

LYME REGIS TOWN COUNCIL

MINUTES OF THE FULL COUNCIL MEETING HELD ON WEDNESDAY 15 FEBRUARY 2023

Present

Chairman: The Deputy Mayor, Cllr C. Reynolds

Councillors: Cllr C. Aldridge, Cllr B. Bawden, Cllr R. Doney, Cllr B. Larcombe, Cllr P. May, Cllr D. Ruffle, Cllr D. Sarson, Cllr R. Smith, Cllr G. Stammers, Cllr G. Turner

Officers: A. Mullins (support services manager), J. Wright (town clerk)

Absent: Cllr T. Webb

The deputy mayor, Cllr C. Reynolds read the town prayer.

As there were a large number of people in the public forum related to agenda item 19, Receipt of a Petition, the town clerk explained the process. He said the council would receive the petition and members would listen to the representations in the public forum but the matter would not be re-opened for discussion at this meeting. He said the council's decision would stand for six months, unless at least six members signed a rescission motion outside the meeting, asking for the matter to be re-visited. If this happened, he would arrange an extraordinary meeting in conjunction with the mayor to allow members to debate the issue again.

22/94/C Public Forum

S. Cope

S. Cope said he was speaking on behalf of Mark Hix and his team at the Oyster and Fish House, asking the town council to reconsider its decision on the decking. He said a petition was set up to gain support from the community in favour of keeping the decking and in light of the number of supporters exceeding 8,800, they hoped the council would be willing to think again about its decision. He said a large majority of those in the public gallery were there to see if the council was willing to change its mind. He said hospitality businesses had had a tough time in the last few years, with Covid 19 having a monumental impact and now in a time of uncertainty due to the economic climate, which might mean less visitors to Lyme Regis this year. He said when people tightened their purse strings, one of the things people cut back on was holidays and trips to the seaside. S. Cope said this was a tourist area and he encouraged the council as the voice of the community to make decisions that continued to attract tourists to the town, for so many reasons, but this helped with job security for a large part of the town. He said the petition was set up around a week ago and within the first 24 hours had received over 3,000 signatures, which was around the population of Lyme Regis, and it now stood at 8,800, showing overwhelming support for the decking. He said they had received numerous emails from people talking about their trips to Lyme Regis, a lot of the time just to visit Mark

Hix's restaurant but they went on to stay in local bed and breakfasts and hotels, spend money on the high street and seafront and went to other pubs and restaurants, but the purpose of their visit was to go to the Oyster and Fish House. S. Cope said he acknowledged some liked the decking and others didn't and believed the council's concerns were that it recognised the unique importance of the gardens to the enjoyment of the town and its duty to protect them from commercial development. He said the deck area was approximately 60m², which made up around 0.2% of the total area of Langmoor and Lister Gardens. He presented members with a plan and said the area lined in red was the decking, which wasn't used by the public before and didn't lend itself to any other purpose. He said it wasn't a particularly significant area of the gardens but it was a significant area to the restaurant. S. Cope said the benefits of keeping the decking were that 8,800 people would be happy, five staff would retain their jobs, local fishermen and food and drink suppliers would be able to continue their businesses and Lyme Regis and Dorset Council car parks would continue to thrive. He estimated in the last 15 years of the Oyster and Fish House, over 390,000 had dined there and assuming 300,000 of them parked for two hours, this would have generated £900,000 for the councils. He said they were looking to the council to reconsider its decision as landlord of the piece of land and as a collective voice for the people of Lyme Regis. S. Cope said they hoped initially an agreement could be made to permit Mark Hix to use the land and maintain the decking or at least have an extension of time. He said terms of the lease and planning permission would of course have to follow but the council's support would be the first step.

N. Dewar Gibb

N. Dewar Gibb said he was grateful for the work the councillors sought to do to develop, improve and protect the amenities around Lyme Regis. He said his family moved to the area in 2016 and West Bullen, the property where they lived on Hardown Hill, had two highly rated rental properties. He said the Oyster and Fish House occupied a special place in the local area and beyond and in the hearts of its customers. He said the restaurant was rightly well known for the quality of what it served, as well as its hospitality, and along with Mark Hix, had always been a draw. N. Dewar Gibb said he was aware of the circumstances of how the decking came into being and he was also aware of some of the reasons why the council may now be reneging on its commitments. He said if the Oyster and Fish House's trading was compromised by the removal of the decking, this may result in exactly the effect the council was seeking to avoid – the loss of an institution and the loss of amenity. He said the restaurant was part of the local area and community and a draw for locals and those coming to visit. He said his family recommended the restaurant to all their guests and numerous happy guests had dined there and come back delighted to have seen and spoken to Mark. N. Dewar Gibb said he loved Mark Hix and his restaurant and he was happy to support the Oyster and Fish House and the decking. He said the restaurant boosted the local economy and community in financial terms and provided jobs and opportunities and it was also a fabulous calling card for the area. He said the contribution the business made was even greater when the support given to the RNLI was also taken into account as well as other community events such as Fish Rocks. He said social environments and amenity were very important and increasingly essential and he believed the restaurant was a very important element of that in Lyme Regis. N. Dewar Gibb said he trusted the council would look

favourably on the appeal to allow the decking to remain and celebrate the esteemed establishment and allow it to continue to prosper.

R. King

R. King said the Lyme Regis Fishermen's and Boatmen's Association had had its annual general meeting the previous week and in a rare occurrence, it passed a resolution to support Mark Hix's proposal to retain the decking at his restaurant. He said the reason for this was the long-standing and continued support Mark Hix and his restaurant gave to fishermen and boatmen in respect of the tourist industry in the town. He said on a personal basis, it should be incumbent on councillors to promote wherever possible businesses in these difficult times.

