

MINUTES

of

An Especial Meeting of New Romney Town Council
 Held on Thursday 28th March 2019
 In the Assembly Rooms, New Romney
 Commencing at 5.00pm

PRESENT: The Right Worshipful the Mayor of New Romney,
 Councillor Peter Coe

Town Ward:

Councillors: Mrs P S Rolfe, Mrs E Gould, A Rodriguez, Ms S Govett,
 J Cramp, R Tillson and Rev. Cn. S McLachlan

Coast Ward:

Councillors: Miss J Hiscock, Mrs P Metcalfe, P Thomas, P Carey,
 Ms P Snoad, D Stedham and J Picco

In Attendance:

Town Clerk	-	Mrs C Newcombe
Deputy Town Clerk	-	Mrs C T Morris
Representatives from Town Council appointed		
Professional Design Team	-	4
Members of Public and Press	-	Approximately 65

IN THE CHAIR

The Mayor – Councillor P Coe

730/2018-19 **APOLOGIES FOR ABSENCE**

None.

731/2018-19 **DISPENSATION TO PARTICIPATE**

It was reported that Councillor Rev Cn McLachlan had requested dispensation to participate and vote in respect of any matters relating to sale of land for residential development, due to the very close proximity to her own property which is a registered Disclosable Pecuniary Interest (DPI) and due to it being in the public interest that all Members are able to participate and vote in respect of all matters to be considered at this meeting to ensure maximum democratic process has been applied, since key decisions relating to the Community Hall and Sports Pavilion project are to be considered. It was further reported that dispensation to participate and vote, as per Councillor Rev Cn McLachlan's request, had been granted.

732/2018-19 **DECLARATIONS OF INTEREST**

@ 5.08PM All Councillors present declared a DPI in respect of any matters relating directly or indirectly to the setting of the Precept, stating that they have dispensation to participate and vote. (Minute Refs: 737/2018-19(xii), (xiii), (xiv) refer.)

Councillor Rev Cn McLachlan also declared a DPI in respect of any matters relating to sale of land for residential development, stating that she has dispensation to participate and vote. (Minute refs: 737/2018-19 (ix), (x) and 739/2018-19 (ii), (iii) refer.)

733/2018-19 **PRESENTATION**

Members of the Town Council's appointed professional Design Team gave a presentation which provided a summary of the Community Hall and Sports Pavilion project development to date. Questions from Councillors were then put and answered.

There were several rude and /or aggressive interruptions from some Members of Public and a single Member of the Council during this period and the Public Session that followed. These interruptions were countered by a strong level of support from opposing members of the public. The afore-mentioned Council Member also publicly made an unacceptable comment about a confidential personnel-related matter and the Clerk requested, through the Chair, that the afore-mentioned Member desist from public bullying in her place of work.

734/2018-19 **ADJOURNMENT OF MEETING**

@6.20PM it was:

PROPOSED BY: Councillor Mrs Rolfe

SECONDED BY: Councillor Picco

RESOLVED UNANIMOUSLY – that the meeting be hereby adjourned to accommodate a public session which shall extend to a period of approximately 30 minutes.

The business of the Council was thereby suspended.

735/2018-19 **PUBLIC QUESTIONS**

Following formal adjournment of the meeting, members of the public addressed the Council and the Design Team Representatives via the Chairman. Comments were made and questions put and answered.

736/2018-19 **RE-CONVENING OF MEETING**

@6.59PM it was:

PROPOSED BY: Councillor Thomas

SECONDED BY: Councillor Stedham

RESOLVED – that the meeting be hereby re-convened.

Cllrs Cramp and Carey voted against the motion.

Approximately 50 members of the public and press left at that time.

@7.02PM it was:

PROPOSED BY: Councillor Stedham
SECONDED BY: Councillor Ms Govett

RESOLVED – that the meeting be adjourned for a comfort break.

The business of the Council was thereby suspended.

@7.13PM it was:

PROPOSED BY: Councillor Rodriguez
SECONDED BY: Councillor Mrs Gould

RESOLVED UNANIMOUSLY – that the meeting be hereby re-convened.

The business of the Council was thereby resumed.

737/2018-19 **COMMUNITY HALL AND SPORTS PAVILION PROJECT – PUBLIC MATTERS**

(i) Congratulations were first conveyed to Synergy Team Members for their work to date to keep project costs down as much as possible and their role in 'cost engineering' going forward to reduce costs further where possible was highlighted.

