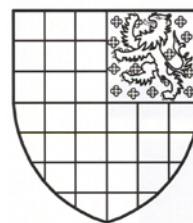


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**LEWES
TOWN
COUNCIL**

MINUTES

Of the **Meeting of Lewes Town Council**,

held on **Thursday 25th February 2016**, in the **Council Chamber, Town Hall, Lewes** at **7:30pm**.

PRESENT Councillors A Ashby; A Barker; R Burrows; S Catlin; M Chartier; D Cooper; J Lamb; I Makepeace (*Deputy Mayor*); Dr G Mayhew; M Milner; R Murray; S Murray (*Mayor*); O'Keeffe; T Rowell and E Watts.

In attendance: S Brigden (*Town Clerk*); Mrs F Garth (*Asst TCCivic Officer*)

Observing: Ms V McLachlan (*Finance Administration Officer*); B Courage (*Town Ranger*)

FC2015/101 QUESTION TIME: 2 Members of the public were present. Two questions had been received, which were received and answered. These questions and the answers given are appended to these minutes.

FC2015/102 MEMBERS' DECLARATIONS OF INTERESTS: There were none.

FC2015/103 APOLOGIES FOR ABSENCE: Apologies had been received from Cllr Dr Bolt and Cllr Elliott, both of whom had unavoidable work commitments. It was **resolved that:**

FC2015/103.1 Reasons submitted for absence from this meeting are accepted.

FC2015/104 MAYOR'S ANNOUNCEMENTS:

A reply had been received from Leader of Lewes District Council to the Council's letter regarding the Boxing Day Hunt and process for considering applications for road closures. A copy had been distributed to all Members, and the issue would arise later on the agenda (listed as item [6f]).

FC2015/105 MINUTES:

Minutes of the meeting held on 21st January 2016 were received and signed as an accurate record.

FC2015/106 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] Personnel Panel 20th January 2016: Cllr Barker presented the minutes of this meeting, at which the Panel had addressed the results of the job evaluation exercise carried out by the commissioned consultant.

1 An independent professional review of the established NJC-graded posts in the current structure had been conducted, with the intention of re-establishing 'relativities' disrupted by the effective pay increase for lower grades caused by the Council's adoption of the rate set by the Living Wage Foundation as its minimum (the 'LW').

2 This review had been carried out by Mr Richard Penn, who had an illustrious career in local government with over 30 years in senior positions including Chief Executive roles at Bradford City Council and Knowsley Metropolitan Borough Council. Mr Penn was the Independent Adviser on Standards, then Commissioner for Standards, for the National Assembly for Wales for ten years, and also had served as Chair of the South Wales Probation Board. He completed a five-year term as a Commissioner with the Equal Opportunities Commission and was a Commissioner with the Legal Services Commission, chairing its Regional Committees for Wales and the South West Region. He was appointed by the Minister for Local Government as the Chair of the

Continues...

Independent Remuneration Panel for Wales, and had recently been re-appointed as Chair for a further four years. That panel sets the remuneration framework for all 22 unitary authorities in Wales as well as the Welsh Fire and Rescue Authorities, National Park Authorities and town/community councils. He had undertaken a large number of high profile management investigations and has acted as a Designated Independent Person (DIP) in a number of local authorities' disciplinary cases. He also specialised in performance management/appraisal and organisational change and acted as Independent Adviser to a number of major authorities.

Mr Penn had also worked extensively as a public sector consultant (for the Audit Commission, SOLACE Enterprises, ALACE, the Local Government Employers and using his own company; Richard Penn Consulting Ltd), mainly with local authorities and other public bodies and has been widely used as an 'expert witness' at equal pay/equal value Tribunal Hearings involving local authorities and health organisations. Mr Penn had led or participated as a team member in a large number of Peer Challenges and Peer Reviews, originally related to Comprehensive Peer Assessment scheme assessment/reassessments but then extending to specific Peer Reviews such as those conducted on behalf of Local Strategic Partnerships. In addition he had assisted a number of local authorities prepare for Peer Reviews and Corporate Governance inspections.