C. Repton

C. Repton said if the council was concerned about public land being taken over for private use, the area under the new decking was just a small patch of grass on a slope between the restaurant and the crazy golf, which apparently was not used before and it may be unlikely to be used again, because if it was restored to its former glory, the public couldn't do anything with it. She said the smart new decking blended tastefully into the surrounding landscape and the neutral colour tarpaulin enhanced the Lister Gardens; if anything, it encouraged more people to use the gardens and surrounding area. C. Repton said the council feared allowing a permanent structure would set a precedent but it had the power to enforce future entrepreneurs to abide by its rules so there should be no fear of this. She said due to the current cost of living crisis, although Covid might be over, the restaurant now relied on the extra income from the decking in the crucial summer months. She said destroying it would jeopardise the restaurant's future, leading to the loss of jobs and loss of income for the town. She said Mark Hix supported the local fishing industry, as well as tourism, the two biggest industries of the town. C. Repton said Mark Hix raised thousands of pounds for local charities, for example £12,000 for the RNLI at the last event, and he organised many events that attracted thousands of visitors to the town every year. She said he would be paying £14,500 annual rent to the council for the decking, in addition to what he paid for the restaurant. She said he was a very good employer of young people and her daughter worked at the restaurant for a few weeks last summer, when she was given a very good work experience. She said they were all given professional training in patron skills and teamwork and they all appreciated the working environment, which was why the staff felt so passionate about the restaurant, as did the customers. C. Repton said Mark Hix was a top celebrity chef and he put Lyme Regis on the culinary map, with diners coming from afar, using local accommodation and amenities in the town. She said most residents were proud of the Oyster and Fish House, a wonderful restaurant with a great ambience, it wasn't pretentious, and it reflected Dorset and the Jurassic Coast's unique character, serving seasonal and locally-sourced ingredients. She said she would like it to remain that way.

S. Taylor

S. Taylor said he had come from Reading to be at the meeting so it wasn't just local people that valued Mark Hix's contribution. He said he agreed with the points already

raised by others but also wanted to raise points in relation to the decision-making process, having looked at the minutes of the extraordinary Full Council meeting when the decision was made. He understood the council had instructed the town clerk to obtain valuations for the land and there appeared to be some disagreement about whether the council was amenable to the proposal and whether that was put across to Mark Hix, which was obviously all subject to agreeing a reasonable price. He said he struggled to understand why the council would be willing to negotiate or spend public money on obtaining valuations if it was not at least amenable in the first place. He said this seemed a slightly odd decision, which seemed to have been taken with zero regard to the valuation or negotiation. S. Taylor said in the minutes of the last meeting, Cllr B. Larcombe referred to a restrictive covenant on Lister Gardens and said the courts tended to look at what was reasonable in the absence of a hard definition and he felt it was reasonable to conclude Langmoor and Lister Gardens were two parts of the same gardens. He said Cllr Larcombe said in people's minds, the gardens were a continuation from one side to the other and he believed would be seen as a whole. S. Taylor said this needed addressing because it was fundamentally flawed legal principle and there wasn't a court in the land that would read a restrictive covenant as applying to an adjacent property, whether or not there was a definitive boundary between the two. He said if this was any basis for making decisions, it needed to be looked at. He said Cllr P. May said the Covid policy came to an end in March 2023 and this may have been Mark Hix's policy, but he understood the 2022 amendment to the Act extended the period from 30 September 2022 to 30 September 2023, so surely there was scope to extend the policy to 30 September 2023. He said this would allow Mark Hix to enjoy the summer months, which was the most profitable period to use the decking and it would benefit Mark Hix to be able to honour his summer bookings. He said to bring this to an early end before the best period in the summer season seemed unnecessary. S. Taylor said Cllr P. May also said he concurred with the Lyme Regis Society that commercial use of the gardens would set a dangerous precedent and they should be protected by the council from commercial development in perpetuity. He said his understanding was the land was owned by the council and was originally compulsory purchased in the 1970s and in the title register the land was subject to four commercial leases, one of which was Mark Hix's balcony on his restaurant. He said clearly the precedent Cllr P. May was concerned about had already been set so if the land was still owned by the council, it was within its control whether to grant a lease and this was the protection the council had. S. Taylor said there was no danger in this respect of a big commercial entity wanting to set up on open space as the council would decide the merits on each individual case. He said it seemed the process and reasoning criteria in a legal respect had been at best flawed and at worst a fundamental failure.

L. Whittle

L. Whittle said she echoed what everyone else had already said and wished to expand on the issue of commercialisation of public areas. She said this wasn't a commercial conglomerate or big business that wanted to build a business park, it was a local restaurateur who already had a restaurant there and was already an active member of the community. She said he had already installed the deck, he had a licence on a very small parcel of land and that land was unusable and probably would be in future. She said there was a hedge completely enclosing the land and she couldn't imagine it could be used for anything else, whereas the deck could be used

for public benefit and as somewhere for people to sit. L. Whittle said the Visit Dorset website stated the open space was home to crazy golf and table tennis with ample seating for those that wanted to enjoy the view and relax, and part of the selling point of Lyme Regis was the ability to relax and enjoy the view. She said far from taking away from the experience, the decking enhanced the area and accentuated that purpose. She said it was completely at odds with the council's argument that the decking would be detrimental to the open space. L. Whittle said the fact Mark Hix would be paying a rent to the council meant it would be getting money for a piece of land that not only was it not using, but it would then have to maintain for people to not use. She said this seemed non-sensical and she hoped the council would reconsider its decision.

C. Firth

C. Firth said she moved to Lyme Regis last year and spent much of the summer working in another restaurant in the town. She said the number of people she turned away because there wasn't enough space in the town to serve customers was excessive. She said every night there were people who wanted to eat in Lyme Regis but they couldn't find anywhere so taking away something where there was space to serve customers didn't seem to make sense.

O. Holmes

O. Holmes said she wanted members to think about how the issue of the decking came across to people in the community. She said she went to school locally, moved away but came back and was now living at home, working for a local restaurant and a local vineyard. She said they were all run by people who had taken risks and decided to come back to their home town and bring something back to it. She said for a town, village or city to develop there needed to be a growth mindset and the council needed to show that to people who wanted to come here to start a business and wanted to be entrepreneurial. O. Holmes said it was vital for the town to succeed and go further and to support all the other businesses in the area. As a young person, she said she personally didn't feel supported if she wanted to start a business because of the council's reaction to something that seemed beneficial to the town. She said it needed to come across that the council had considered it and not just said no because of an Act from the 1970s. She said the council should consider if there was a way around it, maybe there was another space that could be used and be progressive and push things forward.

