

Rother Association of Local Councils (RALC)

Minutes of the Meeting held on 6 April 2022 at 2:30 pm

(Virtual meeting held on Zoom)

Present:

David Pankhurst (Chairman), David Young (Ewhurst), Keith Robertson (Catsfield), Peter Turner (Icklesham), Ruby Perris (Secretary), Karl Taylor (East Sussex Highways), Claire Dowling (ESCC), David Penfold (Pett), Gary Quinnell (Udimore), Graham Furness (Guestling), Hilary Pankhurst (Peasmarsh), Dale Wheeler (Battle), Isla Dacey (East Sussex Highways), Issy Horley (Fairlight), Jill Gyngell (Battle), Jonathan Vine-Hall (Sedlescombe), Judy Petty (Brightling), Julie Ramus (Rye Foreign), Karen Ripley (Salehurst), Les Nottage (Brede), Malcom Johnston (Rother District Council), Martin Holgate (Catsfield), Michael Edwards (Westfield), Nicholas Randle (Mountfield), Paulette Barton (Etchingham), Amy Head (Peasmarsh), Richard Farnhall (Rye), Robert Franklin (Burwash), Sonia Plato (Crowhurst), Steve Stewart (Fairlight), Sue Prochak (Rother District Council), Tracy Dixon (Brede), Trevor Leggo (ESALC), Viv Taylor-Gee (Bexhill), Joe Powell (Rother District Council).

1. Welcome

The chairman welcomed everyone to the meeting.

2. Apologies for Absence

Philip Allard (Iden), Pauline Glew (Sedlescombe).

3. Accuracy of Minutes of the meeting held on 12 January 2022

Malcolm Johnston's surname was spelt incorrectly.

There is a typo. There is reference to seal and should have been CIL (Community Infrastructure Levy).

4. Matter arising from previous meeting (Items on Agenda only)

No discussion.

5. ESCC Highways Presentation – Claire Dowling and Karl Taylor

Karl Taylor gave a presentation titled "Highways Services in East Sussex".

Q: Jonathan Vine-Hall – Are we able to find out whether a road is in the red, green or amber category and if so, where it is on the list to be done so at least we can have an understanding of when something might be fixed if it is in poor condition?

A: Karl Taylor – Yes that information is available but would refer you to East Sussex Highways' website. Maintenance programmes are published on the website on an annual basis. If there are particular roads of concern through Debbie Dodge (Customer Services Manager) we will be able to provide you with more information but resources are limited. Please refer to the website in the first instance.

Q: Robert Franklin – There are lots of examples where your quality is not up to the required standard. Some two years ago we submitted 30 examples of poor quality. We have been through two SLR meetings. I have met with Dale Poore and Ruby Brittle and we still do not have any answers about the quality. We do receive general answers where you and your team say you have personally inspected

some of the jobs but I am concerned you do not seem to be recognising poor quality workmanship when it is presented to you. Following on from that, we are concerned your new contract that you are negotiating at the moment will not have sufficient plans in it to make sure the quality is correct. I would also like to put a couple of questions to Claire but I am happy to wait until after everybody has finished with Karl.