3 Mr Penn had used the Local Government Single Status job evaluation scheme to evaluate each LTC established job except TC. This was a well-established process, which examined the duties, skills, responsibilities, demands of the jobs and working conditions, and compared them one against the other throughout the organisation. It was considered to provide a systematic, fair and consistent means of measuring job "sizes" - the process of placing jobs in order of their relative worth to ensure all employees are fairly rewarded. This particular scheme was recognised as being a robust way of fairly assessing a wide range of professions and skills that appear in the public sector by applying a common set of rules that had been specifically designed for this purpose. The Local Government scheme was designed to reflect current values, including the principles of equal pay for work of equal value. It was the subject of scrutiny by the Equal Opportunities Commission and the Commission for Race Equality and was widely used across the public sector.

4 Staff had completed a comprehensive questionnaire to elicit detail of their role in key areas, related to the level needed to do the job - not to the post-holder individually. These were: *Knowledge – Mental skills – Interpersonal & communications skills – Physical skills – Initiative & independence – Physical demands – Mental demands – Emotional demands – Responsibility for people – Responsibility for supervision or direction of employees – Responsibility for financial resources – Responsibility for physical resources – Working conditions.*

Mr Penn had then interviewed each employee individually, in depth, and applied his assessments to a standard scoring matrix.

5 The Panel had reviewed the details of Mr Penn's report, which explained how jobs had been scored and matched to scales with a range of four points on the national pay Spinal Column. This complied with requirements of the Equality Act 2010. TC had prepared an evaluation of the impacts of these proposals, which had the effect of raising the lowest spinal column point of scales for all staff and the highest point for all but three. The resulting cost implications were considered. Members were alert to the fact that the staff establishment was comparatively small and some key posts were part-time. They took the opportunity to address one or two outstanding issues arising from this, in recognition that the Council faced increasing demands for projects and services and this trend was unlikely to moderate in the future. Adjustment to the hours of certain posts was considered appropriate; as was the deletion of one ancillary post and the assimilation of its duties into an existing role.

6 The Living Wage Foundation revised its rates for the recommended LW each November, which was out-of-step with local government years. To remain consistent

both with the aspiration to pay LW rates and the need for equality of treatment for all staff, a policy was discussed and agreed. With regard to any post where the hourly rate of the evaluated national grade point fell below the LWF's recommended rate for a Living Wage prevailing at 1st April in any year, it was proposed that a supplementary amount be paid to top-up that individual to the LW; this being a "non-consolidated" sum - separate from the formal grading evaluation of the duties.

7 The overall effect of these adjustments would, for the foreseeable future, avoid potential conflict between nationally-agreed increases to the pay spine and the anticipated levels of increase likely in the National Living Wage which had, hitherto, been significantly higher. The immediate cost to the Council in the first year of these adjustments (at present values, and including employment overhead costs) was approximately £18,000 (levels of overtime working for certain staff being variable). TC advised that although the draft budget which would be considered shortly by Council did not include specific provision for the review, this level of increase could be borne by the General Fund in the first year (*b/fwd balance at 1st April 2015 was £284,320*) and subsequently this would be assimilated into the annual budget cycle.

8 TC had discussed the effect of individual adjustments with post-holders, and advised that the Panel was to recommend to Council that these be implemented with effect from 1st April 2016. Consequently **it was resolved that:**

FC2015/106.1 The Minutes of the Personnel Panel meeting of 20th January 2016 (*copy in Minute book*) are noted.

FC2015/106.2 Adjustments to individual staff contracts, as discussed and agreed by the Personnel Panel at its meeting on 20th January 2016, are agreed with effect from 1st April 2016.

b] Communications Working Party 2nd February 2016: Cllr Makepeace presented the Minutes of this meeting..

1 All Members had been exhorted to ensure they were familiar with the Council's Communications Protocol (*copies distributed to all members on election*). This had initially been drafted following the model promoted by Standards for England and updated in 2015 to reflect legislative changes in respect of defamation.

2 It was agreed that a practical approach to the group's task was to focus upon elements one at a time, with the Council's web site and Newsletter the initial focus.

