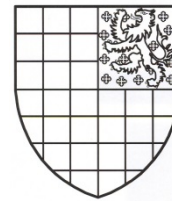


Town Hall  
High Street  
Lewes  
East Sussex  
BN7 2QS



**LEWES  
TOWN  
COUNCIL**

☎ 01273 471469 Fax: 01273 480919

✉ [info@lewes-tc.gov.uk](mailto:info@lewes-tc.gov.uk)  
[www.lewes-tc.gov.uk](http://www.lewes-tc.gov.uk)

### **To All Members of Lewes Town Council**

A Meeting of **Lewes Town Council** will be held on **Thursday 14<sup>th</sup> December 2017**,  
in the **Council Chamber, Town Hall, Lewes** at **7:30 pm** which you are summoned to attend.

S Brigden, Town Clerk, 7<sup>th</sup> December 2017

## ***AGENDA***

### **1. QUESTION TIME**

To consider any questions received regarding items on the agenda for this meeting.

### **2. MEMBERS' DECLARATIONS OF INTERESTS**

To note any declarations of personal or prejudicial interest in items to be considered at this meeting.

### **3. APOLOGIES FOR ABSENCE**

To consider apologies tendered by Members unable to attend the meeting.

### **4. MAYOR'S ANNOUNCEMENTS**

To receive any announcements from the Mayor.

### **5. MINUTES**

To agree Minutes of the Council's meeting held on 9<sup>th</sup> November 2017.

*(attached page 3)*

### **6. WORKING PARTIES & OUTSIDE BODIES**

To consider matters arising from working parties; members serving on outside bodies *etc.*

a) *Citizens Advice Bureau*

*(oral report Cllr R Murray)*

b) *Personnel Panel 23<sup>rd</sup> November 2017*

*(minutes attached page 22)*

c) *Grants Panel 6<sup>th</sup> December 2017*

*(report FC011/2017 attached page 24)*

d) *Audit Panel 11<sup>th</sup> December 2017*

*(minutes to follow [at meeting])*

e) *Finance Working Party 12<sup>th</sup> December 2017*

*(minutes to follow [at meeting])*

### **7. INTERIM REPORT of the INTERNAL AUDITOR**

To consider the auditor's interim report for the current year

*(attached page 26)*

### **8. LIVING WAGE FOUNDATION**

To consider formal accreditation to the Living Wage Foundation (*NOM012Rev/2017 attached page 30*)

### **9. UPDATE ON MATTERS IN PROGRESS**

*(Oral report by Town Clerk)*

*(update on Annual Plan herewith)*

### **10. NOTICE of ITEMS IN PROSPECT**

*(Oral report by Town Clerk)*

***For further information about items on this agenda please contact the Town Clerk at the above address***

This agenda and supporting papers can be downloaded from [www.lewes-tc.gov.uk](http://www.lewes-tc.gov.uk) Copies are available from the Town Hall

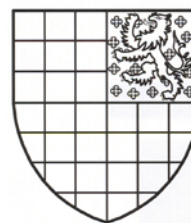
**PUBLIC ATTENDANCE:** Members of the public have the right, and are welcome, to attend meetings of the Council – questions regarding items on the agenda may be heard at the start of each meeting with the Chairman's consent, subject to time available. Questions or requests to address the Council should, whenever possible, be submitted in writing to the Town Clerk at least 24 hours in advance. For more information on how to ask questions, please contact the Town Clerk. General questions about the work of the Council can be raised at our offices between 9am-5pm Mons- Thurs 9am- 4pm on Fridays – when our staff will be pleased to assist.

*Copies for information: T/hall noticeboard; LTC website; Library, Sx. Express, E.Argus, Sx. Police, M Caulfield MP, LDC, ESCC, Fr'ds of Lewes*

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## ***MINUTES***

Of the **meeting of Lewes Town Council**,  
held on **Thursday 9<sup>th</sup> November 2017**, in the **Council Chamber, Town Hall**, Lewes at **7:30pm**.

**PRESENT** Councillors A Ashby; J Baah (*Deputy Mayor*); A Barker; R Burrows; S Catlin (*Wischhusen*); M Chartier (*Mayor*); W Elliott; H Jones; J Lamb; I Makepeace; M Milner; R Murray; S Murray; R O’Keeffe; T Rowell and E Watts.

*In attendance:* S Brigden (*Town Clerk*); Mrs F Garth (*Civic Officer & Asst. Town Clerk*) and Mrs E Tingley (*Committee Admin.*)

*Observing:* Ms V McLachlan (*Finance Officer*) and Mr L Symons (*Town Hall Manager*) Mr B Courage (*Town Ranger*) Ms J Dean (*Customer Services Officer*)

**FC2017/57** **QUESTIONS:** There were twelve members of the public present. Three questions were asked. The questions; together with the answers given, are appended to these minutes

**FC2017/58** **DECLARATIONS of INTEREST:** There were none.

**FC2017/59** **APOLOGIES FOR ABSENCE:** Apologies had been received from Cllr Dr G Mayhew who was unwell. **It was resolved that:**

**FC2017/59.1** The reasons submitted for absence from this meeting are noted.

**FC2017/60** **MAYOR’S ANNOUNCEMENTS:**

- a) The Mayor noted that Amanda Bolt had left the Council with no opportunity arising for a general farewell. Councillors recorded their best wishes for her future.
- b) The Bridge Ward By election would be held on 7<sup>th</sup> December (the same day as Lewes Late Night Shopping event). The Town Hall Polling Station would be in the Yarrow Room. The count was planned to follow shortly after the close of the poll.
- c) Statutory Notification had been received from Lewes Priory Trust that they had applied for Scheduled Monument Consent for the installation of a litter bin at the site. There were no comments.
- d) The Mayor thanked all those who had given up their time to collect for the Royal British Legion Poppy Appeal.
- e) The Mayor reported the successful recent visit to Lewes of 50 guests from Blois, who had stayed with families in Lewes; visiting Sussex Downs College; learning about local governance; meeting local groups, visited The Depot, the All Saints Centre, Zu Studio and made other cultural exchanges.
- f) The Mayor reported on the visit to the annual Bonfire celebration by the Mayor of Waldshut-Tiengen with his family, and members of staff and Councillors.
- g) The street-cleaners ‘Thank you!’ breakfast held on 5<sup>th</sup> November had been very well received.
- h) The Mayor reminded Councillors to assemble, with any guests, in the foyer of the Town Hall at 10.45am for Armistice Day.
- i) Remembrance Sunday would fall on 12<sup>th</sup> November. Councillors and guests were asked to assemble in the Town Hall foyer at 2.30pm prompt.
- j) The Mayor’s Rodin reception would be held on 13<sup>th</sup> November at 6.30pm in the Council Chamber.

k) The Civic Carol Service would be on 18<sup>th</sup> December at 7.00pm at St Anne's Church.

l) The Mayor's Christmas Dinner would be on 20<sup>th</sup> December in the Council Chamber.

FC2017/61

#### **MINUTES:**

The minutes of the meeting held on 28<sup>th</sup> September 2017 were received and signed as an accurate record.

FC2017/62

#### **WORKING PARTIES AND OUTSIDE BODIES:**

*Members were reminded that anyone who may have attended a meeting of any recognized outside body which has covered issues that deserve attention by the Council, should ensure that TC is aware of this before the Council's next meeting, and preferably before the agenda deadline. Reports on all activities of the organization are not expected.*

a) **Buildings Repairs Working Party 19<sup>th</sup> October 2017:** Council considered the Minutes of this meeting (*copy in minute book*)

The Working Party had been reminded of the three layout plans which architects had drafted. These options had differing emphasis between sports changing facilities and social areas such as multi-purpose rooms and café and terrace. Each layout catered for a slightly different mix in terms of types of hire, and significantly different attractions for prospective grant funding.

Relevant order-of-costs schedules had been prepared for each design, and it was acknowledged that the Quantity Surveyor's (QS) assessment had allowed for the highest likely cost for each element, and that these estimates would almost certainly prove higher than the eventual final cost. Members had considered detail on each of the three options, which had estimated total costs which differed by £70,000 between lowest and highest. Salient points were noted, where the QS had provided for specific elements of appropriate quality, and members agreed that these should be the best that could be afforded. All works and materials values had been arrived-at by accepted professional methods using industry-standard reference tables and indices (*Spon's Architects' and Builders' Price Book*). It was stated that allowances for contingency sums and levels of profit for the contractor were probably higher than would be anticipated in reality, and that contractors would temper their own project costing with actual quotes from their trade sub-contractors, driven by practical factors. It was agreed that the QS's estimates could be usefully considered as 'worst-case' and the logic and method underlying them was acknowledged.

Members were reminded that it had been accepted from the outset of the project that external funding would be required to complete it, and the Council's financial Reserve currently stood at £299,000. Third-party grants were likely to be available for particular elements of the design *eg* sports changing facilities; community rooms, or energy conservation measures. It was also noted that once operational management plans were developed for the Centre, some costs may be offset *eg* by contributions from catering franchisees. The Council always had the option to resort to borrowing at extremely favourable rates of simple interest from the Public Works Loans Board, repayable over periods of two to fifty years. TC was pursuing an amendment to the current s106 agreement *in* North Street Quarter (NSQ), to include the Centre and adjoining grass area – excluded at present despite the Centre providing facilities related to nearby sports pitches and being clearly included in designs drafted by NSQ consultants for public consultation over the past year.

