

Minutes of the Parish Council Meeting held remotely on the Zoom platform on Thursday 2nd July 2020, commencing at 6.30 pm

Councillors present: Cllr M Keller (Chair), Cllr T Bryant, Cllr P Hill, Cllr P Seeley, and Cllr B Wheatley

In attendance: County Cllr S Shing (Items C.243 – C.246); K Larkin (Parish Clerk); and D Picknell (Admin Officer)

There were two members of the public present.

Public Session

Mr Luke Milligan stated that he was attending the meeting as an agent for Mrs Cindi Gosden, who had made a complaint to be discussed during the meeting.

The Chair welcomed Mr Milligan, closed the Public Session and opened the meeting

C.243 Acceptance of apologies for absence: - P Williamson (Tree Warden)

C.244 Declarations of Interests: - None

C.245 Minutes: - The minutes of the council meeting held remotely on 4th June 2020 were confirmed as a correct record for signature by the Chair.

Standing Orders were suspended to enable Mr Milligan to ask whether Minute C.241(f) was complete, as he understood that there had been discussion of Mrs Gosden's complaint that was not minuted. A councillor had commented on the complaint and had received a response. However, the discussion had been inadmissible as the item had not been on the agenda for resolution at that meeting, but only for the fact of the complaint to be noted. Therefore no discussion had been recorded. Standing Orders were re-imposed.

C.246 Report of the County Councillor

County Cllr Shing reported on the following matters:

- a) Hedge at Exceat Bridge – ESCC regretted the delay in getting the hedge trimmed. Progress on the new bridge had also been slowed during the lockdown
- b) Closure of East Dean surgery – Cllr Shing had requested ESCC to oppose the closure but the county had stated this was purely a matter for the Clinical Commissioning Group. The Chair reported that the Community Watch and the Residents' Association would be holding a virtual meeting with Maria Caulfield MP to oppose the closure.

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- c) Surface dressing – this would be done on the 20th July on the A259 through the parish, but the road would not be closed.
 - d) Diversions through the Downlands Estate – Cllr Shing supported the view of the parish that diversions from the main road should not be allowed to impact adversely on third parties, i.e. residents of the Estate.
 - e) Obstruction on A259 – the Chair reported that due to trees overhanging the road between Friston Hill and Exceat Bridge, double decker buses could not use the route and were being diverted onto the A27, with a single decker shuttle serving the village. The ownership of the trees was not yet known, but might be the Forestry Commission. **ACTION: MK to send SS exact location details when possible.**

RESOLVED - That the report of the County Councillor be noted and action taken as discussed

C.247 Vacancies and Appointments

- a) Vacancies - The council noted with regret the resignations of three councillors, each of whom had made valuable contributions: Cllr Godden had upgraded the council's financial procedures and installed a robust accounting system; Cllr Day had undertaken projects at the Recreation Ground, benefiting the play area and pavilion; and Cllr d'Urso had introduced East Dean in Bloom and raised valuable funds for the community. The vacancies would now be advertised and residents notified that if 10 electors requested that the vacancies be filled by election, elections would be held, but not until the spring of 2021 due to the lockdown. If elections were not requested, the council would be free to co-opt members. If possible, this would be done in August, subject to the timing of the notices from Electoral Services at Wealden District Council, and to the response from residents.
- b) Appointments - The Chair proposed that Cllr Wheatley be appointed as Lead Member for communications in addition to her present role leading on charitable activities and grants. The council should reconsider the use of social media and review its website offering. The Chair also proposed that Cllr Wild be appointed Lead Member for the Recreation Ground. Both councillors were understood to be willing to serve.

RESOLVED – That Cllr Wheatley be appointed Lead Member for Communications

RESOLVED – That Cllr Wild be appointed Lead Member for the Recreation Ground (subject to his confirmation)

The Chair proposed that appointments to the remaining vacancies, i.e. the chairmanship of the Planning Committee, and the Lead for Finance, should be deferred whilst the council had only six members. This was agreed.

C.248 Consideration of a Complaint

Note: This item was heard in public at the request of the complainant. Some details have been withheld from the published minutes for legal and privacy reasons.