The current website was extremely dated in appearance although functioned relatively efficiently. The underlying management software dated from the 1990's and TC noted that it was very limited from a publisher/editor's perspective, especially in the areas of graphics and photographs, and it had no capability for embedded sound or video as would be expected of a modern site. In its favour, it was acknowledged that Parish Councils rarely offered sophisticated websites and the content that the public would expect was relatively easy to find. Examples of more modern sites had been screened, including one that had attracted an award from the National Association of Local Councils. It was generally agreed that modernization and a more attractive aspect was desirable, and a sub-group comprising Cllrs Catlin; Elliott; Makepeace; S Murray and O'Keefe would conduct some research to establish the designer/publisher of sites which, in their opinion, appeared to offer appropriate features. This would enable a future meeting to conduct a more detailed assessment of the costs, and formulate proposals for change. There was extensive discussion contrasting content with functionality; the implications of links to social media *etc*, and those features considered essential, such as high-ranking and multi-functional keyword search results. A secondary discussion followed on the practicalities of social media such as Twitter and Facebook, and how these could be usefully employed. A policy would be required, and the actual impact on resources would need to be assessed in detail. Individual members were at liberty to promote themselves in this way, although TC reminded of the need for care.

This could be discussed alongside the evaluation of website designs.

3 The background to the Newsletter was reviewed, and it was apparent that the lack of a regular flow of editorial copy was a fundamental problem. In the previous administration a group of Members had undertaken to provide contributions for editing and this could be reinstated. Three editions of the newsletter had been printed in relatively low numbers and made available at a number of distribution points, with a larger fourth edition each year including an annual report and being professionally printed in greater numbers for direct delivery to all households in Lewes. TC would provide some dates for editorial deadlines, and Members of the Working Party undertook to produce regular copy.

4 The discussion had moved into the area of the annual Town Meeting. TC explained the background to this, which was not a Council meeting but a vestige of the system which prevailed before the reorganization of local government in 1974. Where a Civil Parish had a separate parish Council, it was the responsibility of its chairman to call a public meeting of electors for the parish once each year according to a regulated statutory process. If attending the meeting, the Chairman/Mayor must preside, but the meeting itself was the province of the attending electors. There were sundry other controls and limitations to these meetings, and long-standing issues associated with them. Nationally they were considered to be an anachronism; actually being considered for abolition by the government in future legislation. In recent years the Lewes meeting had been associated with the Civic Awards, although this brought fresh problems of practicality. It was suggested that the sequence of events on the evening of the awards presentations for 2016 be amended, and the date (previously scheduled) be altered to the 19th April, and the Mayor agreed that she was amenable to this.

5 The matter of Councillors' Surgeries was briefly discussed, and Members were reminded that these were arranged simply to provide a convenient "fixed-point" for face-to-face contact between Members and constituents. The Council as an organization was accessible to the public via a number of routes, and (unlike many parish councils) had offices which were open to the public throughout the week. Individual Councillors interacted with their electorate in a number of ways, and the monthly Surgeries scheduled within the weekly indoor market in the Corn Exchange were simply to provide an environment for meetings that avoided the need to allow public access to Members' homes or other premises. It was for Councillors to utilize this facility if they wished. This gave cause to note the issue of potential individual responsibility to register as a data controller under the Data Protection Act to cover "everyday" work related to the electoral Ward.

6 In conclusion: the Working Party reminded all Members of the importance of adherence to the adopted Communications Protocol. Working Party members had each undertaken individual tasks in preparation for a future meeting, notably research of details of website designers, and would address the need for copy for the Newsletter. The Mayor had agreed to call the Town Meeting for 2016 on 19th April and to start it at 6:30pm with the Civic Awards following.

It was resolved that:

FC2015/106.3 The Minutes of the Communications Working party meeting held on 2nd February 2016 (*copy in minute book*) are noted.

c] Grants Panel 10th February 2016: Cllr Lamb declared an interest in respect of application Ref 4, as Secretary of the applicant body. Members considered Report FC012/2015 (*Copy in minute book*) containing the recommendations for payment of grants for the final cycle of the year. The sums recommended would take the total for the year to £35,104 - £104 in excess of the agreed budget. It was recommended that this excess be funded from the General Fund. **It was resolved that:**

FC2015/106.4 Grant payments recommended in Column G of the appendix to Report

FC012/2015 (*Copy in minute book*) are approved, with the sum of £104 in excess of the agreed budget for miscellaneous grants being drawn from the General Fund.

d] Buildings repairs Working Party 17th February 2016: Cllr Chartier presented the minutes of this meeting.

