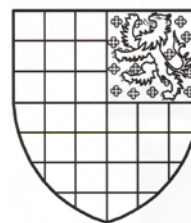


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**LEWES
TOWN
COUNCIL**

MINUTES

Of the **Meeting of Lewes Town Council**,
held on **Thursday 7th April 2016**, in the **Council Chamber, Town Hall**, Lewes at **7:30pm**.

PRESENT Councillors A Ashby; A Barker; A Bolt; S Catlin; M Chartier; W Elliott; H Jones; J Lamb; I Makepeace (*Deputy Mayor*); Dr G Mayhew; M Milner; R Murray; S Murray (*Mayor*); R O’Keeffe and T Rowell.

In attendance: S Brigden (*Town Clerk*); Mrs F Garth (*Asst. TC/Civic Officer*); Mrs E Tingley (*Committee Administrator*)

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

FC2015/113 QUESTION TIME: 2 Members of the public were present. Questions had been received and were presented on behalf of the recently-formed Houndean Residents’ Association by the Association’s Chairperson. These questions and the answers given are appended to these minutes.

FC2015/114 MEMBERS’ DECLARATIONS OF INTERESTS: Cllrs M Chartier and R O’Keeffe declared an interest *in* item 9 – ESCC consultation on reorganization of primary education - Cllr Chartier in that he is a Governor at the Pells School and Cllr O’Keeffe in that she is a Governor at Western Road School.

FC2015/115 APOLOGIES FOR ABSENCE: Apologies had been received from Cllrs R Burrows and E Watts who were both on holiday. It was **resolved that:**
FC2015/115.1 Reasons submitted for absence from this meeting are accepted.

FC2015/116 MAYOR’S ANNOUNCEMENTS:

- a) The Mayor welcomed Cllr Huw Jones, elected at the recent bye-election for Castle Ward, and confirmed that he had signed his statutory Declaration of Acceptance of Office.
- b) The meeting welcomed Clare Lacey, Town Clerk of Peacehaven who was observing the meeting; and Chief Inspector Rob Leet of Sussex Police, who would be giving a presentation on organizational changes and the work of PCSO’s.
- c) The Mayor confirmed earlier notification that Daisy Cooper had resigned as both a Town and District Councillor. For the Town Council seat, it was necessary for ten electors of Bridge Ward to submit a request for an election to the District Returning Officer by 5pm on Friday 22nd April. If called-for, a combined Bye-election was scheduled for Thursday 2nd June.
- d) Cllr Murray confirmed that she had written to the Mayor of Dunkirk as requested by Council, but had received no reply as yet.
- e) A letter of thanks had been received from Hebden Bridge, in West Yorkshire, for the Council’s contribution and message of support following serious winter flooding.
- f) The Mayor had written a letter to Lewes Post Office and had received a reply, from which she quoted. The Post Office was seeking a franchise partner and there would be a six week local public consultation.
- g) The Local Government Boundary Commission review of East Sussex County and Districts has concluded and Draft recommendations published. Responses to these could be submitted by 16th June. It had not been clear from the map links e-mailed, nor immediately obvious from the full recommendations report, but there were significant

Continues...

changes proposed to warding of the Parish and everyone had been provided with a copy of the relevant section from the documents. Individuals were encouraged to respond, but it would be particularly important for a corporate view to be registered and to this end Members should submit comments to TC before the end of April.

h) The Mayor noted various dates:

- A “Wish Concert” would be held at the All Saints Centre on Saturday 16th April at 6:00pm. Tickets were available from the Town Hall and money raised would be in aid of the Mayor’s Good Causes.
- The Civic Awards would be held on Tuesday 19th April in the Council Chamber at 7:00pm.
- An afternoon “Tea fit for a Queen” would be hosted on Thursday 21st April at 3pm in the Assembly Room – a joint event for older citizens (with Lewes District Council) in honour of the 90th birthday of Queen Elizabeth 2nd.
- The Mayor would be hosting a Dementia Awareness Reception on Monday 25th April at 6.30pm in the Council Chamber. Cllr Watts would be giving a presentation.
- ‘Macna’ a group of musicians from the Council’s German twin-town, Waldshut-Tiengen (W-T), would be playing at the All Saints Centre on Saturday 30th April at 8:00pm, with a guest appearance on Saxophone by Hartmut Schoelsch, W-T’s Head of Cultural Services.

