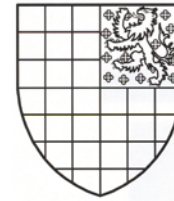


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**LEWES
TOWN
COUNCIL**

To All Members of Lewes Town Council

A Meeting of **Lewes Town Council** will be held on **Thursday 22nd January 2015**,
in the **Council Chamber, Town Hall, Lewes** at **7:30 pm** which you are requested to attend.

S Brigden, Town Clerk
14th January 2015

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 meeting held on 11th December 2014.

(attached page 3)

6. WORKING PARTIES & OUTSIDE BODIES

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

a) *All Saints Steering Group 8th January 2015*

(draft Minutes attached page 10)

b) *Audit Panel meeting 20th January 2015*

(draft Minutes will be distributed at the meeting)

7. ELECTRONIC DELIVERY OF SUMMONS

To note recent legislative amendments

(Report FC013/2014 attached page 12)

8. GOVERNMENT CONSULTATION on PARISH POLLS

To consider a corporate response to this consultation

(background and draft proposal attached page 13)

9. UPDATE ON MATTERS IN PROGRESS *Oral report by Town Clerk (for information only) including:*

- Insurance update
- Tree Surveys
- Local Councils Award Scheme
- Devolved ownership of Malling Recreation Ground and Landport Bottom

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



PUBLIC ATTENDANCE: Members of the public have the right, and are welcome, to attend meetings of the Council – questions regarding items on this agenda may be heard at the start of each meeting with the Chairman's consent, and 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. General questions can be raised at our offices between 9am-5pm Mons - Thurs; 9am-4pm on Fridays – our staff will be pleased to assist.

Copies for information: T/hall; LTC website; Lewes Library, Sx. Express, E.Argus, Mayor's Chaplain, Sx. Police, N Baker MP, LDC, ESCC, Fr'ds of Lewes

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MINUTES

Of the meeting of **Lewes Town Council** held on
Thursday 11th December 2014, in the **Council Chamber, Town Hall, Lewes** at **7:30pm**.

NB if a record of voting was requested, this is shown in a table appended to these Minutes.

PRESENT: Councillors L Allsobrook; S Catlin (Wischhusen); M Chartier; J Daly; J Lamb; D Lamport; L F Li (*Deputy Mayor*); G Mayhew; R Murray; S Murray; R O'Keeffe; A Price; J Stockdale and Dr M Turner (*Mayor*)

In attendance: S Brigden (*Town Clerk [TC]*); Mrs F Garth (*Civic Officer & Asst. Town Clerk*); L Symons (*Mace Bearer*); Mrs E Tingley (*C'ttee Administration*)

Observing: Mr B Courage (*Town Ranger*); Ms J Dean (*Customer Services Officer*); Ms V McLachlan (*Finance Administration Officer*)

FC2014/75 **QUESTION TIME:** No questions were asked. One member of the public present.

FC2014/76 **MEMBERS' DECLARATIONS OF INTEREST:** Cllr S Catlin declared an interest *iro* item 5a (Grants Panel recommendations) in that he is Chairman of the Phoenix Talking Post, Cllr E Allsobrook declared an interest *iro* item 9 (Neighbourhood Plan Consultant) in that one of the prospective contractors who submitted a tender was her previous employer and Cllr R O'Keeffe declared an interest *iro* item 5a (Grants Panel recommendations) in that she was a member of several of the applicant bodies.

FC2014/77 **APOLOGIES FOR ABSENCE:** Apologies had been received from Cllrs J MacCleary and M Milner who had work commitments. There had been no message from Cllrs A Dean or I Eiloart.

FC2014/78 **MAYOR'S ANNOUNCEMENTS:**

a) The Mayor informed Members of the death of Gladys Yarrow who had been Mayoress to Reg Yarrow, Mayor of the Borough in 1960 – 1961 – 1962 and 1969 – 1970 and the Mayor of the Town in 1984 – 1985. Mrs Yarrow had made a great contribution to the town: running the 1st Lewes Cubs throughout the 1950's; assisting at Round Table events; Town Twinning; Poppy Day collections; serving at the House of Friendship and much more. Details of the funeral arrangements had been circulated.

b) The Mayor announced that Emma Tingley would record 20 years' service to the Town Council on 3rd January 2015. Lee Symons would mark his 20th year at the Town Hall in March 2015. Both were congratulated and thanked for their loyal service.

c) A Civic Carol Concert would be held at 7.30pm on Wednesday 17th December 2014 at St Anne's Church; with carols by candlelight followed by homemade mince pies and wine.

d) The Mayor's Christmas Dinner would be held on Thursday 18th December at 6.30pm in the Council Chamber.

e) Lewes Concert Orchestra would be giving a Christmas Concert in the Assembly Room in the Town Hall on Friday 19th December at 7.30pm.

f) An East Sussex County Council survey on countryside access and Rights of Way was appended to the Agenda. Responses were requested online and Cllr S Murray volunteered to collate comments from Members and submit them.

g) Lewes, Glynde and Beddingham Brass Band would be hosting a quiz night on 10th January 2015.

