

Minutes of the Council meeting held at the Town Hall, Bexhill-on-Sea on Monday 18 December 2017 at 6:30pm.

Present: Councillors: Mrs M.L. Barnes (Chairman), Lord Ampthill, A.K. Azad, J. Barnes, R.K. Bird, G.S. Browne, J.J. Carroll, R.C. Carroll, C.A. Clark, G.C. Curtis, K.P. Dixon, S.H. Earl, Mrs D.C. Earl-Williams, S.D. Elford, R.V. Elliston, K.M. Field (in part), A.E. Ganly, Mrs S. Hart, I.R. Hollidge, Mrs J.M. Hughes, I.G.F. Jenkins, G.P. Johnson, J.M. Johnson, B. Kentfield, M.J. Kenward, Mrs E.M. Kirby-Green, C.R. Maynard, M. Mooney, D.B. Oliver, P.N. Osborne, J. Potts, Mrs S.M. Prochak, C.J. Saint, G.F. Stevens and M.R. Watson.

Advisory officers present: Executive Director of Resources, Executive Director of Business Operations, Service Manager – Finance and Welfare, Service Manager – Corporate and Human Resources, Service Manager – Strategy and Planning (in part), Financial Services Manager, Senior Communications Officer (in part) and Democratic Services Manager (in part).

Also present: 32 members of the public and 1 member of the press.

C17/41. **MINUTES**

The Chairman was authorised to sign the Minutes of the Meeting of the Council held on 25 September 2017 as a correct record of the proceedings.

C17/42. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P.R. Douart, T.W. Graham and Mrs B.A. Hollingsworth. Councillor Maynard updated Members that Councillor Graham had wanted to participate in the meeting but had been unable to attend due to illness. Members wished him a speedy recovery and extended their best wishes.

C17/43. **DECLARATIONS OF INTEREST**

Declarations of interest were made by Councillors in the Minutes as indicated below:

Lord Ampthill	Agenda Item 8 – Personal Interest in so far as he is the President of East Sussex Association of Local Councils.
Elford	Agenda Item 7 (CB17/45) – Personal interest in so far as he is the Vice Chairman of the Bexhill Chamber of Commerce.

C17/44. **CHAIRMAN'S COMMUNICATIONS**

- 1) The Chairman announced that she had represented the Council at the following events:
 - The Bexhill Choral Society's concert on the 7 October to watch a performance of Vivaldi's Magnificat and Montiverdi's Beatus Vir, followed by Albinoni double oboe concerto.
 - Long Furlong Barn, Worthing to watch the Lord Lieutenant present awards to the Reservists and Cadet Forces for Meritorious Service deserving of public recognition. The awards are second only to the Queens Honours list for outstanding voluntary service in the community.
 - Councillor Graham's Mayoral Civic Service at St Peter's Church, Bexhill on 29 October.
 - The licensing of Canon Christopher Irving as the Vicar of Bodiam and Ewhurst by the Bishop of Chichester on 7 November.
 - The Remembrance Day service on 12 November in Bexhill. The Chairman took the salute with the Mayor of Bexhill as the parade marched past. Later the same day, the Chairman attended the British Legion Festival of Remembrance at the White Rock in Hastings at the invitation of the Mayor of Hastings.
 - The presentation of the British Empire Medal by the Lord Lieutenant to Mrs Ruth Tomkins for her tireless work raising money for the Alzheimers Society and admiral nurses in East Sussex on 21 November.
 - South Down Youth Orchestra performance at the Hippodrome Theatre in Eastbourne on 1 December, The Big Sing at the De La Warr Pavilion on 4 December, the East Sussex County Council Chairman's pre-Christmas reception on 5 December and the Advent Vespers event at Arundel Cathedral with other Civic Leaders from East and West Sussex and Surrey on 10 December.
- 2) The Chairman congratulated the staff who managed the Manor Gardens in Bexhill who won first prize in a national competition, namely the free access category of the British Association of Landscape Industry Awards. Mike Cranfield was singled out for his dedication to the care of the gardens which were described as 'a hidden gem' and his care as 'a labour of love'.
- 3) The Chairman drew Members' attention to the additional papers in their folders in respect of Agenda Item 10.

C17/45. **PUBLIC QUESTION TIME**

1. Pursuant to Paragraph 10 of the Council Procedure Rules the following question was put by Ms Rachel Hills and answered by Councillor Kenward.

Question: I would like to take this opportunity to remind you that out of a total of 38 Members, 20 of you have a tier of representation below you, with your residents benefitting from either a parish or town council. The remaining 18 are all Bexhill, elected Members whose residents do not have this local devolved power.