The Working party had considered these issues, and agreed that the range between highest and lowest estimated cost, although significant, should be seen in the context of decades of future use of the improved and more flexible building.

Members were keen to ensure that renewable-energy measures were considered as a high priority when detailed designs were drafted, and funding sources were investigated. This would be made clear to the architects and in tender documents. It was unlikely that work would commence before June or July 2018. Research into sources of funds would begin in

earnest once a design was agreed. Members considered once again the details of the three options, and decided (*6for:1abst*) that the layout given as option three offered the best flexibility and usability of rooms and facilities. This would be recommended as the favoured option when designs were publicized.

**It was resolved that:**

**FC2017/62.1** The Minutes of the meeting of the Buildings Repair Working Party held on 19<sup>th</sup> October 2017 (*copy in minute book*) are noted; and Council supports the approach taken by the Working Party and its conclusions as described in those minutes.

**b) Neighbourhood Plan Steering Group 26<sup>th</sup> October 2017:** Council considered the notes of this meeting (*copy in minute book*) and the Chairman of the Group, Mr Ian Linton, gave a brief report. Mr Linton explained that the NP was reaching the end of the Regulation 14 consultation stage, which would account for comments from the public and statutory consultees and integrate them into the revised draft Plan; work which would hopefully be completed by the end of November. A desk study using a specialist contractor would be starting soon to test the feasibility of the Lewes Low Cost Housing concept. This would model, for selected sites, permutations of land value and construction cost for different housing types to examine the potential, if any, for the local policy being proposed. Should it be unattainable as a policy within the Plan, the concept would be classified as an aspiration. A request from the South Downs National Park Authority related to Flood Risk Assessments meant that all prospective sites were to be subjected to a 'sequential test' and then an exception test on any sites that would be likely to flood. It was hoped that a revised Plan could be presented to Council in January 2018.

**It was resolved that:**

**FC2017/62.2** The notes of the meeting of the Neighbourhood Plan Steering Group (*copy in minute book*) held on 26<sup>th</sup> October 2017 are noted, and Council records its thanks to Mr Ian Linton for his hard work on the Council's behalf.

**c) Friends of Lewes liaison meeting 1<sup>st</sup> November 2017:** The minutes (*copy in minute book*) of this meeting were presented:

*Pipe Kilns (rear of Freemasons' Hall):* FoL had reported that the initiative to mount an interpretation board on the fence adjacent these structures was temporarily halted during gas-supply works to the building. This work was apparently now completed, and discussions with the Freemasons would recommence. The proposed board would be mounted on the fencing at eye level, and would be roughly A2 in size (420mm x 594mm). FoL would report costs in due course.

*Peace Garden project ('Magic Circle'):* the meeting had considered the latest version of the proposed design. It had been recognized that there could be access problems for pedestrians due to the layout of the adjoining Lewes District Council carpark at The Maltings. Historic England had refused to agree surface markings in this area on grounds of the effect on the Castle environment; thereby allowing cars to obstruct the access. It was thought that a simple bollard would alleviate the problem, and the area was to be included when archaeological excavations took place. No work had been started on the survey, as Historic England had to agree the planned excavations before commencement. The application process was believed to be underway.

It was agreed that, given the status of the project and its alignment with the final peace after WW1, the target for opening the garden should coincide with commemoration of the signing of the Treaty of Versailles in 2019. The Treaty had been signed on June 28<sup>th</sup> 1919, and took force on January 10<sup>th</sup> 1920.

Some local residents had expressed concern over the potential for antisocial behaviour in the area, and design had addressed this as far as possible. It was suggested that CCTV surveillance might be extended to the garden.

FoL planned to submit a pre-application to the planning authority by Christmas, and feedback may alter design details. Funding would be pursued in earnest once the project

was known to be viable. A revised timetable would be distributed shortly.

*Interpretive plaques for local buildings:* No suggestions had been actively-sought for further plaques, but some had arisen.

It was suggested that a plaque might note the first studio of Daniel Blagrove, the first portrait photographer in Lewes. The Maltings had an interesting history; as did The Depot – currently a Cinema/restaurant but previously a depot facility for the Post Office and Harveys Brewery. A suggestion had been received from Chailey Heritage that the Lewes home of their founder might be marked, but there was no clear information as to which building this might be placed upon. It was agreed that priorities for 2018 would be The Maltings and The Depot, and a possible third might be 73 High Street *in* Blagrove. FoL would research these.

*Proposed parking restrictions in High Street:* East Sussex County Council (ESCC) were understood to be proposing the introduction of ‘No Loading’ controls on the North side of High Street between Westgate and Eastgate, alongside new dedicated bays. Precise terms were not known, but it was believed that these measures would assist in alleviating traffic holdups and allow reinstatement of paving adjacent the Law Courts. There was a long-standing suggestion that kerbside bollards should be installed in this area. Further consultation was expected, and FoL wished to inform Councillors of their support for proposed measures and hope that the Council would agree. Members present agreed and it was noted that, although any consultation would be the province of the Planning Committee, it was appropriate that all Councillors were alert to the issue.

*Light fixtures in Pipe Passage:* The long-awaited replacement of these luminaires with heritage-style alternatives had been expected earlier in the week, but had not happened. It was acknowledged that other ESCC lighting works were delayed and this situation would be monitored.

*Market Street:* There had followed a discussion regarding ESCC’s recent replacement of granite setts with tarmac surfacing in Market Street. The block paving had originally been installed in 1992 as part of a wider scheme and some queries had arisen as to what powers the County Council used to unilaterally change the surface treatment. There had been some discussion with engineers and it was acknowledged that there were valid engineering reasons underlying their decision, but some scepticism regarding underlying factors and public statements which had been made. ESCC had cited early ‘consultation’ with a number of parties, but this was considered superficial and described by some as disingenuous. The discussion moved to the general approach taken by ESCC to replacements and repairs within Conservation Areas and the long-running argument that they were neglecting a responsibility to use appropriate designs/materials. FoL understood that regular meetings were now planned between ESCC and the South Downs National Park Authority’s Conservation Officer, to review planned schemes. There was a comment that Virgin Media connections to properties on the edge of this work appeared to be generally well-constructed but seemed unfinished.

*Heritage Open Days:* Thanks were recorded to all those who had helped to make this year’s Heritage Open Days a success. In 2018 this would cover the weekend of 13<sup>th</sup> – 16<sup>th</sup> September and there was a brief discussion on the principle of a ‘rolling programme’ of featured buildings, with some being rotated in/out over time to maintain public interest.

*‘Lewes Light’ Festival:* Thanks were also recorded to all those who had helped to produce this very popular event. It was remarked that the ‘straight’ route from top to bottom of the town centre was a great improvement. It was known that most sponsorship for the festival was in-kind, and that only limited cash support was received. This was, however, seen as a typical situation for the early stage of development for such an event. As the reputation grew it was hoped that the cash situation would improve, but this was a matter for the organizers. FoL indicated that they might consider an approach for a small grant, and this message would be relayed.

*Mount Place wall:* Dr Mayhew had discovered more detail of the original (C19<sup>th</sup>) re-

levelling of the road at White Hill and the consequent rendering of the wall. FoL intended to approach ESCC on the basis that they were believed to be successors to the authority that had original responsibility for the wall.

*Trees:* FoL reported that a further replacement for an Elm tree on St Anne's Hill, lost to Dutch Elm Disease, was scheduled. Permission was also being sought for planting in Southdown Avenue and Houndean Rise, and it was noted that Paddock Lane was being dropped from the plan as it presented too many complications.

*SDNPA Local Plan consultation:* FoL would send TC a copy of their response to this consultation, and asked that the Council reciprocated in due course. This was agreed.

**It was resolved that:**

**FC2017/62.3** The Minutes of the Liaison meeting with Friends of Lewes 1<sup>st</sup> November 2017 (*copy in minute book*) are noted.

**d) Lewes Town Partnership AGM 16<sup>th</sup> October 2017:** It was reported that, at the AGM, it had been decided to “wind up” the Town Partnership. It was felt that the Partnership was not reaching out to all corners of the community and there was no-one willing to take on administrative duties. There were some projects to be completed and these were to be picked-up by 3VA. Money remaining in accounts once the dissolution was complete was to be divided between Cycle Lewes and Lewes Area Access Group.

**It was resolved that:**

**FC2017/62.4** The oral report on the Lewes Town Partnership AGM is noted;

**FC2017/62.5** The closure of the Lewes Town Partnership is noted with regret, and the Council's thanks are recorded to the officers and volunteers of the Partnership, past and present, for their efforts on behalf of the community.

**FC2017/63**

**CAR PARKING CONCESSION:**

Council considered a report FC009/2017 (*copy in Minute book*) which advised Members of an offer by Lewes District Council to allow free off-street parking.

In 2015, for the first time, Lewes District Council (LDC) had offered a ‘Lead Member's Concession’ and allowed Parish Councils to nominate three dates during the year when parking would be allowed free-of-charge in LDC's off-street carparks.

