

TELSCOMBE TOWN COUNCIL



Minutes of a remote meeting of the **POLICY & RESOURCES COMMITTEE** held on Monday 9th November 2020 at 7.30 pm.

Present: Cllrs Cheta, Clarkson *Chairman*, Gallagher, Harris, Judd, Mills, O'Connor, Robinson & Sharkey *Mayor*

Also Present: Stella Newman, Town Clerk & RFO (*minutes*)

1424. PUBLIC QUESTION TIME

There were no public present.

1425. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Cllrs Brindley and Page sent apologies due to family commitments and the reasons for absence were accepted.

1426. TO RECEIVE MEMBERS' DECLARATIONS OF INTEREST IN RELATION TO MATTERS ON THE AGENDA

None.

1427. TO APPROVE AND SIGN MINUTES OF THE MEETING HELD ON 7TH SEPTEMBER 2020

The minutes of the meeting were proposed by Cllr O'Connor, seconded by Cllr Harris and unanimously **RESOLVED** that they were a true record of the proceedings and were signed as correct by the Chairman, Cllr Clarkson, who had been sent them in the post.

It was noted that regarding minute 1413 on page 3243, 'To consider wording for proposed TRA Signs' an item had been placed on the agenda for discussion later in this meeting.

1428. TO APPROVE AND SIGN MINUTES OF THE GRANTS SUB COMMITTEE ON 7th SEPTEMBER AND RATIFY ADDITIONAL GRANT DONATION OF £200 TO MACMILLAN CANCER SUPPORT

In the absence of the sub-committee Chairman, Cllr Robinson proposed that the minutes of the meeting on 7th September 2020 be accepted and the recommendations be adopted, seconded by Cllr Gallagher and **RESOLVED** that the minutes be accepted and recommendations adopted. The minutes will be signed by Cllr Page who had been sent them in the post. The grant donation of £200 to Macmillan Cancer Support was unanimously ratified.

1429. TO NOTE ACTION LIST

The actions were noted as follows:-

Date of Meeting	Issue Detail	Action Owner	Update	Due Date
11.5.20	Min 1373, p 3173 – Unregistered Land on the Tye Update	BB	Information being collated and will be placed on next agenda.	Jan 2021

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6.7.20	Min 1396, p 3211 – To consider clearance of cattle grids on Telscombe Tye	SN	We have sought legal advice regarding clearing cattle grids and maintaining fencing and item added to this agenda.	Nov 2020
6.7.20	Min 1399, p 3212 – To agree payment to CTLA for 2020/21 financial year	SN	A payment of £3,000 has been made. CTLA will provide a report at end of the year and we will review service in Jan 2021.	Jan 2021
7.9.20	Min 1410, p 3241 – to review Financial Regulations	SN	Financial Regulations adopted by full Council on 16.9.20	Complete
7.9.20	Min 1411, p 3242 – to review Grants Policy & Application Form	SN	Grants Policy & application form adopted by full Council on 16.9.20	Complete
7.9.20	Min 1412, p 3242 – to consider draft Single Use Plastics Policy	SN	Single Use Plastics Policy adopted by full Council on 16.9.20	Complete
7.9.20	Min 1413, p 3243 – to consider wording for proposed Telscombe Resident's Association signs	SN	Wording agreed at last meeting, however, update placed on this agenda for consideration.	March 2021
7.9.20	Min 1414, p 3243 – to consider estimates for Tye Grass cutting	SN	Tye grass has been cut as agreed.	Complete
7.9.20	Min 1415, p 3243 – Tye Management Consultant update	SN	Estimate received 3-5 hours @ £140 = £420 - £700 max. Agreed by Cllr Clarkson & purchase order submitted on proviso work completed by year end.	December 2020
7.9.20	Min 1416, p 3244 – to consider removal of the 'E' piece from the HLS agreement	SN	As agreed under previous minute.	December 2020
7.9.20	Min 1417, p 3244 – Tye Commons Community Group update	SN / CR	Zoom meeting held on 15.10.20. Cllr Robinson to give verbal update.	Complete
7.9.20	Min 1418, p 3244 – to consider re-opening The Civic Centre	SN	Reception opened from 1.15 – 4.15pm Monday to Friday from 14 th September, but in line with new government advice, to close again from Thursday 5 th November.	Complete
7.9.20	Min 1419, p 3244 – to agree a Communications Strategy	Admin Asst & Cllrs	Working group of Cllrs Clarkson, Gallagher, Robinson & Admin Asst met & Admin Asst is drawing up draft procedures.	Jan 2021