FC2015/117 **MINUTES:** the minutes of the meeting held on 25th February 2016 were received and signed as an accurate record.

FC2015/118 **PRESENTATION:**

Chief Inspector Rob Leet, District Commander for the Lewes/Wealden District of Sussex Police, gave a presentation on The Sussex Local Policing Model. Sussex Police had, since 2010, been required to find significant savings from their yearly budget; leading up to 2015 when they had to save a further £52million - which had proved to be a huge challenge. Another £35million would need to be saved from the budget over the next 4 years with £29million being saved on local policing, the most visible part of the police force. 70% of the budget was from government funding which was now being cut and the other 30% came from the Council Tax precept. 80% of their budget, he said, related to pay and people.

The police programme headings were Response Policing, Neighbourhood Policing (PCSO’s), Investigations, Criminal Justice and Custodial. These were all areas that would be affected by the need for savings. There would be no cuts to Response Officers, but working methods would change: dedicated officers and staff would deal with incidents over the phone that did not necessarily justify attendance on-scene by an officer; and the introduction of mobile technology would reduce delays and repetitive paperwork.

The Police Community Support Officer role was being re-designed with a new job description. PCSO’s would receive more training and learn new skills with the role having more powers; however, there would now be fewer of these posts. Lewes would have 12 PCSO’s, Eastbourne 16 and 12 in Newhaven, although they would cover other areas when the need arose.

A short question and answer session followed with Members expressing a variety of views on the programme. The Mayor then thanked Chief Inspector Leet for his helpful and informative presentation, and members offered to assist in any way they could as Sussex Police worked-through these changes.

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] *Landport Bottom Joint Management Committee 8th March 2016:* Cllr S Murray gave a brief oral report. The meeting had been very poorly attended. The Committee had discussed management of the site and considered suggestions regarding planting to reduce water run-off.

It was resolved that:

FC2015/119.1 The oral report on the Landport Bottom Joint Management Committee meeting of 8th March 2016 is noted.

b] *Neighbourhood Plan Youth Workshops 12th & 19th March 2016:* Cllr S Murray reported that these workshops, for 8 – 18 year olds, had been very popular and attended by many young people on both days. The sessions had been organized by the Brighton University team running the *Agenda 21 – Digital Citizenship* initiative with which the Council had engaged. Specially-developed 'Minecraft' software was used on the day to allow visualization of the 'ideal Lewes' and 3D models had been made by attendees. Staff from Brighton University had been on hand to guide the activities available and all the young people had been very actively engaged. A report prepared by the University had been sent to the Council's Neighbourhood Plan consultants, and would be followed shortly by collated information gathered during each session; an extremely helpful addition to the material already collected to support the drafting of a Neighbourhood Plan.

It was resolved that:

FC2015/119.2 The oral report on the Neighbourhood Plan Youth Workshops held on 12th and 19th March 2016 is noted.

c] *Dementia-friendly Lewes Working Party 9th March 2016:* The Minutes of this meeting were presented. The Working Party had discussed the best way to address its remit, and Cllr Watts had presented some helpful material with which she was familiar through her employment with the Alzheimer's Society. A feature film was available, "*Alive Inside*", through the area Clinical Commissioning Group. An award-winning documentary, the film was thought to offer an ideal focus for a launch event where local businesses; groups and organizations could be invited to improve their awareness of dementia issues. The discussion centred upon the possibility of an event at the All Saints Centre, hosted by the Mayor, at which the film could be screened.

An initiative that had proved successful elsewhere was the establishment of Dementia-friendly communities and these could involve programmes in partnership with the Dementia Action Alliance offering accreditation and support with drop-in awareness-raising sessions and workshops. These could offer sufferers an opportunity to suggest things that would assist them in daily life, and non-sufferers could benefit from simple techniques to elevate their awareness. Individuals were encouraged to become "Dementia Friends" through 45-minute training sessions, and organizations could appoint "Dementia Champions" who would attempt to influence the body's approach to issues such as signage; layout, staff training. Lunch-hour "lunch & learn" drop-in sessions were known to be effective.