Lewes Town Council had asked for, and was granted, free parking in all town carparks on the three “shopping Saturdays” immediately prior to Christmas. This request was supported by Lewes Chamber of Commerce. The concession was applauded as a welcome boost to Christmas trading, and in 2016 there were early calls from the Chamber of Commerce to repeat the exercise, which was agreed. The Chamber had made clear their support for the same arrangement to be repeated if offered for 2017. One local trader had lobbied Members recently to express his objections, stating that Saturdays were *not* the most appropriate days, and that residents occupied most of the spaces all day so reducing the opportunity for visitors/customers to find a space. Free parking on Saturdays, it was claimed, meant fewer available spaces in Westgate from Friday evening to Monday morning and less patronage for businesses, and 2016 saw a considerable drop in trade on what should have been the busiest Saturdays of the year.

LDC had now repeated the offer and asked that the Town Council confirm the dates, hours and the impacted car parks it wished to nominate. There was a deadline by which the contracted operators of the pay-by-phone system must make adjustments to accommodate changes, if the pre-Christmas period was again the choice.

There followed a general debate as to the effectiveness of different patterns of free parking. Some Members had consulted with local businesses and reported that whilst all remarked upon the benefit of free parking days there appeared to be no particular favour for Saturdays, and some traders had recognized the effects complained-of. Members indicated their preference for Mondays; Wednesdays or Fridays and

**It was resolved that:**

**FC2017/63.1** Lewes Town Council notes its thanks to Lewes District Council for the offer



of free off-street parking and requests that this be arranged for all town sites on the three Fridays immediately prior to Christmas 2017.

FC2017/64

### **SCHOOL MARKET TRADING INITIATIVE:**

Members considered a proposal (*NOM 009/2017 copy in minute book*) that the Council might provide a free stall at its Tuesday market to schools, colleges and youth groups based within the Town. A pilot study involving one school or college within the Town was suggested.

It was noted that a number of principal councils, e.g. LB Hackney, currently operate a scheme whereby they provide a free market stall to young people within their community; the idea being to provide young people with an opportunity to develop entrepreneurial skills in a risk-free environment. As part of the Council's ongoing commitment to support young people within the Town, it was proposed to seek expressions of interest from local schools and colleges *etc* and draw up a rota. The school or college would then offer the opportunity to groups of young people ensuring as many individuals as possible were able to participate in turn, on their specified day.

There would be minimal cost associated with the provision of the stall; mainly the loss of potential revenue from another interested party. Current costs were £8 for a 6ft trestle (provided); £10 for 10ft; £12 for 12ft (2x6ft trestles). There would be some support required from a member of Town Hall staff to ensure setting up and taking down the stall was properly managed, and publicity additional to that routinely provided to the weekly market would also be required as part of the start-up.

Council was asked to approve a pilot study involving one school or college within the Town. This would help to ascertain interest levels and identify any potential problems that would need to be addressed prior to the launch.

There was a short debate as to the most appropriate age groups to benefit, and valuable insights from those members who were retired teachers. Ultimately, **it was resolved that:**

**FC2017/64.1** A Working Party consisting of Cllrs Baah; Barker; Chartier; Jones; R Murray; S Murray, and Watts be set up to further consider a School Market Trading Initiative.

FC2017/65

### **EQUALITIES/DIVERSITY:**

Members considered a proposal (*NOM 010/2017 copy in minute book*) to set up a Working Party to look at templates for a Diversity Policy used by other Councils, and to include members of the Community to assist the process. There was an accompanying report (*FC010/2017 copy in minute book*) which apprised Members of the background position.

The motion made reference to the Equality Act 2010 definitions of "protected characteristics" and noted that the Act allowed for positive action in general for the advancement of equality.

In addition the Public Sector Equality Duty (PSED) also required the Council to have 'due regard' to three aims, as part of its decision-making process. The three aims are:

- ⊕ Eliminating unlawful discrimination harassment and victimisation;
- ⊕ Advancing equality of opportunity between people who share a protected characteristic and those who do not;
- ⊕ Fostering good relations between people who share a protected characteristic and those who do not. Fostering good relations is about tackling prejudice and promoting understanding between people from different groups.

Council had acknowledged its responsibilities in this regard in 2011, and had in place appropriate policies related to employment, and engagement with the community. It was nonetheless proposed that a working party be set up to look at policies used by other Councils, and to include members of the Community to assist this process. There followed a short debate, and Members were generally supportive of the principle of a working party to consider an additional policy, but sought training in diversity matters before work was undertaken.



After some debate **it was resolved that:**

**FC2017/65.1** Equality/Diversity training will be provided for all Council Members as soon as possible

**FC2017/65.2** Following training, a Working Party consisting of Cllrs Ashby, Baah, Barker, Catlin, Elliott, Jones, Makepeace, S Murray, O’Keeffe, Rowell, and Watts be set up to further consider the matter of a Diversity Policy.

Members attention was drawn to report FC010/2017 (*copy in minute book*) which outlined the present situation regarding the Council’s duties regarding Equality. They were reminded that Council had fully addressed its responsibilities under the Equalities Act and observed relevant principles in all that it does. A report on the matter (appended) had been received by Council in November 2011, which was formally accepted and was a matter of public record.

A Parish Council was not required to publish a formal diversity policy. It was bound by the general Public Sector Equality Duty (*s149 Equality Act 2010*) and that was accommodated by a clear decision-making process and the recording of such. No ‘statement’ was required, but Members should remain mindful of responsibilities when addressing matters put before Council. Extant policies included a published Statement of Community Engagement which defined the ‘Community’ as everyone, *ie* wholly inclusive, and an Equal Opportunities Statement used in employment matters, which was consistent with all legal requirements in that regard.

**It was resolved that:**

**FC2017/65.3** Report FC010/2017 (*copy in minute book*) is noted.

**FC2017/66**

**LEWES SPEAKERS FESTIVAL:**

The meeting moved on to a proposal (*NOM 011/2017 copy in minute book*) that the Lewes Speakers Festival event on 25<sup>th</sup> November at the All Saints Centre, when columnist Katie Hopkins was to introduce her autobiography, should be cancelled.

Before discussion on this item, Members received a briefing note (*appended to these Minutes*) which highlighted key points of procedure; legal advice commissioned from the Council’s retained solicitor; arrangements for the event; statement of the current Police viewpoint, and advice from the Town Clerk. TC presented this and drew attention to salient points. It was also noted that Ms Hopkins had left a telephone message claiming that she found some content of the motion defamatory. Legal action was thought to be unlikely, in reality, but TC cautioned that: should any form of judicial scrutiny be applied, the full sequence of events and various social media posts by all parties would be considered when setting context. He was satisfied that a robust argument could be mounted against such a claim.

The proposal stated that Ms Hopkins’ appearance would compromise the safe environment for staff, volunteers, audience or participants and discourage equal opportunities and good race relations. It was further mooted that her invitation by the Festival organizers was in conflict with the policy and guiding principles of the Centre and may cause harm to staff, audience or participants which would breach Health and Safety legislation. It was proposed that the Town Council should cancel the booking for the event and not allow any of its premises to be used by her or anyone else that breached its Policies in future.

It was stated: “This is not a motion about freedom of speech and it is not about banning anyone. It is a motion about complying with the Town Council’s Policies and Procedures and Health and Safety legislation.”

The Speakers Festival – hirers of the All Saints Centre for the event - had invited Katie Hopkins as one of its speakers; to introduce her autobiography. Ms Hopkins was well known for inflammatory comments and opinions espoused through her newspaper column; radio show, and social media streams.

Reference was made to the All Saints policy and guiding principles, which state:

“In order to steer the programming of the All Saints Centre it is necessary to adopt some guiding principles by which the venue will be made available for use. Generally these are:

1. Encouraging education in both the production of and participation in arts, community and youth activities.
2. Providing a safe environment in which the whole community can be engaged and stimulated as participant, performer or audience.
3. Going beyond being simply a space to hire but a hub of creative energy and activity, reflecting the wide spectrum of the arts, and community activity and catering to all ages.”

Health and Safety legislation was also cited. These guiding principles and legislation were interpreted to mean that they were in place to prevent any use of the premises that may create an unsafe environment for staff, participants or audience and which may undermine, rather than promote, equal opportunities, health, race relations, law and order, environmental and other worthwhile community issues. The motion stated that if the British National Party or English Defence League were booked to speak at the All Saints Centre it would be suggested that the booking be cancelled. If most councillors concurred with that view then this was not an issue of free speech but rather of how policies and procedures prevent certain individuals or organisations from using the premises because of the harm that would be caused.

There had been a lot of comment on social media and Ms Hopkins herself had challenged people to attend the meeting and debate her views. The event was not a debate and by goading people it was feared that large numbers would turn up to protest on both sides and the venue was ill equipped to cope.

A recent example was offered of the New Cross Learning Centre, which had cancelled an event regarding gender and transgender issues.

There followed a wide-ranging debate, in which most Members present offered a view.

An amendment was immediately proposed:

“The Lewes Speakers Festival has invited Katie Hopkins to speak on 25<sup>th</sup> November 2017 at the All Saints Centre. The circumstances surrounding this booking in terms of public unrest are such that it would not provide a safe environment for the staff, volunteers, audience or participants and may challenge equal opportunities and good race relations. The Town Council believes that her invitation breaches the policy and guiding principles of the Centre and may cause harm to staff, audience or participants which will breach Health and Safety legislation. The Town Council will therefore cancel the booking for the event on 25<sup>th</sup> November 2017 at which Ms Hopkins is due to speak and will carefully consider the future letting of its premises with regard to recent events.”

A vote on this was deferred until the conclusion of any debate.

