

LYME REGIS TOWN COUNCIL

MINUTES OF THE EXTRAORDINARY MEETING HELD ON WEDNESDAY 19 DECEMBER 2018

Present

Chairman: The Mayor, Cllr Mrs M. Ellis

Councillors: Cllr R. Doney, Cllr P. Hicks, Cllr B. Larcombe, Cllr S. Larcombe, Cllr O. Lovell, Cllr S. Miller, Cllr Mrs C. Reynolds, Cllr J. Scowen, Cllr G. Turner, Cllr S. Williams

Officers: Mrs A. Mullins (administrative officer), Mr J. Wright (town clerk)

18/124/C Public Forum

Mr A. Robinson

Mr Robinson spoke in relation to agenda item 5, Possible New Puffin Crossing in Broad Street. He said disability was caused by society's failure to recognise the different ways in which people with impairments accomplished activities. He said society in general, and the non-disabled majority in particular, bore the responsibility for disabling people who are prevented from accomplishing activities in their own ways. He said disability could be best overcome by society learning to adapt to the variety of its citizens. Mr Robinson said this was taken from the social model of disability, which was taken now by the third sector, by businesses and local and central government. He said the town council had already identified a need for a crossing, which put the council in a particular legal position. Legally however, he said the council was not simply a consultee, it was a public body, carrying out a public function, which was why extra weight was applied to its decisions. Mr Robinson said the Department of Transport best practice document 'Assessment of Crossings' stated that local authorities should provide facilities which enabled disabled people to cross the road safely. He said provision of a crossing should be targeted at the needs of those people who experienced most difficulty and danger, therefore assessments must involve those most affected. He said recent case law suggested local authorities were expected to give proper consideration to such authoritative guidance, which he said the council had not done to-date. Mr Robinson quoted section 20 (4) of the Single Equality Act 2010, regarding an authority's requirements to avoid disadvantages to a disabled person. With regards to the council's public sector equality duty, he said a public authority was required to ensure it eliminated discrimination and fostered or encouraged good relations between people who shared a protected characteristic and those who did not. Mr Robinson said the council's current indecision had driven a wedge between those who are older, disabled or with pushchairs and the general population. He said these duties were pre-emptive. Mr Robinson said studies showed older people who developed an impairment found it harder to adapt, thus putting them at greater risk. He said people with sight difficulties could not effectively gauge when it is safe to cross a road, severely restricting their ability to

get around independently. He said quiet hybrid and electric vehicles were 40% more likely to collide with pedestrians than cars with a regular engine. Mr Robinson said the law made no mention of spurious air, light or sound pollution, loss of free parking or harm to business, or financial implications in order to postpone matters past the upcoming elections. He said the council had a lawful pre-emptive duty to eliminate discrimination, and if it backtracked on its previous recommendation, the council would unlawfully breach these duties, which it did not have the authority to do. Mr Robinson said he was asking the town council to do its bounden duty and uphold its previous decision to implement a crossing and stay within the law.

Ms V. Stocqueler

Ms Stocqueler spoke in relation to the same agenda item. She said Lyme Regis was an excellent place to live and it had excellent disabled facilities, such as the adapted beach hut, beach wheelchairs, and a lift to the first level of the gardens. But she said it could be very difficult for disabled people to cross Broad Street, the main street in the town. Ms Stocqueler said if a person was less mobile, disabled or needed a dropped kerb for a wheelchair, they didn't have time to get across and to weave between traffic and parked cars. She said she had driven to Uplyme or Seaton to use the Post Office and shops rather than use Broad Street. She said she didn't want the town to lose parking spaces but a crossing was not a 'want'; it was essential for many people, young and old, able and disabled, living in and visiting Lyme Regis.