It had been agreed that the focus of immediate attention would be a Dementia awareness launch event, hosted by the Mayor and inviting a wide range of groups and organizations. **It was resolved that:**

FC2015/119.3 The Minutes of the Dementia-friendly Lewes Working Party held on 9th March 2016 (*copy in minute book*) are noted.

d] *Audit Panel 23rd March 2016*: Cllr Milner presented the Minutes of this Meeting and reiterated its conclusions. Members had reviewed detailed information following the end of the third quarter of the financial year 2015/16. Budget monitoring showed actual expenditure and income values as posted to the Council's *Sage* accounting system and included all transactions processed to the end of the quarter. Periodic bank reconciliations had been reviewed to confirm the scrutiny already conducted and the Chairman had appended his signature to verify this in each instance. The nominal ledger report produced from the Council's *SAGE* accounting system records, being the source document reconciled to the budget monitoring report during the course of the meeting, was verified in the same way.

Investment policy: The Council had referred the matter of additional criteria related to "ethical" investment for consideration by the Audit Panel. Panellists had considered the statutory guidance on local authority investments (*issued under s15(1)(a) of the Local Government Act 2003*), which gave signal clarity to the priorities that a Council should take into account. This defined a prudent investment policy as one which considered Security, Liquidity, and Yield; in that order. Members had considered a number of statements that could add an ethical context without conflicting with the guidance, which was extremely difficult. After lengthy discussion it was decided that a simple addition could be made to the Council's Investment & Reserves Policy, which would read as (*additional text in italics*):

"4.2 The Council will aim to achieve a reasonable return on its investments commensurate with proper levels of security and liquidity; *wherever possible reviewing ethical considerations underlying proposed investment vehicles*"

TC advised that the Council's adopted Investment & Reserves Policy could be considered suitable in the context of the statutory requirement for an investment Strategy when investments might exceed £500,000. It was believed that the current document served that purpose and satisfied all points required. A simple text addition was proposed to more closely-align the Policy to the guidance and this was (*additional text in italics*):

"5.1 (ii) All investments will be short term investments which will not exceed a maximum of twelve months, *or which the Council may require to be repaid within twelve months*"

A revised version of the Policy, incorporating these changes, was appended to the minutes.

Investment of reserve funds: Following consideration at earlier meetings, panellists considered the latest factsheets on one of the financial investment vehicles operated by CCLA Investment Management Ltd (CCLA Local Authorities' Property Fund [LAPF]). CCLA was an investment company originally created specifically to address needs of public sector organizations, and was generally very well-regarded - consistently maintaining a rating 'AAA' by Fitch Ratings Ltd and other agencies. It also operated similar funds exclusively for registered Charities. These funds satisfied criteria for investment by the Council, and were proposed as appropriate for transfer of funds not expected to be needed within the next twelve months. Members were encouraged by summaries showing that performance of the Property Fund to the end of December 2015 showed an annualised total return performance of +14.1% over 1 year; +14.2% over 3 years, and +10.4% over 10 years. Gross dividend yield was 4.67%. It was noted that investment was in UK properties, and that the trustee is the Local Authorities' Mutual Investment Trust (LAMIT). Members had been interested to see details of the actual performance of a local charity's investment in the "parallel" Charities Property Fund where an investment of £148,000 in January 2014 was valued in September 2015 at £171,223 (+16.03%) and had received £17,306 in quarterly dividend payments over the same 21-month period.

Members of the Panel, with one exception, had expressed themselves satisfied that the CCLA Local Authorities Property Fund was a suitable vehicle in which to invest funds

which were not likely to be needed for a year or more. This was likely to be, initially, £450,000 (the Council funds currently on fixed-term Treasury Reserve deposit). The concern expressed was related to the general security of property, and potential repeat of the 2007 depression in that market. Units in the fund were redeemable on each month-end dealing/valuation date, although a maximum of six-month's notice could be required in exceptional circumstances. It was noted that, should any future failure of the market be apparent, funds could be withdrawn relatively quickly to minimize any loss. Should the market remain positive, accrued dividends would offset (reduce) the Council's future local Council Tax requirement and mitigate potential loss of fund value.

There followed a short debate on this issue, and some Members shared concerns regarding the principle of property as a secure basis for investment by the Council. It was agreed that the Audit Panel should be asked to revisit this and consider alternative prospects at its next meeting.