FC2014/79

MINUTES:

The Minutes of the Council meeting held on 6th November 2014 were received and signed as an accurate record.

FC2014/80

WORKING PARTIES AND OUTSIDE BODIES:

Members are 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] *Grants Panel 26th November 2014:* Members considered Report FC011/2014 (*Copy in minute book*) containing the Panel's recommendations for payment of grants for the third (of four) cycle of the year. Following one or two questions on detail, **it was resolved that:**

FC2014/80.1 Grant payments recommended in Column G of the appendix to Report FC011/2014 (*Copy in minute book*) be approved

b] *Finance Working Party meeting 2nd December 2014:* The working party had examined the detail of estimated expenditure and income for the Council's operations, and recommended a budget and level of Council Tax precept for the 2015/16 year, having made appropriate provision for items to form the Council Plan for 2015/16.

There was a continuing lack of clarity over the Government's intentions for capping Council Tax increases, with no formal announcement made for 2015/16.

In the year of introduction (2013/14) of the Government's Council Tax Support Grant scheme, Lewes District Council had passed-on the whole amount which had been sufficient to maintain the Town Council's band 'D' precept unchanged. However; this was reduced for 2014/15 by £15,737 (18%), and was to reduce again by £11,030 (15%) for 2015/16 (and reduce to nil at some point in the near future). The Town Council (LTC) therefore faced an enforced increase to precept to simply maintain budgeted nett expenditure at the present level.

The Working Party had considered the service budget estimates for 2015/16 (*copies in the minute book*). The assumptions and basic principles applied in compiling the proposed budget had been commended by the Council's independent auditor, who stated: "*I would go so far as to say the budgeting process at the council is a model of clarity and a good model for other councils*". Various adjustments had been made to accommodate the agreed acceptance of parks and open spaces devolved from Lewes District Council, and other items resolved by Council. Budgets had been drafted to take account of :

- Provision for known/anticipated increases in public Utility supplies, NNDR *etc.*
- Adjustments for completed and imminent (previously-approved) projects.
- Provision for elements identified in the Council's forward plan.
- Establishment of appropriate reserves for anticipated projects.
- Provision for anticipated increases in insurance and other overhead costs *etc.*
- Provision for known increase in employers' pension contribution.
- Refinements of overhead allocation to services and base service cost estimates.
- Recognition of anticipated adjustment to salaries.
- Provision for known and anticipated increases in cost of contracted services.
- Re-establishment of exhausted reserves and continuation of prudent contributions.

- Provision for costs of assets or services accepted through devolution by Lewes District Council, and for necessary transitional costs.
- Fees & charges tariff increase of 3%, rounded to an appropriate value for the service concerned.

It was acknowledged that there was a continuing need to address the proper maintenance of the Council's physical assets and adequately fund continuing services.

The draft budget combined specific amounts for known costs and committed project items, with prudent allowances for reserves, and provided for a flexible response to any devolution proposals. Following several years with no growth this had been achieved with only a modest £4,000 increase in estimated nett expenditure, equal to less than half of one percent. To offset the reduced support grant necessitated a further increase; giving a precept increase of £15,030 – equal to 2%. Most of the reserves earmarked for the Council's significant service and project requirements were considered suitably robust and adequate to fulfil their purpose.

The Council's forward plan was considered, and it was understood that this involved significant burden on the Council's existing staff and resources, and was as expansive as could be practically undertaken. Members had recognized that some projects could exceed original "informed guess" estimates of cost, and earmarked reserves could be insufficient. Building and engineering works were of particular concern in this regard, as the Council's assets had all been taken-on with considerable historic dilapidation, and contexts such as heritage listing status. It was considered that there was no other organization in a position to offer appropriate support for such as the Town Hall; All Saints Centre; Malling Community Centre or the Pells, which were such important and well-used local community assets. Projects could be "topped-up" by drawing from the General Fund which, although adequate, would then need to be restored in future years to the levels recommended by government auditors.

With these issues in mind, a forward plan was submitted, and it was proposed that Council approve the operational service budgets as presented, and to choose between two options for the level of precept – either the value of a 2% increase, or a 4% increase; allowing for an additional £15,000 contribution to the reserve earmarked for the (imminent) refurbishment of the Town Hall.