1 *Town Hall façade and associated works:* Members had been pleased to note that the works were almost complete, and that a licence had now been granted by East Sussex County Council for the installation of the clear pavement light which would reveal the 'Martyrs Steps' leading to the Town Hall undercroft. This would enhance the experience of the many hundreds of visitors to the town who are regularly observed scrutinizing, with great interest, the commemorative tablet on the wall above this feature.

2 *Assembly Room and Corn Exchange roofing:* The Working Party had reconsidered report FC011/2015 (*copy in Minute book*), referred by Council, and revised estimates provided by Clarke Roofing (Southern) Ltd (CRS) who had arranged the emergency safety works when roof tiles first dislodged in December 2015. Closer inspection had been facilitated by the safety scaffold now in place, and a more detailed proposal was in prospect. Examples of tiles suitable as replacements (subject to Listed Building Consent) were examined and one of these was considered to be very similar in appearance to the originals. If both the Assembly Room and Corn Exchange projects were combined there would be a considerable saving in the costs of scaffolding and set-up for works. With regard to the contract, it was noted that CRS were the lead contractor currently engaged on the Town Hall roofing and façade project. They had won that contract in open competition less than one year earlier, and had executed those works in exemplary fashion. It was considered that there may be distortion to open competition for a separate contract in respect of these contemplated re-roofing works, by the general nature of such procedures, as CRS's earlier bid was now in the public domain. This could lead to undervaluing by third parties that would leave the Council exposed to unknown additional cost or reduction in standard. Given that these specialized works were effectively an extension of the current (in progress) contract, which had been won under normal open market conditions only one year earlier, Members were satisfied that the provisions of the Council's Financial Regulations related to contracts would be observed if CRS were given this work under those circumstances. Estimates for the elements of the work and specifications for materials were considered to be fair and reasonable, and Members had agreed that Clarke Roofing Southern Ltd should be asked to execute the works needed to both the Assembly Room and Corn Exchange.

3 *Malling Community Centre:* The Working Party had reviewed earlier work to prepare for the refurbishment of the Malling Community Centre (MCC). A professional structural survey had been carried-out, and current and prospective users of the Centre had been surveyed in 2011 with the results indicating the scope of the redesign that should be undertaken. Meetings with users and local residents had also discussed ideas to integrate use of the adjoining area of open space, immediately West of the building. Architects had provided (free of charge) some design ideas, and a casual inspection by a professional quantity surveyor had produced an estimate of the order of costs to be anticipated. Council had established a financial reserve (R10) which would yield £263,000 in 2016/17 and it was expected that additional funds would be available for specific elements/aspects of the refurbishment from external grants schemes and from 's106' contributions arising from the planned North Street Quarter development. The project offered a prime opportunity to incorporate the most sustainable energy conservation/generation techniques and other innovations. It had been agreed to recommend that Council formally resolve to commence the project in earnest, with the first steps being to work with the Malling Community Association to 'refresh' the user survey; establish a project timetable which minimized impact on current users and a draft design brief for approval by Council. The next stage then to invite architects to bid for a design-and-build contract. Following some questions, **it was resolved that:**

FC2015/106.5 Works shall be put in hand as soon as possible to repair the roofs of the Assembly Room and Corn Exchange, with this work being offered as an extension to the current contract with Clarke Roofing (Southern) Ltd. All works subject to the grant of Listed Building Consent. Further;

FC2015/106.6 The project to refurbish Malling Community Centre now be commenced in earnest, as described in the Minutes of the Buildings repairs Working Party meeting held on 17th February 2016 (*copy in Minute book*).