It was resolved that:

FC2015/119.4 The Minutes of the meeting of the Audit Panel held on 23rd March 2016 (*copy in minute book*) are noted.

FC2015/119.5 Amendments to the text of the Council's adopted Investment & Reserves Policy, as proposed by the Audit Panel and appended to the Minutes of its meeting on 23rd March 2016 (*copy in minute book*) are agreed.

FC2015/119.6 The matter of a suitable investment vehicle for Council funds not required within twelve months is referred back to the Audit Panel for further consideration.

FC2015/120

'NO COLD CALLING' INITIATIVE:

Members considered a motion (*NOM 024/2015*) that Council set up a 'No Cold Calling Zone' in Lewes in order to reduce the number of unwanted doorstep sales calls in the town. Many people were concerned about the amount of cold calling in Lewes, particularly on the four estates in the town; where residents were subjected to frequent visits by people selling items such as solar panels, double glazing and cleaning products. Of more concern was the bullying of some cold-callers who tried to persuade vulnerable people to buy unneeded goods or services at inflated prices. Some callers were opportunist thieves seeking to distract a resident and steal property. It was suggested that a town-wide 'No Cold Calling' zone would send a clear message. It would empower residents to challenge and turn away unwanted visitors and/or to report them to Police or Neighbourhood Watch. Police in Seaford, which had been a No Cold Calling Zone for two years, reported a substantial drop in cold calling in that area. An online petition had already garnered 98 supporters for a Lewes Zone; some of whom had described the distress such visits could generate.

The background to the creation of a Zone was described, and it was emphasized that it would not actually become illegal to cold-call in Lewes and that people offering services such as meter readers, political canvassers, and religious groups would not be affected by the setting up of the zone.

After debate **it was resolved that:**

FC2015/120.1 Lewes Town Council supports the principle of a 'No cold-calling Zone' and authorizes Cllr Lamb to work with the Town Clerk to research further the introduction of such a scheme for Lewes.

FC2015/121

CONSULTATION – organization of Primary Education:

Members considered a letter from the Director of Children's Services at East Sussex County Council, regarding significant changes proposed to the organisation of primary school education for East Sussex. Subject to approval from their Lead Members ESCC proposed to open consultation on a proposal to close the Pells CE Primary School by 31st August 2017. The proposal had already been discussed with the school and the

Diocese of Chichester and the Lead Member report was available on the East Sussex County Council website. If the recommendations were approved it was proposed that the consultation on closure would begin on 15th April 2016 and run until the 27th May 2016. There followed a debate during which a number of views were expressed by Members, and it was noted that some of the background reasoning for the proposal seemed to ignore anticipated growth of the town in the near future due to planning approvals already granted for several hundred new homes; over 450 in the North Street Quarter close to the school. Members were encouraged to seek and promote the views of parents of current and prospective students. **It was resolved that:**

FC2015/121.1 Members of Lewes Town Council will respond individually to the consultation by East Sussex County Council on proposed closure of the Pells CE Primary School, and forward their comments to the Town Clerk by 30th April for inclusion in a corporate response by the Council.

FC2015/122 TOWN CRIER:

Members considered a letter from Mr John Borthwick who, for the past seven years, had been the official Town Crier for Peacehaven. Since moving back to Lewes two years ago Mr Borthwick had been actively proclaiming activities and events in Lewes Town. Following conversations with the Friends of Lewes and Lewes Chamber of Commerce, they had noted support for Mr Borthwick taking the role of Town Crier for Lewes. Lewes Chamber of Commerce had agreed to finance the Lewes share of his affiliation with the Ancient and Honourable Guild of Town Criers and the Friends of Lewes had funding secured as part of a legacy to contribute to regalia befitting a Crier for the County Town. Although the Crier would act at the direction of the Chamber of Commerce, to satisfy the requirements of the Ancient and Honourable Guild of Town Criers of which he was a member, a letter of acknowledgement from Lewes Town Council would be needed; recognising him as the Town Crier for the town. There was a brief debate, during which the history of the Lewes Town Crier was explained, and some assurance was sought that there would be no financial liability arising from the council's official sanction. **It was resolved that:**

FC2015/122.1 Lewes Town Council agrees to sanction Mr Jon Borthwick as Town Crier for Lewes, for a trial period of one year, solely for the purpose of validation by the Ancient and Honourable Guild of Town Criers and with no acceptance of any liability howsoever arising in connection with his activities in that role.