S. Shuker

S. Shuker said the issue at hand was that the Hix decking was allowed to be erected during Covid as an effort by the government to support businesses who were heavily affected by Covid, but the council now believed the decking was redundant and it had no purpose in the gardens. He said this argument had no legs to stand on as businesses nationwide were struggling with rapid rises in costs and falling sales as the public's expendable income was shrinking rapidly. He said the need to support local businesses and the jobs they offered was more desperate than ever. S. Shuker said the decking covered an area that was not used before, where hedges blocked views of the coast and offered no shade, compared to now where people could enjoy

the view from the decking, thus being integrated into the gardens around it, where they could enjoy the views of the coast of Lyme Regis over food and drink under sun covers. He said without the decking, the restaurant would lose 30% of its income. He said as he and many others had only seen Mark Hix support Lyme Regis, the tearing down of the decking felt like an emotional outburst of individuals who had a dislike towards Mark, rather than the logical action of government. S. Shuker said the current decision was a glaring oversight by the council and the precedent it was putting in place was that a business that trained and offered jobs during an economic crisis and required improved space around it was less valuable than a piece of grass. He said young people needed jobs, opportunities and experience and the restaurant provided this but this knee-capping of the restaurant's profits and tearing down of the decking was another example of government swinging a hammer rather than laying down a stone.

A. Gore

A. Gore said this council, together with all councils, was governed by its terms of reference. He said the terms of reference for the Tourism, Community and Publicity Committee said it would take active steps to develop the town and people's perception of it, which included the development and management of 11 criteria. He said all 11 criteria, with the exception of twinning with another town, were satisfied in the case of the decking. He said he could find no reference in the minutes affected by this requirement that any consideration had been given to these purposes, yet it required active steps to develop the town and people's perception of it. A. Gore said the promotion of one of the best restaurants in the region, never mind the town and area, undoubtedly attracted tourism, as did the attendance and publicity given by well-known figures in the food and hospitality industry who had been there and appreciated its achievements. He said the maintenance and success of the business in this location supported the economy and business initiatives forced on us by Covid and the attraction of the venue contributed to the marketing and publicity of the town, its reputation and its business activity. A. Gore said Mark Hix had long been and remained a big promoter of fine food in the community, catered for by local suppliers from land and sea but always served by enthusiastic local staff who he trained and supported in an area where youth employment prospects were bleak, done so more widely than in a seasonal way. He said there had been no other consultation with the local community or organisations, other than the publicising of agendas for meetings. He said Mark Hix had promoted food events in the town that before Covid struck, brought tourists and added to the draw of the town. A. Gore said all these contributions promoted and publicised the town, promoted economic activity including employment and local businesses, enhanced the perception, reputation and standing of the town, but appeared to have been ignored by the Full Council, the terms of whose resolution effectively elevated to policy, wrongly, the so-called unique importance of the town gardens to the enjoyment of the town and the perceived duty to protect them from commercial development, none of which were adopted policies of the council.

C. Barez-Brown (read out by an officer)

C. Barez-Brown thanked the council for its tireless efforts in helping make Lyme Regis the outstanding place to live that it was, he was grateful for what councillors

did and understood it was a difficult job to balance all interests. He said having a singular focus of what was best for Lyme Regis must always be at the heart of all decisions and he therefore encouraged members to reconsider the decision to remove the Oyster and Fish House decking. He said the extra space made Lyme Regis better, the extra tables meant more people could be served and more people meant more income into the town, income that was quite hard to calculate because its impact was far reaching. C. Barez-Brown said the council made more money from the ground rent and the parking, which was significant and hard to replace, but the knock-on impact of more happy tourists and more happy diners was much greater than that. He said all local businesses benefitted. He said he brought in executives from all around the world and for the last 13 years, Mark Hix had fed them so beautifully that many of them had returned to the town as a result. He said he couldn't do what he did without the support of the local hotels, B&Bs, taxi companies and restaurants and because of their brilliance, they had brought millions in spend and many returning happy and wealthy tourists. C. Barez-Brown said both of his children's first jobs were working at the restaurant; his eldest was transgender and suffered from extreme OCD and PTSD and nobody else would give her a job. He said her condition meant she couldn't even touch dirty plates, which wasn't particularly useful in a restaurant, but Mark created a job for her where she could thrive. He said because of Mark Hix's commitment to the community and especially training up the younger generation, his daughter was now moving to London and working in a members' club. He said this positive outcome would not exist if it wasn't for the generosity and kindness of Mark Hix. C. Barez-Brown said the equation was simple; more tables, more jobs for more young people, and more people being attracted to the town. He said in this time, every scarce resource should be conserved and the idea of tearing down a deck that costs a huge amount to remove but even more to build in the first place was wasteful beyond belief. He said this would all be just to get back a small patch of grass that was never used and did nothing to enhance the beauty of Lister Gardens. He implored members to reconsider and said if Lyme Regis was going to be everything it could be, the likes of Mark Hix needed to be encouraged because they raised everyone up and in many ways put the town on the map.

J. Markham (read out by an officer)

J. Markham said she would like her support to be noted for Mark Hix's restaurant and that she lived in north Yorkshire and travelled to Lyme Regis just for Mark Hix. She said it was a complete travesty the council was demanding the removal of a small area of decking which was over an unused piece of grass, just to reinstate the area to how it was in 1912. She said the world had moved and the council needed to move with it. She said Mark and his restaurant was the reason they came every year to Lyme and without it they would not return, as he was the town's biggest asset and should be treated as such. J. Markham said Mark Hix loved Lyme, as did they, and it would be shortsighted in the very least to lose his business from Lyme and the revenue it brought to the town.

