

## LYME REGIS TOWN COUNCIL

### TOWN MANAGEMENT AND HIGHWAYS COMMITTEE

#### MINUTES OF THE MEETING HELD ON WEDNESDAY 13 JUNE 2018

##### Present

**Chairman:** Cllr J. Broom

**Members:** Cllr R. Doney, Cllr Mrs M. Ellis, Cllr D. Hallett, Cllr P. Hicks, Cllr B. Larcombe, Cllr Mrs C. Reynolds, Cllr J. Scowen, Cllr G. Turner, Cllr S. Williams

**Officers:** Mr M. Adamson-Drage (operations manager), Mr M. Green (deputy town clerk), Mrs A. Mullins (administrative officer)

**Other members:** Cllr S. Larcombe

##### 18/01/TMH Election of Chairman and Vice-Chairman

The mayor, Cllr Mrs M. Ellis opened the meeting.

Cllr S. Williams nominated Cllr J. Broom as chairman of the Town Management and Highways Committee, seconded by Cllr B. Larcombe.

There being no other nominations, Cllr J. Broom was duly **ELECTED** as chairman of the Town Management and Highways Committee.

Cllr S. Williams nominated Cllr J. Scowen as vice-chairman of the Town Management and Highways Committee, seconded by Cllr B. Larcombe.

There being no other nominations, Cllr J. Scowen was duly **ELECTED** as vice-chairman of the Town Management and Highways Committee.

##### 18/02/TMH Terms of Reference

Proposed by Cllr B. Larcombe and seconded by Cllr S. Williams, the committee **RECEIVED** its terms of reference.

##### 18/03/TMH Public Forum

###### Ms A. California

Ms California spoke in relation to agenda item 10, California Fitness. She said she had been a Lyme Regis resident for 17 years, a member of the youth council and the skatepark committee, and was a serving coastguard, as well as running California Fitness with her fiancé and bringing up their young daughter. She said they encouraged people to start their fitness journey with them, and fitness had helped her with mental health problems. Ms California said most of their members had suffered mental health issues but had shown great improvement after being with them for a year. She said they used Anning Road playing field because it was just outside their

home and it was a safe area for children, as they encouraged people to bring their children with them. She said they had been using the playing field until they were advised they were not able to and at that point, they stopped. She said they used the field for one hour on Sunday mornings for a boot camp for around 20 people, who all said they enjoyed the session and it made a difference to their lives. Ms California said her fiancé used the field for one-to-one training sessions, which allowed her to go on coastguard shouts as her partner was close by. She said she understood the field was for the use of young people, but they provided fitness classes for the under 16s football team and planned to extend this to other youth teams, as well as starting classes for six to 16-year-olds at their unit in Axminster and at Charmouth playing field, giving them something positive to do. She said 40 parents were interested in sessions for children. Ms California said she understood there was a covenant on the land preventing any trade from taking place. She said when they started trading, they made no profit, used their own kit, invested in new kit, and had public liability insurance in place. She understood there were trade stalls at the May Day Fete and she asked why this was allowed to take place.

### **Mrs M. Amesbury**

Mrs Amesbury spoke in relation to agenda item 13, Unauthorised Trading on the Seafront. She said at the last meeting, members discussed her business, the ice cream trike of Lyme Regis, and she understood this would be discussed privately at this meeting. She said it wasn't made clear by the council that she currently operated lawfully using a pedlar's certificate, issued by the police, allowing her to trade anywhere in the UK. Mrs Amesbury said the council made the decision based around facts that didn't include this information, and members were specifically told not to consider the pedlar's certificate. She said members unanimously decided they didn't want her trike to operate as a seafront concession, without the full facts. Mrs Amesbury said there had been some discord in the community and problems had escalated since the last meeting, which had involved the police. She said she had been harassed, stalked, spat at, threatened with violence, people had been to her home, and she had received messages on social media, which she felt was directly as a result of the council not putting out publicly a statement to clarify she traded lawfully. Mrs Amesbury said people were under the impression her business was illegal, that she didn't have public liability insurance and five-star hygiene, and that she was not a bona fide business. She said she was asking the council to make clear to residents and businesses the truth of the situation. She said there was still an ongoing police investigation about the harassment towards her and the individual concerned had been told to stop their course of action. She said a police officer had advised her she didn't need a pedlar's licence to sell ice-cream from her trike and provided she was in west Dorset, there was no such thing as a street traders' licence. Mrs Amesbury said the police officer said as long as she was registered as a food company and had approved hygiene rating, she could sell ice-cream and didn't necessarily have to keep moving locations. She said the officer advised her to bear in mind where shops were in relation to where she traded to avoid any upset or conflict. Mrs Amesbury said she felt she had done that and she asked the council to do its duty.