A: Karl Taylor – I am aware of the concerns expressed from Burwash and certainly Councillor Kirby Green has raised them with me. I am sorry you have not had an adequate response and if you are still waiting I will get on to it. In terms of when you say work not carried out the requisite standard, quite often there is a difference of opinion between your expectations as residents and parish councillors and what the council policy and quality we deliver. I will give you an example of this and a remedy that Councillor Dowling has put in place. I refer you to the pothole criteria that we use. A common complaint that comes to me is that we send out a gang to repair a category 1, 2 or 3 pothole and we will not repair the scabby bits of road around it and there is a very good reason why we do not repair those scabby bits of road is primarily because we cannot afford to, we are not required to and they do not meet our intervention criteria. We will repair the one pothole (or two) that does meet the criteria but will not repair the bits around the edges or the pothole a few meters away. That manifests itself back to me as a complaint saying that it is shoddy workmanship, they have only done half a job, they have not mended all the potholes. That is something our members have been wrestling with for a while and is something that our scrutinee committee has looked at. The way we deal with those potholes that are not at intervention level is through patching. What we do is we will follow up. When a steward marks off a pothole that is at intervention level, you will know that they will put a white ring around it to denote the one that needs repairing, he will make an observation and say there is a category 1 2 or 3 category pothole here but actually ideally this needs a five square meter patch. That advisory for a patch goes into our asset plan and into our patching programme. To date our budget for patching is £1million. Cabinet and County Council last month approved an additional £2.5 million for patching. We do recognise it is a problem and they have provided us with more money. We will now be able to do more patching and you will begin to see the more scabby bits of road being addressed. The other complaint I get quite regularly is about poor quality of repairs. Let's be really clear here, my expectation is that every pothole repair that is done is properly cut old square edges, cleaned out properly, tarmac goes in, the edges sealed and the whole thing properly clamped down. That is a proper repair in my book and that is what I expect. That is what our contract dictates. There will be several occasions when it is not possible to carry out a permanent repair to a pothole and also occasions when it is not necessary and I will explain what I mean. If it is not safe for the repair gang to do that cutting out and filling without a road closure, lane closure or traffic lights then they are allowed to make a temporary repair and we allow them to come back at a subsequent date when they can put in the necessary traffic management or to come at night when the traffic is less to carry out a proper repair and we allow them to do that. Another occasion when we allow them to make a temporary repair is when we know and they know that we are going to be resurfacing the road in a short period of time. The final example I will give and these are examples, not excuses, the one other exception to not cut out a pothole properly is if the contractor uses a proprietary bagged cold material. There are materials on the market that are synthetic that come in a cold in a bag you pour that into the hole, you clamp it down very loosely. There is a chemical reaction that then takes place and it just relies on the traffic to compact it. When we use that type of remedy it does not require it to be cut out as I have described. I have to say those cold products are rather expensive and our contractor does not tend to use them by choice but there will be occasions when he elects to use those. These are some examples of how we are dealing with quality of repairs and I think your second question was around the new contract. The tenders will be back for our new contractor. We have three bidders. We will get these back next week. We will then

spend two or three months reviewing the bids and we not only review prices but also their quality submissions and we put a lot of emphasis on the quality of their work. We ask them to demonstrate how they do quality control and to give examples of their workmanship and examples of their work elsewhere, other counties and to demonstrate they are able to carry out the work in accordance with our policies and contract specifications. I hope that gives you some reassurance. I will pick up the thirty examples and if we are still owing you some correspondence, I will pick it up separately if I may.

Q: Steve (Fairlight) - Can we have a copy of your slides please?

A: Karl Taylor – Yes.

Q: Paulette Barton – When I am trying to report relatively minor issues on the website, I do find a lot of the questions and tick boxes are more urban than rural and it is very difficult to be able to pinpoint something when you are talking about on the edge of a field because you do not necessarily know the postcodes and there is not very much around. I wondered whether there was any way it can be slightly redressed or if there are hints for those of us that try to use it on how to manage it.

A: Karl Taylor - I cannot give you a fix for that. I will take that away and when we look to revamp the website with the new contract we will look to address that.

Q: Viv Taylor-Gee – In some counties such as Devon the parish councils themselves address the potholes with equipment hired or the county lets them have. Has that ever happened here or could it?

A: Karl Taylor – It is not something we do in this county. I am aware of what happens in Devon. The closest example was it used to happen in West Sussex. West Sussex used to pay Burgess Hill Town Council to carry out repairs. They have stopped it now. Two reasons we do not do is; one is that if we were to do it fairly there are 96 parishes across the county. If I divide my revenue budget by 96 it is not going to go very far and we lose the asset management approach. If I gave each parish council a budget then I would be concerned about how they would then prioritise that work. We administer an asset management approach to our maintenance on a county wide basis

At the end of the day the cc highway authority is responsible and liable and I do not think the parishes would want to take on that responsibility either.

My third point is I think we are talking about potholes and small repairs. I don't suppose parishes would want to take on all the other maintenance requirements. The whole thing has to be taken into context. I do not know how they do it in Devon but it is not something we would look to do.

Claire Dowling introduced herself to the meeting.

Trevor Leggo confirmed that in relation to West Sussex, it did not cease because the parish council wanted it to cease. It ceased because the county council changed the maintenance contract. Burgess Hill did minor maintenance, the town council dealt with temporary repairs to potholes and would fix them the day after they were reported. Haywards Heath had a similar arrangement. It was a very popular situation. It caused great difficulty to Burgess Hill Town Council when the county council pulled the plug on it.