E. Robertson (read out by an officer)

E. Robertson said Mark Hix's restaurant brought in considerable custom and employment to the resort and in turn a considerable income to the town and the

council's coffers. He said the area of land in questions was in an area of beauty of the gardens, but he asked what was the gain in having it back and whether there was an actual loss of its use to the public. He believed there was no loss to the public and said the land had not been used for the past 50 years. E. Robertson asked why it was now so special and what its significance was as it was a small piece of land at only 6m x 12m, set between two parallel hedges around six feet high, one side bounding onto the table tennis area and the other onto the footpath. He said you wouldn't even notice it unless you were told it was there, amenity wise it had little or no use, aesthetically it was just hedges, leading nowhere, and was therefore a dead piece of land with no use. He said money could be spent on it but it was more likely to be left derelict, as was the case previously, and there would be a cost to maintain it. E. Robertson said it could create a potential bonus as he understood the rent would be upwards of £14,500 per annum and if a five-year lease period was set up, this could raise over £70,000 for environmental and green projects without affecting other budgets. He asked members against the proposal to carefully reconsider their position and said their vote would have a substantial effect on Lyme Regis in three ways if planning and a lease were granted: it brought in wealthy spending visitors to the resort, it provided all-year-round additional employment, which in a town that suffered from seasonal employment issues was an added bonus, and it brought in a substantial income to the town's budget, which could be used on beneficial projects for the town with no loss of amenity.

D. Bowstead

D. Bowstead spoke in relation to increases in the hire charges for the Marine Parade Shelters. He said after being informed of the rent increase for 2023-24, they met with the town clerk who explained the decision had been made based on the influx of bookings for the shelters during the pandemic and that the daily rental costs were deemed to be too cheap. He said this spike in bookings was seriously inflated by the fact that all events, shows, festivals and many markets were cancelled, alongside which, there was no foreign travel, staycations became the norm and this hugely boosted footfall to tourist destinations. D. Bowstead said 2023 was a very different story; there was currently an unprecedented cost of living crisis, where many businesses were failing due to vast increases in energy, fuel, interest rates, industrial action, etc. He said commercial traders in the shelters were the only entity to be facing rent increases from the council and they questioned the dramatic increase. He said in January 2022, they were informed by the council all traders in the shelters would need to submit business proposals for approval. He said they submitted a proposal and as part of this process, met with the member of staff who was responsible for shelters' bookings at the time. He said the member of staff explained this would not only be for 2022-23, but ongoing, there would be no changes to the terms and conditions and upon acceptance, traders would be treated as concessions. D. Bowstead said once approved, due to the year-on-year rising cost of frames and mounts, they chose to take out a sizeable business loan, storage unit and lease a van for three years. He said they paid £10,320 for all booked dates in 2022 and having already paid over £30,000 in shelters' bookings to the council, it was of great relief to believe they had a consistent way forward with bookings and fees. He said they invested heavily in materials so they could fix their prices for customers. However, he said they were not aware that three months prior to this, it had already been decided to increase the shelters' prices for the 2023-24 season from £150 to

£250 per day, making future trading at Lyme Regis impossible. D. Bowstead said although their business meant everything to them, their influence at Lyme Regis was not purely commercial. He said all the photography was original, showcasing Lyme Regis and the Jurassic Coast. He said this naturally made them an unofficial tourist information point, helping people, through their photography, with their holiday plans, local information and logistics, something they took great pleasure in. He said people visited their gallery for many different reasons and they had an infinite number of stories they could share based on people's memories relating to the places they displayed in their photography. He said because Lyme Regis was seen as a quintessential seaside destination, they felt traders not only enhanced the promenade, they supported it and he appealed to the council not to remove that positive influence, but to embrace it. D. Bowstead said if this unfair and unaffordable rent increase was to be implemented, they and so many others believed it would serve as another penalty to tourists and locals. He said not only would this decision remove yet another attraction from the promenade, the harsh reality is it would also signal the end of their business. He implored the council to reconsider its decision.

L. Pritchard

L. Pritchard also spoke in relation to hire charges in the Marine Parade Shelters and said she had concerns for her business, Mad Woman From the Hills. She said the council's proposed 66% increase was unaffordable, unfair and unsustainable for her small business and related more to festival prices as opposed to day trading. She said her business provided her sole income and the council's decision equated to whether she could continue trading or not. She said she found this very unsettling for her future and this year was set to be hard enough anyway. L. Pritchard said she had been in business for 10 years and last year decided to develop her own exclusive range of homewares based on her trading in Lyme Regis, with artwork commissioned from a local artist. She said she made a huge financial commitment in her products and to Lyme Regis. She said after four years of trading on Marine Parade, it was obvious the traders were an added attraction and a good boost for tourism. Being represented by the National Market Traders Federation, she asked the following questions: how a figure of £250 was reached; what it was based on; what profit would be earned from it; where the revenue from commercial traders would be spent; what the cost to the council was per day to allow a commercial trader in the shelters; and where the council proposed to regain the funds that traders had previously paid. L. Pritchard said she believed two of the traders, herself included, had jointly paid around £40-50,000 over the last four years, which was not an insignificant amount of revenue. She said the council had the perfect platform to allow small businesses to trade and flourish at a fair and reasonable cost in what would otherwise be a blank and uninspiring seating area. She respectfully asked the council to rescind its decision and liaise with the National Market Traders Federation, who could provide the council with free-of-charge guidance to assist in a compromise for all parties. L. Pritchard said regretfully, without a change in decision, the council was pricing the traders out and businesses would probably close. She said currently she would not be making any future bookings until a reasonable solution could be agreed and she hoped this would be the case.