The council had received complaints from Mrs C Gosden that it had acted improperly in its consideration of planning matters at East Dean Place, from 2015 to the present. The council's complaints policy had been supplied to the complainant and re-issued to councillors. A dossier of relevant references in council minutes and in emails from 2015 to the present had been compiled by officers and supplied to councillors and to the complainant at her request. The Chair briefly summarised the planning history during that period and drew attention to the Preliminary Response to the complaints prepared by the clerk and circulated to councillors and to the complainant. No councillor wished to propose amendments to the Preliminary Response. The fundamental point the council would make was that it did not deal with personalities and was not vindictive, but based its comments on plans and built structures. The Terms of Reference of the Planning Committee prohibited members from entering private property, and enforcement matters were routinely referred to the proper officer of the planning authority. The Chair invited the complainant's agent to join the discussion and to make statements or ask questions as provided by the council's complaints policy.

The agent in response did not accept that the council had dealt with plans rather than personalities. There had been a thread running through the minutes which said or implied that the complainant had set out to circumvent planning regulations, but in fact the footings of the garage extension at East Dean Place had originally been built as consented in 2015. There had been subsequent changes but these had been prompted by unforeseen circumstances beyond the complainant's control. There was also a lack of clarity over the meaning of 'annexe' as a key term applicable to the use of a built extension. Thirdly it was alleged that a councillor had breached the Code of Conduct by not declaring that the applicant had been known to him, albeit that the social contact had occurred many years prior to the planning application.

The following points were then discussed:

- Disclosure of information – the agent noted that the parish council had initially been satisfied with confirmation from the enforcement officer that there had been no breach of regulations, and asked what other information had been given to make them change their mind: it appeared to have been the report by PWB Architects. The agent argued that the council should have shared the report with the landowner. The Chair replied that the parish council had been right to pass the report directly to the SDNPA enforcement officer. The council was a statutory consultee: a conduit of information rather than an enforcer.
- Checking of facts – the agent stated that the parish council should have checked the facts it sent to the SDNPA, in particular the claim that the annexe was 'not ancillary' to the main house and that there was no direct access between the two. These claims were incorrect and should have been verified as part of a duty of care to residents. The Chair replied that the parish planning committee had acted on the best of its belief; its members were mostly lay rather than professional, but the committee drew on the professional expertise of its Chair. It was emphasised that checking was routinely left to the SDNPA enforcement officer who was the appropriate professional.

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- Alleged incompleteness of council information – the agent stated that a ruling on the ancillary nature of the annexe by Wealden District Council in 2017 would have been available to the parish on request, but had not been obtained. The clerk stated that the parish did not correspond with Wealden over planning applications, but only with the SDNPA.
 - Role of the parish in pressing for enforcement – the agent stated that the landowner had not realised that a retrospective planning permission would be required until hearing this from the SDNPA enforcement officer after some time had elapsed. But prior to that, the parish had been pressing for enforcement as if the landowner was aware of a breach: the parish council had not acted just as a conduit. The councillor who had been Chair of the Planning Committee stated that the committee had had general concerns about enforcement at the time, East Dean Place being one case among a number. In this context he had raised the possibility that the annexe was not ancillary to the main building, but had also said that this would be ‘easily checked’, and the proviso had been recorded in the minutes. Subsequent checking had in fact shown that the extension as built was in breach of planning regulations, and this was not contested by the complainant.
 - Purpose of the complaint – a councillor suggested that the reason for the complaint was that the council had reached the right decision but for the wrong reason. The size of the extension was an issue. The agent countered that the complainant was distressed at the suggestion that planning regulations had been ‘circumvented’; at the fact that the planning committee had continued to be critical of the work at East Dean Place even after it had been consented; and the fact that the dossier had not named certain residents who had objected to the works. The Chair stated that the council was bound by the General Data Protection Regulations not to disclose names without consent.
 - Additional information from the complainant – the agent stated that the local business referred to in the council’s response to the complainant’s Subject Access Request was in fact known to the complainant. Confidential information about their association was disclosed.
 - Allegation of misconduct – councillors strongly objected to the allegation that a named councillor had advocated enforcement action for personal reasons. All the decisions made by the planning committee or by the full council were corporate decisions. No malice to the applicant had ever been expressed or implied. The interest of the parish was that rules should be followed, in particular planning policy SD31 governing the size of extensions. At the planning committee meeting at which the final granting of consent at East Dean Place had been reported, the representative member of the SDNPA for the Wealden parishes in the Park had been present and had agreed that the consent based on a loosening of SD 31 could set an unfortunate precedent throughout the Park. The named councillor had not in fact been present at that meeting. Members concluded that (1) there had been a breach of planning regulations; (2) retrospective consent had now been granted for the extension as built; and (3) the matter was therefore at an end. There was no further action to be taken.