It was then:

PROPOSED BY: Councillor Coe
SECONDED BY: Councillor Mrs Rolfe

RESOLVED UNANIMOUSLY – that Standing Orders be waived to permit Members of the Town Council's appointed professional Design Team to remain throughout the duration of the meeting – including any Private and Confidential session – in order that they may be available to provide information and advice as required.

(ii) The design and layout of the proposed Community Hall and Sports Pavilion and associated renovation of the adjacent building was duly considered and it was:

PROPOSED BY: Councillor Rodriguez
SECONDED BY: Councillor Tillson

RESOLVED – that the Design and Layout of the proposed new Community Hall and Sports Pavilion and associated renovation of the adjacent building, as presented to the meeting by the Council's appointed architect, and further detailed within the Plans and reports presented to the meeting be hereby approved, noting that there may be modifications to the design within the next stage of the project's development.

Cllrs Carey, Cramp and Rev Cn McLachlan voted against the motion.

(iii) The latest project cost plan was then reviewed and following due consideration, it was:

PROPOSED BY: Councillor Thomas

SECONDED BY: Councillor Picco

RESOLVED – that the latest Cost Plan revision 7 dated 17/12/18 - as presented to the meeting - and detailed estimates of cost contained therein be hereby approved, noting that further amendments will be required as the project progresses.

Clls Carey and Cramp voted against the motion.

Cllr Rev Cn McLachlan abstained from voting.

(iv) The latest Master Cashflow Summary detailing consultant fees and other costs incurred to date was also reviewed and with any questions having first been put and answered, it was:

PROPOSED BY: Councillor Tillson

SECONDED BY: Councillor Thomas

RESOLVED – that the latest Master Cashflow Summary dated 15.03.19 detailing Consultant Fees and other costs incurred to the date of the report be hereby received and approved.

Cllrs Carey and Cramp voted against the motion.

(v) In light of the current stage of the project, the previously approved cap on professional fees up to the stage of planning submission was reviewed and it was:

PROPOSED BY: Councillor Rodriguez

SECONDED BY: Councillor Picco

RESOLVED – that the budget cap previously authorised under minute ref 753/2016-17 for specified professional fees up to Planning Stage be now removed to allow all invoices relating to consultants and other professionals to be settled as and when received, subject to the Clerk first having ascertained that all is in order , and noting that all project costs, with some possible specified exceptions are now allocated from the Community Hall / Sports Pavilion Project Reserve Fund and/or the Community Hall and Sports Pavilion Project - Grants and Donations Received Reserve Fund, as appropriate.

Cllrs Carey and Cramp voted against the motion.

(vi) It was duly noted that if the project moves successfully through the planning stage, there will be a requirement to appoint remaining consultants promptly at such time as they are needed. Having duly considered this matter, it was:

PROPOSED BY: Councillor Stedham
SECONDED BY: Councillor Miss Hiscock

RESOLVED – that all further outstanding professional appointments as referred to within the Consultant Fees & other Costs Summary dated 15.03.19 and associated expenditure required to enable the project to proceed to completion be approved and the Clerk authorised to settle all relevant invoices as and when received, having first ascertained that all is in order.

Cllrs Carey and Cramp voted against the motion.
Cllr Rev Cn McLachlan abstained from voting.

(vii) The latest Indicative Delivery Programme was presented to the Council and it was:

PROPOSED BY: Councillor Tillson
SECONDED BY: Councillor Picco

RESOLVED – that the latest Indicative Delivery Programme revision 6 dated 15.03.19 be received and noted.

Cllr Cramp voted against the motion.
Cllr Carey abstained from voting.

(viii) The Project Business Plan version 4 was presented to the Council and it was first:

PROPOSED BY: Councillor Thomas
SECONDED BY: Councillor Coe

RESOLVED – that a formal vote of thanks be conveyed to the Town Clerk and the Finance Clerk for the vast amount of work that was put into producing such a robust and detailed Business Plan.

Cllr Cramp abstained from voting.

It was then:

PROPOSED BY: Councillor Tillson
SECONDED BY: Councillor Thomas

RESOLVED – that the contents of the Project Business Plan v4 29/01/19 be hereby received and noted as presented.

Cllrs Carey and Cramp voted against the motion.

