

**UNADOPTED
POLEGATE TOWN COUNCIL**

Minutes of the Special Full Council meeting held on Monday 10th February 2014 Council Chambers, 49 High Street, Polegate BN26 6AL at 7.30pm

Present: Cllrs M Cunningham **MC**(Chair), M Clewett **MCI**, H Parker **HP**, S Shing **SS**, J Harmer **JH**, Mrs M Piper **MP**, E Board **EB**, D Shing **DS**, J O’Riordan **JOR**, D Broadbent **DB**, Gibbs MBE **GG**, M Pybus **MP (12)**

Not Present: Cllrs T Voyce **TV**, Mrs J Voyce **JV**, Mrs C Berry **CB (3)**
19 members of the public

Minute No.	Subject/Resolution	Action
10884	Apologies for absence Cllrs Mrs J Voyce (personal), T Voyce (personal), Mrs C Berry (personal)	-
10885	Declarations of interest None	
10886	Opportunity for public comment It was resolved to suspend standing orders to allow VOTE All in favour Standing Orders Suspended A resident stated that there were many people who were very upset about the closure of the toilets, but could not come tonight. She stated that those who did go out and talk to the members of the public would know that many were feeling angry, disappointed in the Town Council and anxious. She stated that she felt this was a public health issue and essential. She asked that whatever the members’ political views that they made their decisions based on what is best for Polegate, and there were many people who were upset at the thought of the public toilets being closed. They don’t want public parks, theatres, swimming pools, just a basic fundamental facility of public toilets. The ones in the High Street. She stated that she felt that despite not having various powers, it was still within the power of the Town Council to keep the High Street toilets open. She urged the councillors to vote to save the toilets. Cllr J Harmer entered the room at 7.32pm A resident stated that nearly a year ago he had started a petition to keep the public toilets and in the end there were around 1200 signatures to keep the toilets open. He stated that he presented this to the Council on 25th March 2013 and after some discussion the council voted unanimously that if Wealden District did opt to close the toilets the Council would do all it could to keep the toilets open. He stated that if the Council were considering putting toilets on the area of Council land he did not think any disabled person could get down the ramp and get back up again, the hill is much too steep. He stated that the only other place he considered suitable was the Council garden and he felt that would be an eyesore. He stated that he thought the Council had already put money towards the toilets of £21,000¹ to purchase them and that the best place for them was in the High Street where they already were.	

	Cllr E Board entered the room at 7.34pm A resident spoke stating that he believed the Town Council had failed to support the existing toilets and in representing the people of Polegate. He stated that the elderly need to use them, that train users need to use the lavatory. He wondered where those that needed the lavatories would go and that the shops could not tolerate people going into their toilets as it would invalidate their insurance. He stated that he believed that alternative lavatories would be an eyesore and would need to be plumbed in and as there are already purpose built toilets, these should be revamped and pressure should be put on Wealden District Council to make sure the toilets stay open. A resident stated that the Town Council toilets at the playing Fields were ok for him to use, but not for people from the other end of the Town. He stated that he was surprised that the Council had not done the costings for the Portaloos.² He stated that this should have been done before closing the toilets and further costings should have been made.³ The alternative costs were expected to be £5000-6000 and this was without electric plumbing and maintenance. He stated that he thought that the Town Council had a grant for £8000 to repair the toilets⁴ A resident stated that he had a personal reason to use the toilets and if they had not been there, he would have had to urinate in the street and possibly be arrested. He stated that he felt every town needs a toilet. A resident stated that he missed the January 27th meeting and asked why the vote had been to disconnect from Wealden – he understood the costs would cripple the Town Council budget over the years but wondered why that decision had been taken. He was interested to see what the alternative was as he understood that the connection with Wealden was no longer going ahead. A resident stated that she used the toilets frequently. She stated that she felt every town should have public toilets. She stated that she understood it would need to come from the Town's funds and that the Government should allocate money for this and that it should go direct to the toilets and not be spent on anything else. She wanted to know who she should write to at Wealden and stated that she would be writing to the MP for him to put it before Parliament. She felt it was disgraceful that the Town could be without toilets as she thought they were needed. Standing orders reinstated	
10887	The Mayor stated that he was aware many people had questions about the decisions. He stated that all councillors had made their own decisions as far as he knew and had not been told how to vote. All councillors knew that the decision had been a difficult one, and that was the reason why the meeting had been called to discuss the situation and what could be done next. Since that time further options had been sent through from Wealden. Every councillor was aware of the view of the town, both the positive comments and those who were against keeping the toilets and paying for them.	