Robert Franklin said the reason we have been pressing for an elected member to attend these meetings from County rather than officers is because there are some things were the officers have an opinion on something we would like to see changed and that is really why we want to talk to you (Claire Dowling), specifically one of them being quiet lanes, where your officers have said they do not work yet the scenes we have in counties like Suffolk is that they are very popular but because the County do not have a policy for quiet lanes, you will not even allow us the parishes to pay for the signs

to be erected and to designate roads as quiet lanes. The reason for inviting you or any other member from County is there are things which County does that we would like to see changed and I think if you look at how we are served from District at this meeting we almost always have two and Michael Johnston the Chief Executive is here from the District and yet we have been well served with officers from County but very poorly served from elected members. We are approximately one-third of the county and we ought to get an elected member to speak for County and to take away items that we are unhappy with on our behalf. Robert Franklin reiterated that he cannot see why County are resisting the Quiet Lanes Policy.

A: Claire Dowling – On the quiet lanes, there is no policy at the moment. We are all aware that with Covid we had artificially quiet lanes because no one moved. There is the beginnings of a movement to say that people would very much like to look at quiet lanes again. We are beginning to review the local transport plan and under the plan we are looking at active travel and looking at a lot of things that have come out of Covid and thing such as quiet lanes. It does not mean and I am not going to say it is necessarily a policy that we will be taking forward but it will be under review. As far as an elected member coming along unfortunately, I have only been in post for three years and for two of those years we have had Covid. I am aware you have all got councillors that you would go through so you have all got elected members as parishes. I report to the County Council. I am happy to come out. I meet all sorts of organisations on an adhoc basis and I will continue to do so but as I say, you have all got your own County Councillors, you have all got your own elected member who will then take your concerns through to the County Council, but I am here today.

Q: David Pankhurst suggested that something could be organised via Trevor Leggo whereby you can get a little bit more feedback from the parishes to help with your thinking going forward? I think what I am listening to here is that there is a lot of frustration from the members that they do not feel Highways are taking things on board and it is more about trying to have a dialogue with County and having some input into the thinking that goes on. Would you consider that? Do you think that might be something worth pursuing?

A: Claire Dowling – The door is always open but as I say I am aware. Parishes find me on a regular basis anyway. When it comes to parochial issues, I am not operational. It is policy and that is when it goes through to Highways to answer. I know in a number of cases there is a point that maybe Highways' answer is not perhaps what the parishes wishes and that is when it comes to me for me then to consider. Parishes know where I am, not just Rother, from Wealden and Lewes and we of course have Hastings and Eastbourne. I get emails every single day. Trevor can be a conduit.

Trevor Leggo confirmed he met with Claire Dowling on 8th March 2022. Trevor confirmed he also met with Karl and his team last year and that he is happy to meet with both again.

Peter Turner said that following our last meeting I did start a dialogue with our County Councillor who of course is the leader of the council and I made the point to him that it should be two-way street not a one-way street. They should be coming here for us to have a go at them. It should be a mutual exchange of information that should be beneficial both ways. Unless that happen on a regular basis then you will not achieve what you could do from that methodology. If it is an occasional visit then I regret to say that the frustrations are going to come out about all the things that have not been answered in the way people think they should be. It really should be a mutual exchange of information and interaction.

David Pankhurst thanked Karl Taylor and Claire Dowling for their time.

David Pankhurst thanked Isla Dacey for her report and confirmed it had been circulated to the members and invited any questions.

Isla Dacey confirmed the report circulated contained all the information on repairs that have been carried out. Isla confirmed that she will take forward the issues regarding the website (mentioned above).

6. Speeding Update

Keith Robertson presented slides on the RALC Project Speeding Reduction.

Jonathan Vine-Hall confirmed that a training session was undertaken on 5th April 2022. The Black Cat and laptop are for the use of the members so they do not need to purchase their own. Approximately twenty people attended the training session and the representative from Black Cat went through how to use the Black Cat, what it does and how to set it up. Black Cat and another company will provide telephone support to give advice over the phone to users. The unit is being held in Sedlescombe. It is first come first served.