e] Sussex Community Rail Partnership: Cllr Catlin gave an oral report on a recent meeting of the Partnership, at which the matter of late trains from London had been discussed. Southern Rail were understood to be considering the business case in support of an 11:17pm service and would review this in 2016. Southern's performance had been falling in the last Quarter, and several Members supported this view with personal anecdotes. There was shortly to be launched, a survey on proposed changes to the staffing of Lewes ticket office. Members were encouraged to look at the online consultation and submit views, and also to contribute to a corporate response. Again; members recounted personal experiences related to the ticket office and services at Lewes Station. It was suggested that a representative of the Train Operating Company (TOC) should be invited to present to Council. Members were reminded that the Transport Working Party had begun dialogue with the TOC in the early stages of preparation of the Neighbourhood Plan. There was discussion as to the best forum in which to raise the obvious dissatisfaction and attendant questions. It was **agreed** that an invitation would be extended to the TOC to attend the working party, making it clear that the whole Council considered this sufficiently-important to convene a special meeting on that single topic.

f] Lewes District Council meeting re road closures: Cllr Cooper recounted a meeting with the Leader of Lewes District Council (LDC) and introduced a letter he had written in response to calls for improvements in the road closure application process. This had been prompted by issues arising on 5th November 2015 and others surrounding the annual Boxing day Hunt meeting of the Southdown & Eridge Hunt. LDC would review their consultation procedure for future events and undertook to share feedback and coordinate the presentation of any concerns which might warrant consideration by the Police. It was noted that where an event carried a reasonable expectation of public disorder there it may be that conditions are imposed under the Public Order Act 1996. The District Council proposed to update its website to warn applicants that the process may be extended in cases where public safety was considered an issue.

There was to be a further meeting with Sussex Police on this matter and a report was promised, in due course, as to the outcome. Cllr Cooper was thanked for her efforts in this matter, and her oral report was **noted**.

Cllr Milner left the meeting at this point

FC2015/107 COUNCILLORS INDIVIDUAL DUTIES:

Councillors considered report FC013/2015 (*copy in Minute book*) which noted changes to individual appointed duties. Subsequently **it was resolved that:**

FC2015/107.1 Cllr Catlin is replaced as the nominated Representative on Lewes & Seaford Citizens Advice Bureau by Cllr R Murray, and;

FC2015/107.2 Cllr Dr G Mayhew is appointed to the Working Party tasked with oversight of building repairs, and;

FC2015/107.3 Cllr Catlin is appointed to the Working Party tasked with investigating the Council's role in provision of affordable Homes & Workspaces.

FC2015/108 LEWES CROWN POST OFFICE:

Council considered a motion (*NOM023/2015 copy in Minute book*) which recounted proposals regarding the Crown Post Office:

On January 19th Post Office Ltd. had announced plans to franchise 39 of its branches and close three. Lewes Crown Post Office was on the list of those to be franchised once a suitable retailer was found. Lewes was a busy Post Office – with long queues frequently experienced at peak times- yet the Post Office was believed to want to sell the valuable building and put the Lewes Post Office into a local shop, which it was felt would lead to even longer queues, fewer services offered and an all-round inferior service, which would affect businesses and individual customers.

Lewes Crown Post Office had been on the same site for over 100 years, a site that served the town well. It was stated that the process that was out to consultation was mainly focussed on finding another business to take on the service rather than dealing with the issue of whether the post office should stay in its present location.

It was suggested that the downgrading of the Crown Post Office to an in-store franchise was likely to have a detrimental effect upon the viability of the upper part of Lewes High Street, (which had already been noted to be vulnerable within planning documents written for Lewes District Council), and of many local businesses which depend upon it to send out many packages and parcels every day (the rise of internet shopping and working from home making this ever more important). The motion noted the reduction in range of services that franchising brings about and the value to residents of having these services within the town. It further noted that a petition against the plans was gathering a large number of signatures, over 1000 in the first 48 hours of the petition, showing sizeable public opposition to franchising proposals being put forward by Post Office Ltd. Following a brief discussion, **it was resolved that:**

FC2015/108.1 Lewes Town Council will publicly announce that it supports the efforts of local residents to keep a Crown Post Office in Lewes and opposes any proposals to downgrade it and lessen the service available to our residents.

