500 was being sought from the tow Town Councils to cover the worker's salary shortfall for the year 2010 – 2011. A member of the Committee asked how many additional elderly people could be accommodated at events held in the building in addition to the 60 residents. Ms Lipson advised that a further 50 could be accommodated depending on the event. The movement of residents from Lewes District Council housing stock into Downlands Court was raised by a committee member who queried if the District Council should be making a contribution to the project as their houses were being vacated. Ms Lipson advised that residents of Downlands Court were placed by ESCC adult Social Care Team not the District Council. Ms Lipson also advised that tenants moving from Lewes would not be financially beneficial to the District as rent was paid via housing benefit which was also applicable to the Downlands Court tenancies.

The Committee noted that Telscombe's contribution was normally one third and Peacehaven's two thirds of any joint funded projects. The availability of a community grants scheme administered by the District Council was also put forward as a potential source of additional income. Ms Lipson was advised that she should make an application through the Town Council's grants scheme which opened again in April 2010 with the first meeting to consider applications being June 2010. The Chairman thanked Ms Lipson for attending the meeting

359. ATTENDANCE BY MR BOB MILTON TO GIVE ADVICE RE HIS RECENT REPORT ON THE TYE

The Chairman welcomed Mr Milton to the meeting and he was asked if he could take members through the executive summary of the report. Mr Milton advised that the report had been completed in April, and subsequent additional items had been undertaken since its completion, including liaison with the Police on enforcement procedures. The report highlighted aspects of the 10:16 AMye that had not been addressed over previous years and brought the various legal issues to the Council's attention. Mr Milton emphasised that each aspect of the Tye interlocked. The executive summary had no priority order to it. Mr Milton advised that following information received from the Highways Authority, the cattle grid at the Telscombe Village end of the Tye was in the wrong position and required relocating into the highway by the Authority.

Summary of recommendations:-

- 1.) Mr Milton reminded the meeting that his recommendation for bunding removal was partly complete with 12% remaining that was no longer subject to enforcement action.



TELSCOMBE TOWN COUNCIL

- 2.) The re-seeding following bunding removal had been done in accordance with Natural England requirements.
- 3.) The land on the South of the A259 not included in Natural England claim.
- 4.) Make use of available funding associated with SSI and Archaeological remains (note have duty to maintain SSI).
- 5.) Earthworks survey has been done by County Archaeologist.
- 6.) Mr Milton advised some fencing realignment work had been done and further works were planned as part of EDF cable undergrounding work.
- 7.) Mr Milton advised that the land should be grazed by sheep as it always was. The Commoners owned the grass. Leasing for cattle grazing could be open to challenge from the Commoners.
- 8.) Mr Milton advised that it should be possible to obtain Higher Level Stewardship on the Tye to maximise funding.
- 9.) The Clerk confirmed that all land was registered with the rural Land Registry as per the recommendation.
- 10.) Application for single farm payments in respect of supporting management of the Tye. The two commoners can apply, the commoner who does not exercise grazing rights could be seen as relinquishing his rights by not grazing.
- 11.) Completion of ELS and HLS agreements – the cooperation of the commoners is required to ensure that they continue grazing the Tye. The Chairman advised that the Natural England requirements for ELS and HLS outweighed the financial advantages.
- 12.) Mr Milton advised the Council to take all legal means possible to prevent illegal use. Mr Milton advised that local Police procedures had been updated to include section 34 making it a criminal offence to drive on the Tye. Mr Milton advised notices should be put up. In response to a query, Mr Milton advised that routes across the Tye should be gated and locked. Mr Milton said there may be a few residents with prescriptive rights and the Council should decide if these are legitimate.
- 13.) Mr Milton made reference to the provision of a Kent gap at the southern end of the old funeral track that would be installed as part of the EDF works at no cost to the Council.
- 14.) The fencing of the D piece – Mr Milton advised that it should be open for public access and that the Trustees of Gorham's Gift need to be advised of the charitable aims of the trust that give access rights across all land.
- 15.) Mr Milton advised the Council to ensure that the common is registered in the Commons Register when they open in 2010.
- 16.) Make sure rights of way definitive maps are correct. The boundary of the Tye at the top of Gorham Lane is not correct as limit of highway has been established by ESCC. Definitive map needs amending to show correct boundary with highway. Under section 82 of the



TELSCOMBE TOWN COUNCIL

Highways Act, the cattle grid can only go into the carriageway. The movement of the cattle grid is the responsibility of Highways Authority – Mr Milton advised none of the cattle grids are the responsibility of the Town Council.