Paulette Barton confirmed the PCSO meetings have very poor attendance. It is therefore for two-way conversations and the bulk of every one of those meetings does seem to finish up around the problems with speeding. Steve O'Connell from Sussex Partnership attends the meetings and he is very helpful. He will come out and see people and it is a very easy way of making contact, getting yourself known and getting to know them. The next meeting is in a couple of weeks' time. The meetings are via Zoom and is run over two separate evenings to give people a chance to attend but it is very poorly attended.

Keith Robertson confirmed he also attends the meetings and believes them to be good as you can talk about issues in your specific parishes but what they do not address is speeding. They discuss speed watch but if you have speeding issues you have to go to a separate set of policemen.

Q: Robert Franklin – Do you know if County will accept the Black Cat speed measuring when you do a feasibility study?

A: Keith Robertson – They will because I spoke to them and we have agreed that I need to set up Black Cat in three extra places in the village to assess if I can start the process of a 30-mph limit change.

Q: Peter Turner – Can we not try and persuade them that using Black Cat data ought to be the route of a policy once you achieve a certain measure with the data? Perhaps they should be looking to do something because we are going to be collecting a lot of data, more parishes will be collecting data and my parish has recently taken delivery of a Black Cat so we should be shortly collecting data.

A: Isla Dacey – With licensing, come to us for the three sites. They do not all have to be added at the same time but if you add additional sites throughout the year, unless you start a new licence that will run for the initial period that was set up under the single licence fee. We have had an enquiry from Peasmarsh with issues finding additional sites and erecting posts specifically for Black Cat radar and unfortunately that is not something we can do. They have to be existing locations where there is street furniture to attach them to. We will consider the sites that are sent through and with Sedlescombe, where we would not usually permit the Black Cat radar to be so close to the change in a speed limit, because the request to reduce the speed limit is being reviewed, they have agreed different locations. If you have got any communication with the traffic and safety team or there are specific reasons you are requesting slightly alternative locations we can review those on a case-by-case basis.

7. Trevor Leggo – ESALC

On 23rd March 2022, Trevor Leggo met with Sally Ann Hart. One of the issues ESALC are campaigning on is the restoration of sanctions for badly behaved councillors.

The ESALC Board is on 25th April 2022. One of the items is electric vehicle charging. The County Council have produced an EV charging blueprint with 240 sites. There are four phases.

Trevor Leggo confirmed the importance of emergency and resilience plans.

The police focus groups start again on 16th May 2022. These are the half-year focus groups where Trevor attends with Mandy Jameson, the Communications Manager from the PCC's Office, and the question is asked "Has policing improved or deteriorated in your area in the preceding six months?" The local inspector or district commander will be in attendance. Rother's meetings are on 23rd May 2022. The clerks will have received emails of this and if members wish to be involved, ask your clerk to let Mandy Jameson know.

How many members sign up to police alerts? It used to be called In the Know. The newsletter has a lot of information and can relate directly to your area. If you put in your postcode you will get an alert newsletter that relates to where you live. Trevor advised members to sign up for the alerts.

Q: Peter Turner – Do we sign up for alerts on the police website?

A: Trevor Leggo – Yes. If you put in Sussex Police at Sussex Alerts and the email that sends the newsletter is alert@neighbourhoodalert.co.uk. Sign up on the Sussex Police website. It will ask you a few questions and then sign you up to receive the newsletters.

8. Rother Matters

Susan Prochak introduced herself to the meeting and confirmed her report was circulated to members prior to the meeting.

The Platinum Jubilee grants applications have now closed. It was first come first served. £10,000 has been given out in grants.

Rother District Council would like to work with the parishes to make sure their emergency plans are up to date. It is a good policy to look at your emergency plans annually.

Rother District Council at the end of the month are going to join the East Sussex Resilience and Emergencies Partnership. It provides officer support and a 24/7 duty officer. Susan Prochak has asked for a presentation to be given to the town and parish councils.

Rother District Council have set up a community lottery. This is now live. There are approximately fifty groups registered. You could win £25,000 or an iPad (this time). The tickets are £1 each and £0.60 of the ticket cost goes to good causes.

There is a parish conference on 19th October 2022 at Brede Village Hall. The topic is likely to be about the local plan and linking it to climate change and policies that can be put into the plan and link them together.

Steve Stewart said that if any parishes would like help with their emergency plan to let him know and he is happy to help.