FC2015/108.2 The Mayor will write to the Communications and Corporate Affairs Team at Post Office Ltd. outlining the damaging effects upon Lewes residents and businesses of these proposals and requesting that the Crown Post Office be retained in its current form at its current location.

FC2015/109 SUPPORTED BUS SERVICES:

Council received a progress report from Community Transport in the Lewes Area (CTLA), offering detail of the services which the Council had financially subsidized since 2014:

Whilst devising new routes and timetables in 2014 CTLA had taken the opportunity to restore a local bus service between Lewes estates and the town centre for the first time in several years. The initial operation served only Landport and Malling with services operating along Southover High Street/Bell Lane and the A275 Nevill Road providing access to the nearby Winterbourne and Nevill Estates.

With the fledgling Sunday service beginning to carry increasing numbers of Lewes residents during the Summer of 2014, CTLA was keen to avoid a break in service provision over the Winter period prior to the Summer service re-commencing in the Spring of 2015. Insufficient passengers were being carried to enable the service to be provided on a “commercial” basis and an approach was made to Lewes Town Council to provide gap funding so that the Lewes Town service could be operated all year around until the Spring of 2016. A grant was awarded to fund the Winter service in 2014-2015 and again during the Winter of 2015-2016. From the outset route 132 was designed to mirror very closely the route taken by the weekday town service provided by Compass Travel on behalf of East Sussex County Council. The only exception was that Spences Lane was not served on any of the journeys. However, this was included starting with the Summer 2015 service following passenger feedback. A total of 6 journeys per day were

provided between Malling and Landport Estates and the bus station with 5 between Nevill/Winterbourne and the bus station operating to an hourly frequency between 10 in the morning and 4 in the afternoon.

Following a review of passenger loadings, a number of changes had been implemented with the start of the Winter 2015-2016 service. The operating day had been reduced so that 4 return journeys between each part of the town and the bus station were provided between the hours of 10 am and 2 pm, reflecting the fact that those late afternoon journeys withdrawn had experienced very low patronage. The other major change was that positional journeys at the start and end of the day now operate between Newhaven and Lewes via the C7, providing a much-requested bus link between villages on that road and Lewes, following on from Compass Travels' decision to withdraw their service 123 on Sundays for the winter period.

During the twelve months from 1st November 2014 to 31st October 2015 a total of 1,518 passenger-trips were completed on service 132. Diagrams illustrated the growth of the service including seasonal variations on a month by month basis. Seasonal fluctuations were evident as would be expected, with peaks in demand occurring in December, May and August, but it was difficult to draw definitive conclusions on seasonality at this stage as true trends were distorted by the fact that overall demand for the service continued to grow. Of these 1,518 passenger-trips 1,239 (82%) were undertaken by holders of the English National Concessionary Transport bus pass, so predominantly (but not exclusively) these would have been older persons.

The fact that the numbers travelling on the service continued to grow meant that the net cost of operating the service was slowly decreasing but was not yet at the point where the service was sustainable without any external funding. Lewes Town Council was currently funding the Winter service in 2015–2016, as it had in the previous year, with CTLA funding the Summer operations in 2014 and 2015 with the proceeds of other external grants, notably the Local Transport Sustainable Fund, plus some internal support from its own funds. However, at the current time CTLA had no funding in place for the Summer of 2016 and beyond.

Because the net cost was decreasing CTLA were confident that this service could be provided for a further two full calendar years at a subsidy of £5,104 per annum (equating to 58 days of operation in each year) with a further £700 per annum to cover the cost of publicity in the Brighton & Hove Bus Company Bus Times publication, Compass Travel booklet and on roadside displays. Therefore, the Town Council was asked to consider a further subsidy of £11,608 payable over two years in equal instalments of £5,804 which would safeguard the service for an additional 2 years up until and including 28th May 2018. During that time, CTLA would continue to seek ways to further improve the cost effectiveness of the service by increasing patronage. There was a brief debate, and it was suggested that CTLA should be encouraged to distribute up-to-date timetable information as widely as possible.