One Councillor pointed-out that if concerns were about risk to health & safety, then the decision should be guided by the Police view. Sussex Police had, earlier that day, confirmed their earlier assessment that the event did not require any particular attention from them; and they recognized the public right to peaceful protest. The decision should be, he said, taken in an informed way and reliant upon the specialist advice received. He recounted anecdotes of censorship exercised by the (London) local authority in his formative years, and expressed his distaste for this. He described his own feelings, being married to a person of mixed-race, and his children’s view that they would rather see someone like Ms Hopkins challenged intelligently than excluded, or see censorship under any guise.

Several members stated that they felt the motion was really a fetter on free speech, and that however distasteful Ms Hopkins’ published views may be, it should not be assumed that she would do or say anything other than present her autobiography. Some speakers considered that local people should be trusted to make their own decisions as to whether to attend, and that they were capable of articulately and intelligently challenging any view

which may be expressed. It was said that it was significant that Ms Hopkins had not actually broken the law, and she should be shamed rather than excluded. It was suspected that a health & safety argument was a last resort to achieve a ban as no other legal reasons could be found. Noting suggestions in recent media posts that allowing Ms Hopkins to speak would discredit the town, the speaker considered that the opposite was true: allowing her appearance would reflect well on the community's tolerance and offer opportunities to challenge and shame her.

It was said that reasons, on balance, to prevent the appearance could probably be found if considered long enough, but it was acknowledged that this was not a Town Council event, and that Ms Hopkins would not have been invited if it were. It was not the Council's business to interfere in the organizer's affairs. One Member stated that he considered the health & safety aspects were covered, and there appeared no legal reason to ban her. He reminded colleagues of his own family's immigrant background, and found it "sad" that such a speaker had been invited. He quoted George Orwell: "*If liberty means anything at all, it means the right to tell people what they do not want to hear*".

A Member expressed concern as to the liability towards others, should anyone actually come to harm. The Police view was repeated, and TC explained the context of indemnity and insurance cover and the particulars of individual events.

A comparison was drawn with an appearance at an earlier Festival by Ken Livingstone, at a time when he was under scrutiny for alleged anti-semitic views. It was suggested that a subjective line was being drawn as to who was acceptable/unacceptable under the guise of safety concerns. TC was asked to advise the background to the current policy on All Saints Centre operation. It was noted that the "safe space" context at the time this had been adopted had referred to the need for security for the accoutrements of various user groups, and such things as security for 'mother & toddler' activities and privacy for life-drawing classes or other events where nudity may be involved.

One Member expressed her "torture" at the contrast between a wish to ban Ms Hopkins, with acknowledgement of the legal position of the Council. She foresaw harm to feelings, and potentially real harm, in allowing the event.

The proposer considered that there was inadequate information available on the assessment of risk, and that the Council had a real responsibility in the context of the health & safety, both as an employer and owner of the venue. He predicted that supporters of both points of view (pro/anti Ms Hopkins) might attend and conflict.

The Mayor, in drawing the debate to a close, stated that he had not been won-over to the view that there was significant risk to health & safety, and he considered that most people would see the motion (and amendment proposed) as an attack on free speech.

The amendment was repeated, and a vote was called upon it. The amendment fell, with voting as: *For: 4 – Against: 8 – Abstentions: 4*. The substantive motion was then put to recorded vote (*record appended to these Minutes*), at the request of the Mayor, and

**It was resolved that:**

**FC2017/66.1** The motion listed as NOM011/2017 is NOT agreed. (*For: 3 – Against: 11 – Abstentions: 2 Record appended to these Minutes*)

**FC2017/67**

**LEWES FOR A LIVING WAGE:**

Members considered a proposal (*NOM 011/2017 copy in minute book*) that the Council be more diligent in making sure that grants given to groups who employ staff commit to the Living Wage (LW), and if they use sub-contracted staff, to commit to changing to Living Wage employers when the contract is renewed. Where the organisations do not pay LW, it was proposed that the Grants Panel may consider that any grant recommended should be increased to allow this. Also; the Town Council should become accredited to the Living Wage Foundation. This would cost the Council approx. £100. It was stated that many Councils already had done-so; including Birmingham City Council, the Greater London Authority and the Scottish and Welsh Governments. Further: it was proposed that the Town Council should promote and support the work of the three Food Banks in Lewes by granting money for the expenses of running them.

In support of these proposals, it was noted that in two neighbourhoods in the town, one in four families with children lived in poverty. The parents of many of these children were working people, working long hours at minimum wage.

It was stated that there was not enough social housing in Lewes for everyone who needed it, and many families were in private rental accommodation. Housing benefit was capped at a level leaving a shortfall of £268 a month compared with local rents for a two-bedroomed home. Around 200 people used food banks in Lewes every week. Universal Credit was imminent, and the Citizen's Advice Bureau had expressed serious concerns about how delays of payments would impact on families already struggling.

Lewes Town Council became a Living Wage Employer in 2015, and had resolved to support the Lewes Living Wage campaign in its work to raise awareness of the issues through the wider business community (*Resolution FC2015/28.2 refers*).

Notes on accreditation to the Living Wage Foundation were provided.

Previously the Council had considered advice from its solicitor, and recorded:

“With regard to the imposition of a contractual obligation upon contractors to pay the LW, a comprehensive legal opinion on this prospect had been obtained which concluded that it was not open to the Council to impose wages clauses on its contractors. That did not prevent a Council from encouraging its contractors to adopt LW but that cannot influence the selection of tenderers or the awarding *etc* of contracts. There were understood to be a few Councils currently requiring third-parties to pay LW. It was recognised by all across the local government professions that this situation was precarious and likely to give rise to judicial review at some point, and it had to be accepted that the Town Council could not afford the risk of becoming such a test case. General advice in the sector indicated that a practical approach would be to introduce contract performance criteria, rather than impose limitations on those eligible to tender. This could require payment of the LW to staff directly employed in the fulfilment of a contract, but would not conflict with other policies individual to the contractor, and would not preclude any company from submitting tenders. It was agreed by the Panel that it would be acceptable to encourage Town Council contractors/suppliers to adopt LW, but not to attempt compulsion.”

It was stated that Local Authorities were asked to encourage the Living Wage – but not mandate – by considering contracts on a case by case basis. Living Wage accreditation asked employers to put the rates in place to the extent that it was legal. Reference was made to the EU procurement frameworks, ostensibly as a reference point to consider risk, but this appeared to be confused with other matters and was discounted. Many Councils, it was said, had become accredited to the LW Foundation

It was said that the Town Council could act as a beacon to the rest of the town in highlighting the benefits of paying the Living Wage. The Council already does this, but could do more. Increasing the visibility of the Living Wage had a positive effect on organisations and business concerns that interconnect with each other:

To achieve Living Wage accreditation employers must:

1. Pay all directly employed staff the Living Wage;
2. Pay regular third party contracted staff the Living Wage. If it was not possible to move these staff members to the Living Wage straight away, this could be implemented in a phased approach by moving the contracts to Living Wage when possible, with each contract as a milestone in the Licence Agreement.

The Living Wage Employer Mark was awarded by a legally-binding licence agreement between the employer and the Living Wage Foundation.

If also a grant-making body, the Living Wage Friendly Funder Mark could be awarded.

Living Wage Friendly Funders support charities to pay the Living Wage through their grant-making. There were now 29 Living Wage Friendly Funders including the Big Lottery Fund, Lloyds Bank Foundation, Comic Relief, Trust for London and the

Nationwide Foundation.

TC expressed concerns that, in all documents he had seen related to accreditation, there was a condition to *require* contractors and suppliers to pay the LW, and noted that a phased introduction would not alter the conflict with legal advice received in that regard (*restated above*). It was stated in the proposal that there had never been a legal challenge, or any threat of a legal challenge, to a Local Authority about a LW project, and that if such a case were to be brought, the Public Services (Social Value) Act 2012 could be referenced in defence. TC was sceptical of this postulate.

There followed a debate, to which several members contributed, in which the implications regarding support for food banks were questioned, and ancillary matters such as zero-hours contracts were cited. There was also seen to be some conflict with matters better-suited to assessment during the budget-setting cycle, and it was unclear what the real impact upon grant-giving might be. It was proposed that the matter be deferred, with any interested Members working with the proposer and TC to clarify issues which could be decided at the next meeting. Consequently, **it was resolved that:**

**FC2017/67.1** That the proposal (*NOM 011/2017 copy in minute book*) be deferred to the December meeting of Full Council, and the proposer be asked to work with colleagues and the Town Clerk, in the interim, to clarify it.

**FC2017/68**

#### **UPDATE ON MATTERS IN PROGRESS**

a) *Annual Plan update distributed:* An update on progress with the Annual Plan was distributed (*copy in minute book*). There were no salient points worth note.

b) *Devolution of Malling Recreation ground and Landport Bottom:* Transfer of Landport Bottom was progressing, and further documents had been received recently. The final approval for transfer was scheduled for consideration by Lewes District Council's cabinet on 5<sup>th</sup> February 2018. With regard to Malling Recreation Ground (MRG), Members had been provided with a copy of the letter sent by TC to LDC's Chief Executive on 4<sup>th</sup> October; and noted that he had verbally apologized for a lack of communication, when meeting TC on 11<sup>th</sup> October at the District Parishes conference. No written response had been received, however, until on the 9<sup>th</sup> November (the day of this meeting) an email was received (Members were provided with a copy) repeating the apology and confirming that LDC had reconsidered the timing of devolution; as the MRG was part of the North Street Quarter (NSQ) "masterplan" and citing the need for an agreement on placing footings for the proposed new pedestrian bridge. LDC wished to avoid the need for renegotiation should the position of this bridge need to be changed; he wrote.