**18/04/TMH Apologies**

Cllr R. Doney  
Cllr S. Miller – holiday  
Cllr G. Turner – coastguard training

**18/05/TMH Minutes**

Proposed by Cllr Mrs M. Ellis and seconded by Cllr Mrs C. Reynolds, the minutes of the previous meeting held on 18 April 2018 were **ADOPTED**.

**18/06/TMH Disclosable Pecuniary Interests**

Cllr S. Larcombe declared a pecuniary interest in agenda item 12, Parking at the Gully.

**18/07/TMH Dispensations**

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

**18/08/TMH Matters arising from the minutes of the Town Management Committee meeting held on 18 April 2018**

**Woodmead car park bin store**

Cllr J. Broom said the bin store had been moved.

**HGV signs**

The deputy town clerk said the heritage consultant had contacted the chief executive of Highways England as there had been no response to previous requests for additional signage to discourage HGVs from coming into Lyme Regis. He said Highways England had committed to providing a response within 15 days.

**Beach hut replacement**

The operations manager said samples of the composite material were available in the office if members wanted to see them.

Cllr Mrs M. Ellis suggested the enforcement officers' hut on Monmouth Beach, which had burnt down, could be replaced with a hut made of composite material, and there was general agreement for this.

**Clappentail roundabout**

The deputy town clerk said Dorset County Council's (DCC) highways manager and community highways team leader had agreed to look at whether it was possible to introduce a bus stop order on the bus stop near the roundabout.

## **CCTV**

Cllr B. Larcombe said General Data Protection Regulations were now a requirement of CCTV.

## **Beach replenishment**

Cllr S. Williams said he was still concerned with the levels and profile of the beach and said Nick Browning from West Dorset District Council (WDDC) would be able to confirm what was required.

The deputy town clerk said the WDDC engineer dealing with the beach and harbour dredging was satisfied the profile of the beach was within the margin of error, but he could ask again if there were still concerns.

## **18/09/TMH Update Report**

### **Sidmouth Road park and ride**

Cllr Mrs M. Ellis said she believed the council should no longer pursue the Sidmouth Road park and ride and concentrate instead on the Charmouth Road site.

The deputy town clerk said Hydrock had started work on the survey and this would take several months over the summer. He said there was an option to do nothing about the Sidmouth Road site until Hydrock produced their report, which members generally agreed with.

Members asked when signs would be put up directing people coming from the west to Charmouth Road park and ride.

The deputy town clerk said the signs were on order.

### **Memorial benches**

Cllr B. Larcombe asked if there was a deadline for people on the waiting list to pay for and provide wording for their memorial bench.

The operations manager said no deadline had been set.

Cllr J. Broom suggested a four-week deadline from the date of writing the letter, which members agreed with.

## **18/10/TMH California Fitness**

Members discussed comments made by the applicant during the public forum regarding trade stands at the May Day Fete.

Members noted the fete was run by the Regatta and Carnival Committee, and the trade stalls made a donation to the committee, which then distributed funds to local charities. Members agreed this legitimised the trade stalls which operated as part of the fete, and it couldn't be compared to allowing a local business to trade from the field.

Members were concerned that if the council allowed one business to trade from the field, it would set a precedent, as well as breach the covenant on the land.

The deputy town clerk said it was beholden on the council to have regard to the covenant and as a public body, the council shouldn't disregard it.

Proposed by Cllr Mrs M. Ellis and seconded by Cllr Mrs C. Reynolds, members agreed to **RECOMMEND TO FULL COUNCIL** to refuse the request from California Fitness to operate fitness classes on Anning Road playing field, due to covenants in place which restrict the use of the field as a children's sports ground and playing field and prevent any trade from taking place on the field.