Ms L. Wiscombe (read out by Cllr Mrs C. Reynolds)

Ms Wiscombe spoke in relation to the same agenda item. She said she was the original proposer of the puffin crossing, and she had approached Cllr Cheryl Reynolds in September 2015, as she had found it a very traumatic experience attempting to cross the main street of her hometown. She said she had no sight in her left eye and was partially sighted in her right, and although she was lucky to have a guide dog, they both still needed the assistance of a puffin crossing to ensure they could cross in safety. Ms Wiscombe said the responsibility for deciding when it is safe to cross a road was always with the guide dog handler and not, as many believe, the dog's decision. Therefore, when she had to cross a road, she had to ensure both their safety. She said she would be more than willing to arrange a 'blindfold walk', organised by the Guide Dogs for the Blind, if anyone was in any doubt as to how difficult it was to cross a busy road with your sense of vision taken away. Ms Wiscombe asked councillors to imagine the courage it took for her or anyone like her to step off the pavement and put their lives at risk every time they wanted to cross the road independently. She reminded the council there was a petition collected by herself and others with over 600 signatories in support of the crossing and she asked if this should be a reminder of the endorsement of the project. Ms Wiscombe said access to Dorset County Council's consultation proved difficult for many, including herself, and she had to resort to the postal system. She said many elderly did not have access to a computer or knew how to use one. She said although local newspapers were delivered fortnightly, not everyone read them and the deadline was very tight. Ms Wiscombe referred to the county council report which said although the crossing would provide benefits to the disabled, elderly and others, it would be in part balanced by the loss of on-street parking. She suggested

councillors read the Equality Act 2010 and made themselves aware of the content. Ms Wiscombe said she could only explain the difficulties faced by the blind, but the crossing would benefit anyone with mobility issues, temporary or permanent. She said the report also stated it was difficult to quantify the affects to local businesses due to loss of on street parking, which she had been made aware was often used by the traders themselves, due to lack of enforcement. Ms Wiscombe asked if the council considered six injuries, one of which was serious, in the last five years was not enough to look again at this project.

Mr M. and Mrs J. Haines (read out by Cllr Mrs C. Reynolds)

Mr and Mrs Haines spoke on the same agenda item and said they both supported the crossing. They said they lived in Charmouth but shopped regularly in Lyme and had expressed on social media they felt the town should have a crossing. They said they had a difficult time getting their mother/mother-in-law across the road when she visited in August 2017, one of the most distressing aspects being she was worried about holding up cars as she was so slow. They said she had little confidence crossing a road with no pedestrian crossing. Mr and Mrs Haines said a designated crossing warned drivers they must take care, putting the onus on the drivers. They said a road without a crossing put the onus on the person crossing the road, and drivers would be less alert.

Mrs J. Cool (read out by Cllr Mrs C. Reynolds)

Mrs Cool spoke on the same agenda item and said she had followed the arguments for and against but wanted to make her views known officially. She said another resident drew attention to the fact a stair lift was installed at the Guildhall to help members who were unable to climb the stairs to the council chamber, yet there seemed to be a reluctance from the town council to have a pedestrian crossing for disabled members of the town. She said it seemed it was ok to help a councillor, but not the public who needed to cross Broad Street. Mrs Cool said she had lived in Lyme for 22 years and she knew how long it took to safely cross Broad Street. She said the traffic never ceased to amaze her, and there was nearly always traffic racing up and down the hill. She asked why councillors couldn't put themselves in the position of the old and disabled and realise how difficult it could be. Mrs Cool said she was no longer mobile enough to be able to use any crossing, but she was aware of what the hazards were when she was more active. She said those who suggested putting the crossing at the bottom on the hill obviously didn't realise how hard it was to climb the hill, and considering most of the things people needed, like the Post Office, chemist and supermarkets, were at the top of the hill, it didn't seem sensible to put the crossing at the bottom of the hill. Mrs Cool said she wanted to make these points to the people responsible for making the final decision on behalf of those who were unable to do so.