(ix) The contents and submission of a planning submission relating to the Community Hall and Sports Pavilion project and associated residential development was then considered. A substantial amount of discussion ensued and a range of matters were considered, including points such as make-up of residential development and ecological matters.

@8.13PM Cllr Ms Snoad left the Meeting Room.

@8.15PM Cllr Snoad returned to the Meeting Room and re-joined the meeting..

@8.44PM Cllr Stedham left the Meeting Room.

@8.46PM Cllr Stedham returned to the Meeting Room and re-joined the meeting.

Having duly considered this matter, it was:

PROPOSED BY: Councillor Thomas

SECONDED BY: Councillor Tillson

RESOLVED – that subject to the approval of the Conditional Contract for the Sale of part of Land registered with HM Land Registry under Title Number K815301 and as identified within Plan number NRTC/CHSP/LO/1 - and subsequent formal exchange of contract:

The contents and submission of a Planning Application as presented to the meeting, and outlined in detail within reports referred to within report reference NRTC/CHSP/13024A/280319/1 for the development of :

- i) a new Community Hall and Sports Pavilion, and associated renovation of the adjacent building (to be developed and managed by the Council) and**
- ii) a linked 34 unit residential development and associated infrastructure (to be developed and managed by the Buyer identified within the aforementioned Conditional Contract)**

be hereby formally approved, noting that the application will be submitted by the Council's appointed Planning Consultant.

Cllrs Cramp, Carey and Rev Cn McLachlan voted against the motion.
Cllr Ms Snoad abstained from voting.

(x) In light of the afore-mentioned resolution, the need to approve planning submission fee was duly noted and it was:

PROPOSED BY: Councillor Mrs Rolfe

SECONDED BY: Councillor Mrs Metcalfe

RESOLVED – that payment of the Planning Application Planning Fee in the sum of £2310 be hereby approved, to be funded from the Capital Reserve Fund and that the Town Clerk be authorised to settle the required fee, having first ascertained that all is in order.

Cllrs Carey, Cramp and Rev Cn McLachlan voted against the motion.
Cllr Ms Snoad abstained from voting.

(xi) The necessity to register for VAT and to Opt to Tax immediately following any acquisition of satisfactory planning consent for the purpose of off-setting capital project costs was duly considered and it was:

PROPOSED BY: Councillor Rodriguez

SECONDED BY: Councillor Picco

RESOLVED – that subject to the approval of the Conditional Contract for the Sale of part of Land registered with HM Land Registry under Title Number K815301 and subsequent formal exchange of contract:

Immediately following

- (i) acquisition of Satisfactory Planning Consent relating to the Community Hall and Sports Pavilion Project and**
- (ii) the afore-mentioned Conditional Contract becoming Unconditional,**

or as soon as appropriate and practicable thereafter, the Council will, by further formal resolution, register for VAT and to Opt to Tax in respect of the Station Road Sports Field Site including all Town Council buildings sited thereon.

Cllrs Carey, Cramp and Rev Cn McLachlan voted against the motion.
Cllr Ms Snoad abstained from voting.

(xii) The Council next considered the need to apply for a Public Works Loan Board (PWLB) loan to mitigate any risk following any successful acquisition of satisfactory planning consent and during the fund-raising window prior to construction. It was noted that fund-raising would continue right through to project completion and hopefully, even, beyond but it was also noted that it was necessary for funding to be in place to avoid any financial risk arising out of potential funding delays. Having duly considered this matter, it was:

PROPOSED BY: Councillor Tillson

SECONDED BY: Councillor Stedham

RESOLVED – that Subject to the approval of the Conditional Contract for the Sale of part of Land registered with HM Land Registry under Title Number K815301 and subsequent formal exchange of contract:

- (i) **New Romney Town Council WILL, immediately following acquisition of satisfactory planning consent relating to this project and the Conditional Contract* becoming Unconditional (or as soon as is practicable thereafter), seek the approval of the Secretary of State for Housing, Communities and Local Government to apply for a PWLB Loan of £1 million repayable over a period of up to 40 years for the purpose of providing a new, state of the art, Community Hall and Sports Pavilion at Station Road Sports Field, New Romney. The annual loan repayments will be approximately £41,650.**
- (ii) **it is also intended that New Romney Town Council WILL increase the Precept, commencing in 2020-21, by £21,000 to cover an element of the annual loan repayments, having already offset a substantial element of the repayments through the 2019-20 budgeting process; This being the equivalent of an additional 1.8% increase on the average Band D Council Tax Bill per year or £2.15 per year and this being actually lower than the maximum potential increase indicated to all residents during the recent funding consultation which resulted in the majority of respondees consenting to this action.**

*Transfer of Title re sale of facilitating residential development land

Cllrs Carey, Cramp and Rev Cn McLachlan voted against the motion.
Cllr Ms Snoad abstained from voting.