Members were unanimous in their condemnation of this as a disingenuous and specious argument. It was noted that the Town Council had been party to all the earliest planning phases for the NSQ and needed no reminder of its strategic plan importance; indeed, this was the reason behind inclusion of MRG in the first phase of devolution. Further; it was recognized that the transfer would provide for the planned bridge, but this could easily be specified as a flexible position anywhere between two extreme points, to be ultimately defined subject to land surveys. TC was asked to respond extremely robustly, making these points and repeating demands for a full explanation.

c) Cllr O'Keeffe again cited the apparent inclusion, by the developer of the North Street Quarter, of Town Brook Trust land (Pells Recreation Ground) in NSQ planning application documents; asking what would be done to correct the situation. TC repeated advice given to her by several parties that the grant of Planning Consent conveyed no rights over the land, and he doubted whether any amendments would be made to any plan documents until consent was sought for detailed designs, when the error would be corrected 'by default' before any building could commence.

d) A question was raised as to progress with the Council's new website, and the

likelihood of a meeting of the Communications Working Party in November. TC explained that, whilst progress had been slow, the contractors were nearing completion of the underlying structure of the new site and LTC staff would be populating this 'work-in-progress-site' with files. There was expected to be enough to present to the working party in the relatively near future.

**FC2017/69 NOTICE of ITEMS IN PROSPECT**

- a) The next Members' Surgery was scheduled for Tuesday 5<sup>th</sup> December 10am – 12pm in the Corn Exchange.
- b) The Personnel Panel would next meet (with consultant) at 7pm on Thursday 23<sup>rd</sup> November.
- c) The next Planning Committee meeting would take place on Tuesday 28<sup>th</sup> November at 7.00pm.
- d) The next deadline for grants applications: (cycle 3 of 4 2017/18) was Friday 24<sup>th</sup> November 2017. The Assessment Panel would meet on 6<sup>th</sup> December 2017 with recommendations being considered by Council at its meeting on 14<sup>th</sup> December 2017.
- e) The Finance Working Party would meet on 12<sup>th</sup> December at 7.00pm in the Council Chamber.
- f) The next Council meeting would take place on Thursday 14<sup>th</sup> December at 7.30pm, with a deadline for agenda items to reach TC by noon on Monday 4<sup>th</sup> December.
- g) Meetings to be arranged were Commemorations Working Party, Buildings Working Party; Audit Panel.; Pells Pool Community Association liaison.
- h) Member training on law and finance were being arranged. Diversity training had also been requested. A 'Doodle' poll would be available once trainers had confirmed their availability. Members were asked to respond promptly.

There being no further business the Mayor closed the meeting

*The meeting ended at 10:15pm*

Signed: .....

Date: .....



**QUESTION RECEIVED:**

*E-mail received 8<sup>th</sup> November 2017:*

I ask on behalf of many.

On 18th October 2017, in an email to a constituent, Councillor O’Keeffe states:

*“The Town Council is presently setting out on a detailed process to arrive at an Equality and Diversity statement and/or policy with support and advice from Diversity Lewes”*

- 1) Please describe what that process is and the timescale.
- 2) How does the Council reconcile engaging Diversity Lewes in the drafting of an Equality and Diversity Statement given their recent mismanagement of their Facebook page?
- 3) What is the Council doing to engage with more qualified individuals and organisations?
- 4) Has the Council considered creating a role for an Equality & Diversity Officer – is there a point of contact – are staff trained?
- 5) In terms of the Annual Bonfire Competition, held at the Town Hall, which the Mayor recently declared in an email to be “outside of his jurisdiction”, how does the Town Council intend to ensure that blacking up and cultural appropriation does not take place on the premises next year or in perpetuity?
- 6) May I respectfully request that the Council invite Thanda Gumede and Zulu Nation to Lewes not only for next year’s bonfire celebrations, but to fund an educational programme in the schools and youth clubs in our town? Is there such a thing as a Key to Lewes? Does he/they not deserve this?

Kind regards  
Andi Mindel

**ANSWER:**

*re Questions 1;2;3:* The Councillor’s statement is premature. The question of a Diversity policy or statement is to be debated at this meeting (9<sup>th</sup> November 2017), and no decision has yet been made. Should Council embark upon the drafting of such a policy and consider that it needs outside advice, it will first consult professional organizations with which it is connected, such as South East Employers or the Sussex & Surrey Associations of Local Councils, on suitable advisers working in the area of local government.

*re Question 4:* As a Parish Council we do not have such roles identified within our small staff establishment, and this has not been considered. Diversity training for Members and Staff has been requested and will be arranged with a suitable provider in due course. The ‘point of contact’ with any Parish Council is always its Clerk in the first instance, unless you wish to address an individual Councillor.

*re Question 5:* I am not aware of any email correspondence between us and refute the attribution of this statement. I did receive an anonymous letter on the matter, which I reported to Council. This is an issue which will be covered by the debate on Diversity and, incidentally, the Lewes Speakers Festival (Agenda item 10)

*re Question 6:* The attendance this year of Mr Gumede was arranged by Lewes Borough Bonfire Society. The Council plays no part in organization of the Bonfire celebrations. Your request is noted, and it is for any Councillor to bring this forward for consideration in Council if they see fit. By ‘Key to Lewes’ we presume you refer to the principle of an Honorary Civic Freedom. That is a complicated matter and beyond the scope of a brief reply, other than to say that such honours are extremely rare and usually reserved for exceptional public service to the parish, often over a lifetime.

*Cllr M Chartier  
Mayor of Lewes 2017/18*





**QUESTION RECEIVED:**

*E-mail received 8<sup>th</sup> November 2017:*

Is the Council aware of these facts?:

Lewes town may appear affluent, but in two neighbourhoods 25% of families with children are faced with income poverty, defined as below 60% of median income after housing costs. As most areas of the town have much lower levels of poverty, the problem is not always evident.

Source: <http://www.endchildpoverty.org.uk/poverty-in-your-area-2016/>

Almost 200 people in Lewes access food banks every week

Many families have to resort to private rented accommodation, because there is not enough social housing for everyone who needs it. The cap on Housing Benefit (Local Housing Allowance) leaves a shortfall of over £200 per month for most. In addition the rise in the bank rate means that mortgage payments and other debt interest rates will rise, causing even more people to slip across the Divide.

Working a 40 hour week at minimum wage earns just £300 per week. Some people on minimum wage are also on zero hours contracts, so their earnings are not guaranteed.

This is an urgent and serious problem on which I believe the council should have a strong focus. I am aware that there are many factors increasing poverty that are out of the control of the council, such as government cuts and house prices, but I would like it to do as much as it can, and be alert to any opportunities to reduce the pressure on people.

I urge Councillors to consider what the Council can do to ameliorate the Lewes Divide and its effects.

Ann Link (for Lewes for a Living Wage)

**ANSWER:**

Individual Councillors may be aware of these facts but, as a Parish Council, there are limits to the areas in which we might address the situation.

It is for Councillors to identify issues or areas in which they think the Town Council *may* be able to engage, and to discuss these with the Town Clerk to confirm whether they are within its powers and may be brought Council for consideration. All Members present this evening will take note of your exhortation.

*Cllr M Chartier  
Mayor of Lewes 2017/18*



## QUESTION RECEIVED:

*E-mail received 8<sup>th</sup> November 2017:*

I am writing as a resident of Lansdown place to raise an objection to the appearance of Katie Hopkins as part of The Lewes Speakers Festival. I object to the racist, Islamophobic, sexist language and ideas she promotes and to her connection to far-right anti-immigration groups both in Europe and the United States.

I am also concerned that her presence in Lewes will attract clashes between her followers and those who oppose her appearance. Friars walk and Lansdowne place are in a residential area and home to many young families who may find such disturbances upsetting.

I believe the views that she openly and repeatedly expresses through the media are contrary to the guiding principles of the All Saints Centre.

My question for the meeting on 9th November is this: How does Katie Hopkins comply with the aims of The All Saints Centre quoted below?

'The Centre is currently a 'safe house' to homegrown and developing community and arts organisations to meet.'... 'Encourage activities that promote equal opportunities, health, race relations, law and order'

Best Regards

Michelle Porter

## ANSWER:

The Council is scheduled to consider this matter during this evening's meeting (Agenda item 10).

Legal advice on the background issues will be provided and Councillors will make decisions having taken account of all their responsibilities, including those in the area of health & safety *etc.*

The policy of the ASC actually also refers to an environment in which the whole community can be engaged and stimulated as participant, performer or audience, and we must have regard to balance.

To offer you some reassurance:

- Sussex Police maintain their view that this event is not worthy of special attention by them.
- The Speakers Festival organizer is providing **six** Stewards for an audience of 200 (we normally require two [one per 100], as a condition of hire).
- All Saints Centre staffing would normally be one at any given time during operating hours, but there will be **three** present for this event.
- The event is ticket-only.
- All Saints has one main entrance, one staff door (kept locked), and one fire exit (opens from inside) – all potential access points are covered by very sturdy doors, with strong locks.
- Staff all have mobile phones; the building has a mobile handset for its land-line, and staff have an emergency-call service pendant ('Lifeline' – similar to those issued to disabled/elderly) as they are normally solo workers.