FC2015/123 PUBLICLY-ACCESSIBLE DEFIBRILLATORS:

Council considered a report (*FC014/2015 – copy in minute book*) proposing that the Council might provide some publicly-accessible Defibrillators; initially at the Town Hall and All Saints Centre. The report noted that; in the case of a sudden cardiac arrest, on average only 10% of people survived unless they receive early Cardiopulmonary Resuscitation (CPR) and defibrillation. If bystanders provided CPR, and used a defibrillator before Emergency Medical Services arrived, average survival rates increased to 38%, and for every minute *without* CPR and defibrillation, the chance of survival decreased by 7-10%.

The main target for all UK ambulance services was to reach the scene within 8 minutes in at least 75% of calls classed as immediately life-threatening, or serious but not life threatening, situations and 95% must be reached within 19 minutes. So the reality was that the emergency services could take between 5 and 20 minutes to arrive, particularly in more remote locations. As the first 5 minutes were critical for survival, it was very clear that offering CPR immediately, and getting a defibrillator to the victim quickly, could make a real difference. South East Coast Ambulance services strongly endorsed the fact that early CPR and defibrillation saves lives. Publicly Accessible Defibrillators (PADs) and CPR formed vital links in the 'chain of survival' that includes the Ambulance Service and their local First Responder volunteers.

The 'DeFib pop-up Guide' published by a working group in Wealden District, was appended to the report. Whilst aimed primarily at that area, it contained a wealth of information on the subject and was promoted by the South East Coast Ambulance services to anyone considering provision of such equipment. SECAMB's Brighton Operating Unit Manager had offered assistance, and whilst not recommending strongly any particular product, noted that the iPad SP1 AED had a special price for PAD schemes through the Ambulance service; currently £841.75+VAT. A cabinet and initial consumables increased this to £1,241+VAT. This was a robust product used by SECAMB, who had training defibrillators available and were also happy to help with setup and facilitate orientation sessions. They also offered to replace the "pads" from their own stock after use if called to an event.

There was short debate and **it was resolved that:**

FC2015/123.1 Lewes Town Council will purchase two publicly-accessible defibrillator units initially; to be installed at the Town Hall and the All Saints Centre, and accepts the offer of setup and training by the South East Coast Ambulance services. The cost (estimated at £1,241 per unit) to be funded from the approved operating budgets for equipment at the facilities (Service budget accounts 40/6106 and 50/6106 respectively).

FC2015/124

UPDATE ON MATTERS IN PROGRESS:

a) *Southdown & Eridge Hunt* – Members had been provided with a copy of a second letter from the Leader of Lewes District Council, concluding his response to the Council's earlier requests for review of procedures in anticipation of future Hunt meetings. This was noted.

b) *Devolution of Parks and open spaces* – Council considered a report (*FC015/2015 copy in Minute book*) which summarized the background and present position regarding devolution of land by Lewes District Council (LDC). Appended to the report was a table of recent email correspondence with LDC and a letter from the Council's independent legal adviser giving comprehensive advice on the issue.

At its meeting on 6th November 2014 the Town Council had resolved to pursue the transfer of the 50% interest in Landport Bottom currently owned by Lewes District Council, and also Malling Recreation Ground. This followed protracted negotiations on the devolution of all parks and open spaces, and other LDC assets in Lewes, between a delegated group of six Town Councillors and the Leader and Deputy Leader of Lewes District Council, which had commenced in early 2011. Eight meetings had been held between 2011 and 2014, which had each been reported back to Council in due course. The process had been characterized by repeated cancellations and long periods of inaction and changes of personnel on the part of the District Council.

The requisite Reports on Title and draft transfer agreements had been received from LDC in December 2014, and caused the Town Council's solicitor to raise a number of technical questions, in particular relation to Malling Recreation Ground. He contended some applications of law, and clauses which he considered were likely to significantly disadvantage the Town Council in its ownership and management of the land; a situation which would prevail for 50 years from the date of transfer. The Town Council faced very real potential for disproportionate cost and effort in the future on the arising of foreseeable events. It was October 2015 before a meeting could be arranged with LDC's senior legal and property management officers to address the points highlighted. At this meeting the concerns on behalf of the Town Council were discussed, and it had been agreed that some amendments should be submitted to LDC in the spirit of that discussion; which was done shortly afterward.