@8.55PM Cllr Rev Cn McLachlan left the Meeting Room.

@8.57PM Cllr Rev Cn McLachlan returned to the Meeting Room and re-joined the meeting.

(xiii) In light of the above resolution, the details and format of such a loan application was duly considered and it was:

PROPOSED BY: Councillor Rodriguez

SECONDED BY: Councillor Tillson

RESOLVED – that the afore-mentioned loan approval application will take the form of two elements – a ‘full’ application - with full approval for 50% of the required amount being sought - to be drawn down in year one and within the relevant 12 month period – and an ‘in principle’ approval for 50% of the required amount being sought –with approval in full to then be sought and drawn down as necessary in year two, subject to requirement.

Cllrs Cramp and Carey voted against the motion.

Cllrs Rev Cn McLachlan and Ms Snoad abstained from voting.

(xiv) Noting that there may be potential for a planning condition to be applied to associated residential development which may affect residual land value, mitigating steps were considered and it was:

PROPOSED BY: Councillor Picco

SECONDED BY: Councillor Mrs Gould

RESOLVED – that in the event of a lower land value being achieved from sale of facilitating residential development land identified within the afore-mentioned Conditional Contract, due to any specific planning condition applied to the afore-mentioned residential development, and having assessed the on-going financial viability of the project, the Council, if deemed appropriate, will not submit the loan approval application as detailed above until such time as adequate funding has been secured from other sources to ensure that the maximum required loan is limited to £1million repayable over 40 years but WILL be submitted immediately (or as soon as practicable) thereafter.

Cllrs Cramp and Carey voted against the motion.

Cllr Rev Cn McLachlan abstained from voting.

(xv) The naming of the proposed new Community Hall and Sports Pavilion was considered in light of all above resolutions moving the project now forwards towards completion and noting the history relating to the existing sports pavilion and to the wider Town. Following discussion, it was:

PROPOSED BY: Councillor Picco

SECONDED BY: Councillor Cramp

RESOLVED – that (a) the proposed new Community Hall and Sports Pavilion be formally named ‘The New Maude Pavilion, and that the Main Community Hall which is located on the first floor of the building be named the ‘Imbert Community Hall’ and (b) that ‘Interpretation memorial boards’ be installed in the new building to explain the connection of the Maude Family and Lord Imbert to the Town of New Romney. The number, detail, cost and other associated matters to be decided at a later date.

Cllrs Carey and Rodriguez abstained from voting.

738/2018-19 **EXCLUSION OF PUBLIC AND PRESS**

@9.10PM, having considered the nature of matters to be discussed under Agenda Item 10 and in view of the fact that legal contractual negotiations were required to be concluded and privileged legal advice considered, it was not in the Public Interest that members of the Public and Press remain, it was, in accordance with the Public Bodies (Admission to Meetings) Act 1960:

PROPOSED BY: Councillor Thomas

SECONDED BY: Councillor Tillson

RESOLVED - that “in view of the special and confidential nature of the business about to be transacted it is advisable in the public interest that the Public and Press be temporarily excluded and they are now instructed to withdraw”.

Cllrs Cramp and Carey voted against this motion.

All remaining members of public and press then left the Meeting Room.

@9.11PM it was:

PROPOSED BY: Councillor Carey
SECONDED BY: Councillor Tillson

RESOLVED UNANIMOUSLY – that the meeting be adjourned for a comfort break.

The confidential business of the Council was thereby suspended.

@9.18PM it was:

PROPOSED BY: Councillor Mrs Metcalofe
SECONDED BY: Councillor Miss Hiscock

RESOLVED UNANIMOUSLY – that the meeting be hereby re-convened.

The confidential business of the Council was thereby resumed in Private and Confidential Session.