Mrs G. Rabbitts

Mrs Rabbitts spoke in relation to agenda item 6, Temporary Loan to Lyme Arts Community Trust. She said the lighting rig was a project first applied for in June, so it had been a very long and thorough application process through the Dorset LEADER programme. She said the Marine Theatre's existing lights were incredibly

old, there were very few lanterns and the desk was limited, especially in a time when things were moving towards green energy and LED. She said the application had required a huge amount of information, including three quotes from suppliers, installers and electricians, and letters of support. Mrs Rabbitts said the rig would also benefit young people aged 14 to 18 on a rolling technical training course, especially as there were not many young people learning to become theatre technicians and lighting designers. She said it would be a real benefit to have something they could go to in the evening in Lyme Regis, as many young people were interested in being centre-stage, but those who wanted to work behind the scenes needed encouraging. Mrs Rabbitts said one of the letters of support had been from Lyme Regis Musical Theatre, which spent £2,000 each year hiring in lighting. She said if a lighting rig could be installed in the theatre, if any local groups wanted to come back to the theatre, they would be able to use the lighting and money used previously for this purpose could be put in their financial reserves which they worked so hard to raise. Mrs Rabbitts said other letters of support had come from B Sharp, Jazz Jurassica and Marine Players. She said the application process had been successful so far, it was a European Union fund, and if it was not spent, the money would be returned to the EU. She said the LEADER programme was very keen to give the trust the money but it needed to have sufficient funds in its bank. She said if the trust didn't have the funding in its account, the application would not go through. She said the theatre required a bridging loan from 1 March 2019, the grant claim would be put in on 1 June 2019, and would take six weeks to come through. Mrs Rabbitts said the trust was happy to pay any interest the council would have received from the money.

18/125/C Apologies for Absence

Cllr J. Broom – illness
Cllr D. Hallett – holiday
Cllr P. Ridley – holiday

18/126/C Disclosable Pecuniary Interests

There were none.

18/127/C Dispensations

There was no grant of dispensations made by the town clerk in relation to the business of this meeting.

18/128/C Possible New Puffin Crossing in Broad Street

Cllr J. Scowen said the town's traffic problems needed to be considered as a whole, which may eventually involve a crossing, but it was too simplistic to consider a crossing on its own. He said the results of the Hydrock traffic survey would be available soon and would help address the wider issues.

Cllr Mrs C. Reynolds said there were few towns and villages without a crossing and despite concerns about congestion, the Dorset County Council (DCC) traffic expert stated in his report traffic build-up would not be a concern. She also countered

arguments regarding reduced air quality and loss of on-street parking, and said DCC's recommendation to consider moving the bus stop further up Broad Street would create extra parking spaces.

Cllr B. Larcombe was concerned the crossing would not be synchronised with the existing traffic lights, leading to congestion. He also pointed out the DCC report stated the overall level of risk was judged to be low. He agreed with Cllr J. Scowen that the council should await the results of the Hydrock survey to help inform a complete traffic scheme.

Cllr O. Lovell agreed the council should not support a crossing at this point, and instead keep pushing DCC for a complete traffic system.

It was proposed by Cllr O. Lovell to support the recommendation in the DCC report to the Regulatory Committee.

This motion was not seconded.

Cllr S. Miller said he had visited 35 businesses in Broad Street, and the majority were in favour or did not object to a crossing; there was some concern it would exacerbate the traffic issues but they were prepared to see what happened. He said he believed the safety of the public slightly outweighed the traffic congestion which may or may not result.

Cllr R. Doney said he understood the desire to have a comprehensive solution to the traffic problems, but as a public body, the council had a duty to help people who found the infrastructure difficult to manage. He said the council had debated the crossing and given its support twice before, and he had not heard a substantive argument which said that decision was wrong.

Cllr Mrs M. Ellis was concerned about the loss of parking spaces and she believed it was in the wrong location; she said the existing 'build-out' in Broad Street would have been a preferable location for a crossing. She said it would have been helpful to have the traffic survey before making a decision, but the council should stick with its original decision.

Cllr B. Larcombe asked whether the crossing could be removed if it created traffic gridlock. He suggested it could be agreed on a trial period.

Cllr S. Miller said if there was a negative impact, the crossing could be taken away and the lights hooded.

The town clerk advised members not to introduce conditions and other issues at this late stage as DCC would be likely to reject any changes as it was already in a decision-making process. However, if the council wished to propose an alternative view to its previous position, this should be conveyed to DCC.

Cllr B. Larcombe asked if the request could be re-visited after the Hydrock survey was available.