P. Chapman (read out by L. Pritchard)

P. Chapman also spoke in relation to hire charges in the Marine Parade Shelters. He said for the last two years he had been fortunate enough to trade alongside Curb Culture Clothing in the shelters selling a large range of handmade wooden craft. He said as a full-time market trader, the rent charged at the time was the highest daily rate he paid but being quite local and appreciating the quality of the facilities provided, he always enjoyed his work at Lyme Regis. He said it was therefore of concern that he had been informed of the proposed price increase for this year. P. Chapman said with the significant increase in the price of stock and associated costs, he would be left in the unfortunate position of being unable to trade in Lyme Regis this year. He said as a full-time market trader for over 25 years, he was confident the council would find the same concerns from other traders. He asked the council to reconsider its current policy relating to payment and look to a more affordable price, perhaps with an even larger reduction if the council still expected full payment to be made in advance. P. Chapman said he had spoken to the National Market Traders Federation, which he was a member of, and was seeking their advice. He said while he fully understood councils were expected to maximise all income streams, it would be a great shame to be unable to carry on trading at Lyme Regis. He said when the weather was fine it was a pleasant place to work and he felt all the traders last year provided a professional and high quality service that was appreciated by visitors. He hoped everyone could come to a suitable compromise so he and his fellow traders could continue to enjoy trading in Lyme Regis.

J. Rose (read out by an officer)

J. Rose also spoke in relation to hire charges in the Marine Parade Shelters. She said she visited Lyme Regis recently to buy two photographs from Jurassic Coast Photography and her daughter who was visiting also bought one. She said they were framed to their choosing, on site within half an hour. She said it was a fantastic service and the traders were lovely people. She said they were so impressed and asked when they would be back. She said they had seen them there before and had decided to buy a couple of their photos for their new house, and had gone back to do purely that, then stayed on in Lyme and had a lovely day. J. Rose said they were dismayed to learn Jurassic Coast Photography might have to end their connection with Lyme because the council was charging them so much for the pitch and they could no longer afford to exhibit their photos. She said this was short-sighted and things like this greatly enhanced the place and brought people in. She said it was a wonderful attraction and asked why the council would do such a ridiculous thing. She said she was incensed at the small mindedness of the council's decision. J. Rose said the council, like most other councils, needed to see the bigger picture, otherwise they would cause the demise of towns and small businesses who could no longer afford the rates. She said empty brought in no revenue and felt these kinds of enterprises needed support from councils and then the councils would also reap the benefits.

C.Firth

C. Firth also spoke in relation to hire charges in the Marine Parade Shelters. She said it seemed a lot of the issues were similar to the issues with the Oyster and Fish

House and by increasing the rent so much, the council was prohibiting small businesses from being able to use the town and trade. She said she had her own business and a lot of market rents were unaffordable and as a resident she would like to be able to go to the seafront and sell to local people. She said if the rent was increased so much, it would only be established businesses that had a huge sum of money and were already profitable that would be able to afford it. C. Firth said the council was prohibiting small businesses and younger people who may want to try something from giving it a go. She said it would be short-sighted to stop that from happening.

J. Scowen

J. Scowen said he was in the process of moving back to Lyme Regis, he had business interests in the town and had lived here for seven years, he was formerly on the council, was a former deputy mayor and would be standing for election to the council. He asked if the council had any plans or ideas as to how members could work together in a more harmonious way so they were perceived by the electorate in a higher regard than at present. He said Dorset Council recorded its meetings and posted them on You Tube and asked if the town council, for the sake of unity and good behaviour, would consider doing the same. J. Scowen asked if the council was planning to do anything with the 10-acre Strawberry Field site that it had a long lease on. He said it was discussed when he was previously on the council and he was a strong advocate of its potential then and now. He said this extremely valuable land asset should be put to good use for the benefit of local people and wider community benefits, such as local employment and education, especially for young people. He said this project would also serve to unite the council and the community in a common green and wholesome venture and would put no further strain on the town itself.

Cllr P. May left the meeting at 8pm.

Cllr P. May returned to the meeting at 8.01pm.

Cllr B. Larcombe left the meeting at 8.01pm.

Cllr B. Larcombe returned to the meeting at 8.03pm.

22/95/C Dorset Council Matters

Cllr B. Bawden gave the following updates:

- Dorset Council (DC) had set its budget – 84% of its income would come from council tax, 14% from business rates, 1.3% from specific grants from the government, and 2% from the revenue support grant from the government. DC had chosen not to impose the full increase in council tax as the government had given leeway to charge 3%, but DC agreed to increase it by 2%, recognising the cost of living pressures people had been under. She said the Liberal Democrats proposed an amendment of £500k to be included in the budget to help people in the most need, but the majority party said they had a £2m proposal, which had not yet been agreed or included in the pre-budget discussions.

- The proposal for council tax premiums on second homes and empty homes was to be discussed by the Cabinet on 28 February 2023 and the next Full Council meeting had been brought forward into March so if the proposal was agreed and the government's Levelling Up and Regeneration Bill was agreed, any premiums could start in 2024.
- The national planning policy consultation was still open.
- The follow-up to the corporate peer review would be taken to the next Cabinet meeting.
- There was a new one customer account and digital innovation proposal so everyone using DC services would have one account and all their information in one place.
- There was a policy on the electric vehicle charging infrastructure programme.
- Harbour dredging would take place between 6 and 24 March 2023, weather permitting.

22/96/C Questions from Councillors

Cllr R. Smith

Cllr R. Smith asked if there was a process if members wanted to re-visit the charges for the Marine Parade Shelters.

The town clerk suggested a report was taken to the next cycle of meetings to allow members to consider this.

22/97/C Apologies for Absence

Cllr M. Ellis – personal commitment

22/98/C Disclosable Pecuniary Interests

There were none.

22/99/C Dispensations

There were none.

22/100/C To confirm the accuracy of the minutes of the Full Council meeting held on 14 December 2022

Cllr B. Larcombe said the reason for his absence at the meeting was 'family commitments' and asked that this be included in the minutes.

Proposed by Cllr D. Sarson and seconded by Cllr B. Larcombe, the minutes of the Full Council meeting held on 14 December 2022, with the above amendment, were **ADOPTED.**

22/101/C To confirm the accuracy of the minutes of the Full Council meeting held on 25 January 2023

Proposed by Cllr P. May and seconded by Cllr D. Ruffle, the minutes of the extraordinary Full Council meeting held on 25 January 2023 were **ADOPTED**.