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7.9.20	Min 1420, p 3244 – to consider continuation of L&N Consultancy assistance with NDP	SN	Agreed to continue using L&N Consultancy & Steering group advised accordingly. NDP progressing.	Complete
7.9.20	Min 1421 – urgent matters	SN	<ol style="list-style-type: none"> 1. Cllr Robinson subsequently decided cut back unnecessary. 2. Estimates for dew pond fencing obtained & item placed on this agenda 3. Cllr Mills unable to join Mascot meeting due to technical issues. 	<p>Complete</p> <p>Complete</p> <p>Complete</p>

Cllr Robinson gave an update on the Tye Commons Community group following a Zoom meeting held in October. Discussion ensued regarding the work undertaken on the Tye ‘E’ piece at the beginning of the year. This had been organised by the South Downs National Park Ranger and agreed by this Committee in November 2019, min 1328, pages 3070-3071. It was agreed that in future if a specification is being drawn up externally, we scrutinise it carefully to ensure we are clear what works are to be undertaken.

There was then discussion regarding progression of the Tye Management Plan and Cllr Robinson advised she had spent a lot of work comparing previous plans and agreed to draft a future plan.

Cllr Gallagher queried if it had been agreed to continue using L&N Consultancy to undertake work on the Neighbourhood Plan and it was confirmed that this was agreed at the last meeting.

1430. TO AGREE INCOME AND EXPENDITURE TO 30th SEPTEMBER 2020

Cllr Robinson queried what 4010-101 Councillor/Civic Expenses had been used on and she was advised that the majority of the money had been spent on purchase of 5 past Mayor’s badges. The Town Clerk confirmed that it was cheaper to buy them in bulk for the next few years due to the artwork cost etc, so it was a one-off purchase for this year.

Cllr Cheta asked why nothing had been spent on insurance to date and the Town Clerk explained that this was detailed in her report accompanying the figures; the insurance premium is paid in full at renewal which is in February annually.

The Committee’s income and expenditure figures to the 30th September 2020, of £78,775 expenditure and £242,492 income were unanimously **agreed**.

1431. TO AGREE BANK RECONCILIATION TO 30th SEPTEMBER 2020

The Town Clerk/RFO confirmed that the bank reconciliations for the 2020/21 financial year up to 30th September had been checked by Cllr Gallagher on 28th October 2020. Cllr Gallagher had found everything to be in order and had signed the bank reconciliation, corresponding bank statements and supporting documentation as correct. The signed bank reconciliation was attached to the agenda for members to check and it was unanimously **RECOMMENDED** that the bank reconciliation showing total bank and cash balances of £514,995.48 be accepted as correct.

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1432. TO REVIEW THE HONORARY FREEDOM OF TOWN POLICY

The Committee noted the Policy was due its 3-year review and did not require any amendments. It was therefore proposed by Cllr Judd, seconded by Cllr Cheta and unanimously **RECOMMENDED** that the draft Policy be agreed and taken to the next full Council meeting for adoption. It was agreed to advertise the scheme in the next Council newsletter.

1433. TO REVIEW THE DATA PROTECTION POLICY

The Committee noted that the Policy was due its 3-year review. SALC's model policy varied slightly from our previous report and was used as a template. It was agreed to add wording regarding GDPR and 1.2 was amended to read 'When handling such information the Council and all staff or others who process or use the information seek to ensure compliance with the Data Protection principles as set out in the Data Protection Act 2018 (the Act) and in line with the General Data Protection Regulations (GDPR). It was also agreed to add additional clarity under the 'use of emails' guidelines for staff members and Councillors regarding forwarding on of emails. It was unanimously **RECOMMENDED** that the amended draft Policy be taken to the next full Council meeting for adoption.

1434. TO REVIEW THE EMAIL & INTERNET USAGE POLICY

The Committee noted that the Policy was due its 3-year review. SALC's model policy was used as a template. It was agreed to provide greater clarity regarding use of the Council's email addresses/domain name and unanimously **RECOMMENDED** that the amended draft Policy be taken to the next full Council meeting for adoption.