It was resolved that:

FC2015/109.1 Lewes Town Council agrees a further subsidy for bus Route 132, operated by Community Transport for the Lewes Area, of £11,608 payable over two years in equal instalments of £5,804. This to safeguard the service for 2 years up to and including 28th May 2018. This amount to be funded in 2016/17 from the General Fund.

FC2015/110 MUNICIPAL CALENDAR:

Members considered the proposed municipal calendar for scheduled meetings of Council; Planning Committee, and Grants Assessment Panel in 2016/2017 plus public Councillors' "drop-in" surgeries. One amendment was proposed to the remaining dates in the current municipal year, in light of the imminent Castle ward by-election scheduled for 31st March 2016, in that the meeting of Council planned for that evening would be deferred by one week to 7th April 2016.

After a brief discussion, **it was resolved that:**

FC2015/110.1 The proposed calendar for the 2016/2017 municipal year (*copy in Minute Book*) be noted. An amendment is noted to the 2015/16 year: being deferral of the Council meeting scheduled for 31st March 2016 until 7th April 2016.

FC2015/111

UPDATE ON MATTERS IN PROGRESS:

a) *Devolution of Parks and open spaces* – TC advised that he had recently solicited an update on progress from Lewes District Council’s officers, as no response had been received to the technical amendments to transfer contracts drafted by Ian Davison, the solicitor acting for the Town Council in the matter, following a meeting on 2nd October 2015. It had been understood that such amendments, which had been discussed at the meeting and submitted shortly thereafter, would be acceptable and that the transfers could be concluded. This prompting had resulted in a surprising response by a member of LDC’s legal department, in which nearly all the amendments were contested. The basis for LDC’s argument against several of the points was flawed, and Mr Davison had responded immediately with helpful explanations and references. Key points of difference were related to the length of the proposed term of “overage” clauses and the oversensitivity of certain trigger-points – notably that overage payments would be due upon any grant of Planning Consent, rather than grant *and implementation* - and some elements would constrain the Council in future should it seek significant grants from some sources. In answer to a question, TC explained some of the practical scenarios that might arise and the position in which the Council could find itself in future. When asked if these issues were significant in reality; TC confirmed that both he and the Council’s extremely experienced solicitor believed that they were. The points highlighted by Mr Davison were fundamental and it would be negligent of the Town Council to ignore them. Cllr O’Keeffe insisted that she was receiving contrary information from District Council sources, and considered that a meeting of councillors should be arranged to deal with the contentious points face-to-face. TC explained that the issues were technical points of law, and no purpose would usefully be served at this stage by Member involvement. There was full documentation available and a full report would be brought to the next Council meeting and if thought appropriate a meeting of the delegated Member group could then be convened. TC reminded members that he and Mr Davison had been tasked with this process and Members should avoid involvement at this stage. One Member suggested that an opinion be sought from a mutually-agreed legal Counsel – paid-for by the Town Council - with the opinion being agreed as binding. TC pointed-out that, again, this would be premature at this stage. Another Member proposed that once a reasonable deadline had passed, if LDC had failed to respond, those members elected to both Town and District Councils (“dual-hatted” Councillors) should attempt to exercise influence with the District Council through a jointly-signed letter. TC reminded everyone that delegated authority had already been given to a group of Members who had steered the process up to the point when it became a technical matter to “polish” the agreements for final signing. The District Council had apparently deviated from that path, but the Town Council should continue to follow due process until a point where further policy decisions were required. Dual-hatted Members had no authority to act and should be wary of potential misunderstanding as to their role and responsibility. TC and Mr Davison were delegated the task of concluding the negotiation and Member involvement at this stage was inappropriate, unless agreement could not be reached. For the avoidance of doubt TC offered to show all correspondence and documentation to any Member who wished to see it. There were further comments and expressions of viewpoint, and it was eventually proposed and **agreed** that Members would take no individual action pending a full report to the next meeting of Council.

FC2015/112

NOTICE of ITEMS IN PROSPECT:

a) The next Planning Committees would be on Tues 1st and 22nd March at 7:00pm.