22/102/C Matters arising from the minutes of the Full Council meeting held on 14 December 2022 and the extraordinary Full Council meeting on 25 January 2023

Cllr D. Sarson asked if Uplyme Parish Council had responded to the invitation to have a page in the town council's newsletter.

The support services manager said Uplyme Parish Council had agreed at its February meeting to be included in the newsletter and this would be progressed by officers.

22/103/C Update Report

Options Appraisal Office Accommodation

Cllr C. Aldridge asked if members could have a more specific timetable as to when this would be discussed.

The town clerk said officers were waiting for one more piece of valuation advice and they were optimistic members would be able to discuss this matter in the next cycle of meetings, most likely to be at the Strategy and Finance Committee meeting on 22 March 2023.

22/104/C Mayor's Announcements

Cllr R. Doney noted there had been a chairmen's meeting on 9 January 2023 and asked if there was any intention of giving other members a note of what had been discussed at that meeting.

The town clerk said it had been agreed there would be a short briefing note of what had been discussed at the meetings. He said he had done this for the meeting on 9 January 2023 and would double check this had been circulated to members.

22/105/C Update from PC Kirsti Frecknall

The town clerk said PC Kirsti Frecknall had not been able to attend the meeting due to an operational issue taking priority.

22/106/C Planning Committee

Proposed by Cllr G. Turner and seconded by Cllr D. Sarson, it was **RESOLVED** to receive the minutes of the Planning Committee held on 10 and 24 January 2023.

22/107/C Environment Committee

Proposed by Cllr R. Smith and seconded by Cllr P. May, it was **RESOLVED** to receive the minutes of the Environment Committee held on 25 January 2023 and adopt the recommendations, as follows:

22/45/ENV – Bathing Water Quality Meeting 1

RESOLVED: to note the minutes of the initial bathing water quality meeting, the actions from the meeting and the date of the next meeting, and to agree to move the water quality noticeboard from the harbour to the sandy beach entrance.

22/46/ENV – Big Hedge

RESOLVED: to approve funding of up to £1,512 to the Dorset Climate Action Network for the Great Big Dorset Hedge project, subject to clarification of the mileage element of the request.

22/47/ENV – Use of the Town Council Logo

RESOLVED: to support the Lyme Area Community Energy Champions by allowing the use of the town council logo on their literature.

22/108/C Human Resources Committee

Proposed by Cllr G. Stammers and seconded by Cllr G. Turner, it was **RESOLVED** to receive the minutes of the Human Resources Committee held on 4 January 2023 and adopt the recommendations, as follows:

22/53/HR – Health and Safety – Annual Audit and Annual Policy Review

RESOLVED: to note the 2022 health and safety audit and renew the health and safety policy unchanged.

22/54/HR – Pension Access

RESOLVED: to adopt a policy position where requests from an employee to carry on working and access their pension pot are considered against criteria that creates no negative impact on the organisation through cost or resourcing and employees that request an employment gap of one working day have their accrued benefits maintained.

22/55/HR –The Town Clerk’s Objectives 2023-24

RESOLVED: to approve the town clerk’s objectives for 2023-24.

22/57/HR – The Pay Review and the Enforcement Officers’ Remuneration

RESOLVED: to approve anti-social hours payments to postholders 207 and 208, to be paid in addition to their normal spinal column point, and that pay protection is not introduced.

22/58/HR – Administrative and Community Engagement Assistant, Six-Month Probation Review

RESOLVED: to approve the administrative and community engagement assistant’s (post holder 109) continued employment with the council, effective from 7 December 2022.

22/109/C Strategy and Finance Committee

Proposed by Cllr R. Doney and seconded by Cllr G. Stammers, it was **RESOLVED** to receive the minutes of the Strategy and Finance Committee held on 1 February 2023 and adopt the recommendations, as follows:

22/52/SF – Equality and Diversity Policy

RESOLVED: to approve the revised equality and diversity policy.

22/56/SF – Consideration by Dorset Council of Council Tax Premiums on Second Homes and Empty Properties

RESOLVED: to advise Dorset Council that the town council would like to opportunity to properly comment on the consideration of council tax premiums on second homes and empty properties but more information was required about the definition of second homes, how it would benefit Lyme Regis and whether the money raised would come back to the locality, but to support the empty homes policy.

22/57/SF – Investments and Cash Holdings

RESOLVED: that the council continues its approach to investments along the lines the town clerk has outlined and that a further report is taken to the Full Council meeting on 15 February 2023.

22/58/SF – List of Payments

RESOLVED: to approve the attached schedule of payments November 2022 for the sum of £376,666.20 and £129,377.99, respectively.

22/110/C Tourism, Community and Publicity Committee

Proposed by Cllr C. Reynolds and seconded by Cllr D. Ruffle, it was **RESOLVED** to receive the minutes of the Tourism, Community and Publicity Committee held on 18 January 2023 and adopt the recommendations, as follows:

22/64/TCP – Pop-Up Street Food Market

RESOLVED: to support the proposal from Unique Boutique Events to set up a pop-up street market in Theatre Square between May and August 2023.

22/65/TCP – Beach Hut Booking System

RESOLVED: to defer consideration of how to administer the beach hut booking system for 2023 onwards until a decision has been made on office accommodation.

22/66/TCP – Uplyme Gateway Shoppers Card

RESOLVED: to produce a new shoppers' only Gateway Card for Uplyme residents which they can collect from the office by showing proof of residency in a DT7 postcode.

22/67/TCP – Seafront WiFi

RESOLVED: to note the current situation with the seafront WiFi and leave the existing arrangements in place until the availability and timing of a full fibre option can be established, and instruct officers to continue to monitor the line speeds and levels of public usage with a view to making a firm decision about whether to continue to provide free-to-use public WiFi on the seafront and on what basis as soon as the information about the full fibre option is available.