In February 2016 there had yet been no response, and a copy of the proposed amendments was re-submitted with a prompt to action. A response had been received the following day, contesting most of the amendments but offering no counter-arguments to the points raised – merely insisting upon adherence to LDC's original draft. A reply had been sent with a detailed review of each proposal and its foundation in law, but the unexpected response was an abrupt refusal to negotiate further. In a 'parallel'

strand of communication, LDC's Head of Properties & Facilities presented a wholly different standpoint from that exhibited at the meeting in October, and indicated that it would be proposed to LDC's Cabinet that LDC should "retain the grant payable to the Town Council in lieu of Special Expense charge for 2016/17", which had not been levied by LDC for the Malling site for the 2015/16 year. At that point it had not been clear that the grant in question was the £53,128 payable under the government's Local Council Tax Support Scheme – introduced to mitigate effects on parish Councils of national changes to tax-base calculation factors. An explanation was immediately requested but no further communication had been received.

At LDC's Cabinet meeting on 21st March 2016 the Leader of the District Council had presented a report on the status of devolution and the Cabinet subsequently resolved "74.3 *That the current position relating to the transfer of Malling Recreation Ground to Lewes Town Council be noted, that the grant payable to Lewes Town Council in lieu of the Special Expenses charge for 2016-2017 be retained as necessary and that the Officers be instructed to suspend work on the transfer of the Malling Recreation Ground site to Lewes Town Council.*"

The procedure to have this decision reviewed by the LDC's Scrutiny Committee had been commenced (although there was no compulsion that may be exercised), on the grounds that

- a) it was believed that the presentation of the report contained misleading information regarding the Town Council's standpoint, and that this prevented a reasonable decision being reached.
- b) the withholding of an unrelated grant (intended by government to be passed-on to mitigate tax-base adjustments, and included by both LTC and LDC in statutory calculations for their 2016/17 Council Tax requirement) in these circumstances, was believed to be unlawful and challengeable by judicial review.

It was understood that the matter would NOT be called-in for scrutiny, but the District Solicitor had undertaken to review the decision internally.

It was noted that the transfer of the District Council's 50% share of the jointly-owned land at Landport Bottom was apparently unaffected by this contention, as LDC accepted that the transfer is simpler in nature.

It was recommended by the Town Council's solicitor and the Town Clerk that Counsel's opinion should be sought on the legality of the District Cabinet resolution and the capacity for legal challenge. The reasoning and implications of this were explained in the solicitor's letter, and it was noted that there were time constraints on submission for judicial review. A favourable quotation had been obtained from a suitably-experienced Barrister specializing in local government governance matters, and she was available to attend to the matter promptly.

There was a lengthy debate and several points of view were expressed; some conflicting. Subsequently **it was resolved that:**

FC2015/124.1 Report FC015/2015 (*copy in minute book*), and the independent legal advice provided by Messrs Wellers Hedleys appended to it, is noted.

FC2015/124.2 Lewes Town Council will seek an independent Counsel's opinion on the legality of the decision of Lewes District Council Cabinet (*resolution 74.3 of 21st March 2016*) to withhold £53,128 Council Tax Support Grant previously promised.

It was further agreed that any future deliberations on the issue would be considered by meetings of the full Council.

c) *North Street Quarter s106 group* – Council considered an executive summary of the draft Planning s106 agreement regarding development of the North Street Quarter. This had been helpfully prepared by the solicitors acting for the joint developers (Santon and Lewes District Council) and explained the relationship of the Town Council to other parties and its role as both landowner, and Trustee (of the Town Brooks Trust).

The purpose of the Section 106 agreement was to secure a significant number of planning benefits arising out of the North Street development, including:

- real-time infrastructure at a number of bus stops;
- improvements to Church Lane and the A26 corridor;
- the provision of a community heritage project on the site;
- new cycle facilities;
- pedestrian and other public realm improvements;
- new flood defences;
- recreational improvements for Malling Field and the Pells recreation ground;
- affordable and local priority housing for the scheme.
- subsidised units for occupation by the creative industries
- Securing the future management of the site and
- a contribution to education facilities.