1435. TO REVIEW THE DISCIPLINARY POLICY

The Committee noted that the Policy was due its 3-year review. SALC's model policy varied slightly from our previous report and was used as a template. Cllr O'Connor advised he thought unsatisfactory work performance should not be included in the Policy which was agreed by the remaining Committee members. It was therefore proposed by Cllr O'Connor, seconded by Cllr Judd and unanimously **RECOMMENDED** that (a) the second paragraph of 1.3 and 4 in its entirety be removed and the amended draft Policy be taken to the next full Council meeting for adoption and (b) a separate Work Performance Management Policy be drawn up for consideration at the next meeting in January 2021.

1436. TO REVIEW THE EMPLOYEE/COUNCILLOR CODE OF CONDUCT POLICY

The Committee noted that the Policy was due its first 3-year review. The Town Clerk advised that this Policy had been drawn up by previous Councillors and SALC have a similar but not so detailed policy called Member/Officer Relations Protocol.

Cllr O'Connor felt that the section on social media guidelines was vague and agreed to forward on wording that a working group had drafted for a recent consultation on the Code of Conduct. It was therefore unanimously **RECOMMENDED** that the policy be amended as follows (a) that it be re-named the Member/Officer Relations Protocol Policy (b) that the Town Clerk amend the wording under 'social media guidelines' and that the draft amended policy be taken to full Council for adoption.

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1437. RE-LOOK AT WORDING FOR TELSCOMBE RESIDENTS' ASSOCIATION'S (TRA) PROPOSED SIGNS

The TRA had forwarded to the Committee wording for proposed signs they wanted to have drawn up and placed in various areas in Telscombe. It was previously agreed that a working group look at the wording and proposed modifications were agreed at the last P&R Committee meeting. However, after perusal by the TRA, one of their member's felt the wording was not accurate and suggested amendments. It was therefore unanimously **RECOMMENDED** that (a) the working group meet again to look at the suggested amendments and agree draft wording to be brought back to the next meeting for consideration and (b) that the recommendation under minute 1413 on page 3243 of the meeting held on 7th September 2020 is not adopted at the next full Council meeting to allow the wording to be re-visited and amended.

1438. TO PROGRESS WILDFLOWER SEEDING ON THE TYE

Cllr Robinson advised she did not want this to fall on the Town Clerk's shoulders alone and wanted Councillors to help. Following discussion it was proposed by Cllr Gallagher, seconded by Cllr Sharkey and unanimously **RECOMMENDED** that the Town Clerk obtain prices for rabbit proof fencing and cutting of certain areas of the Tye in preparation for seeding and bring the costs back to a future meeting for consideration.

1439. TO CONSIDER ESTIMATES FOR RE-FENCING THE TYE DEW POND

It was noted that sheep leaning against the fencing had exacerbated its deterioration. The estimates obtained were discussed and it was proposed by Cllr O'Connor, seconded by Cllr Harris and unanimously **RECOMMENDED** to accept the estimate from Dimension Fencing for total replacement of the fencing in the sum of £2,175 (no VAT applicable) and if necessary the style also be replaced at a further cost of £240 (no VAT applicable).

1440. TO CONSIDER WAY FORWARD RE FENCING AND CATTLE GRIDS ON TELSCOMBE TYE

There was lengthy discussion regarding this item. Advice the Council had obtained from a solicitor was noted as follows:-

- the landowner owns the land and is therefore responsible for the land and its condition sufficient to enable it to discharge its duties of care under the Occupiers' Liability Act
- regarding the fencing and cattle grids that were given consent from the Secretary of State, unless there was a contractual right owed to a third party e.g. through a fencing covenant on the title, then there cannot be objection to the works' removal or non-replacement.

Regarding sheep grazing, they advised that:-

- while a commoner may have the right to graze sheep, the management of the stock is a matter for him or her and the right to graze is just that.
- liability for any damage caused by straying stock is that of the possessor of the stock and not that of the landowner (if different) and it is the keeper or possessor of the stock which is responsible for not allowing his stock to stray onto the highway.

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1440. To Consider Way Forward re Fencing and Cattle Grids on Telscombe Tye (contd)

It was noted that if we decide to remove areas of fencing once they fall into disrepair, we will not be able to replace it without another application to the Secretary of State, which may not be granted. Areas of fencing adjoining neighbouring land is down to the landowner to repair and not ourselves. Lengthy discussion ensued regarding this item.

It was proposed by Cllr Gallagher and seconded by Cllr Robinson to clear the cattle grid by bridleway 8. As this proposal was only agreed by Cllr Sharkey and therefore not unanimously agreed, the motion was not carried.