After some discussion and consideration of alternative points-of-view, **it was resolved that** *(a recorded vote was requested, a record of which is appended to these minutes):*

FC2014/80.2 The budgets for estimated operational service expenditure and income for the 2015/16 financial year; as recommended by the Finance Working Party following its meeting on 2nd December 2014 *(Copies in minute book)*, be approved.

FC2014/80.3 The total sum to be raised by precept on council tax for 2015/16 be set at £780,496 when anticipated Council Tax Support Grant of £62,504 is accounted-for. (To service a nett requirement of £843,000).

FC2014/80.4 The Council Plan for 2015/16 proposed by the Finance Working Party following its meeting on 2nd December 2014 *(Copy in minute book)*, is approved.

c] *Neighbourhood Plan Steering Group (LNPSG) meeting 8th December 2014:* Cllr Turner reported that a sub-group of the LNPSG had been tasked with overseeing a tender for commission of a managing Consultant. Seventeen expressions of interest were received, although only five organizations submitted bids. These had been analysed, with 70% bias towards qualitative criteria and 30% towards cost. Three prospective consultants were interviewed and panellists were unanimous in recommending one. Council would be asked to agree this recommendation following consideration of further details later in the meeting (agenda item 9). **It was resolved that:**

FC2014/80.5 The report of the meeting of the Neighbourhood Plan Steering Group held on 8th December 2014 is noted.

d] *Lewes & Seaford Citizens Advice Bureau (CAB)*: Cllr Catlin reported that a new five year lease had been signed on the property where CAB is based. Weekly outreach clinics were also being held at Southover House where clients could be put directly in contact with benefits advisers. In their second quarter 60 clients had attended CAB from Bridge Ward, 62 from Castle Ward and 53 from Priority Ward. There was a notable presence from age groups 20-24yrs and 60-64. The subject that caused most concern was debt. CAB had obtained financial help during that quarter totalling £32,764 from various agencies to help their clients.

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

FC2014/80.6 The report on Lewes & Seaford Citizens Advice Bureau is noted.

e] *Request by Cllr Lamb to be appointed to the Buildings Working Party dealing with Town Hall and Malling Community Centre refurbishment:*

It was resolved that:

FC2014/80.7 Cllr Lamb be appointed to the Working Party dealing with refurbishment projects at the Town Hall and Malling Community Centre.

FC2014/81

UPDATE ON MATTERS IN PROGRESS:

a) *North Street Quarter/Pells* – The North Street Quarter Board Meeting had been deferred and would be held on Monday 15th December 2014. The Santon/LDC planning application submission was expected in January.

b) *Building repairs/refurbishment* –. A preliminary ‘order of costs’ report had been received from surveyors *in* the Town Hall. This formed a basis for the detailed specification that would be put out to tender in January, allowing a month for businesses interested in pricing for the work to bid; with tenders being assessed in March and work being undertaken in May, with an anticipated duration of around 20 weeks. Pre-application discussions with the district Conservation Officer and English Heritage had raised no points of concern, and it was anticipated that the significance of the building would make the project interesting to a number of specialist contractors. It was encouraging that the original informed estimates of cost following the first close-quarters inspection had proved reasonably accurate compared with the latest professional costing exercise, although the more detailed later survey (including penetrative investigations and laser scanning) had uncovered significant and substantial additional defects which increased the likely cost. More would be known following the specification and tender stages.

c) *‘Our Pictures’ project* – Two meetings had been held with volunteers, and there was significant interest and support for the research and for a long-term legacy of improved access and curation of the pictures. Two preliminary estimates had been received for the restoration of the pictures, which differed significantly. These were being carefully assessed with the help of expert advice, and the effect on the level of potential Lottery grant funding evaluated.

d) *Tree Surveys* – Love Lane tree belt had been surveyed and it was understood that there was little found that deserved urgent attention. Other areas were to be surveyed in the New Year, and a collated report would follow.

FC2014/82

NOTICE of ITEMS IN PROSPECT:

a) The next Planning Committee Meetings would be on Tuesday 16th December and Tuesday 13th January at 7pm in the Yarrow Room.

b) The deadline for Grant applications for the next cycle was Friday 23rd January, with the assessment Panel meeting on 4th February and recommendations being considered by Council on 26th February.

c) The next Council Meeting would be on Thursday 22nd January at 7.30pm with the

deadline for submissions to the Town Clerk of proposed items for the agenda being 12 noon on Monday 12th January.

d) The office would close for the Christmas break on Wednesday 24th December at 1.00pm and re-open on Monday 5th January at 9.00am.

g) Dates would be confirmed for meetings of various Working Parties and liaison groups.