The agent finally requested clarification of what constituted the difference in planning terms between using a structure as a garage and using it residentially. The Chair stated that the council knew that many garages across the parish had been absorbed into residential accommodation under permitted development rights, and this was acceptable. There would be little or no change to the external appearance of the property. However, in considering planning applications for extensions the committee would always look at the use to which the proposed extension or new construction could *potentially* be put. 'Granny annexes' would be examined with special care because of the ease with which they could be converted to separate dwellings. The intentions of the current occupants could never apply permanently, and if a change of use were proposed in future then enforcement would be very hard to obtain.

In conclusion, the council stood by the summary in its Preliminary Response.

The Chair thanked Mr Milligan for his input and Mr Milligan left the meeting

C.249 Business in Progress

The council took note of Report 8 by the Clerk on progress made since the June meeting, and the following matters were discussed:

- a) New brackets for the hanging baskets in the shopping precinct - Plants had been purchased but the baskets had not been installed as the hanging brackets did not look sound. **ACTION: PH to investigate the possibility of refurbishment.**
- b) Request from the Tree Warden for registration as a Foundation member of the Arboricultural Association at a cost of £67pa - The Chair noted that the Warden had an outstanding complaint against the council which would be considered at the August meeting. It was agreed that the subscription item be deferred to that meeting.
- c) Closure of East Dean surgery – members took note of the council update. The Community Watch and Residents' Association had planned a virtual meeting with Maria Caulfield MP to further oppose the closure.
- d) Moving the cricket square and extending the scorer's hut - It was agreed that the new Lead Member for the Recreation Ground should now liaise with the Cricket Club and the Gilbert Estate over these matters **ACTION: DW.**

RESOLVED – That the Progress report be noted and action taken as discussed.

C.250 Friston Build-out

The council considered Report 9 containing an update on the increased cost of the proposed build-out following agreed amendments to the original design. ESCC had requested a further £7,490 (exclusive of VAT) as a Community Match contribution to construction costs, but would agree to accept £7,000. The parish had £3,000 budgeted for this project in 2020/21 and would need to vire a further £4,000 to meet the payment. Councillors were unanimous that this should be done. The money

should be vired from the Neighbourhood Plan which was expected to be significantly underspent due to the lockdown.

RESOLVED - That a sum of £4,000 be vired from the Neighbourhood Plan to the Friston Build-out budget

RESOLVED – That a payment of £7,000 (exclusive of VAT) be made to ESCC when invoiced as the parish's contribution to construction costs

C.251 Payments and Receipts

The council considered Report 10 - the Schedule of Payments for July 2020 and receipts for June 2020. An additional payment of £40 was agreed to refund Cllr Seeley for work done to spread bark chips on Footpath 8. *[Note: the complete Schedule is appended to these Minutes]*. The wildflower mix purchased for the recreation ground would be delivered in the autumn, at the right time for planting.

RESOLVED – That the payments totalling £2,937.19 be approved and the clerk be authorised to make the payments

C.252 Urgent Business

The Chair stated that the council should contact Brighton & Hove Buses and ESCC about the suspension of double decker services through the village due to trees obstructing the route. The parish should have been informed. **ACTION: KL**

C.253 Reports:

- a) Chair of the Council – (i) Village Hall – the Trustees were unlikely to re-open the hall before September at the earliest, as the health and safety requirements would be very onerous and costly, and bookings were likely to be down. (ii) A scam email had been sent to councillors purporting to come from the Chair. Other parishes should be forewarned **ACTION: KL**.
- b) Planning Committee – the council took note of the draft minutes of the remote committee meeting held on 16 June 2020
- c) Finance – the council took note of the Budget Monitoring Report 12c for the period ended 30 June 2020. The Chair stated that the Community Watch had received 1000 face coverings from China as a donation but might have to pay customs and VAT amounting to about £50. If so, the council should pay the invoice from the emergency budget. The masks were being used by volunteers responding to call-outs.
- d) Rights of Way and Highways – (i) the council took note of the draft minutes of the county liaison (SLR) meeting held remotely on 16 June 2020, and of a letter from Rupert Clubb (ESCC) in response to local complaints about severe traffic problems at Birling Gap. A group of local stakeholders was planning to meet to discuss traffic issues at Birling Gap, and the parish council would be represented. (ii) Broken branch of willow at Friston Pond – this had been reported by the Tree Warden, and a quote of £180 plus VAT had been obtained from Climpsons to remove the bough, chip it, and leave the chips for distribution on paths. Members agreed to order this work **ACTION: PS**. (iii) Footpath 8 had recently been chipped in response to a complaint from a

- resident. The hedges alongside the path also needed trimming and the householders should be notified **ACTION: KL.** (iv) Dog fouling – an article in the parish magazine had reminded residents that it was an offence to permit fouling. It was agreed that the Wealden signage should be used by the parish council and copies obtained from Timpsons **ACTION: MK to investigate.**
- e) Recreation Ground – (i) play areas could in theory re-open from 4th July but the health and safety restrictions would be too onerous and costly for the council to comply. The annual safety inspection should be ordered from Wicksteed **ACTION: DW.** (ii) Similarly it would not be practical to re-open the pavilion for individual hire **ACTION: KL to notify enquirer.** (iii) The tennis courts, however, were open and proving popular.
- f) Fund Raising – temporarily suspended during the lockdown
- g) Village Events, Charities and Grants – (i) the Lead Member proposed that Care for the Carers (the council's charity of the year) should receive a donation of £500 on account now, when it was most needed, rather than at the end of the financial year. There were unlikely to be any events from which proceeds could be added to the donation. Members agreed **ACTION: KL to pay the donation forthwith.** (ii) No responses had been received from village clubs and societies to the council's offer of financial support in the current financial year. Meetings were not being held. A circular should be sent to club secretaries advising that there would be no cut-off date **ACTION: BW/KL**
- h) Communications – a copy of a previous report on the use of social media by the council should be provided to the new Lead Member **ACTION: KL**

RESOLVED - That the reports (a) – (h) be noted and action taken as discussed.

C.254 Correspondence

The council took note of Report 13 by the clerk on correspondence received since the June meeting. The following were discussed:

- a) Cuckmere Community Bus – members noted with thanks that the bus company was not sending invoices during this period of reduced services. **ACTION: KL to enquire about passenger numbers**
- b) Use of the village green – picnic tables placed on the village green could not be kept for the exclusive use of customers of particular businesses, e.g. if bookings were made or exclusion notices posted. However, members did not want to discourage the use of outside space for catering during the lockdown.
- c) Memorial bench or tree – a resident had enquired about the possibility of making a donation. Unfortunately there was currently little scope for either on council property, especially as works would be in progress at the recreation ground in late summer/early autumn. The resident could enquire about the Greensward **ACTION: KL to respond.**
- d) ATM machine – a resident had enquired about applying for a machine in the village. However, there were no suitable secure locations.

- e) Replacement of Gas main in Lower Street – this work was complete
- f) Strimming of the hedge on Hillside – this had been done by the householder
- g) Ultramarathon - the council had received notice of this event planned to be held on 30 March 2020 to pass through the village on rights of way, and had been invited to comment. The organisers should be advised to avoid use of the Twitten (Footpath 25) and instead use Hobbs Eares **ACTION: KL**
- h) Moving the cricket square – the Cricket Club had requested the council to place the order for the work as soon as possible so as not to lose the window of opportunity. Councillors remained willing in principle as the finance was understood to be available although the VAT position had not yet been confirmed [Minute C.240e of 4th June 2020 refers]. **ACTION: PH to seek professional advice.**

RESOLVED – That the Correspondence report be noted and action taken as discussed.

C.255 Date of next meeting: Thursday 6th August 2020 at 6.30 pm by remote means

There being no further business, the meeting closed at 8.45 pm

Signed..... (Chair)

Date.....