22/70/TCP – Seafront and Beach Concessions

Cllr R. Doney said he wanted to propose the council did not award the children's games and activities concession to United Beach Missions (UBM) due to lack of space on the beach during the busy times but his biggest concern was about what was being said and done on the beach. He said the idea of one organisation representing one faith and giving its own world view was unacceptable as this was a multi-faith society. He said this was a contradiction to Lyme Regis being considered the birthplace of palaeontology and the home of Mary Anning.

However, members felt UBM were open about what they were offering and parents could make a choice about whether their children joined in with the activities. It was also noted any other group that wanted to put a counter view across could also apply for the concession and an approach had been made by another group, which then chose not to apply.

RESOLVED: to award the deckchair concession for 2023 to Gemma Manders for the amount offered.

RESOLVED: to award the trampolines (or similar) concession for 2023-25 to Henry Herbert for the amount offered.

RESOLVED: to award the children's games and activities concession for 2023-25 to United Beach Missions for the amount offered.

22/111/C Town Management and Highways Committee

Proposed by Cllr C. Aldridge and seconded by Cllr R. Smith, it was **RESOLVED** to receive the minutes of the Town Management and Highways Committee held on 11 January 2023 and adopt the recommendations, as follows:

22/58/TMH – Car Park Permits’ Administration

RESOLVED: to allow residents’ concessionary car parking permit renewal every two years and to keep this under review.

22/59/TMH – Parking Issues

RESOLVED: to instruct officers to request Dorset Council Highways commences the traffic regulation process to consider road markings on sections of Sidmouth Road, Springhill Gardens and Roman Road to control parking, to include the bus stop bay by the Clappentail/Lyme Road roundabout.

22/60/TMH – Drainage Issues at SWiM

RESOLVED: to note the ongoing drainage issues at SWiM and approve making a financial contribution of 25% (up to a maximum of £10k) towards the tenant’s cost of repairing and improving the current drains and associated works.

22/62/TMH – RNLI Lifeguard Service

RESOLVED: to continue with the existing contract for the RNLI lifeguard service.

22/63/TMH – Procurement of Electrical and Plumbing Services

RESOLVED: to select Topsparks Ltd as the council’s preferred supplier for electrical and plumbing services but to also open invitations to other suppliers with a view to reviewing the position in six months.

22/64/TMH – Advertising Boards

RESOLVED: not to pursue the prosecution of a business refusing to move an advertising board, and to remove boards from any businesses which do not comply with the A board policy and to keep them for as long as is reasonably possible.

22/65/TMH – Trailer Park, Accreted Land and ‘Harbourmaster’s Store’

RESOLVED: to phase the increased rent to Dorset Council for the trailer park and accreted land over two years.

RESOLVED: to refuse the request from the harbourmaster to extend the notice period to vacate the store at Monmouth Beach from 31 January 2023 to 31 July 2023.

22/112/C Receipt of a Petition

The town clerk said the council had formerly received the petition but it was not on the agenda for debate; if there was a rescission motion supported by six members, the matter would come back to the council for debate.

Cllr B. Larcombe asked if there was an indefinite time period for a rescission motion to be put forward.

The town clerk said there was a deadline by which the decking had to be removed and if there was no rescission and no extension to the deadline, he would take action. He said he would allow a reasonable time of two to three weeks before he took any action.

Cllr B. Larcombe said there were other actions to pursue in relation to the Oyster and Fish House and he asked if this work would continue.

The town clerk said the valuation for the balcony and car parking space would be pursued separately.

Cllr R. Smith asked whether the council could convey to the public the logic and reasons behind its decision to ask for the decking to be removed. He said the council didn't seem to have conveyed its rationale.

The town clerk said the council's decision was clear and members spent a lot of time discussing the matter at the extraordinary meeting on 25 January 2023 and forming a resolution based on the rationale. He said it wasn't advisable for the council to try and re-frame its decision.

22/113/C Appointments to External Bodies

Members agreed it wasn't necessary to appoint representatives to the Dorset Association of Parish and Town Councils (DAPTC) or the Lyme Regis Harbour Consultative Group as there was already an additional member appointed, nor to the St Michael's Business Centre Management group as an officer also attended these meetings. It was agreed re-appointments would be made at the annual meeting of the council in May.

22/114/C Internal Audit Report, Visit two 2022-23

Members wished to congratulate officers on a good audit report with minimal recommendations.

Cllr B. Larcombe noted there was a trend with parking issues being raised in recent audits.

The town clerk said officers had admitted there had been some teething problems during the transfer of parking machines from one company to another and there was now a more complex back office system, which the finance manager and operations manager needed to get to grips with.

Proposed by Cllr D. Sarson and seconded by Cllr P. May, members **RESOLVED** to note the internal auditor's report and approve the management responses.

22/115/C Investments and Cash Holdings

The town clerk said since writing the report, the Bank of England interest rate had increased by 0.5%, which meant the offers from the high street banks outlined in the report for a one-year fix on £100,000 would have changed slightly. He suggested part of the council's instruction to officers should be to re-visit these rates.

The town clerk said officers made enquiries of the top three ethically rated banks and the Charity Bank offered rates slightly lower than Natwest. However, he said the holdings in the Charity Bank were not as robust as the bigger banks such as NatWest so it would present some risk and he didn't have the full information on the bank. His advice would be to get the best rates available, with a low-risk strategy by using high street banks, to break the money up and put the majority with NatWest because that would give the council flexibility to move the money around if interest rates varied.

The town clerk suggested members could delegate this to himself and the finance manager and they could bring a report to each Strategy and Finance Committee meeting, as they did anyway, outlining the activities. He said this could also mean having multiple chunks with one bank which could then be moved around. He suggested £800k was on a one-year fix with NatWest, and a lesser amount was also invested with NatWest on a six-month fix so this money could be called on if the council had a cash flow issue.

Cllr B. Larcombe said some other councils used Unity Bank, which provided good rates, and suggested officers looked into this. He said he agreed with the approach outlined by the town clerk and asked if £85,000 was the limit of the council's protection in terms of liabilities.