FC2014/83

NEIGHBOURHOOD PLANNING CONSULTANT:

At this point the Mayor proposed, and it was **resolved**:

FC2014/83.1 *That in view of the confidential nature of the business to be transacted during the remainder of the meeting, being tendered costs for a contract to supply specialist services (which remain commercially-sensitive at this time); pursuant to the Public Bodies (Admission to Meetings) Act 1960; any members of the press of public present be excluded and instructed to withdraw.*

The public observer duly left the chamber.

FC2014/84

Members considered report FC-ER-012/2014 recommending engagement of a consultant to manage the Neighbourhood Plan process, as proposed by the Lewes Neighbourhood Plan Steering Group.

The report provided background on the Lewes Neighbourhood Plan Steering Group (LNPSG) which the Council had set-up in 2013. The initial list of community organisations was augmented by the time of the inception meeting of this group in November 2013 and further representatives had come forward following public engagement exercises. The Steering Group had adopted operating models that were successfully employed by similar groups elsewhere, which were further ahead in their local process. Members and Officers of the South Downs National Park Authority (SDNPA) regularly attended and participated in meetings, and the SDNPA had contributed funds to the process in addition to its obligations with regards to the statutory phase.

The Council had also engaged with the *Community 21 – Young Digital Citizen* project – a Nominet Trust funded project involving young people in community design and neighbourhood planning through the use of accessible technology. Developed by *Community 21* (an initiative of the University of Brighton and Action in Rural Sussex), young people were engaged using new technologies to elicit their hopes and aspirations for their own future environment.

Since inception, the LNPSG had carried out various community engagement activities and started to analyse feedback. The Steering Group was now seeking specialist professional assistance to manage the formal process; helping the group to identify all relevant data; develop evidence and obtain public feedback to support a master plan for Lewes. The plan would incorporate housing site allocation; green infrastructure; community facilities and infrastructure; enhance existing sustainable transport/street routes in and around the town; protect and enhance the built and natural environment, and reflect the aspirations of the Lewes community.

A panel of five was set up to invite prospective consultants; evaluate incoming bids and then interview shortlisted applicants. Invitations resulted in seventeen initial expressions of interest, and five very comprehensive and informative bids were received and assessed. These were subjected to a structured evaluation by the panel of five assessors. Bids were scored independently by each panellist against five criteria. Equal importance was given to each of these, with 70% weighting given to the quality context overall and 30% given to cost, the sixth criteria.

The panel conducted interviews with three shortlisted candidates on 1st December 2014 and were unanimous in their recommendation for the commission. This consultancy demonstrated the requisite abilities; resources; and understanding to the

satisfaction of all panellists and was believed to offer the best overall value and best “fit” with the aspirations of the steering group.

The cost proposed by each candidate in their bids was acknowledged to be a benchmark, as there were several areas in the forthcoming programme of work where exact cost was difficult to estimate. Hourly and day rates for specified personnel, which might apply in such instances, were considered fair and reasonable. It was considered prudent to estimate a maximum overall cost by the end of the process of £50,000.

It was resolved that:

FC2014/84.1 Lewes Town Council will commission Feria Urbanism to work at the direction of the Lewes Neighbourhood Plan Steering Group to manage the process of developing the neighbourhood plan to its conclusion, on the basis of the tender submitted. Costs of this work to be drawn from the established financial reserve earmarked for the purpose (shown in the Councils accounts as Fund P5).

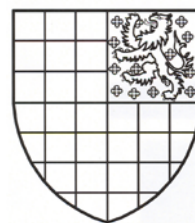
FC2014/85

There being no further business the Mayor declared the meeting closed, and invited those present to join him in the Parlour for refreshments.

The meeting ended at 9:05pm

Signed:

Date:



MINUTES

of the meeting of the **All Saints Centre (ASC) Steering Group** held on **Thursday 8th January 2015**, in the **Yarrow Room, Town Hall, Lewes at 10:00am.**

PRESENT Cllrs Catlin (Wischhusen); Chartier; J Daly; M Milner; S Murray, R O'Keeffe; A Price, and Dr M Turner (*Chairman*).

In attendance: S Brigden (*Town Clerk [TC]*); Miss H Roxx (*Asst. Manager, All Saints Centre*)

ASCSG2014/09 ELECTION OF CHAIRMAN:

Cllr Turner was elected Chairman.

ASCSG2014/10 QUESTIONS:

There were none. (No public or press were present)

ASCSG2014/11 APOLOGIES for ABSENCE:

There were none.