Please can you tell me why members should not now address this electoral inequality?

Answer: As you are aware, the Council has conducted a Community Governance Review of Bexhill-on-Sea this year to consider the future governance arrangement and the Council is due to agree its final recommendation at tonight's' meeting. I am not prepared to comment further at this time.

Supplementary Oral Question: Given that the policy of our Government is to devolve power to local people, our Secretary of State for Communities and Local Government, the Conservative Right Honourable Sajid Javid MP, recently reaffirmed "both myself and Government remain absolutely 100% committed to localism and devolution". 9,032 Bexhill residents recently voted to have a devolved tier of Government in the form of a town council. Have our 31 local Conservative Councillors been advised to follow Conservative Policy and vote for a town council?

Answer: Every Councillor in this Chamber this evening will have a free vote, on their own conscience, according to how they wish to vote.

2. Pursuant to Paragraph 10 of the Council Procedure Rules the following question was put by Mrs Diane Smith and answered by Councillor Kenward.

Question: One of the Governance Review proposals (still on the table, though with negligible support in Bexhill) is to split the town into four parishes, based on ESCC electoral boundaries, not on communities. One effect would be to divide ancient Saxon town in two. Manor Barn and Gardens, together with the houses on the south side of the High Street and Belle Hill would be in the parish of Bexhill South. The church- founded by King Offa in 772, community centre, and the properties on the north side of the De La Warr Road, High Street (including the Manor Barn office) and Belle Hill would be in the parish of Bexhill East.

On what grounds could Rother justify ignoring the sense of community and place that has existed for more than 1000 years?

Answer: As you are aware, the Council has conducted a Community Governance Review of Bexhill-on-Sea this year to consider the future governance arrangement and the Council is due to agree its final recommendation at tonight's' meeting. I am not prepared to comment further at this time.

Supplementary Oral Question: How do you think Burwash, Brede, or any town or village in Rother would react if someone drew a random line through their village and declared the two sides different communities?

Answer: I would suggest that the question should be put to the Member who represents those villages.

3. Pursuant to Paragraph 10 of the Council Procedure Rules the following question was put by Master Connor Willard and answered by Councillor Kenward.

Question: How many (numbers and %) young people under the age of 18 took part in the consultation? And – what steps were taken by councillors to ensure that young people were able to have a say in the future governance of their town?

Answer: We are only able to provide this information for the online responders who provided this data; the response postcards did not collect the demographic data, which is why the Council's preferred response method was via the online consultation portal.

We had a response on age from 3,940 respondents, 78 of which were aged 18 or under. (19 people aged 11 and under, 27 people aged 12-15 and 32 people aged 16-18.)

You would have to ask individual councillors what steps they took to ensure that young people were able to have a say in the future governance arrangements; there were no corporately arranged events specifically targeted at young people (under 18s). All the Council's press and media releases were put out on social media as a way of communicating with young people.

Supplementary Oral Question: Why did the Council not organise events at the two secondary schools and college? Why was it left to me, a 15 year old, to organise the events at Bexhill Academy; young people have a voice too. Why did the Council not cohesively work together to involve the future generations of Bexhill?

Answer: The Community Governance Review Steering Group made a decision on how they would go out to people. I would say that, I was the one councillor that asked that young people were included in this and were involved in it. Otherwise it would have only gone out to people of voting age.

4. Pursuant to Paragraph 10 of the Council Procedure Rules the following question was put by Mrs Christine Madeley and answered by Councillor Kenward.

Question: How many responses were returned on postcards issued by Rother District?

Answer: 743 responses were returned on postcards issued by the Council.

Supplementary Oral Question: That means there were over six times as many responses returned on postcards issued by D4B as there were on postcards issued by Rother District Council. 743 compared with 4,573. Full Council, unlawfully resolved to invalidate any postcard not issued by Rother District, a decision later overruled on legal advice. Therefore, is it not apparent beyond reasonable doubt, that Rother District had sought to keep consultation responses as low as possible?

Answer: No that is totally incorrect. The main form of consultation was via the website, there were enough postcards printed for people to come and collect them at the Town Hall; it was entirely up to them to collect them. I

would suggest that D4B actually went out and pestered people with postcards and that was why there were so many postcards returned.

5. Pursuant to Paragraph 10 of the Council Procedure Rules the following question was put by Mr Terence Byrne and answered by Councillor Maynard.

Question: The question concerns the recent Governance Review

During the recent debate on the governance of Bexhill on Sea, the leader of the Council repeatedly stated that he had an open mind on the subject of a town council.

Is he still approaching this debate with an open mind?

