



# HAILSHAM TOWN COUNCIL

**NOTICE IS HEREBY GIVEN of a meeting of the HAILSHAM TOWN COUNCIL to be held in the Fleur-de-Lys Council Chambers, Market Square, Hailsham on**

**Wednesday, 23<sup>rd</sup> July 2014 at 7.30 p.m.**

Prior to commencement of the formal business of the meeting a period of not more than 15 minutes will be assigned for the purpose of permitting members of the Public to address the Council, or ask questions on matters relevant to responsibilities under the direction of this Council, at the discretion of the Chairman.

The order of formal business to be transacted will thereafter be as follows:

1. **APOLOGIES FOR ABSENCE:** To receive apologies for absence of elected members.
2. **DECLARATIONS OF INTEREST:** To receive notice of declarations of personal and prejudicial interest in respect of items on this agenda.
3. **CASUAL VACANCY**
  - (i) To receive presentations and pose any questions to those candidates who have put themselves forwards for co-option to the current casual vacancy in the office of Town Councillor.
  - (ii) To consider appointing one of the candidates to the vacancy.
  - (iii) Declaration of acceptance of office and consideration of appointment to committees for newly appointed member.

*(Report to follow, author John Harrison, Town Clerk)*

4. **CONFIRMATION OF MINUTES**
  - 4.1 To resolve that the Minutes and Reports of the **Annual Meeting of Hailsham Town Council** held on 28<sup>th</sup> May 2014 (Ref: HTC/AM14/100-125) as printed and circulated, may be taken as read, confirmed as a correct record, and signed by the Chairman.
  - 4.2 **Matters Arising**
  - 4.3 To resolve that the Minutes and Reports of the **Urgency Procedures Committee** held on 3rd July 2014 (Ref: UP/13/1/1-5.7) as printed and circulated, may be taken as read, confirmed as a correct record, and signed by the Chairman.
  - 4.4 **Matters Arising**
5. **COMMITTEE and PANEL REPORTS**

***(A list of committee/panel minutes attached – Please notify the Town Clerk [email: [john.harrison@hailsham-tc.gov.uk](mailto:john.harrison@hailsham-tc.gov.uk) telephone: 01323 445731] as soon as possible if you wish to reserve an item on any of the following committees or panels)***

- 4.1 To (a) note the reserved paragraphs (minutes) of the Committee/Panel Reports notified to the Town Clerk prior to the meeting, and
- (b) receive request to reserve any additional paragraphs (minutes) of the Committee/Panel Reports

- 4.2 To receive “unreserved” paragraphs (minutes) of the following Reports of Committees/Panels (as printed and circulated), and approve and adopt the recommendations contained therein.

**A. Finance, Budget and Resources Committee Meeting** (9<sup>th</sup> July 2014)

**B. Planning and Development Committee Meetings** (3<sup>rd</sup> June 2014, 24<sup>th</sup> June 2014 and 15<sup>th</sup> July 2014)

**C. Business Enterprise Committee Meeting** (10<sup>th</sup> July 2014)

**D. Festivities and Events Committee Meetings** (2<sup>nd</sup> June 2014 and 8<sup>th</sup> July 2014)

**E. Parks, Open Spaces and Sports Committee Meeting** (25<sup>th</sup> June 2014)

**F. Council projects and Assets Committee Meeting** (23<sup>rd</sup> June 2014)

## **5. UPDATE ON MATTERS IN PROGRESS**

To receive an oral report from the Town Clerk on matters in progress.

## **6. GENERAL POWER OF COMPETENCE**

To consider the passing of a resolution that the council is now eligible to start using the General Power of Competence (*Report to follow, author John Harrison, Town Clerk*)

## **7. FOUR MARKET SQUARE**

To receive an update regarding the leasing of the Town Council owned property at Four Market Square and consider options. (*Report to follow, author John Harrison, Town Clerk*)

## **8. NORTH STREET BUS SHELTER**

To consider the funding of the extension to the existing bus shelter in North Street. (*Report to follow, author Mickey Caira, Deputy Town Clerk and Business Enterprise Manager*)

## **9. ANNUAL TOWN MEETING 2015**

To consider the necessity of changing the date or venue for the Annual Town Meeting in 2015 (*Report to follow, author John Harrison, Town Clerk*)

**10. COUNCILLORS' QUESTIONS/INFORMATION FORUM**  
(at the Chairman's discretion).

JOHN HARRISON  
Town Clerk



## HAILSHAM TOWN COUNCIL

**MINUTES** of the Meeting of Hailsham Town Council, held at the Fleur-de-Lys Council Chambers/Meeting Rooms, Market Square, Hailsham, on Wednesday 23<sup>rd</sup> July 2014 at 7.30 p.m.