ASCSG2014/12 DECLARATIONS OF INTEREST:

There were none

ASCSG2014/13 MINUTES:

The minutes of the meeting held on 10th October 2014 were received and signed as a correct record.

ASCSG2014/14 BUSINESS OF THE MEETING:

1 It was agreed that the meeting would, if still in progress at 10:55am, adjourn for 15 minutes to allow members to attend a small event to be held to demonstrate support for the French nation following recent atrocities in Paris.

2 Members considered that: once the new lighting truss was fixed in its permanent location, it would be appropriate to upgrade the centre's lighting equipment to provide basic facilities to a modern standard. The truss would allow hirers to attach modern industry-standard lighting for their own specialized requirements but the Centre's own equipment was very dated and may no longer provide the quality of light or controllability that was expected. There was an agreed budget for 'routine' maintenance and upgrade but it was accepted this may not be adequate for the proposed purpose. Cllr Milner, a professional lighting engineer with qualifications in theatre/stage lighting, offered to advise on appropriate items to purchase, which would then allow an upgrade to be costed. Should the proposals exceed available budget, Council could be asked to agree this as a separate project.

3 *Film@AllSaints* performance statistics for the screenings up to the previous weekend were discussed. Audience numbers continued to rise and there had recently been one screening that attracted 211 – almost a full house (*ASC licensed capacity 217*). The operation overall was showing a financial surplus from both film tickets and kiosk sales, and the number of both individual screenings and whole weekends which showed surplus income were both in the majority for the first time. Audience feedback on the effectiveness of advertisements continued to suggest that posters and the Viva Lewes advertisements were the most helpful. Posters were no longer being defaced or removed, and this was starting to have a positive effect.

4 Specialist advice had been previously considered as to the potential for fitting digital projection (DCP) equipment, and the likely cost. A replacement screen, which would also enhance sound quality by allowing better positioning of speaker units, had been agreed at the previous meeting and subsequently approved

by Council. In discussing quotes for supply of this item, Lewes Film Club (LFC) had again propounded the benefits of installing DCP equipment. It was agreed that the end of the cinema service at Lewes Little Theatre had affected this context. The prospect of a new purpose-built cinema (The Depot) was nearer since the developer had recently obtained planning consent, but it was understood that there were other consents to be agreed and that these had the capacity to cause significant delay, or even revision of the plan. It was **agreed** that the purchase of a new screen and further consideration of DCP equipment would be deferred until there was more information on the position of LFC as a funding partner, and the precise cost for an appropriate installation. The previously-mandated 'minigroup' of Cllrs Catlin and Turner; the Town Clerk and the ASC Manager were asked to investigate further and discuss options with LFC.

4 The meeting was recessed at this point (10:55am), and resumed at 11:15am

5 Upon resumption of the discussions, Cllr Turner left the meeting to attend another appointment, and Cllr Chartier was elected to the Chair for the remainder of the meeting.

6 There followed a general discussion on the usage levels of the Centre and the range of activities currently seen. The Assistant Manager confirmed that there were only one or two 'free' periods available to hire in the next six months (the limit of the booking diary) and that this position was typical. It was acknowledged that the increase in hired hours seen each year since a permanent staff was established may now have reached a plateau, as there were so few operating hours available before absolute capacity was reached. In terms of the range of activities, this continued to be a broad mix and All Saints fulfilled its remit as a community; arts, and youth centre. It was anticipated that: should any current user cease to operate there were many potential alternative uses and hirers which would replace them. It was agreed that a simple graphical representation or analysis of the current usage profile would be useful, and TC undertook to provide this. There was no practical means of extending the time available, or increasing the space available to hire.

7 It was noted that the churchyard itself was an attractive feature of the Centre and this gave rise to a question regarding its status. TC briefly summarized the background, and noted that the churchyard was declared "closed" to further burials before the premises were given to the Town. Responsibility for basic maintenance had been passed, under an obscure legal provision, to Lewes District Council and was routinely carried out by their contractors. Centre staff had traditionally augmented this work, and recently Cllr Catlin had assisted as a volunteer in clearing excess growth from hard-to-reach areas of the site and restricting re-growth. Thanks were recorded for this contribution.

ASCSG2014/15

RECOMMENDATIONS/CONCLUSIONS:

There were no specific recommendations arising for consideration by Council. Further discussions would be held on the matter of DCP equipment once more detail was established.

ASCSG2014/16

There being no other business, the Chairman declared the meeting closed and thanked everyone for their contribution.