*Cllr M Chartier*

*Mayor of Lewes 2017/18*

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**Council meeting 9<sup>th</sup> November 2017, Agenda item 10 - Lewes Speakers Festival 2017.****Key points relevant to NOM011/2017**

This advice note should be understood as the advice of the Town Clerk, acting in his capacity as principal adviser to the council, and all Councillors are bound by administrative law and the adopted *Code of Conduct for Councillors* to have due regard for this.

Members are reminded that all decisions taken by a Council must be “reasonable”, which is defined as:

- must take account of proper considerations
  - must leave out of account irrelevant considerations
  - must be made for a proper purpose
  - must be proportionate as to the purpose to be achieved and the expenditure involved
  - must have regard to the Council's fiduciary duty to its taxpayers
  - must be fair - avoiding bias or the appearance of bias, and taking account of opposing views
1. Given the balance of considerations which are relevant to this proposal, I recommend that it **not** be supported.
  2. Supporting advice has been obtained from the County Association's retained solicitor, Mr Ian Davison, both as initial background to the issue and specifically related to the motion proposed; his technical arguments are replicated below. This takes account of views expressed by all correspondents, including legal citations by one who is a retired solicitor.
  3. The position regarding the perceived risk posed by the event is
    - Sussex Police maintain their view that this event is not worthy of special attention by them.
    - The Speakers Festival organizer is providing **six** Stewards for an audience of 200 (we normally require two [one per 100], as a condition of hire); will provide video surveillance equipment, and may also provide professional security staff.
    - All Saints Centre staffing would normally be one at any given time during operating hours, but there will be **three** present for this event.
    - The event is ticket-only.
    - All Saints has one main entrance, one staff door (kept locked), and one fire exit (opens from inside) – all potential access points are covered by very sturdy doors, with strong locks.
    - Staff all have mobile phones; the building has a mobile handset for its land-line, and staff have an emergency-call service pendant ('Lifeline' – similar to those issued to disabled/elderly) as they are normally solo workers.
  4. Ms Hopkins has, today, left a voice message on the Council's telephone system advising that she considers the Motion contained within this Agenda to be defamatory. There was no answer when called-back.

***Legal opinion specific to NOM011/2017:***

I have read the proposed notice of motion, the policy and the terms and conditions. I have also read Councillor Elliott's comments on my earlier advice.

As I indicated in my earlier advice, the questions posed by the notice of motion and the actions proposed raise questions both of public law and private contract law.

Taking the contractual position first, I have the following comments:

- 1 The contract is between the Council and the hirer. People not party to the contract are not normally entitled to sue on the contract but the Contracts (Rights of Third Parties) Act 1999 has not been excluded.
- 2 the relevant clause is headed “Withdrawal of venue availability”:  
*WITHDRAWAL OF VENUE AVAILABILITY*  
*The Venue Manager reserves the right to cancel any hire by giving written notice to the Hirer and refunding any monies paid in respect of the cancelled hire, without accepting any liability for any expense which the hirer may have incurred. In normal circumstances at least seven days’ notice of such cancellation will be given. The Venue Manager may also immediately terminate a booking if any of the conditions of hire are not being met.*
- 3 it is for the venue manager to reach a decision on whether or not to cancel any hire. He or she must give written notice, the expectation being that such notice shall be at least 7 days. A separate right to cancel is given for breach of conditions of hire.
- 4 in the event of a cancellation the fees paid are to be repaid.
- 5 in the event of a cancellation the Council purports to exclude liability for expenses that the hirer “may have incurred”. This must relate to the time up to the date of cancellation.
- 6 However, that exclusion does not relate to expenses which a hirer might properly and reasonably incur after the date of cancellation.
- 7 in the event of a cancellation which is found to be wrongful, then there could be a successful claim for consequential loss i.e. for those expenses incurred as a result of a wrongful cancellation.
- 8 on the face, no reason needs to be given for a cancellation
- 9 there is nothing in the papers that justifies the immediate termination as there is no current evidenced breach of condition
- 10 the inducement of a breach of someone’s contract can give rise to a claim.
11. The contractual right to cancel is not unfettered because the Council is a public authority and must act in accordance with the public law rules. A wrongful cancellation may be:
  - a) because the Council has acted in bad faith or the reason evinces an improper motive or improper statutory purpose
  - b) because the Council has failed to take into account relevant factors e.g. an exposure to contractual claims, or a failure to have proper regard to the purposes for which the land is held
  - c) because the Council has failed to comply with specific statutory duties, e.g. to give positive effect to ECHR rights or its public sector equality duty in s 149 of the Equality Act 2010, or has breached the law
  - d) because the Council has acted wholly irrationally in the sense that it has acted as no other reasonable authority could have acted
  - e) because the Council has failed to interpret properly or to apply its own policies
12. A Council could justifiably cancel a booking, provided that it follows its own contractual procedure, properly takes account of the matters which I have raised, acts to prevent (say) a hate crime to be committed, or perceives on proper advice that there was a real danger that there could be public disorder, or, mundanely, that a hole had appeared in the roof or the plumbing had stopped working.
13. The notice of motion and its proposed timing, however, give clues as to the real motive for wanting a cancellation: the proposer clearly disagrees with the speaker’s views and considers that she should not be given a platform to discuss her book. The proposer is entitled to hold those views but it is another matter whether the Council can act upon them as stated in the notice of motion.
14. I have already alluded to a person’s right to expression in art 10 of the ECHR and the Council’s duty to promote that. The motion does not give consideration to that right or that duty and does not carry out the appropriate balancing act – of whether the public interest in allowing the speaker to speak is outweighed by the public interest to ban her and whether the proposal to ban is proportionate.

15. The motion goes further: first it cites a potential breach of the Council's policy informing the use of the premises. This engages a proper interpretation of the policy having regard to the public law principles set out above. The proper interpretation in the circumstances is a matter of judgement but it would be difficult to argue that the inclusion of the speaker could be said to conflict with the policy but rather that it is consistent with the policy.
16. Second, the cancellation is said to be justified by reference to the potential adverse effect on the health and safety of the Council's employees and that of others. The steps taken by the organisers and the Council, evidently after an appropriate risk assessment, taken together with the advice of the police on public order, do not suggest that there is realistic adverse risk to the health and safety of the Council's staff or others.
17. Notwithstanding the flaws in the reasoning in the notice of motion, the motion so far as it proposes: "*and will not allow any of its premises to be used by her or anyone else that breaches its Policies in future*" represents a fetter on the Council's discretion and is thereby unlawful and also exhibits an unlawful curtailment of the individual's right to use or attend the Council's premises.
18. Even if the Council were to seek to make the cancellation on proper grounds (and I reiterate that the Council *may* do so), it will want to consider the consequences of doing so: the reputational implications, the future relationship with the hirer, the future of similar events, does the Council want to be seen to censor the (lawful) views of others?

*Ian Davison*

***Initial background advice*** (previously distributed):

*From a public law point of view, the Council is bound by art 10 of the ECHR and must not act incompatibly with the right (see s 6 of the Human Rights Act 1998): - Freedom of expression*

- A Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
- B The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
- C In the circumstances, not only should the Council be promoting freedom of expression, it should not seek to curtail it unless there is a suggestion that there could be a public order problem. In determining whether there could be a public order problem the Council should be guided by the police. I note that there are several potentially controversial speakers on the programme. The Council should not, moreover, seek to restrict a person's right to freedom of expression unless that purported freedom would involve an unlawful act. Irrespective of the Article 10 point, a local authority must act reasonably in the legal sense and must have regard to the purpose of its holding and letting the premises...
- D ...an interference with a hirer's activities could lead to a breach of the Council's contract with the hirer. Such a breach might lead to a claim for compensation. Whether the Council would, further, be liable for any consequential losses of the hirer depends upon the exclusion clauses in the hiring agreement."

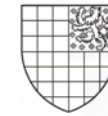
*Ian Davison*

*S Brigden  
Town Clerk  
9<sup>th</sup> November 2017*

**VOTING RECORD SHEET**

**MEETING of: Council**

**date: 9<sup>th</sup> November 2017**

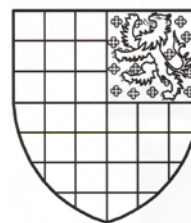


**LEWES  
TOWN  
COUNCIL**

Please note: this is a record of voting *where this has been requested* under Standing Order 1(s) [following provisions of Local Government Act 1972 Sch12 p13 (2)]

✓ = Indicated "For" ✕ = Indicated "Against" C = Chairman's casting (supplementary) vote A = Abstained NP = Not Present NV = not voting		<i>Green</i>	<i>LD</i>	<i>Ind</i> <i>Green</i>		<i>LD</i>	<i>Ind</i>	<i>LD</i>	<i>LD</i>	<i>Ind</i>	<i>LD</i>	<i>Green</i>	<i>Ind</i>	<i>LD</i>	<i>Ind</i> <i>Green</i>	<i>Ind</i> <i>Green</i>	<i>Ind</i>	<i>Green</i>	<i>Green</i>					
Agenda item	MOTION or AMENDMENT VOTED UPON	ASHBY	BAAH	BARKER	<i>Vacant seat</i>	BURROWS	CATLIN	CHARTIER	ELLIOTT	JONES	LAMB	MAKEPEACE	MAYHEW	MILNER	MURRAY R	MURRAY S	O'KEEFFE	ROWELL	WATTS	No. FOR	No. AGAINST	No. Abstentions etc	Carried ? Y/N	
10	NOM011/2017 – cancellation of Lewes Speakers Festival event (K Hopkins 25/11/2017)	A	✕	✕		✕	✕	✕	✕	✕	✕	✓	NP	✕	✕	✕	A	✓	✓	3	11	2	N	





## ***MINUTES***

of the **Personnel Panel** held on **Thursday 23<sup>rd</sup> November 2017**, in the **Yarrow Room, Town Hall**, Lewes at **7:00pm**.