### **Public Question Time**

Prior to commencement of the formal business of the meeting a period of not more than 15 minutes had been assigned for the purpose of permitting members of the public present to address the Assembly, or ask questions (on matters relevant to the responsibilities of the Town Council) at the invitation and discretion of the presiding Chairman.

Mr Adams of London Road addressed the meeting. He was aware that Hailsham Town Council was not the planning authority but, nonetheless, wished to raise his concerns over the housing development at Oaklands.

He was concerned that Wealden District Council had given delegated authority to officers to determine rather than the matter going to Planning Committee.

With the propensity of new housing Mr Adams was concerned that no thought appeared to have been given to the amount of infrastructure needed for the residents of this new housing, particularly in relation to healthcare and education.

The Chairman explained that Hailsham Town Council's Planning and Development Committee had opposed the Oaklands development.

Councillor W. Bentley declared an interest as he is an East Sussex County Councillor and is on the Health and Wellbeing Board.

HTC/14/2/  
126 **Present:** Councillors: Mrs. S. J. Bentley (Chairman), W. A. Bentley, J. L. Blake, Ms C. V. Collinson, N. A. Collinson, Mrs. J. Cook, W. F. Crittenden, R. T. Grocock, Mrs. S. E. Henstock, Mrs. B. Holbrook, P. S. Holbrook, B. Marlowe, Ms A. O' Rawe (Vice Chairman), Mrs. M. Skinner and S Towner.

127 **Officers in Attendance:** J. Harrison (Town Clerk), M. Caira (Deputy Town Clerk and Business Enterprise Manager), D. Saxby and T. Hall.

128 **Apologies for Absence:**

Apologies for absence were received and accepted from Councillors Mrs. M. Burt, N. S. Coltman, G. G. Rowe, Mrs. M. Rowe, Mrs. D. Ryan, M. Ryan and C. Triandafyllou.

### **Declarations of Interest**

129.1 Councillor Crittenden declared a personal interest in agenda item 3 – Casual Vacancy as he is related to one of the candidates. He said he would not participate in the vote.

129.2 Councillor P. Holbrook declared an interest in agenda item 3 – Casual Vacancy as he had just spent a week in France with one of the candidates on a twinning trip.

### **Casual Vacancy**

130.1 The Town Clerk said that there were five candidates standing for the one co-opted vacancy, copies of their written statements had been circulated with the agenda. The vote would be by exhaustive ballot. The candidates were: Mr. K. Hinton, Mr. J. Puttick, Mr. A. Stevens, Mrs. D. Warner and Professor D. Younge,

130.2 Councillor W. Bentley proposed that voting should be by secret ballot. This was agreed.

130.3 The five candidates took it turns to make a statement and answer members' questions.

130.4 The Town Clerk announced that Mr. J. Puttick had received more than 50 per cent. of the votes cast on the first round of voting and was, therefore, duly co-opted to serve on Hailsham Town Council until May 2015.

130.5 Mr. J. Puttick signed the Declaration of Office book.

### 131 **Confirmation of Previous Minutes**

**RESOLVED** that the Minutes and Reports of the meeting of the Annual Meeting of Hailsham Town Council (Ref: HTC/AM14/100-125) held on 28<sup>th</sup> May 2014 were confirmed as a correct record, and signed by the Chairman.

### 132 **Matters Arising**

None.

133 **RESOLVED** that the Minutes and Reports of the meeting of the Urgency Procedures Committee (Ref: UP/14/1/1-5.7) held on 3<sup>rd</sup> July 2014 were confirmed as a correct record, and signed by the Chairman

### 134 **Matters Arising**

None.

### **Committee and Panel Reports**

135 **RESOLVED**, after consideration in accordance with Standing Order 18(e), to receive the following reports of Committees, to approve and adopt the recommendations contained therein and the actions taken as reported therein.