Answer: This is a frivolous question, but I will answer it. Yes, of course and I would expect other Councillors in the Chamber tonight to approach it with a similar open mind although it is wholly apparent that that is not the case.

Supplementary Oral Question: Sorry that you found it frivolous; there was no intention of frivolity, I assure you. However, in the light of your answer, and given that a Conservative leaflet circulated before the Collington by-election stated, I quote, "Conservatives will not waste thousands of pounds, or ask you to pay more tax to deliver a Council". Was it the strength of opinion demonstrated in the recent public consultation that caused this change of position.

Answer: No, clearly not. Mr Bryne and others need to draw a distinction between a party that will not go out and promote a town council and one that has an open mind. I am absolutely clear that Conservatives Members of this authority have an open mind in going forward into this debate and there will also be a free vote on the matter. It is not quite as Councillor Kenward has suggested, as there will be a free vote on Conservative Members, but I am not aware of any free vote on the other side of the Chamber.

6. Pursuant to Paragraph 10 of the Council Procedure Rules the following question was put by Mr Douglas Stevenson and answered by Councillor Kenward.

Question: As the Portfolio holder for Bexhill Affairs are you supportive of the role of the Mayor of Bexhill?

Answer: Yes. I myself have been Mayor myself.

Supplementary Oral Question: Are you aware that Option four of four parish councils there will not be a Mayor of Bexhill.

Answer: Correct, that is quite possible. That is for the debate.

7. Pursuant to Paragraph 10 of the Council Procedure Rules the following question was put by Mr Paul Courtel and answered by Councillor Kenward.

3. On the Motion of the Chairman of the Council, duly seconded, the Council approved, adopted and received the following reports, with the exception of the minutes reserved for discussion:

- Medium Term Financial Strategy 2018/19 to 2022/23 (CB17/35)
- Strategy and Planning Delegations (CB17/36)
- Property Investment Panel – Terms of Reference (CB17/45)
- Local Council Tax Reductions Scheme 2018/19 (CB17/47)
- Provisional Revenue Budget and Capital Programme Monitoring Quarter 2 2017/18 (CB17/48)

C17/47. RESERVED MATTERS

Cabinet – 2 October

CB17/28 - Income Generation and Asset Management Plan

Cabinet – 4 December

CB17/46 – Development of Sports and Recreation Facilities at Sidley Recreation Ground, Bexhill

Cabinet – 18 December

CB17/55 – Examiner’s Report into the Sedlescombe Neighbourhood Development Plan 2016/2028

RESOLVED: That Minutes CB17/28, CB17/46 and the Examiner’s Report into the Sedlescombe Neighbourhood Development Plan 2016/2028 (CB17/55) be approved and adopted.

C17/48. COMMUNITY GOVERNANCE REVIEW OF BEXHILL – FINAL RECOMMENDATIONS AND MINORITY REPORT

It was moved by Councillor Maynard, seconded and agreed that Council Procedure Rules 14.4 (content and length of speeches) and 14.5 (when a Member may speak again) be waived for the duration of this item.

It was moved by Councillor Maynard and seconded that the Community Governance Report and the Minority report be received.

Following a thorough and extensive debate, it was moved by Councillor Lord Ampthill and seconded by Councillor S.D. Elford that one parish council for the whole of Bexhill, to be styled as a Town Council be approved as this Council’s final recommendation of the Community Governance Review of Bexhill-on-Sea.

In accordance with Council Procedure Rule 17.5 a vote by roll call was taken on the Motion (FOR A TOWN COUNCIL).

FOR (13): Councillors Lord Ampthill, C.A. Clark, K.P. Dixon, S.H. Earl, Mrs D.C. Earl-Williams, S.D. Elford, R.V. Elliston, K.M. Field, M. Mooney, D.B. Oliver, P.N. Osborne, Mrs S.M. Prochak, and G.F. Stevens.

AGAINST (18): Councillors A.K. Azad, J. Barnes, Mrs M.L. Barnes, G.S. Browne, J.J. Carroll, R.C. Carroll, G.C. Curtis, A.E. Ganly, Mrs S. Hart, I.R.

Hollidge, Mrs J.M. Hughes, G.P. Johnson, J.M. Johnson, B. Kentfield, M.J. Kenward, Mrs E.M. Kirby-Green, C.R. Maynard and J. Potts.

ABSTAIN (4): Councillors R.K. Bird, I.G.F. Jenkins, C.J. Saint and M.R. Watson.

The Motion on being put was declared **LOST**.

It was moved by Councillor Kenward and seconded by Councillor Mrs S. Hart that no change to the current Governance arrangements be approved as this Council's final recommendation of the Community Governance Review of Bexhill-on-Sea.