**PRESENT** Cllrs A Ashby; A Barker (*Chairman*); R Burrows; Chartier and Dr G Mayhew.

**In attendance:** S Brigden (*Town Clerk [TC]*) Mr Richard Penn (*Richard Penn Consulting Ltd*)

**PersPan2017/10 QUESTIONS:** There were none

**PersPan2017/11 APOLOGIES FOR ABSENCE:** There were none.

**PersPan2017/12 DECLARATIONS OF INTEREST:** There were none.

**PersPan2017/13 MINUTES:** The minutes of the meeting held on 10<sup>th</sup> July 2017 were agreed and signed as an accurate record.

**PersPan2017/14 EXCLUSION of the PRESS and PUBLIC:** As this Working Party was to discuss information personal to individual, identifiable, employees the Chairman moved before proceeding, and consequently **it was resolved that:**

**PersPan2017/14.1** "In view of the confidential nature of the business to be transacted during the remainder of the meeting - which is detail personal to individual employees; pursuant to the Public Bodies (Admission to Meetings) Act 1960 s1(2); any members of the press or public present be excluded and instructed to withdraw"

**PersPan2017/15 BUSINESS OF THE MEETING:** Mr Penn reminded Members of his commission to contribute an impartial viewpoint and act as facilitator to future assessment of TC's performance, and how the 'two-stage' approach would operate. The previously-agreed questionnaire would be sent to an approved list of recipients later in the year, and would be administered confidentially by Mr Penn, who would prepare an analysis of responses to the 26 questions and identify appropriate outcomes. This meeting was a mid-year review; when amendments to objectives could be introduced, if appropriate, and a definitive list agreed of those to whom the questionnaire would be sent towards the end of the municipal year

Mr Penn had met with TC and reviewed performance indicators in the context of current year experience. There followed a detailed consideration of each element of the objectives and the indicators of achievement were discussed. These were presented in four areas: 'Leadership & management'; 'Delivery'; 'Effective governance', and 'Personal' – with 17 individual elements in total. Several of these would be addressed later by taking account of responses to the questionnaire, but those which could be assessed at this point indicated satisfactory achievement in all areas within TC's control.

Members suggested recipients for the questionnaire, and a list was agreed containing 21 individuals or organizations in addition to all staff and Councillors. The list was considered to offer a representative sample of those who would be able to offer insight into the role of the Town Clerk in achieving Council objectives through the year.

There was a brief discussion regarding application of an appraisal scheme to all staff, and a number of points which had been discussed at earlier meetings of the Panel were rehearsed. The scheme agreed only related to TC (with his agreement), and no other staff were included at this time. Cllr Barker and Mr Penn, both experienced and senior Human Resources professionals, explained some of the issues pertaining



to a wider scheme; roles and responsibilities *etc.* They provided context from their work across the public sector nationally, and stated that, in their opinion, the scheme being operated was more comprehensive than those to which most Chief Executives of principal Councils would agree.

**PersPan2017/16 CONCLUSIONS:**

Mr Penn would distribute the questionnaires in due course, and would prepare the analysis of responses and other agreed indicators for end-year assessment with the Panel in June/July 2018.

**PersPan2017/17** Members noted their thanks to Mr Penn, and looked forward to working with him again.

There being no further business, the Chairman declared the meeting closed

*The meeting closed at 8:40pm*

Signed ..... date .....

Draft

**Agenda Item No:** 6c)

**Report No:** FC011/2017

**Report Title:** Grants panel recommendations – 6<sup>th</sup> December 2017

**Report To:** Full Council

**Date:** 14<sup>th</sup> December 2017

**Report By:** S Brigden, Town Clerk

**Purpose of Report:** To recommend payment of grants as suggested by the Grants Panel, following its meeting on 6<sup>th</sup> December 2017 (the third of four cycles for 2017/18)

**Recommendation(s):**

- 1 That the grant payments recommended in this report (as shown in column **G** of the appended table) be approved.

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**Information:**

1 The Grants Panel met on 6<sup>th</sup> December 2017. **8** applications were considered, with requests for support in the sum total of **£10,600**.

2 Assessing applications were: Cllrs Burrows; Catlin; Jones; Murray (S) and O’Keeffe. Apologies for absence were received from Cllr Ashby, who was travelling.

3 Using the system approved by Council, each panellist evaluated applications on their merits in five categories:

- 1 Closeness of match to Lewes Town Council’s grant scheme policy
- 2 Overall “robustness” of the proposal – general likelihood of success/sustainability
- 3 Financial planning exhibited - adequacy/prudence/appropriateness *etc.*
- 4 Scope and sustainability of the proposal – beneficiaries; scale; thoroughness
- 5 A personal (subjective) assessment, based on any special insight or considerations.

Where recommended awards are below the amount requested by the applicant, the details of the proposal were carefully scrutinized as to the appropriateness of the sum requested in relation to the overall scheme or project budget, and alignment with the Council’s published aims. Also considered were factors such as the balance or proportion of Council funding compared with other sources and the applicant’s own funds, and other detail elements.

4 **The recommended grant awards for this cycle are shown at column G, below.**

Recommended grant awards for this cycle amount to **£6,750** in total.

Salient points, considered by panellists during their deliberation and influencing their final recommendations (noted/highlighted in column H below, where appropriate), fall into the areas of:

- ⊕ No other funding sought.
- ⊕ Sum requested disproportionate to own assets or contribution to scheme or project.
- ⊕ Sum requested from parish disproportionate to total cost of scheme or project.
- ⊕ Project or scheme mis-matched with parish council powers or LTC’s scheme policy.
- ⊕ Sum recommended is considered to be an appropriate/proportionate parish contribution.

S Brigden  
6<sup>th</sup> December 2017





## MULBERRY & CO

Chartered Certified Accountants  
Registered Auditors  
& Chartered Tax Advisors

9 Pound Lane  
Godalming  
Surrey, GU7 1BX

t + 44(0)1483 423054  
e office@mulberryandco.co.uk  
w www.mulberryandco.co.uk

Our Ref: MARK/LEW001

Mr S Brigden  
Lewes Town Council  
Town Hall  
High Street  
Lewes  
East Sussex  
BN7 2QS

20<sup>th</sup> November 2017

Dear Steve

**Re: Lewes Town Council**  
**Internal Audit Year Ended 31<sup>st</sup> March 2018**

Following completion of our interim internal audit we enclose our report for your kind attention and presentation to the Council. The audit was conducted in accordance with current practices and guidelines and testing was risk based. Whilst we have not tested all transactions, our samples have where appropriate covered the entire year to date. Where appropriate recommendations for future action are shown in bold text.

The Accounts and Audit Regulations 2015 require smaller authorities, each financial year, to conduct a review of the effectiveness of the system of internal control and prepare an annual governance statement in accordance with proper practices in relation to accounts. The internal audit reports should therefore be made available to all members to support and inform them when they are considering the authority's approval of the annual governance statement.

### **Interim Audit – Summary Findings**

At the interim visit we reviewed and performed tests on the following areas:

- Review of the Financial Regulations & Standing orders
- Review of the Risk Assessments
- Review of the Budgeting process
- Proper Bookkeeping – review of the use of the accounts package.
- Review of salaries
- Review of fixed asset register

It is our opinion that the systems and internal procedures at Lewes Town Council are very well established, regulated and followed. The clerk ensures the council follows best practice regulations and has over time adapted and changed the internal procedures as regulations and technologies have changed to maintain compliance.

It is clear the council takes governance, policies and procedures very seriously and I am pleased to report that overall the systems and procedures you have in place are entirely fit for purpose and indeed are a model of good practice. I would like to thank Steve and his team for their assistance and hard work.

## **A. Books of Account**

The Council continues to use Sage an industry standard financial accounting package. The Sage system is used daily to report and record the financial transactions of the Council and a review of the cashbook shows that all data fields are being entered, the hard copy reports are easy to read and logically filed.

The finance officer prints off and files in hard copy, bank reconciliation, cashbook, income and expenditure against budget and other reports as fit. This is a clear and easy to follow system and I make no recommendation to change in this process.

My audit testing showed that supporting documentation could be readily located from records recorded on Sage. I make no recommendation to change in this system.

I tested opening balances as at 1.4.17 and confirmed they could be agreed back to the audited accounts for 2016-17.

I confirmed that the Council's last VAT reclaim was April 2017 for the year ended 31<sup>st</sup> March 2017.

The Council is required by law to follow the 2015 Transparency Code, a review of the web site shows that some of the code is being followed, but it is also clear there are some missing. **I have recommended that it would be sensible to carry out a brief audit against the requirements of the Code to ensure that the Council is fully compliant and to this end I have signposted Crowborough Town Council as a good site to review.**

In the light of the new data protection regulations (GDPR); it was noted the Council does not have common email addresses yet – but this is being considered by the clerk.