He stated that he hoped that Council would look at all the options and at the end of the meeting would come to a decision on how best to serve the town. He felt that many aspects of the decisions had been misunderstood.

Provision of alternative Public Toilets and Options

The Mayor invited councillors to discuss the new option available.

A councillor stated that he had understood that Council had approved a council tax rise, some of which had been allocated for the maintenance/keeping of the toilets in some way. At that time for various reasons the council was not fully able to assess the value of what the costs might be. At a later meeting Wealden District Council had offered the Town Council a set of three options. He stated that unfortunately and in his opinion wrongly the negotiations on those options had been rejected and therefore the toilets will close. He stated that he understood that Wealden District Council want to close them, have a legal right to close them and they are going to close them. The only option was for the Town Council to take on the responsibility. He stated that Council had been presented a temporary solution to keep them open in the form of a year's option. He reminded the Council that no fully costed options had been put to the Council as no decisions had been made on which ones to look at.

Cllr S Shing arrived at 7.47pm

A councillor commented that the Council had decided not to negotiate with Wealden, and that the District Council had now left an option open as they knew how important the toilets are for the town. He stated that the District Council were not closing all of their toilets lightly, they simply do not have any money and cannot put their rate up, but the Town Council can through its precept. He understood that in percentage terms it was a lot, but in pounds and pence it was not a lot and the strength of feeling throughout Polegate was that the Town Council should pay to keep the toilets open. He stated that he was not concerned where the toilets were but that there should be toilets from 1st April and he believed that an alternative provision would not be in place in time. Wealden have left that option and told the Town Council that they could run the toilets for a year whilst getting alternatives in place. This would cost £1 plus insurance and all of the running and cleaning costs but no refurbishment costs. He stated that there were no plans and therefore no plans with costs. Just ideas. He was concerned about one of the comments, in that if you had alternative toilets and then found out that the slope was too great for anyone to get to those toilets. He asked if negotiations could be opened again with Wealden. He stated that at the very least the Council should go with the offer of one year whilst looking at the alternatives.

A councillor stated that he was unable to be at the last meeting, but that he believed that the Council should be going to the public and asking them which of the District Council services that were being given up should be taken on by the Town Council and the public should be made aware of the costs on