In accordance with Council Procedure Rule 17.5 a vote by roll call was taken on the Motion (NO CHANGE).

FOR (18): Councillors: A.K. Azad, J. Barnes, Mrs M.L. Barnes, G.S. Browne, J.J. Carroll, R.C. Carroll, G.C. Curtis, A.E. Ganly, Mrs S. Hart, I.R. Hollidge, Mrs J.M. Hughes, G.P. Johnson, J.M. Johnson, B. Kentfield, M.J. Kenward, Mrs E.M. Kirby-Green, C.R. Maynard and J. Potts.

AGAINST (11): Lord Ampthill, C.A. Clark, S.H. Earl, Mrs D.C. Earl-Williams, R.V. Elliston, K.M. Field, M. Mooney, D.B. Oliver, P.N. Osborne, Mrs S.M. Prochak and G. F. Stevens.

ABSTAIN (5): R.K. Bird, S.D. Elford, I.G.F. Jenkins, C.J. Saint and M.R. Watson

The Motion on being put was declared **CARRIED**.

RESOLVED: That this Council's final recommendation of the Community Governance Review for Bexhill-on-Sea be no change at this time.

In accordance with Council Procedure Rule 9 and 10.10 (g), it was moved, seconded and **CARRIED** that the meeting continue beyond 3 hours in duration.

C17/49. **REPORT OF THE HEAD OF PAID SERVICE ON DECISIONS TAKEN BY CABINET AS MATTERS OF URGENCY**

It was moved by Councillor Maynard and seconded that the report of the Executive Director of Resources on the decision taken by Cabinet as a matter of urgency at its meeting held on 4 December 2017 in respect of the Parliamentary Review 2018 (CB17/53) be received.

It was further noted that no urgent decisions had been taken by Cabinet at its meetings held on 2 October, 6 November and 18 December 2017.

RESOLVED: That the report be noted.

C17/50. REPORT OF THE AUDIT AND STANDARDS COMMITTEE

1. It was moved by Councillor Mooney, Chairman of the Audit and Standards Committee, and seconded that the reports of the Audit and Standards Committee held on 27 September and 11 December 2017 be received and approved.
2. The Chairman of the Council having called over the reports, the following Minutes were reserved for discussion:

Audit and Standards 27 September AS17/21

3. On the Motion of the Chairman of the Council, duly seconded, the Council received, approved and adopted the following reports, with the exception of the minute reserved for discussion:
- Code of Conduct Complaints Monitoring (AS17/30)
 - Ombudsmen Complaints Monitoring and Annual Review 2016/17 (AS17/31)
 - Treasury management Mid-Year Review (AS17/32)

C17/51. RESERVED MATTER

Audit and Standards Committee – 27 September 2017

AS17/21 – Beach Safety Management at Camber Sands

RESOLVED: That Minute AS17/21 be approved and adopted.

C17/52. REPORT OF THE LICENSING AND GENERAL PURPOSES COMMITTEE

1. It was moved by Councillor Saint, Chairman of the Licensing and General Purposes Committee, and seconded that the report of the Licensing and General Purposes Committee held on 23 October be received, approved and adopted.
2. The Chairman of the Council having called over the reports, the following Minutes were reserved for discussion:

Licensing and General Purposes	23 October	LG17/07 LG17/08
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C17/53. RESERVED MATTERS

Licensing and General Purposes Committee – 23 October 2017

LG17/07 – English Proficiency Test for Dual Drivers

LG17/08 – Hackney Carriage and Private Hire Licence Licensing

It was moved by Councillor Elford and seconded that the Licensing and General Purposes Committee reconsider the recommendation in relation to the age restriction policy for licensed vehicles (LG17/08). The Motion on being put was **CARRIED**.

RESOLVED: That Minute LG17/07 be approved and adopted and Minute and LG17/08 be referred back to the Licensing and General Purposes Committee for further discussion.

C17/54 **REPORT OF THE EXECUTIVE DIRECTOR OF RESOURCES ON THE APPOINTMENT OF A REPRESENTATIVE ON BEXHILL CHAMBER OF COMMERCE.**

Members received and considered the report of the Executive Director of Resources on the appointment of a Member to the Bexhill Chamber of Commerce.

Nominations were received for the appointment of Councillor Hollidge and Councillor Earl as the Council's representative for the Bexhill Chamber of Commerce.

In accordance with Council Procedure Rule 17.4 the nominations received were determined by secret ballot.

RESOLVED: That Councillor I.R. Hollidge be appointed to the Bexhill Chamber of Commerce with immediate effect, subject to reappointment in May 2019 and to designate attendance thereat as an approved duty.

CHAIRMAN

The Council rose at 9:50pm

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