The town clerk said DCC had allocated the budget for the crossing in this financial year, which would end on 31 March 2019, and if the decision was deferred, there was a real possibility the budget would not be available in the next financial year.

It was proposed by Cllr O. Lovell and seconded by Cllr B. Larcombe to support paragraph 4.3 of the report to Dorset County Council's Regulatory Committee.

This motion was not voted on.

Cllr S. Miller said the council had been asked whether it endorsed the decision it had already made, not the recommendation of a DCC officer.

It was proposed by Cllr B. Larcombe that in light of re-consideration, the council does not continue with its earlier support and takes on board the recommendation and conclusion of the Dorset County Council officer in his report to the Regulatory Committee.

This motion was not seconded.

The town clerk advised members to use a clear form of words, especially if the council was moving away from its original vote.

It was proposed by Cllr O. Lovell not to support the provision of a crossing due to the strength of objections as outlined in the Dorset County Council report and due to the Hydrock report which the town council is in the process of waiting to receive, which deals with Lyme traffic problems.

This motion was not seconded.

It was proposed by Cllr B. Larcombe the town council does not support the puffin crossing or the Regulatory Committee's recommendation to the Cabinet.

This motion was not seconded.

It was proposed by Cllr O. Lovell the town council does not support the provision of a puffin crossing due to the strength of objections outlined in the report to Dorset County Council's Regulatory Committee.

This motion was not seconded.

Cllr Mrs C. Reynolds requested a recorded vote on the following motion:

Proposed by Cllr B. Larcombe and seconded by Cllr O. Lovell, members **RESOLVED** that Lyme Regis Town Council is now not supportive of the installation of a puffin crossing in Broad Street, Lyme Regis for the reasons outlined in paragraph 4.3 of the officer's report to Dorset County Council's Regulatory Committee on 6 December 2018.

Voted for – Cllr S. Williams, Cllr O. Lovell, Cllr G. Turner, Cllr S. Larcombe, Cllr P. Hicks, Cllr B. Larcombe, Cllr J. Scowen

Voted against – Cllr R. Doney, Cllr Mrs C. Reynolds, Cllr S. Miller, Cllr Mrs M. Ellis
Abstentions – None

18/129/C Temporary Loan to Lyme Arts Community Trust

Members were broadly supportive of the request and Lyme Arts Community Trust's (LACT) efforts to draw in external funding.

Cllr S. Larcombe asked what would happen if the council gave the loan and the money was spent, but the LEADER funding was then withdrawn. He asked how the money would be recovered.

The town clerk said the possibility of LEADER funding not coming through was remote. He said the burden of risk would be on LACT, not the council, i.e. the trust would still owe the council the value of the bridging loan. He added the council would have a charge on the theatre, which would be the council's lever to recover the debt.

Cllr Mrs M. Ellis asked if in the event of the LEADER funding not coming through whether the council could withhold payments related to the existing major grant.

The town clerk said the council's ability to protect its interests by withholding grant payments would be limited; the council's last grant payment would be made on 1 July 2019.

Cllr O. Lovell asked if the town clerk could assure members he would see LACT's accounts on a monthly basis to ensure the money was being spent in the right way.

The town clerk said this was not necessary as he and Cllr J. Scowen were co-opted on to the LACT board and finances were discussed at those meetings. In addition, reports were presented to the Tourism, Community and Publicity Committee twice a year, which detailed the theatre's finances.

Cllr S. Miller said this demonstrated LACT was seeking external funding, and as the loan was short-term, specific, legally-bound and the costs were covered, he believed the council should support the request.

Cllr Mrs M. Ellis said the council should be encouraging other organisations to seek external funding, to be underwritten by the council, rather than seeking grants from the council.

Proposed by Cllr J. Scowen and seconded by Cllr B. Larcombe, members **RESOLVED** to approve the request from Lyme Arts Community Trust for a loan of £40,000 from 1 March to 31 August 2019 to allow it to make contract payments, as a condition of a grant award of £47,000 from Dorset LEADER.

The meeting closed at 8.29pm.