- b) Landport Bottom Joint Management Committee would meet on Tuesday 8th March at 11:00am
- c) The next Member's Surgery was scheduled for Tuesday 1st March 2016 – 10:00 – 12:00 Corn Exchange
- d) Next meeting of Council would now be Thursday 7th April 2016 – 7:30pm - deadline for agenda items to TC by noon on Tuesday 29th March.
- e) Castle Ward by-election would be held on Thursday 31st March. The Count would take place in the corn Exchange immediately following closure of polling stations.
- f) The Dementia Awareness group would meet on Wednesday 9th March at 7:00pm in the Yarrow Room.
- g) Meetings would be confirmed in due course for: – Energy efficiency W/pty; Audit Panel; Homes & workplaces W/pty.
- h) Next deadline for grant applications: (cycle 1 of 4 2016/17) would be Fri 20th May – The assessment Panel would meet on Wed 1st June – Council would consider recommendations 16th June 2016.

There being no further business the Mayor closed the meeting and invited all present to join her for refreshments in the Mayor's Parlour

The meeting ended at 9:05pm

Signed:

Date:



QUESTION RECEIVED:

Bearing in mind the duty of the Town Council to be transparent, accountable and follow due process with integrity and consistency, can I ask what response, if any, has been received from the Southdown and Eridge Hunt in response to the matters raised with them regarding the events of Boxing Day, which Included violence, intimidation, vandalism and homophobic abuse being directed at anti Hunt protestors who had every right to be there and to peacefully protest in safety?

Such an organisation should surely be held to account for the behaviour of its supporters in exactly the same way a sports team would be. How is the Town Council planning to work with other bodies to ensure this is the case and, if the Hunt continues to ignore correspondence from the Town Council, what further steps does the Council propose to take?

Newell Fisher 24/2/16

ANSWER given by the Mayor:

The Hunt was contacted before the event, and we have received no reply. This is recorded in the Minutes of our last meeting, and that situation remains unchanged. We cannot compel a body to respond. We have not contacted the Hunt since the event, and have no powers in relation to public order matters of the nature described.

The Town Council has supported calls for Lewes District Council to review its process for consultations on applications for road-closures with regard to such events, and their response will be received by Council this evening. Sussex Police have been asked to consider application of police powers, if appropriate, to impose conditions on future events and this Council will form a view on this in due course.

QUESTION RECEIVED:

I've heard that there is a pot of Section 106 money that is unspent, allocated for Bridge Ward, specifically for Malling Recreation ground. I'd like to know how much this money is, and when it is going to be released, and how to contribute to discussions around what it is spent on. I'd like to make the case that there is a demonstrable need for more indoor facilities for teenagers in town; that this need is presently met by the three indoor youth venues on North Street, one of which (the Skatehouse) will have its lease terminated this May; and that Section 106 money could be well spent on increasing the indoor facilities for teenagers and rehoming some or all of these venues.

Cllr Joanna Carter 25/2/16

ANSWER (given by email – enquirer not present):

We have not yet acquired ownership of this site and cannot influence the spending of specific s106 funds until we have. There were three relevant contributions in reserve for Malling Rec when we last considered that issue, amounting to around £115,000. These were to be held until a broad scheme for Malling Rec can be developed following the approval of North Street redevelopment – a scheme that should encompass replacement of the skatepark. We do not yet know the specifics of the s106 provisions within the Santon/LDC scheme, although the total amount for public recreation generally associated with their plans is believed to be around £1.2M – based upon provisional cost estimates of the recreation elements shown in their application. Some of this will be spent on Malling Rec. A technical group will be set up shortly between Santon/LDC and the other parties to the s106 agreement to determine these issues. The Town Council will be a party regardless of the status of devolution, as we own other elements of the public recreation framework. There will also be a Design group that has not yet been constituted, but will invite input from community groups and others at the appropriate stage.

As for indoor facilities – we will shortly be re-starting our project to refurbish the Malling Community Centre, and the relevant Working party has suggested that we begin with a review/refresh of surveys carried out in 2011/12 to establish aspirations of existing and prospective users. That will offer an ideal opportunity to introduce these more recent considerations and, hopefully, our project can assist in some way.