739/2018-19 **COMMUNITY HALL AND SPORTS PAVILION PROJECT –
CONFIDENTIAL MATTERS**

(i) Having duly considered general legal matters relating to the project, it was:

PROPOSED BY: Councillor Thomas
SECONDED BY: Councillor Picco

RESOLVED – that, having duly considered the information contained within report ref NRTC/50012/13024A/250319, the Council agrees that the Town Clerk be instructed to progress the acquisition of a quotation for specialist Title Indemnity Insurance.

Cllrs Cramp and Carey voted against the motion.

Cllrs Ms Snoad and Rev Cn McLachlan abstained from voting.

(ii) Having duly considered the offer resulting from on-going negotiations for purchase of land for residential development and, in so doing, having duly noted relevant reports and advice, it was:

PROPOSED BY: Councillor Tillson
SECONDED BY: Councillor Rodriguez

RESOLVED – that, following reference to report ref: NRTC/CHSP/13024A/110219/LVR/070219 and other associated documents referred to within report ref: NRTC/CHSP/13024A/280319/1 and having taken advice from the relevant Council- appointed Professional advisers, to approve the Purchase Price for the sale of Land being part of a land registered with HM Land Registry under title number K815301 and as identified within the Conditional Contract, noting that this is subject to specified caveats listed within the Contract.

Cllrs Cramp and Carey voted against this motion.

Cllrs Ms Snoad and Rev Cn McLachlan abstained from voting.

(iii) In light of the above resolution, the Conditional Contract of Sale was discussed and the key clauses highlighted within the report provided by the Town Council's Legal Adviser were duly noted. With any questions having first been put and answered, it was:

PROPOSED BY: Councillor Stedham

SECONDED BY: Councillor Tillson

RESOLVED – that the Conditional Contract, as summarised within the report drafted by the Council's legal adviser – Furley Page, reference CW/NE1031/0002 and CW/NE1031/0002a, and as presented to the meeting, for the sale of part of land registered with HM Land Registry under Title Number K815301 be hereby approved and that:

- 1) the formal signing of the afore-mentioned Contract and, when appropriate**
- 2) the formal signing and sealing of the finalised Transfer document TP1**

be, therefore, authorised and the Town Clerk be authorised via the Town Council's appointed solicitor to effect exchange and completion of the aforementioned Contract in accordance with the terms contained therein.

Cllrs Cramp and Carey voted against the motion.

Cllrs Ms Snoad and Rev Cn McLachlan abstained from voting.

(iv) The matter of allocating further legal fees to effect completion of land sale and eventual transfer of title was put to the Council.

It was first:

PROPOSED BY: Councillor Carey

SECONDED BY: Councillor Cramp

- that allocation of a further £5,000 to cover any additional legal fees that may be required to complete the afore-mentioned transaction and effect transfer of registered title; this to be funded from the Capital Reserve Fund, be NOT approved.

A vote was taken, the result of which was as follows:

FOR: 2 (Cllrs Carey and Cramp)

AGAINST: 10

ABSTAIN: 3

The motion was, therefore, lost.

It was then:

PROPOSED BY: Councillor Mrs Rolfe

SECONDED BY: Councillor Thomas

RESOLVED - to allocate a further amount of £5,000 to cover any additional legal fees that may be required to complete the aforementioned transaction and effect transfer of registered title. This to be funded from the Capital Reserve Fund.

Cllrs Cramp and Carey voted against the motion.

Cllrs Ms Snoad and Rev Cn McLachlan abstained from voting.

740/2018-19 **CONCLUSION OF PRIVATE SESSION**

@9.51PM it was:

PROPOSED BY: Councillor Rev Cn McLachlan

SECONDED BY: Councillor Mrs Metcalfe

RESOLVED UNANIMOUSLY – that the private session be concluded.

It was then:

PROPOSED BY: Councillor Mrs Rolfe

SECONDED BY: Councillor Coe

RESOLVED UNANIMOUSLY – that a vote of thanks be conveyed to the Town Clerk, the Deputy Town Clerk and the Professional Design team for their work on this project.

The Chairman thanked the Clerk, Consultants and Councillors for their attendance and the meeting then concluded **@9.52PM.**

NB: All documents referred to herein are available at the Town Hall for perusal on request, except for those documents of a sensitive / legal nature discussed in private session, including documents relating to staff matters which remain Private and Confidential in accordance with Data Protection legislation.

Minutes prepared by the Deputy Town Clerk