- 17.) Mr Milton reiterated advice in report re continued action.
- 18.) Mr Milton advised that unused commoners rights may be lost after two years of non use and there may be further options for the Council to explore re bringing them back into use.
- 19.) The Council should look at all access onto the Tye in respect of Disabilities Discrimination Act and disabled access.
- 20.) The Council should make a statutory declaration in respect of rights of way across its land which should say no other rights of way exist.
- 21.) The Council needs to consider any access required by villagers, emergency services and any rights that may exist when looking at measures to restrict vehicular access along the bridleways.
- 22.) Mr Milton advised the Council needed to continue the ongoing liaison with the Police to deal with illegal activities on the Tye.
- 23.) Mr Milton suggested all access points to the Tye should be examined with a view to providing public parking for legitimate users of the Tye and in particular disabled users.
- 24.) Mr Milton advised that liability for gates and fences was the landowner's responsibility under the 1971 Animals Act. As the Council had chosen to fence the Tye there is an ongoing responsibility to look after it, there is an expectation that having fenced the land stock will not escape. The fencing could be moved to an adjacent landowner and they could then be requested to maintain it. As the Council have advised the Tenant he can repair the fence, they should ensure the work is done or undertake the work and charge the tenant. The Council cannot be passive in respect of gate and fence repairs. Gate on RB 9 should have an offset hinge to aid closure. Mr Milton advised that once cattle grids were in correct position – in the highway at village access point, it would be the responsibility of the highway authority.
- 25.) Mr Milton advised that the recommendation in his report in respect of a Section 193 Deed of Declaration to be made by the Council would prevent vehicles being within 15 yards of the common.
- 26.) With regard to the formulation of a management plan for the Common it was suggested that looking at plans for other Sussex Commons – Chailey and Ditchling could be helpful in formulating a five management plan for the Tye.

TELSCOMBE TOWN COUNCIL



360. **TO CONSIDER NOMINATION FOR POSSIBLE COUNCIL REPRESENTATION ON NEW SOUTH DOWNS NATIONAL PARK AUTHORITY**

The Council considered a brief report from the Clerk outlining the structure of the new National Park Authority. The report advised there were two vacancies for representatives from East Sussex Town and Parish Councils on the new authority. After consideration the Committee unanimously

RESOLVED that Councillor Philip Howson be nominated as a representative for East Sussex local councils on the South Downs National Park Authority board.

361. **TO CONSIDER COSTS AND PROPOSALS FOR DDA IMPROVEMENTS AND REPAIRS TO THE THREE STEPPED FOOTPATHS AND INSTALLATION OF A BRIDLE GATE LEADING FROM ASHURST AVENUE ONTO THE TYE**

The Committee considered a brief report from the Town Clerk in respect of proposed improvements to the footpaths leading onto the Tye from East Saltdean. It was envisaged that the work could be undertaken by volunteers. A query was raised in respect of the central footpath that was a designated public right of way with repairs being the responsibility of the County Council. A further query was raised in respect of the ownership of the land between the curb and the Tye fencing – the area of the proposed works and the Clerk was requested to confirm ownership with the County Highways Department. If the land is owned by the Highways Department it was agreed they should be requested to agree the specification for the proposed works prior to commencement.

362. **TO AGREE EXTENSION OF GROUNDS MAINTENANCE CONTRACT TO 31st MARCH 2010**

The Committee considered the extension of the current grounds maintenance contract and

RESOLVED that the contract be extended until the 31st March 2010.

363. **TO AGREE FORMAL MEETING WITH PEACEHAVEN TOWN COUNCIL WITH REGARD TO POSSIBLE GROUNDS MAINTENANCE CONTRACT PARTNERSHIP**

The Committee considered the proposal for a joint meeting (Councillors Hallett and Livings did not take part in the debate) and

RESOLVED that the Clerk arrange a meeting between Peacehaven and Telscombe Town Councillors at the earliest opportunity.