It was proposed by Cllr D. Sarson and seconded by Cllr B. Larcombe to take the following approach to the council's investments:

- Invest £800,000 with NatWest on a one-year fix, broken down into sums of £200,000
- Invest two separate sums of £100,000 with NatWest on six-month fixes
- To undertake a structured six-month review in investments but any intervening material events should be brought to members' attention
- Officers re-visit the interest rates already quoted to obtain confirmed rates before investing

The town clerk confirmed £85,000 was the limit of the council's protection, so investing with NatWest would mean the council was only protected up to that amount. He said the other option was to invest smaller amounts in lots of banks and take a hit on the interest rates. However, he said NatWest was reliable, the money would be reasonably well protected, it had a good rating and a strong balance sheet. He said his advice would be to go with the best interest rate as the difference could be significant.

Cllr P. May said as an ethical bank would be covered by the Financial Services Compensation Scheme (FSCS), he asked if officers could consider investing up to £85,000 with such a bank, which would reduce the council's risk rather than increase it. He added that the Charity Bank had a better return than Lloyds Bank.

The town clerk agreed it would make sense to do this if the council was breaking down the sums and suggested it could look at investing more with the Charity Bank as he would rather do it in £100,000 chunks.

Cllr R. Doney asked if the council would be able to access its money immediately if it paid a penalty.

The town clerk confirmed this was the case.

Cllr R. Smith said with inflation at 5%, it was a negative interest rate and asked if there was any spending that could be brought forward while it was cheaper to do so.

The town clerk said when members had the discussions around budget-setting, it was one of the reasons £675,000 was allocated to projects on the built environment because it was recognised the value of the council's money was going down. He said when the council had its budget discussions again in September, it would discuss releasing more cash.

Cllr D. Sarson took a friendly amendment to his earlier motion, with the agreement of the seconder, Cllr B. Larcombe.

Proposed by Cllr D. Sarson and seconded by Cllr B. Larcombe, members **RESOLVED** to take the following approach to the council's investments:

- Invest £600,000 with NatWest on a one-year fix, broken down into sums of at least £100,000
- Invest £100,000 with the Charity Bank on a one-year fix
- Invest two separate sums of £100,000 with NatWest on six-month fixes
- To undertake a structured six-month review in investments but any intervening material events should be brought to members' attention
- Officers re-visit the interest rates already quoted to obtain confirmed rates before investing

22/116/C Harbour Dredging and Beach Replenishment – Request from Dorset Council for Contribution Towards Costs

The town clerk said DC had a responsibility for beach re-profiling as part of the sea defence works. He pointed out DC was a £350million organisation, this council was a £1.2million organisation, and DC had a funding gap of £45,000 related to these works.

The town clerk said there had been some difficult exchanges with DC related to money and he outlined some examples of this. He said DC didn't seem to be prepared to meet the town council half way on any of these issues and it was a considerably bigger organisation putting pressure on a relatively small one.

The deputy mayor, Cllr C. Reynolds said the depositing of the dredged material on the beach was of benefit to DC because it would otherwise have to take it away at a cost. She said she was also concerned about the material that was deposited as it was oily.

Cllr R. Smith suggested the council could agree a long-term amount it could contribute and knew it could sustain and budget for, rather than these ad hoc requests for contributions from DC. He said he would support the request for £5,000 for a water quality survey and suggested this be considered separately.

Cllr B. Bawden felt the council should be conciliatory and although £45,000 may be too much, it should offer something.

Cllr B. Larcombe said he would be interested to know why there had been such a substantial increase in the total cost of dredging at Lyme Regis and whether this reflected increases at West Bay and Weymouth.

Cllr R. Doney said if the council agreed to a contribution it would set a dangerous precedent and the bigger authorities would keep leaning on smaller councils if they had a financial problem.

Cllr B. Bawden said the increase in costs was due to contractor costs being much higher than expected and the same increases applied to other harbours, although she didn't know if DC was asking for the same level of contribution from other councils.

The town clerk said the council could also commission a water quality test itself and share the results with DC.

Proposed by Cllr R. Doney and seconded by Cllr R. Smith, members **RESOLVED** to refuse the request from Dorset Council for a financial contribution towards the cost of harbour dredging and beach replenishment in 2023 and 2024.

Proposed by Cllr R. Smith and seconded by Cllr B. Larcombe, members **RESOLVED** to undertake water quality testing during the harbour dredging and beach replenishment work, up to a value of £5,000.

22/117/C Extension Request for the Removal of Outside Seating

Cllr B. Larcombe said as no date had been specified to extend the deadline for the removal of the outside seating at the Oyster and Fish House, he felt members could only vote in principle.

The town clerk said he had asked for a date for the extension but this had not been provided. He said the owner wanted to gauge how business went through the summer but committed not to use the decking after March 2023.

Cllr R. Smith was concerned if the council didn't have a definite date of 31 March 2023 for the removal of the decking, the matter would drift. He said if an extension

was given, the land wouldn't be able to be used by the council because the decking would still be in situ.

The town clerk said he felt the request was not unreasonable as the business would be going into the more lucrative period. Even though he hadn't been able to get a firm date, he said the council needed to consider the request in principle.

Cllr B. Larcombe said if the council extended the deadline to an indefinite period, this could cause other businesses with al fresco licences to ask for extensions.

Cllr C. Reynolds asked for a recorded vote on the following motion:

Proposed by Cllr C. Aldridge and seconded by Cllr P. May, members **RESOLVED** to request that the decking at the Oyster and Fish House is removed by 31 March 2023.

Voted for: Cllr G. Turner, Cllr B. Bawden, Cllr P. May, Cllr B. Larcombe, Cllr C. Aldridge, Cllr D. Sarson

Voted against: Cllr C. Reynolds, Cllr D. Ruffle, Cllr G. Stammers

Abstentions: Cllr R. Smith, Cllr R. Doney

The meeting closed at 9.39pm.