**G.** Finance, Budget and Resources Committee Meeting (9<sup>th</sup> July 2014)

**H.** Planning and Development Committee Meetings (3<sup>rd</sup> June 2014, 24<sup>th</sup> June 2014 and 15<sup>th</sup> July 2014)

**I.** Business Enterprise Committee Meeting (10<sup>th</sup> July 2014)

**J.** Festivities and Events Committee Meetings (2<sup>nd</sup> June 2014 and 8<sup>th</sup> July 2014)

- K. Parks, Open Spaces and Sports Committee Meeting (25<sup>th</sup> June 2014)  
L. Council projects and Assets Committee Meeting (23<sup>rd</sup> June 2014)

136 Business Enterprise Committee 10<sup>th</sup> July 2014

Minute 21 – Committee Terms of Reference

Councillor W. Bentley said he was concerned that Hailsham and District Chamber of Commerce was the only organisation named as a potential co-optee to the Committee. It should be open to all organisations to apply.

**RESOLVED** to amend the minute to read “all appropriate organisations”.

137 **Update on Matters in Progress**

The Town Clerk reported on progress on areas of work of the Town Council. The Chairman congratulated the Town Clerk on achieving CiLCA status.

**General Power of Competence**

138.1 The Town Clerk referred members to the officer’s report circulated with the agenda and as Appendix HTC/13/2/138A to these minutes.

138.2 **RESOLVED** that Hailsham Town Council is eligible to use the General Power of Competence.

**4 Market Square**

139.1 Councillor W. Bentley declared a prejudicial interest in this agenda item as the company concerned had been investigated by East Sussex County Council’s Adult Social Care service. He left the room for the duration of the discussion.

139.2 The Town Clerk referred members to the officer’s report circulated with the agenda and as Appendix HTC/13/2/139A to these minutes.

139.3 **RESOLVED**

a) that the short-term lease is extended by one month for existing tenants on the condition that the rent and resulting legal costs are paid for in advance, and

b) to delegate authority to the Town Clerk to market the property through a local commercial letting agent with a view to securing a long-term tenant for the property.

**North Street Bus Shelter**

140.1 Members were asked to consider the funding to the existing bus shelter in North Street as detailed in the officer’s report circulated with the agenda and as Appendix HTC/13/2/140A to these minutes.

140.2 **RESOLVED** to allocate up to £3,600 from the balance of the Transport Grant to part

fund the extension of the North Street Bus Shelter.

### **Annual Town Meeting 2015**

- 141.1 The Town Clerk said that since resolving to the Annual Town Meeting on 23<sup>rd</sup> April 2015, he had been informed that the venue – the Civic Community Hall – was no longer available between 13<sup>th</sup> April and 15<sup>th</sup> May 2015.
- 141.2 **RESOLVED** to change the date of the 2015 Annual Town Meeting to Tuesday 7<sup>th</sup> April 2015.

### **Councillors' Questions/Information Forum**

142 Electors' Registration

Councillor N. Collinson advised that the system for registering electors had changed and Wealden District Council could provide leaflets on the new system.

143 Seating Arrangements

Councillor Crittenden said that it was at times difficult to hear what was being said at the end of the room furthest from the Chairman. He asked that members and officers be mindful of this in the future.

Councillor Blake suggested investigating the possibility of alternative seating arrangements.

144 Eastside Youth Café

Councillor Towner advised that the youth café situated at the Maurice Thornton Pavilion had been broken into and a number of items had been stolen.

As there was some criticism of the police response by some members, Councillor W. Bentley declared an interest as he is Vice Chairman of the Sussex Police Committee.

145 Town Council Agenda

Councillor W. Bentley said he was concerned that the Hailsham Town Council agenda and reports were sent by various emails, He asked that the Chairman and Town Clerk discuss how all relevant papers were sent in one document.

There being no other business, the meeting closed at 9.13pm.

**CHAIRMAN**

Global/Minutes and Agendas/DS/ HTC Minutes 17<sup>th</sup> July 2013.

**Report to:** Hailsham Town Council  
**Date:** 23<sup>rd</sup> July 2013  
**By:** John Harrison, Town Clerk  
**Title of report:** General Power of Competence

## **PURPOSE:**

To consider the passing of a resolution that the council is now eligible to start using the General Power of Competence

## **BACKGROUND.**

The Government included the 'general power of competence' in the Localism Act 2011.