	their council tax to provide these services. A councillor stated that many people of varying ages and occupations and medical circumstances use the toilets. He stated that the amount that it is costing the council and the tax payers to keep the toilets open is around £5 per year per household. This has already been agreed at the budget meeting and many of these issues have been discussed for a year and each time the Town Council agreed to do all it could to keep the toilets open until January 27th when some councillors opinions changed. There will not be a replacement in position by 1st April. He stated that he believed any replacement would not cost any less than retaining the current toilets in the High Street. He stated that by the time an alternative was arranged (planning, electric, purchase, water, sewerage); the costs would be almost as much as the High Street toilets and both would have the same running costs. He stated that of course there were some people who did not care whether the toilets were kept or not, but felt that was a small minority. A councillor stated that the decision taken last week meant that Wealden District Council would close the lavatories on 31st March 2014. They have now been asked if they would keep them open for a year to allow the council to find alternatives, which they have now granted. He stated that he understood that under the rescission process if 5 councillors are prepared to sign the rescission with the new information that is available, the decision taken at the last meeting can be put aside and discussed again. He stated that if that was done, Wealden may look at their decision to close and other options for the Council to consider. However if this did not happen, alternatives must be looked at. He stated that information had been found regarding portakabins, (photos of the wooden clad portakabins were displayed). These were fully fitted for regular and disabled use. It had a durable design, lined, clean. If put in the car park it would need water, electricity and sewerage connections. There would be a ramp which would be safe within the normal parameters. This could be placed in the car park in two possible positions. (The drawings were displayed showing the outline and locations). One against the side of the building and the other against the side of the allotment wall. He asked if anyone would support a rescission notice. 6 councillors volunteered to sign the rescission notice Cllrs M Clewett, J O’Riordan, M Pybus Mrs M Piper, D Broadbent, H Parker. The councillor stated that funds had been set aside in the precept for the costs of providing a toilet, although he still preferred the rescission and keeping the High Street toilets in some format. He stated that he also believed that the Town Council would be keeping the lavatories. The clerk was asked if the rescission could take place, she stated that as new information had come forward and as long as at least 5 councillors signed that notice, this could be done and a further meeting would be required to discuss the details of toilets. A councillor commented that Wealden were passing the responsibility of closing the toilets over to the Town Council and she had mentioned this to the portfolio holder at the last meeting. She stated that all of the cuts were affecting councils	
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	at all levels now. She stated that the toilets were necessary, but was not sure that those were in the best location and were unpleasant to use. She preferred a more central location. The path was uneven and not well lit. She felt that the Council should take on the toilets for a year whilst looking at alternatives. She would support a vote to take on the toilets for a year whilst looking at the alternatives. A councillor stated that the Town Council had been criticised for closing the toilets but it was NOT Polegate Town Council who were closing them, it was Wealden District Council and that a vote had been taken not to enter into negotiations with Wealden. He stated that on the Town Council there were District Councillors who may have been able to press the District Council to make a different decision. He stated that at that meeting with the offers that were in front of the Council, that by a very narrow margin, the council should not enter negotiations on those options as they were not good value for money, but that provision would continue and this Council would make some form of provision in the town. The Town Council did not vote to close the toilets. It was a shock that there is no statute insisting that the District provide toilets for public sanitation. He stated that at one of the meetings a District Councillor had referred to the land as a ransom strip and of commercial value to the district. He stated that the conditions that were to be imposed on the Town council were so onerous as to prevent the Council doing what they wanted with the land in the future even if the Town Council made their own provision. It had to remain a toilet even if the Town Council had purchased it (and provided alternatives). The District Council would have still kept control of the land even if the Town council had been forced to buy a public asset from another public body (<i>District Council</i>) that they got for free. He stated that he was astounded that people felt the town Council should buy them when the residents had already paid for it, the residents already pay for their maintenance and running costs in their council tax to the District and that the District refused to hand over the toilets and planned to charge £21,000 to buy the land when it had little value to them commercially. He stated that he could not at that time see the economic reason as to do this and had originally voted no as he felt that the town Council could provide something cheaper and better. If it was the case that the town Council could not provide anything better and cheaper then his decision would change. The decision was also based on the potential changes of the Town Council offices, which may, if changed, be able to provide an alternative toilet solution. These future plans could save the tax payer money and improve the facilities. To take on a full repairing lease could mean the Council would carry that liability that may not be able to be maintained on a capped 2% increase which is more likely to happen to the Town Council in the future. 2% for the town Council is a tiny amount. If the toilets required a large expense and a big bill came through another service may have a huge cut. Then the Council may have to close the toilets simply because they could not afford the provision and then the public would have been justified in thinking that the town Council had closed them. He stated that he did believe the Council should provide the toilets, but not at <u>any</u> cost.	
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A councillor commented that Wealden District Council did not wish to fund this and it was not just because it was not affordable. Wealden District Council had spent over £10 million in the North of Wealden (Uckfield) and refuse to spend any money in Polegate. There is no Wealden car park here, no toilet provision now and Polegate has been forgotten. He felt that Wealden should treat Polegate fairly. He stated that to purchase was a good idea, but to then be forced to give back money in the future should the Town Council not be able to afford it was ridiculous. In normal circumstances if an asset is sold it is handed over completely. It is a tax payer's asset and should just be handed back over to Polegate to run as a tax payer's asset. Even the new option had concerns regarding the condition that it is handed over in. The town Council will have to hand it back in that condition, set by Wealden. The District Council had threatened to close it or demolish it if the town Council do not take it on. That makes the decision to insist the Town Council give it back in the same condition ridiculous and makes no sense. If the District plan to block it up or demolish it, why would the District Council insist that it is kept in any condition on return after the year? For that reason although he would accept running the toilets for one year, he would not accept the responsibility to return it in its present condition. If it was sold as an asset of community it would just be sold to a developer who would *not* have to keep it as a toilet. East Sussex County Council was also likely to have to raise their precept and was using reserves to keep children's services. Wealden could do the same as they have one of the largest reserves and could easily spend £8000 per year to keep those toilets open, but choose not to. He stated that it was important that the public knew that Wealden were closing the toilets, NOT the Town Council. He stated that to ensure the continuous running of the toilets he was prepared to vote for an extension for the year as everyone agreed Polegate needs some kind of toilet.