The meeting closed at 11:30am

Agenda Item No: 7 **Report No:** FC013/2014
Report Title: Legislative amendment – Electronic delivery of meetings Summons
Report To: Full Council **Date:** 22nd January 2015
Report By: S Brigden, Town Clerk

Purpose of Report: To advise Members of the legislative amendment that will allow for electronic service of meetings Agenda

Recommendation(s):

- 1 That this report be noted.
-

Information:

The Local Government Act 1972 sch 12 para 10(2) is now amended by The Local Government (Electronic Communications)(England) Order 2015/5), which was laid before Parliament on 7th January 2015.

This Order modifies provisions in the Local Government Act 1972 for the purpose of enabling and facilitating the use of electronic communications in the sending of summonses to members of both principal councils and parish councils in England to meetings of those authorities.

Members only receive summonses electronically where they consent to it being transmitted by this method and they may at any time withdraw their consent.

The proper officer of the Council must send to each member a summons to attend meetings of the parish council (or committee/sub-committee/working-party) at least three clear days before the meeting, as before, but an additional option is now provided as:

(i) leaving it at, or sending it by post to the member's usual place of residence, **or**

(ii) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address.

The new provisions come into force on 30 January 2015.

A copy of the Order can be accessed here:

http://www.legislation.gov.uk/ukxi/2015/5/pdfs/ukxi_20150005_en.pdf

There is actually a minor drafting error in the Order but this does not compromise its effect.

The new arrangements do not avoid the need for a paper notice to be given to the public nor do they allow for the posting of members' summonses on the website alone.

S Brigden
14th January 2015

PARISH POLLS – GOVERNMENT CONSULTATION ON PROPOSED CHANGES

The Department for Communities and Local Government is undertaking a consultation on the modernisation of parish polls, *“with the aim of bringing the process up to date and ensuring that parish polls continue to provide a legitimate method for local communities to have a voice on issues that directly relate to parish matters”*. Responses must be received by 30 January 2015.

A parish poll is unique to the parish level of local government. It is the procedure whereby a ballot of local government electors in the parish can be called on any question arising at a parish meeting. For parishes with parish councils, a parish meeting is normally held once a year, but extraordinary parish meetings can be convened at any time by the parish chairman, by two parish councillors, or by six or more local government electors for the parish.

At parish meetings local electors can raise any matter affecting parish business and can vote on any question put before the meeting which it is appropriate for a parish to consider. A poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting; and is held if either the person presiding at the meeting consents; or if demanded by not less than ten, or one-third, of the local government electors present at the meeting, whichever is less. So if the parish meeting is attended by 6 people, just 2 electors can effectively require a poll to be held.

Polling takes place between 4pm and 9pm on a day between 14 and 25 days after the day on which the poll was demanded. There is no legal requirement for polling cards, postal or proxy votes, but these are often provided. There is no requirement for adjustments for the disabled. The poll is not binding, so the results of the poll do not have to be followed by the parish council.

The cost of a poll is met by the parish council. For a parish the size of Lewes this is likely (under current poll arrangements) to be about £12,000.

A number of issues have been identified with the current arrangements.

- Parish polls are a very high-cost method of public consultation.
- The number of electors to trigger a poll is very low. Quite often it is just a few electors who demand a poll, and even if the majority at a meeting votes against the matter, the poll still has to be held if demanded by “not less than ten, or one-third, of the electors present”. There is no requirement to give any advance notice of the question to be raised, or that a poll is likely to be demanded on the question.
- There is no restriction on the number of polls that can be held, so a repeated series of polls can be demanded, even on the same matter. The cumulative effect can be extremely costly for the council and its council tax payers.
- The numbers voting at parish polls are usually very low.
- As all costs of the poll are met by the parish, this can have significant financial consequences for parish councils and tax payers.

In 2007 and 2008 parish polls were called in numerous parishes on the question: “Do you want a referendum on the EU constitutional treaty?” Some of these polls were actually held, until the Audit Commission issued guidance that this was not a “parish matter”, and so any council expenditure on such polls would be unlawful. Various parish polls continue to be demanded each year on issues such as allotments, individual planning applications, care home closures, etc. In one parish of over 25,000 electors, 10 people out of 100 present at a parish meeting called for a parish poll, which resulted in a turnout of just 4%. It is for a District Returning Officer to decide on the appropriateness of the question. This creates a tendency to “allow” inappropriate questions rather than risk the high costs of Judicial Review.

In response to concerns about parish polls, Section 42 of the Local Audit and Accountability Act 2014 created a power for the Secretary of State to make regulations on parish polls, and the intention is that these powers are now used to provide new regulations which will: *“modernise the parish poll process, whilst maintaining the essence of this important democratic tool and preserving the mechanism of calling a poll at a parish meeting”*.