**18/11/TMH Bin Locations**

The operations manager said Dorset Waste Partnership had provided new bins in recent years and the cleansing operative was unaware of any that had gone missing.

**18/12/TMH Parking at the Gully**

Proposed by Cllr Mrs M. Ellis and seconded by Cllr Mrs C. Reynolds, members **RESOLVED** that under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for this item of business as it included confidential information relating to the financial or business affairs of a particular person within the meaning of paragraphs 1 and 8 of schedule 12A to the Local Government Act 1972 (see Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985), as amended by the Local Government (Access to Information) (Variation) Order 2006.

**18/13/TMH Unauthorised Trading on the Seafront**

Proposed by Cllr Mrs M. Ellis and seconded by Cllr Mrs C. Reynolds, members **RESOLVED** that under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for this item of business as it included confidential information relating to the financial or business affairs of a particular person within the meaning of paragraphs 1 and 8 of schedule 12A to the Local Government Act 1972 (see Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985), as amended by the Local Government (Access to Information) (Variation) Order 2006.

**18/14/TMH Complaints and Incidents Summary**

Members noted the report.

## 17/122/TMH Exempt Business

### a) Parking at the Gully

Members discussed whether the two new spaces should be available only to residents living in certain streets and to those with no other parking provision.

Cllr S. Larcombe said the council should ensure all those who had parking spaces were able to use their spaces by implementing use of the barrier.

Cllr Mrs M. Ellis agreed the barrier should be locked and authorised vehicles should have permits, and anyone who did not lock the gate should have their key taken away.

The deputy town clerk said the situation was complicated as some people claimed to have private rights of access. However, he said the council had registered title to the land it owned in the area and had the legal ability to make a parking places order, which the council had already agreed to do. He added that this could only be done with the agreement of DCC.

Cllr B. Larcombe said there should be a set fee for all spaces at the Gully.

It was proposed by Cllr B. Larcombe to charge £250 plus VAT for a parking space at the Gully.

This motion was not seconded.

The deputy town clerk suggested the Valuation Office Agency could be asked to do a valuation of the land and a new rate could be set for all the spaces.

Members discussed any restrictions on the availability of the two new spaces and it was agreed preference would be given to those with no other parking provision and to those living in the area around the Gully.

Proposed by Cllr Mrs M. Ellis and seconded by Cllr B. Larcombe, members agreed to **RECOMMEND TO FULL COUNCIL** to obtain a valuation for parking spaces at the Gully from the Valuation Office Agency and to report back to the Town Management and Highways Committee, and in allocating the two new parking spaces, preference will be given those living in the area around the Gully and those with no other parking provision.

### b) Unauthorised Trading on the Seafront

The deputy town clerk said the trader's pedlar's certificate was irrelevant in this case as food cannot be sold using this licence, and this particular trader was staying stationary.

However, the deputy town clerk said the town, district and county councils could control unauthorised trading as landowners, as they had not given permission to trade. He said this approach had been agreed by officers of all three councils.

The deputy town clerk said a letter had been drafted by the town council's solicitor, as attached to the agenda, and he read out some additional wording to include in the letter, which members agreed to.

Cllr D. Hallett asked if the approach agreed by WDDC and DCC would be carried forward by the new Dorset Council.

Cllr Mrs C. Reynolds said anything the existing councils took on this year would be continued by the new council.

Proposed by Cllr B. Larcombe and seconded by Cllr Mrs C. Reynolds, members agreed to **RECOMMEND TO FULL COUNCIL** to obtain counsel's opinion and to write to the trader concerned in the form suggested by the council's solicitor and with the additional wording agreed by the Town Management and Highways Committee, in conjunction with West Dorset District Council and Dorset County Council, requesting that the unauthorised trading, involving the sale of ice cream and cold drinks from a mobile tricycle and currently being undertaken by Marie Amesbury, of Weavers Cottage, Coombe Street, Lyme Regis ceases with immediate effect.

*The meeting closed at 8.24pm.*