The intention was that local authorities would no longer have to identify a specific power in order to undertake activities

Previous to this, Parish and Town Councils could only undertake activity that they are allowed to do by statute. This means that before undertaking any activity, and in particular before spending money, members must be satisfied that the town council has the power under statute to do so

Parish and Town councils have many specific powers and there is also the general power in section 137 of the Local Government Act 1972 to spend up to a certain limit for 'purposes not otherwise authorised'. Since 2007 parish or town councils satisfying certain conditions have also had a 'power to promote wellbeing'. Despite the wide range of powers local authorities were always at risk of being challenged.

The general power of competence has replaced the power of well-being, which is no longer applicable to local authorities in England, including Town and Parish Councils.

## **CONSIDERATIONS.**

The General Power of Competence is the 'power to do anything that individuals generally may do'.

It is specifically stated that this includes things that are unlike anything else the local authority does, or unlike anything that other public bodies do. The authority can use the general power of competence inside or outside the parish and it need not show that the action benefits the authority or its area or its residents. There is no limit on expenditure under the general power of competence.

The general power cannot be used where the primary purpose of an activity is to raise money but it could be used to invest (subject to government guidance) in a company or a co-operative society where there may be an investment return.

Restrictions the council should consider before exercising the power are:

- *Relevant existing legislation* – (e.g. Employment and Health and Safety law).
- Restrictions applying to an overlapping power
- Existing procedural duties for regulating governance must be maintained (– for e.g. no delegation of authority to individual members)
- Existing statutory duties remain in place

Some examples of the sort of activities that might be undertaken under the general power could be:

- Running a community shop or post office
- Investing in a local co-operative society
- Setting up a company to provide a service such as a bus service
- Providing a grant to an individual, e.g. an Olympic athlete

The general power is available automatically to principal councils and only to 'eligible' parish councils. The conditions for eligibility are:

- The parish council must pass a resolution stating that it is eligible to use the general power
- When the council passes the resolution at least two thirds of the membership of the council must have been elected (i.e. not co-opted)
- The clerk must hold the Certificate in Local Council Administration (the recognised qualification for clerks) and must also pass the 2012 CiLCA module on the general power

There is no requirement for councillors to have been trained in the General Power of competence

Eligibility lasts until the next annual meeting of the council (May 2015) but can be renewed at that meeting provided the conditions are still satisfied.

Parish councils which are eligible to use the general power are no longer within the scope of section 137 so no separate record of section 137 expenditure need be kept.

Hailsham Town Council now satisfies all the conditions as:

- It has 23 out of 24 councillors elected
- The Town Clerk holds CiLCA
- The Town Clerk has passed the 2012 CiLCA module on the general power

The Council is asked to consider passing a resolution stating that it is eligible to use the General Power of Competence.

**Report to:** Hailsham Town Council  
**Date:** 23rd July 2014  
**By:** Mickey Caira – Deputy Town Clerk & Business Enterprise  
Manager

**Title of Report:** Extension to North Street Bus Shelter

## **PURPOSE**

To consider the funding of the extension to the existing bus shelter in North Street.

## **BACKGROUND**

Hailsham Town Council has previously resolved to take over ownership and responsibility for the bus shelter in North Street that was built as part of the Tesco development. Tesco have paid the agreed commuted sum of £5,000 to the Council via East Sussex County Council.

Taking into account the small size of the bus shelter in relation the ever rising numbers of bus passengers using the shelter the Council has been working with Tesco to extend the bus shelter to twice its current size.

On 21st November 2012 the Council resolved to use the £5,000 to pay for an extension to the bus shelter ( Minute Ref: HTC/12/6/231.2). Following initial consultation with Tesco, Wealden Planners and a local builder it was recognised that formal planning permission was required together with the production of plans and support from a structural engineer.

Planning permission has been granted by Wealden District Council and officers have obtained quotations from three local builders to extend the shelter as per the plans and requirements of the structural engineer.

## **FINANCIAL IMPLICATIONS**

Two of the quotations are around £12,000 and the third at £8,010. All these prices are above the £5,000 commuted sum and if the Council wants to commission the extension additional funding will be required.

The Council is holding a balance of £6,500 transport grant, that was received from the Focus DIY site for improvements to public transport in Hailsham. This fund could be used to finance the balance required to extend the bus shelter.

The Quotations received do not include any form of seating in the extended shelter and it is recommended that additional funds are allocated for this use.

## **RECOMMENDATIONS**

Council is asked to consider allocating up to £3,600 from the balance of the Transport Grant to part fund the extension of the North Street Bus Shelter.