TELSCOMBE TOWN COUNCIL

364. CIVIC CENTRE KITCHEN EXTENSION OPTIONS

The Committee considered that the condition of the Civic Centre kitchen and the lack of basic catering equipment were discouraging hirers. The Committee agreed that a kitchen equipped to professional catering standards was required and that there was also scope to extend the kitchen to accommodate better equipment. It was agreed to set up a working party of four members to look at options for improving the kitchen and report back to the Committee and it

RESOLVED that Councillors Hallett, J Page, Maskell and Smith be delegated to form the kitchen refurbishment working party.

365. TELSCOMBE VILLAGE NOTICE BOARD

The Committee noted the response from the Village Club Trustees in respect of the Town Council's offer to provide a new notice board for the Village. The Trustee's insistence of the use of oak for the proposed new board had cost implications and exceeded the price agreed by the Town Council of £450 for a brown powder coated aluminium board. The Clerk was requested to write to the Trustee's agents advising that if an oak notice board was specified by the Trustees, they should pay the cost of the price difference between the aluminium and oak boards.

366. TO AGREE THE PRECEPT FOR THE 2010 / 2011 FINANCIAL YEAR

The Committee agreed to consider this item as confidential after the exclusion of the public at the end of the meeting.

367. UPDATE ON KENT GAP AT SOUTHERN END OF THE TYE

Mr Milton advised the committee that the funding for installing the gap was available. There were delays in the EDF work due to ongoing discussions with other landowners further down the route. The County Council were also undertaking a safety audit of the proposed Kent gap design. Mr Milton would contact EDF to establish if the Gap can be installed prior to the works and establish if the undergrounding machinery could access the Tye through the bye pass gate once the Kent Gap was in place.

368. ADDITIONAL GATE ONTO THE TYE AT THE BOTTOM OF GORHAM WAY

The Clerk advised that information had been received from the Planning and Highways Authority in respect of putting a new gate into the Tye perimeter fence at the bottom of Gorham Way. The Planning Authority advised that if the gate was sited at least two meters from the highway and under two meters high, planning permission was not required. The Highway Authority had provided guidance that the gate was likely to be exempt from section 38 and did not raise any other issues. The Clerk was requested to obtain a quotation for supply and installation of a new field gate to give access from Gorham Way onto the Tye.

369. CONSIDERATION OF MARKETING THE TYE

The Chairman advised there was no intention of moving the Tye on. It was, however, appropriate to consider how much revenue the land had brought in since its purchase by the



TELSCOMBE TOWN COUNCIL

Town Council and how much it had cost. It was emphasised that the Tye could not be built on or developed. The need to establish if there were other bodies who could manage the Tye more effectively on behalf of the residents should be established. The possibility of setting up a charitable trust run by trustees from the local population was suggested by Mr Milton. Mr Milton also suggested that income could be gained by maximising higher stewardship payments. The cost of the Tye to the Council was estimated at an average of between £15,000 - £20,000 per annum and the need for a cost benefit analysis to establish just how much was being spent per year, and the added value of that expenditure was proposed. It was also suggested there was a need to look at maximising the benefit from the Tye and this again should be part of a plan for the future. The imminent creation of a new National Park was put forward as a possible reason for delaying a marketing exercise as the new Park Authority may have additional capacity for land management. The need for public consultation and a possible referendum as part of a consultation process was seen as important. The Committee

RESOLVED that the Town Council should consider marketing the Tye (Councillor Neighbour asked that his vote against the proposal should be noted)

370. **ANY OTHER BUSINESS**

There being none the Committee

RESOLVED to exclude the press and public from the meeting for consideration of confidential items of business in accordance with the Public Bodies Admission to meetings Act 1960 section 1.

CONFIDENTIAL

371. **TO AGREE PRECEPT FOR 2010 / 2011 FINANCIAL YEAR**

The Committee was advised by the Chairman that a special meeting to go through the budget was being organised. Councillor Howson said he was waiting for details of the tax base from the Director of Finance at Lewes which should be available for the special meeting.

Signed
CHAIRMAN

The next meeting of the committee will be held on Friday 4th December 2009 at 4 pm.