It was then proposed by Cllr Judd, seconded by Cllr Harris and **RECOMMENDED** by the remaining 4 Councillors that we do not clear the cattle grid by bridleway 8.

Following further discussion it was proposed by Cllr O'Connor, seconded by Cllr Judd and **RECOMMENDED** by a majority of 4 Councillors that we get M Evans to repair the fencing next to bridleway 8 gate that has been damaged by Stud Farm's pigs and we write to Stud Farm and set out the Council's position following obtaining legal advice as follows:-

- We will not clear the cattle grid on bridleway 8 belonging to TTC.
- We will not maintain fencing or gates bordering our land that we are responsible for and if they fall into disrepair, they will be removed; we will, however continue to monitor and where necessary at our discretion maintain and repair gates and fencing bordering the South Coast Road and Gorham Way.
- TTC require Stud Farm to take action to prevent their pigs from escaping from their land and causing damage to land and fencing owned by the Council
- Stud Farm only retains Commoners Rights to graze its sheep on Telscombe Tye which means that Stud Farm is entitled to nothing more and nothing less. The management, responsibility and liability of the stock is that of Stud Farm as owners of the stock and they are solely liable for any damage caused by straying stock and must manage the same so as to prevent it from straying onto the public highway.
- Temporary fencing/sheep division pens can be erected for a period of less than 28 days, ie the maximum period allowed in any one year, but we ask that Stud Farm seek permission from the Council as landowners before their erection and ensure they are removed in their entirety after a maximum of 28 days.
- Placing ring feeders on the Tye is in breach of Section 38 of the Commons Act and we therefore ask Stud Farm not to place any feeders on the Tye
- We advise Stud Farm we regret having to contact them by letter and would have preferred a meeting to discuss the situation which was unfortunately declined by them.

1441. TO CONSIDER COMPLAINT REGARDING DISABLED ACCESS TO TELSCOMBE TYE

It was noted that a resident had complained to Cllr Robinson that they could not access the Tye via a field and gate belonging to Stud Farm.

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1441. To Consider Complaint Regarding Disabled Access To Telscombe Tye (Contd)

Cllrs Robinson, Gallagher, Judd and the Town Clerk had met the resident on site and agreed to ask permission from Stud Farm to make alterations to the gate. Unfortunately following several discussions with Stud Farm, they denied the Council permission to make alterations and the resident was informed. As the resident was not happy with the outcome, Cllrs Robinson, Gallagher and Judd have referred the complaint to Committee for consideration.

Discussion ensued. In view of the fact that the resident was requesting alterations to a gate belonging to Stud Farm who had denied the Council permission to make alterations, it was proposed by Cllr Judd, seconded by Cllr Harris and unanimously **RECOMMENDED** that there was nothing more the Council could do. It was noted that there is disabled access to the Tye at Gorham Way in Telscombe Cliffs, Ashurst Avenue in East Saltdean and at the top of Gorhams Lane at the northern border of the Tye.

1442. BUSINESS PLAN UPDATE

Regarding Part 2, item 1, Tye Management Plan, Cllr Robinson queried the date of expiry of the current grants and it was agreed that this be amended to read 2023. The remainder of the current business plan was noted.

1443. URGENT MATTERS AT THE DISCRETION OF THE CHAIRMAN FOR NOTING OR INCLUSION ON A FUTURE AGENDA

None.

1444. EXCLUSION OF PRESS AND PUBLIC

It was unanimously **RESOLVED** to exclude the Press and Public from the meeting during consideration of the following items pursuant to section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960, on the grounds that publicity would be prejudicial to the public interest by reasons of the confidential nature of the business to be transacted.

1445. TO APPROVE AND SIGN MINUTES OF THE EMPLOYMENT SUB-COMMITTEE MEETINGS OF 14th SEPTEMBER 2020

The Sub-Committee Vice Chairman, Cllr Judd, requested that the minutes of the Employment Sub-Committee meeting on 14th September 2020 be accepted and the recommendations therein be adopted, seconded by Cllr Gallagher and unanimously **RESOLVED** that the minutes be accepted and recommendations be adopted. It was agreed that either the Committee Chairman or Vice Chairman sign the confidential minutes when they are next in the Council office.

There being no further business, the meeting closed at 9.45pm.

Signed
Chairman

Date for next meeting of the Committee – 18th January 2021 (tbc)