In brief, the proposals are:

- a.) to increase the trigger for the number of electors needed to call a poll, so as to limit “vexatious, unnecessary and otherwise inappropriate use of polls”.
- b.) to more closely define the questions on which a parish poll can be held, so that questions posed are on appropriate local issues.
- c.) to update the voting arrangements to improve access, and to modernise the polling procedure to bring mechanisms in line with other local government polls.
- d.) to make various associated changes.

a.) Trigger

The Government proposes that:

No poll shall be taken unless the poll is demanded by the majority of local government electors present at the meeting and the electors demanding a poll constitute not less than 10% of local government electors for the community, or 60 electors (if 10% of electors exceeds 60).

In addition the Government proposes to remove the ability for the person presiding at the meeting, alone, to call a poll. This would be replaced by a provision which allows for a poll to be called on an appropriate issue if the majority of the members (councillors) of a parish council agree.

b.) The questions on which a poll can be held

At present a parish poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting. The question for the poll can be decided at the meeting. In the proposed regulations the Government intends to provide a better definition of the legal basis on which a poll can be held, by providing that:

“a poll can be called on any question arising at a meeting which concerns affairs which relate to a parish council/ meeting’s functions and meets the following criteria:

- 1. The subject matter was discussed at the parish meeting;*
- 2. the subject matter directly affects those who live and/or work in the parish; and*
- 3. the parish council/ meeting has the capacity to make a decision on the subject matter including any decision as a statutory consultee, but not including a decision simply to agree a declaratory statement on the matter.”*

To further prevent inappropriate polls being called, the Government intends to allow the Monitoring Officer of a principal council to have discretion to reject a poll which they feel does not meet the legal criteria.

c.) Polling Arrangements

At present voting can only take place between the hours of 4 pm and 9 pm. There is no provision for polling cards, postal or proxy votes, and although often provided, there is no requirement for adjustments for the disabled. Once a poll has been called it must be held within 14-25 days. The changes proposed by the Government are:

- *that a poll must be open from 7am to 10pm*
- *that the same facilities for disabled people as used in other polls/referendums must be provided (e.g. allow documents to be translated into braille and provided in audio format, and the use of ramps at polling stations to make them accessible for disabled voters)*
- *that the poll may be conducted in accordance with such rules as applicable to the conduct of other polls as the Returning Officer considers appropriate, subject to the inclusion of postal and proxy voting for the poll being with the agreement of the parish council*
- *that at the discretion of the principal council’s Returning Officer, a parish poll may be combined, if timing permits, with another poll, and in this situation a parish poll must be conducted according to the rules of the other poll.*

The effect of the new requirements in a.) and b.) above will mean that fewer polls are likely to be held, and that those which are held are more likely to reflect genuine local concerns. However, the four new voting arrangements in c.) above will triple the hours that a poll is open, and so considerably increase the cost of each poll.

d.) other proposed changes

The Government also proposes a number of related changes, as follows:

- The date for calculating the number of electors will be standardised at 1 December.
- Multiple polls on the same question will be restricted by a new provision that only one poll can be called on the same subject in a 12 month period.
- The Returning Officer from the parish's principal council must announce the results on their website, and also on parish and town council websites where these are available.
- Returning Officers will be encouraged to provide a parish with an estimate of costs, once a poll has been called and election arrangements agreed.
- A short, factual, balanced statement can be issued by the parish council to help inform voters on the matter of the poll. The principal council's Monitoring Officer would need to approve such a statement.

PARISH POLLS – GOVERNMENT CONSULTATION ON PROPOSED CHANGES

List of consultation questions and proposed responses (in blue):

Q1. What are your views on the proposed trigger?

The proposal is to provide in regulations that:

No poll shall be taken unless the poll is demanded by the majority of local government electors present at the meeting and the electors demanding a poll constitute not less than: 1) 10% of local government electors for the community, or 2) 60 electors (if 10% of electors exceeds 60)

Lewes Town Council response:

Lewes Town Council welcomes the higher threshold to the trigger, but seriously doubts that parish polls will ever represent ‘value for money’ as a means of public consultation. This is because of the high cost of conducting a poll when set against the low turnouts, and the fact that the result of a parish poll is not binding on anyone.

At a time when central government is aiming to reduce unnecessary ‘red-tape’ and is making stringent cuts in local government funding, it seems somewhat perverse to perpetuate a law which can require a council to hold a poll, the cost of which could involve unbudgeted expenditure which may in itself be more than the threshold value at which the government still threatens to trigger a referendum for ‘excessive’ parish expenditure. No other level of local government is subject to such polls.