A councillor stated that at the last meeting the Council was trying to get the best deal that it could for the town. The District Council had offered three options and had basically said take it or leave it. He felt that Polegate should be fighting to keep toilets open in Polegate. He stated that the year option had been available before and that Council was considering making a new council chambers accessible to all members of the public especially those who are disabled. Those would be controlled by the Council, it could have the right opening times, and it was in the town centre. He agreed that a slope was not ideal, but that not all buildings were ideal. The councillor stated that no one wanted to see the toilets gone and wanted something else in their place if the toilets in the High Street were not possible. He stated that Wealden had decided to close the toilets and put the responsibility of paying for them on Polegate. He stated that other towns in Sussex were getting grant after grant and having money spent on them and Polegate was getting nothing. He stated that regardless of which option was selected the town Council would need to find £10-12,000 minimum to run the toilets and clean them. He stated that he felt the decision the Council had to make, was to take the year option in order to be

	able to negotiate or to find alternative toilet provision. A councillor stated that the potential building of the extension if it should go ahead would be a long term project and should not form part of the discussion. A councillor stated that the District Council wished the Town Council to spend £8000 of Town Council money to do them up. He stated it was imperative that the Council choose the best option for the town. Cllr D Shing arrived at 8.26pm A councillor stated that the costs being spoken about were not official and the negotiations by the Council via their solicitors could have changed any of the costs depending on the outcome and the decision had stopped all negotiations. The District Council had given the town Council an option. The options offered had yearly break clauses and would therefore have had an annual review of the costs anyway. He stated that the year option was the only choice that the Council could make at this stage to continue some form of toilet provision. He felt that the Council had not kept all of their options open. A councillor stated that the precept had already been set and therefore there was a small amount included to go towards the provision of toilets. He stated that leases were not to be feared, many retail outlets are leased and was a common English practice. If the property is not in good condition, you either get the people owning that property to put it into good condition or get a "schedule of dilapidation" which is a legal document attached to the lease. The idea of including the toilets in a potential build on the back of the offices was great but was not about to happen within a few months. The complaint about the slopes is an issue and older people with walking sticks etc, does mean that most would not be able to walk down the slope. He stated that although purchasing was not necessarily an option, that land was worth money commercially and was possible and was a bargain at that price. There is nothing to stop the Council taking this on, the precept has been set and the running costs were not so great. He stated that he would like the motion to be rescinded as previously mentioned. A councillor stated that various prices had been quoted, some had been produced as quotes and others as figures commented upon. The clerk confirmed that the £3816 was for the rental of the portaloos (3 festival style toilets) for cleaning once per week and stocking consumables once per week and rental for one whole year (all three units), as requested. She confirmed that the quotes for cleaning the High Street toilets were likely to be similar to those of cleaning the portakabin style toilets discussed. The costs shown to the councillors were based on quotes not estimates. The clerk stated that she could produce a schedule so that the prices were on one sheet, but each quote shown was based on what had been requested by Council.	
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	A councillor stated that purchasing the toilets on freehold or leasehold would still have the same running costs more or less. If the Council purchased the toilets it would own the property and have an asset, the value would not be lost and rarely did any property devalue in the District. If the Council had a full repairing lease, the town Council would be beholden to the legalities of the District Council who could afford legal representation to fight any conflicting opinions on condition. He stated that it was a burden he did not wish to see for Polegate. He felt that whatever happened the town Council should have their own cleaner, either a paid member of staff or a contractor, as the Town Council could then create the specification on how the toilets should be kept. He still believed that freehold with full control over the asset was the best option for the town Council. A councillor stated that he felt the town had enough toilets in Polegate. (Wannock and the railway station