**Report to:** Hailsham Town Council  
**Date:** 23<sup>rd</sup> July 2013  
**By:** John Harrison, Town Clerk  
**Title of report:** Four Market Square

**PURPOSE:**

To receive an update regarding the leasing of the Town Council owned property at Four Market Square

**BACKGROUND.**

**At the meeting of the Town Council's Urgency procedures Committee on 29<sup>th</sup> April 2014 the committee resolved to lease the property to the current tenants Prospect Tree Health care (East) Ltd:**

*The committee considered the Town Clerk's report detailing the offer made by Prospect Tree healthcare (East) Ltd to rent the vacant town council owned property at 4 Market Square.*

*The reasons for the very short notice the tenants were given to vacate their current property had been confirmed by the Town Clerk and acknowledged by the committee.*

*The committee **RESOLVED** to accept the recommendation of the Town Clerk as follows:*

*To allow the council to enter into a rental agreement and lease the vacant property to Prospect Tree Health Care (East), commencing on 1<sup>st</sup> May 2014.*

*To delegate to the Town Clerk the authority to agree the terms of any short term and longer term tenancy agreements, under the guidance of the council's solicitors.*

*This is conditional on the Town Clerk also establishing some facts related to the tenant's previous circumstances.*

**(Minute Ref UP/13/3/18.1-18.2)**

The property was leased to the tenants on a short-term (three month) lease initially, which was paid for in advance, on the understanding that a longer term lease (four years with a two year break clause) would be agreed during that three month period. The current lease therefore expires at the end of July 2014.

The tenants informed the Town Clerk on 15<sup>th</sup> July that they would not be able to take up a long term lease on the property due to the fact that the business will no longer be continuing. They have therefore requested an extension of the lease by just one month only, while they wind-up the business and transfer their existing clients to another agency.

### **CONSIDERATIONS.**

The tenants have advised that they are prepared to pay in advance for the one month lease extension and will also pay all resulting legal costs for this change.

### **Council is recommended to resolve:**

1. That the short-term lease is extended by one month for existing tenants on the condition that the rent and resulting legal costs are paid for in advance.
2. To delegate authority to the Town Clerk to market the property through a local commercial letting agent with a view to securing a long-term tenant for the property.

**Report to:** Hailsham Town Council  
**Date:** 23<sup>rd</sup> July 2013  
**By:** John Harrison, Town Clerk  
**Title of report:** Annual Town Meeting 2015

#### **PURPOSE:**

To consider the necessity of changing the date or venue for the Annual Town Meeting in 2015.

#### **BACKGROUND.**

During the Annual Town Council Meeting on 28<sup>th</sup> May 2014, the council resolved to provisionally agree to the suggested dates for committee and council meetings, on the condition that they could be changed with the committee's consent. This therefore included an agreement to hold the Annual Town Meeting in 2015 on 23<sup>rd</sup> April 2015.

**(Minute Ref HTCAM14/112)**

#### **Meeting dates 2014-2015**

***RESOLVED** to approve the schedule of meeting dates as circulated with the agenda and as Appendix HTC/AM/14/\*\*A to these minutes on the proviso that committees can change their dates at any time in the year subject to clerk's availability and the committee's recommendation.*

The Civic Community Hall had been booked in advance for this date

On Thursday 29<sup>th</sup> May 2014 (the day after the Annual Council meeting) the Town Clerk received an email advising that the Civic Community Hall was not available between 13 April 2015 and 15 May 2015 due to the elections.

The Town Clerk has therefore booked the Civic Community Hall for the alternative dates of Tuesday 7<sup>th</sup> and Thursday 9<sup>th</sup> April. (The only dates it was available were 2nd, 6th, 7th or 9th April and 19th or 27th May).

#### **CONSIDERATIONS.**

Legislation states that the Annual Parish/Town (Electors') meeting must be held annually between 1 March and 1 June.

The Parish/Town, District and Parliamentary General elections are scheduled for 7<sup>th</sup> May 2015.

The Annual Meeting of Hailsham Town Council is scheduled for Wednesday 20<sup>th</sup> May 2015.

### **RECOMMENDATIONS**

The council is asked to consider resolving to change the date of the Annual Town Meeting to either Tuesday 7<sup>th</sup> April 2015 or Thursday 9<sup>th</sup> April 2015, in accordance with the bookings made by the Town Clerk.

Council may instead wish to consider keeping the previously agreed date and finding an alternative venue, subject to availability.