## **B. Financial Regulations & Payments**

I confirmed by sample testing that Councillors have all signed "Acceptance of Office" forms and register of members interests, in line with regulations.

Standing orders are based on the NALC model and the council has revised and adopted standing orders in March 2015. **These need to be reviewed again.**

Financial regulations are based on an older NALC model and are dated March 2015. The regulations being based on the NALC model contain provisions for the approval of spending, setting of budgets, reconciliation of the bank and reporting to council. **These need to be reviewed again.**

Financial Regulation 4 deals with accounting and audit. The council has in place an audit panel and has fulfilled obligations in respect of internal audit.

Financial regulation 5 & 6 deal with authorisation and making of payments. Cheques require three signatures. Invoices are authorised and a random sample of payments was selected for September 2017. There were no errors and all agreed to the payments list. The council makes payments via cheque, bacs, direct debit and standing order. No cash payments. My only observation is that Regulation 5 & 6 could be reorganised so that regulation 5 deals with authorisation to make payment checking of invoices and regulation 6 deals with the physical payment. The regulations could also make reference to the payment policy (currently a separate document) . **I recommend that upon next review the 2016 NALC model are considered or used as a basis.**

The council has an on-line system with Natwest this has a natural segregation of duties insofar as the same user cannot both create and authorise the same transaction.

### **C. Risk Management & Insurance**

The council has a risk assessments and a risk management policy.

I have confirmed that the Council has a valid insurance certificate. The Council reviews its insurance requirements as part of the renewal process. Asset cover appears adequate; **money cover should be reviewed with the insurance company on next review.**

### **D. Budget, Precept & Reserves**

In accordance with financial regulation 2, I confirmed that the 2018-19 budget and precept setting process was well underway at the time of our interim audit, with initial budget meetings complete. The 2018-19 budget and precept will be approved by the end of January 2018, so all precepting authority deadlines will be met.

The Council was able to demonstrate that budget monitoring reporting to members is comprehensive, and is appropriately minuted. However, at the audit date this had not been completed in full with only one meeting in June 2017. The clerk advises the six month reporting will be brought up to date as soon as possible. I remind council that reporting against budget is a key control, in addition to this standing orders state that quarterly reporting should take place. **I recommend the quarterly reporting is brought up to date in line with the requirements of standing orders and that financial regulations are amended to reflect the samerequirement.**

The council has detailed workings on reserves and anticipates general reserve will be circa £50,000 against a precept of £944k this is too low for a council of this size. The council is aware it has low general reserves and has action plans in place to address this but it is also clear the council is reliant on earmarked reserves not being used in order to support the general reserve. **I would recommend council continue to review its earmarked reserves in detail and reassign and reallocate.**

### **E. Income**

Financial regulations state fees must be reviewed annually. Council reviews and minutes. A random selection showed that council is charging the amounts shown on the printed and published lists.

### **F. Petty cash**

The Council has £225 in petty cash, this was tested and shown to be correct.

### **G. Payroll**

To be tested at year end.

Employees are paid with reference with NJC scales for consistency purposes. The signed minutes show that council approves changes to wages.

### **H. Assets and investments**

The Council has a summary list of assets in the financial accounts and within its working papers a detailed list of individual assets. It is clear that work is ongoing in this area and that more work is required to compile a detailed working register of assets. **I recommend the work on fixed assets continue because having a register will enable councillors to sign off that they are safeguarding public money etc.**

### **I. Bank reconciliations**

The Council has 2 bank accounts all held with Natwest. I have tested that the bank accounts are being reconciled promptly at the end of each month. I also re-performed the October bank reconciliation. I found no error in the reconciliation.

### **J. Year end accounts**

To be tested at year end

**K. Trusteeship**

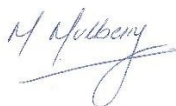
The council is sole managing trustee of The Town Brook Charity for the provision and maintenance of the adjacent recreation ground for the benefit of the public generally and especially the inhabitants of the town of Lewes in the county of East Sussex.

Filing is up to date.

Should you have any queries please do not hesitate to contact me.

Kind regards

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Mulberry', with a stylized flourish at the end.

**Mark Mulberry**



## **NOTICE OF MOTIONS PROPOSED**

Notice has been received, as described below, of motions which are proposed for consideration by Council at its meeting on Thursday 14<sup>th</sup> December 2017

**NOM 012Rev/2017** received from Cllr I Makepeace on 4<sup>th</sup> December 2017, in the following terms:

### **It is proposed that:**

- 1) The Town Council becomes accredited to the Living Wage Foundation. This would cost the Council £120.
- 2) The Council adopts the Friendly Funder Status described by the Living Wage Foundation. See last paragraph for details. There is a potential for a slightly increased cost implication.

### **Supporting Information:**

#### ***Preamble:***

Becoming an Accredited Living Wage Town Council not only sets an excellent example locally, it can also give us the power to influence our local economy through the payment of the Real Living Wage under externally procured contracts.

The Real Living Wage can make a huge difference to the income of our residents, who have increased purchasing power and the opportunity to spend more money locally, which has a multiplier effect in the local economy.

The Accredited Town Council would be particularly well positioned to convene and engage with local businesses in dialogue over pay and to celebrate good business practice locally.

Lewes Town Council became a Living Wage Employer in 2015, and on 15th July 2015 resolved to support the Lewes Living Wage campaign in its work to raise awareness of the issues through the wider business community (FC2015/28.2)

#### ***Notes on Accreditation to the Living Wage Foundation:***

Previously Lewes Town Council has stated

“With regard to the imposition of a contractual obligation upon contractors to pay the LW, a comprehensive legal opinion on this prospect had been obtained which concluded that it was not open to the Council to impose wages clauses on its contractors. That did not prevent a Council from encouraging its contractors to adopt LW but that cannot influence the selection of tenderers or the awarding *etc* of contracts. There were understood to be a few Councils currently requiring third-parties to pay LW. It was recognised by all across the local government professions that this situation was precarious and likely to give rise to judicial review at some point, and it had to be accepted that the Town Council could not afford the risk of becoming such a test case. General advice in the sector indicated that a practical approach would be to introduce contract performance criteria, rather than impose limitations on those eligible to tender. This could require payment of the LW to staff directly employed in the fulfilment of a contract, but would not conflict with other policies individual to the contractor, and would not preclude any company from submitting tenders. It was agreed by the Panel that it would be acceptable to encourage Town Council contractors/suppliers to adopt LW, but not to attempt compulsion.”

Response: Local Authorities are asked to encourage the Living Wage – but not mandate – by considering contracts on a case by case basis. Living Wage accreditation only asked employers to put the rates in place to the extent that it is legal.

#### **To achieve Living Wage accreditation employers must:**

1. Sign a legally binding document\*
2. Pay all directly employed staff the Living Wage; (LTC already does this)

3. Pay regular third party contracted staff - such as cleaners and catering staff - the Living Wage. If it is not possible to move these staff members to the Living Wage straight away, this can be implemented in a phased approach by moving the contracts to Living Wage when possible. Each contract is a milestone in the Licence Agreement.

The Living Wage Employer Mark is awarded by a signed licence agreement between the employer and the Living Wage Foundation. When you join the network:

- You will receive a copy of the Living Wage Employer logo, along with brand guidelines.
- You will be listed on our website and our interactive Employer Map.
- You will be sent a Living Wage plaque and merchandise to celebrate your accreditation.
- You will be invited to take part in Living Wage Week and will be kept up to date with our regular newsletter.

If you are also a grant-making body, you may also be interested in our Living Wage Friendly Funder Mark.

Living Wage Friendly Funders support charities to pay the Living Wage through their grant-making. There are now 29 Living Wage Friendly Funders including the Big Lottery Fund, Lloyds Bank Foundation, Comic Relief, Trust for London and the Nationwide Foundation.

### **To achieve Living Wage Friendly Funder status, grant-makers must:**

1. Become accredited Living Wage Employers;
2. Ensure that guidance to applicants shows that they would like to fund grant funded posts at the Living Wage rate;
3. Support grantees to become Living Wage Employers by signposting them towards the Living Wage Foundation.

### **\* The wording of the relevant passage in the licence:**

Contractors

4.4 The Licensee shall ensure to the extent permitted by law that any of its contractors which supply an employee (other than an apprentice or intern) who provides a service to or on behalf of the Licensee involving 2 or more hours of work in any given day in a week, for 8 or more consecutive weeks in a year on:

4.4.1 the Licensee's premises; and/or

4.4.2 property owned or occupied by the Licensee (including where the Licensee is a tenant and is provided building-related services through a Lease); and/or

4.4.3 land which the Licensee is responsible for maintaining or on which it is required to work shall adopt the measures set out in clause 4.2 and 4.3 in relation to such individuals as if they were the Licensee's employees in respect of that employee's work for the Licensee.

Sub-Contractors

4.5 The Licensee shall ensure to the extent permitted by law that any of its contractors which supply a sub-contracted employee who provides a service that falls within the parameters of clause 4.4, adopt the measures set out in clauses 4.2 and 4.3 in relation to such individuals as if they were the Licensee's employees in respect of that employee's work for the Licensee.

*Cllr I Makepeace  
4<sup>th</sup> December 2017*