ones) he felt that the town Council should be asking for use of the railway toilets. A councillor stated that he voted against negotiation as he had felt that Wealden had not offered anything good for the town. He stated that there were not full costings available as the Council were not sure what was going to be offered to Polegate and so only the basic figures could be produced. He had asked for the portable toilets quote to demonstrate other options that could be taken. He felt Polegate had been forgotten. It needed lavatories, a cemetery and a car park but was not getting anything from Wealden whereas towns like Uckfield and Crowborough were getting many facilities. He understood that the shops could not provide toilets as most were within their personal areas and stock rooms and could not have people going in and out of them, but some could and they declined, so the community said no to having a community toilet scheme. He stated that he had never wished to close the toilets, Wealden had done that, but to say no to them was an attempt at putting pressure on Wealden. He stated that Polegate had no major stores to pay for these facilities it was the people of Polegate who pay Council tax who will pay for these facilities. A number of people in Polegate pay no or reduced council tax and so the burden also falls to a small few. He stated that he was interested in providing services for the residents of the town and not for visitors. He stated that what the Council had been offered on the night of the previous meeting was not in his opinion beneficial to the town. It was discussed that if the Council resolved to negotiate the details of this, it would need to be discussed by the Council to take back to Wealden who may choose not open negotiations again and may only allow for the annual rent whilst alternatives were being investigated. A number of councillors stated that they wanted to decide the negotiations at the table. A councillor stated that if negotiations were for leasehold he would have to abstain. He also stated that if the Council resolved to enter leasehold for the year he would also wish to abstain as he did not think that the legal costs would be value	
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	for money. A councillor stated that at the previous meeting with Wealden it appeared that there was no room for negotiations on price, costs, valuations and that the District Council simply wished to hand over a very expensive burden. Even the freehold came with stipulations on the future conditions of an asset that the Council owned outright. He stated that the District Councillor had indicated that he wanted the Town Council to keep the asset open as toilets, but that he was willing to close them down. Even if the Town Council made alternative arrangements, the District Council wanted those kept open as toilets. A councillor stated that any option could be taken forward to the District Council and conditions could be placed on the sale. It was resolved to rescind the previous resolution (minute 10881) following new information and to enter into negotiations with Wealden District Council with regards to the potential running of the High Street toilets; with the fall back position of renting for one year at £1 peppercorn rent, no capital costs, to give back in no worse state than currently in (to be determined), to pay the insurance costs of £175pa; take on all running costs including the business rates and to look into alternative provisions, costs, ideas and timescales in tandem with the above. VOTE 8 for (Cllrs M Clewett, J O’Riordan, M Pybus, E Board, J Harmer, Mrs M Piper, H Parker, D Broadbent) 1 against (Cllr G Gibbs MBE) 3 abstentions (Cllrs M Cunningham, S Shing, D Shing) The clerk requested the signed rescission notices. The clerk clarified that a <u>corporate</u> view would need to be taken forward by the solicitor and the meeting to determine this would need at least 7 days clear notice and therefore would have to be discussed on 24th February 2014 at the usual full Council meeting. The clerk requested that any options that councillors wished to put forward should be given to her before the 17th February. The clerk stated that she would put all of the costs together in one spreadsheet for clarity, but that if anyone wished to know a particular cost or information to make that request before 17th February to enable her to get quotes through in time for the meeting.	
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The meeting closed at 9.05 pm

¹ The amount PTC allocated for the toilets was £10,000 and this was to put towards the cost of some facility, whether that be purchase, rental or alternative provision.

² The council had costs for portaloos, at the previous meeting Council had decided to look into the costs of portakabins, which are more aesthetically pleasing.

³ Wealden District Council are shutting the toilets, not the Town Council.

Alternatives were mentioned on the night when considering what could be done.

⁴ The £8000 shown in the figures, was the cost of the capital works that the Town Council would need to pay to update the toilets. The Town Council receive no grant money for the toilets as these are run by Wealden District Council.