Parish polls are an anachronism, as a means of consultation. In an age of the internet with websites and email *etc*, there are many alternative ways which electors can make their views widely known. Larger parishes may have staffed offices, and most parish councils hold a public forum before their normal council meeting, which enables electors to raise any matters directly with the council. The legislation should provide that no poll may be called if the parish council holds a public forum session at each normal council meeting.

It is a legal requirement that the agenda for a parish council meeting, “must specify the nature of the business to be transacted”, which is designed to provide a safeguard so that councillors have prior knowledge of the matters to be discussed. But there is no such requirement for parish meetings, and a question can be put to the meeting without notice, and a poll on this can be demanded without notice, thereby committing the parish council to meet the high costs of a poll.

If a poll is to be held, it should therefore be an additional requirement that no poll can be demanded unless the notice for the parish meeting, published 14 days before the date of the meeting, includes the wording of the question, and the fact that a poll may be requested. This would mean that the elector(s) proposing the question would need to give advance notice to the chairman of the parish council so that the item could be duly included in the notice of the parish meeting. Alternatively, if a question on which a poll is requested arises at a parish meeting for which due notice has not been given as above, then a further parish meeting should be held within 25 days at which the question and request for a poll is put (with due notice on the agenda). This procedure would allow a greater number of electors to be aware of the question and possible poll request, and so attend the meeting. It would also allow the returning officer to provide an estimate of the cost of holding a poll, which electors at the parish meeting could then consider as a relevant factor in determining whether or not to request a poll.

Q2. What are your views on the Government’s proposal to modernise voting arrangements?

The proposal is to provide in regulations:

- that a poll must be open from 7 a.m. to 10 p.m.
- that the same facilities for disabled people as used in other polls/referendums must be provided (*e.g. allow documents to be translated into braille and provided in audio format, and the use of ramps at polling stations to make them accessible for disabled voters*);

- that the poll may be conducted in accordance with such rules as applicable to the conduct of other polls as the Returning Officer considers appropriate, subject to the inclusion of postal and proxy voting for the poll being with the agreement of the parish council;
- that at the discretion of the principal council's Returning Officer, a parish poll may be combined, if timing permits, with another poll. In this situation a parish poll must be conducted according to the rules of the other poll.

Lewes Town Council response:

The new proposals would increase the duration of the poll from 5 hours to 15 hours, which together with the other supporting changes, is likely to increase the cost of the poll significantly. The indirect costs and effects of extending the poll duration should also be considered. For example, polls can use schools 'free of charge' (including academies and free schools), and also use buildings such as community halls. Extending the poll hours to the proposed 7am to 10pm, could mean pupils losing a day's education, and the cancellation of other events in community halls *etc.*

The hours of the poll should therefore remain as 4pm to 9pm, unless the timing permits it to be held with another poll when it may be conducted according to the rules of the other poll.

Q3. Do you consider that the proposed criteria sufficiently tighten the subject matter so that a poll can only be held on a parish issue?

The proposal is to provide in regulations that:

A poll can be called on any question arising at a meeting which concerns affairs which relate to a parish council/meetings functions and meets the following criteria:

1. The subject matter was discussed at the parish meeting.
2. The subject matter directly affects those who live and/or work in the parish; and
3. The parish council/meeting has the capacity to make a decision on the subject matter including any decision as a statutory consultee, but not including a decision simply to agree a declaratory statement on the matter.

Lewes Town Council Response:

The wording of item 3 should be changed to "The parish council/meeting has the capacity to make a decision on the subject matter, but not including a decision simply to agree a declaratory statement on the matter, or where the parish council is acting as a consultee."

The cost of holding a non-binding poll will not be justified if the role of the parish is simply as a consultee (*e.g.* on an individual planning application). In these circumstances the electors can raise their concerns directly with the decision-making body as part of the consultation process.

Q4. What are your views on the proposals to:

A: Change the calculation date for the number of electors on the electoral register to 1 December - bringing calculation time in line with other legislation.

B: Provide that only one poll can be called on the same subject in a 12 month period.

C: Provide that principal councils should place the results on their website and also on parish and town council websites, where these are available.

D: Issue guidance and encourage Returning Officers to provide a parish with an estimate of costs once a poll has been called and election arrangements agreed.

E: Provide that after a poll has been called, the parish council should be able to publish a short, factual, balanced and objective statement about the question of the poll.

Lewes Town Council Response:

Lewes Town Council agree with A, B, and C.

Items D and E should be amended so that (in accordance with this Council's response to Q1 above) the estimated cost of the poll, together with the parish council's factual statement, can be considered by electors at the parish meeting at which the question and possible poll request are agenda items, these being relevant factors for electors to take into consideration when deciding whether or not a poll should be demanded.