Graham Furness emphasised the Queen's Green Canopy Scheme. A deputy left lieutenant can attend and assist with digging the holes.

Malcolm Johnston introduced himself to the meeting and confirmed Rother District Council's new deputy chief executive is Lorna Ford.

9. RDC Enforcement Policies

Robert Franklin said there was a group of parishes that felt that although the new enforcement policy had been published, it was not going to be any more effective than what was done before enforcement was paused. There are certain examples of where people have been playing the system and the enforcement does not seem to have picked it up quickly enough. There are several sites across the district where people have been breaking the rules for up to ten years. What we have decided to do is pick on a few of those and look at how successful the new enforcement procedures are. Our feelings are that as district we should be quicker to go to court over them and maybe even the possibility of even an income stream from that if they are successful. I believe Wealden are probably much more forceful in their enforcement than we are. We share a legal department so presumably the expertise is there.

Jonathan Vine-Hall said that he joined a meeting with the group to discuss it and there was a presentation with the parishes on the plan. It is the most frustrating area, enforcement, and there is a particular member of the group that a lot of legal experience and was suggesting how money could be made. Jonathan Vine-Hall had a discussion with the development manager about it after the meeting and he did add that taking advice on the many cases and if you do not end up taking the cases to court it ends up costing you money. There is so much frustration regarding enforcement and the fact is if you know how to play the system then some will. It is not a system invented by Rother, it is a national system. If somebody does something that they do not have permission for 95% of those things done without permission usually get permission but with conditions. The enforcement helps them get their application in. Noone likes retrospective applications, but the law says you should deal with them as you would with regular applications. If they fail with the planning application then enforcement goes forward and then of course the person can appeal both the planning decision and the enforcement decision. Whilst those things are happening, you cannot practically do a great deal. The frustration is shared by everyone but if you try and take action whilst an appeal is running you are on a hiding to nothing essentially. There are two or three quite serious cases around and what the new enforcement plan tries to do is separate out those really difficult ones and deal with them.

In Westfield and Sedlescombe two have been running for some time and both of those have been through full enforcement. They do take some time to get to that position. We have one on the A21. There was a very large building built which is supposedly an agricultural barn. It is two storey made from bricks and tile with a garage door and front door. It is probably the most unusual agricultural building and it has forty domestic windows on the top floor. It is under enforcement. They have put in a planning application and it is going through the planning process. You can see where people are bending the laws and it is very frustrating for all of us. Another problem is that Rother has not cried out loud when they have had successes and they have had successes in court. It takes a long time to get there are the courts are not that interested in low level enforcement. If you want to take injunctive action in the High Court, you are talking about £50,000 - £100,000. One of the difficulties that Rother has is when you take injunctive action you have to be incredibly careful with that whoever it is does

not try to claim that we are singling them out as it is the first one. That certainly is the case with some of the communities that are fairly well known for going around the planning system.

From last September to date, Rother has reduced the application backlog by 30%. There are 70% more applications than usual. Applications time are extended and if somebody goes to appeal a regular application, it is taking more than a year to get to the inspectors. If you add those things together you have approximately two years where you simply cannot do anything.

Graham Furness complimented Rother's enforcement department who has taken some action in the parish of Bodiam and it has been successful. It was done in a timely and excellent fashion.

David Pankhurst suggested that Malcom Johnston, Jonathan Vine-Hall and Trevor Leggo get together with our local MPs to try and get some changes instigated with regards to the law.

Malcolm Johnston confirmed he is happy to take the matter up with the local MPs.

Trevor Leggo confirmed that at his fortnightly meeting with his colleagues around the country that it is something that comes up quite regularly. Trevor confirmed that we are expecting planning reforms later in the year

10. RALC Subscriptions

David Pankhurst confirmed the secretary sent parishes an email confirming the reasoning behind the increase in RALC Subscriptions. David invited members to raise their objections.

11. RDC Affordable Housing

David Pankhurst invited questions for Joe Powell in relation to affordable housing and the briefing paper.

Joe Powell introduced himself and gave an update on his role and function as Head of Service, Housing and Community. There are a number of challenges with Rother reaching the development targets set by the government. There is an annual target of building approximately 300 houses per annum. At present, it is more approximate of 170 houses to 200 per annum.

Q: Keith Robertson – If we go towards a path of having supported housing, is that going to be compatible? Are we going to get houses that meet with our housing needs? Regarding the planning process, if we are going to plan for or have more supported housing developments through suppliers that do that, is that going to go through the planning system?

A: Joe Powell – There are couple of things that need to be made clear. Affordable housing is an umbrella term for a range of housing from affordable forms of home ownership such as shared ownership which is directed at professionals who are on a middle income, so an income of £40,000/£50,000/£60,000 per year. Shared ownership is defined as affordable housing but is very different from affordable rented accommodation which is more what you will have in your mind when I say affordable housing. It is rented accommodation typically below private rented rates. They are very different products and they get, unhelpfully, branded as the same product. There are connotations to the term affordable housing which are not really appropriate for shared ownership but maybe appropriate for affordable renting. It is about making sure we have a spectrum of needs and to be clear the local plan is clear that there is an overriding need for forms of affordable housing. All housing is affordable to someone but we need a range and ultimately our priority is to get younger people in to forms of home ownership that meets their needs. In terms of planning process, that is a very big question and it is in our local plan around

how affordable housing can be delivered. It is a complex area and I am not a planner. It is an important subject and perhaps something we can come back to you with in more detail.

Q: Keith Robertson – Have you got a next step timeline or how you go forward with this concept?

A: Joe Powell – It is in our corporate plan and in our local plan for many years. It remains our priority. A review of our local plan is going to be undertaken and it has a timeframe of a few years to have that revised and adopted. The local plan is essentially a tool by which we can identify what is viable and the local plan speaks a lot about viability in terms of affordable housing delivery. There is a crisis and it is important to underline that and the government itself refers to it as a housing crisis and it may not always be immediately obvious, it takes a while to feed back down to the community. I have worked in homelessness for many years and the people coming through the doors would shock you. These are professional people with jobs who have lost their jobs through no fault of their own. They are not the traditional client you would associate with homelessness historically.

Robert Franklin said that in Burwash, we have Optivo selling off rented houses. They are on the third house at the moment. I do not know whether that is in your patch but we have an identifiable need for people that need to rent houses and we have our housing supplier selling off houses reportedly because it is too expensive to maintain.

A: Joe Powell – The government, in response to the Grenfell tragedy, is making tenants/leaseholders liable for costs for the replacement of any cladding that might be on the building and for fire safety works required. The same goes for registered providers so they have not been provided with any funds to do this so they are having to raise capital cash funds to do it. The government are also raising the standard in terms of the Energy Performance Certificate from a minimum E to a minimum C so it does not stack up for them to get them to a C and so they sell them on the open market. What I have undertaken, I took this up with your clerk at Burwash and we were looking at how we might work with Optivo to make sure we get advanced notice, which we get so we can give advanced warnings to the local community, so they get a heads up in terms of a property coming forward and perhaps a local person might want to pick it up or rent it etc. I do not know what Optivo's options are, their hands are tied.

Q: John Barnes- Given the situation or Burwash and the fact a property in Woods Corner, which is designed for older people, is being sold off and a young family might end up in it, I wondered if there was any way of stopping Optivo from depositing of rented properties? I do have some sympathy for what you say about their problems but they are not meant to be a money making enterprise. They are fundamentally meant to be a social enterprise.

A: Joe Powell – We are in discussions with them and I do agree with you that it is a mildly counter intuitive thing for them to be doing but when posed with the question that is the response we receive. I suppose their argument might be that yes, they are a non-profit making entity but they do have to raise funds if the government are expecting them to meet the costs of improving fire standards and avoiding another tragedy. I am assuming that is what their response would be but we could work better on it and I have got it as a note for our meetings that we have regularly with Optivo to try and improve the communication and perhaps bring them to parishes to meet listen to the concerns. I am not aware of any statutory mechanism we could use to prevent them from doing such.

Richard Farnhall invited any parishes that are considering buying residential property to let to local parishioners at below market rent to get in touch with him. Rye did this a few years ago. It is complex, particularly in relation to VAT, but he is happy to advise .

David Pankhurst suggested this item is added to the agenda for a future meeting. People can then prepare questions.

12. Parish Online

David Pankhurst confirmed the Parish Online subscription is due in September and asked members to confirm to the secretary if they wished to continue with their subscription and if they required any training.