The agreement would be directly enforceable by the South Downs National Park Authority.

The Town Council was being asked to enter into the agreement as the development included improvements and works to Pells recreation ground and the creation of new flood defences partially situated on land belonging to the Town Council. As a result, areas of land belonging to the Town Council, both in its own right and as sole trustee of the Town Brooks Charity, had been included in the red line plan showing the application site.

Whilst it was necessary for the Town Council to enter into the agreement, it was not appropriate for it to be bound by the same obligations as Santon North Street Limited and Lewes District Council. Consequently, it was expressly stated that the Town Council was entering into the agreement solely to facilitate the delivery of works on the Town Brooks land and the Town Council's land.

The agreement also expressly provided that neither the Town Council nor the Town Brook Trust could be liable for any breaches of obligations within the Section 106 agreement by any other party and that they are only required to permit, facilitate or maintain (where maintenance is part of the Town Council's duties) the works on the Town Council land or the Town Brooks land, which form part of the development.

The Town Council was not taking direct liability for any financial contributions, nor undertaking to carry out any development works by entering into the agreement. Its role would be limited to:

- Allowing works to be carried out on Pells recreation ground;
- Allowing works to the flood defences to be carried out on land owned by the Town Council;
- Maintaining any parts of the works or equipment on the Pells recreation ground which fall within the Town Council's responsibilities; and
- Allowing the land to be bound by these obligations to facilitate the grant of planning permission.

Whilst some of the improved flood defences were to be located on Town Council land, the obligation to maintain these flood defences would not fall on the Town Council, but be retained by the Owner and the District Council and will be passed on to a company expressly set up for estate management purposes.

The proposals for works to Malling Field and the Pells recreation ground would be submitted to the SDNPA for approval. The approved scheme will then carried out by Santon North Street Limited at its own cost. The costs of the Malling Field improvements must fall within an agreed budget, submitted to and approved by the SDNPA. There was a similar budgeting mechanism for the Pells Recreation Grounds works.

The total combined financial value of both budgets is capped at a maximum of one million one hundred and forty five thousand pounds (£1,145,000), which could include a lump sum maintenance allowance, but the total maintenance allowance for both sets of improvements may not comprise more than ten per cent of the combined budget. Any such maintenance contributions would be paid over to the SDNPA on completion of

the works.

Council had previously delegated membership of the associated joint working group to Cllr S Murray and the Town Clerk, and **it was resolved that:**

FC2015/124.3 The principles of the proposed s106 Agreement associated with Planning consent for application SDNP/15/01146/FUL (the North Street Quarter) and the attendant responsibilities of Lewes Town Council and The Town Brooks Trust are accepted.

FC2015/125 NOTICE of ITEMS IN PROSPECT:

- a) The next Planning Committee meetings were scheduled for: Tuesday 12th April and Tuesday 3rd May at 7:00pm
- b) The Homes and Workspaces Working Party was scheduled to meet on Wednesday 13th April at 7.00pm in the Yarrow Room.
- c) The next Member's surgery would be on Tuesday 3rd May 10:00 – 12:00 in the Corn Exchange.
- d) The next meeting of Council would be the Annual Meeting of the Council (Mayor-making) at 7:00pm on Thursday 12th May. Councillors' attention was drawn to the earlier-than-usual starting time.
- e) The Bridge Ward by-election, if called by the requisite number of electors, would be held on Thursday 2nd June.

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 10:20pm

Signed:

Date:



QUESTION RECEIVED:

1. Although the online consultation on the Lewes Neighbourhood Plan Draft Planning Policies Consultation Report of November 2015 ended on 20th December 2015 the consultants' summary presentation states that consultation continued into January and February of this year. What was this extended consultation and why was it not publicised?
2. There are areas shown in yellow on the map on Page 31 of the above draft Report, many of which are outside the physical Town Boundary and actually part of protected Downland within the South Downs National Park. These areas are described as "suggested" for future housing development, but have yet to be investigated as "available and deliverable". Please explain how these areas came to be "suggested" and by whom (e.g. LTC, consultants, members of the public, other consultees, landowners, etc.).
3. In light of changed circumstances on housing policy elsewhere, please advise the number of dwellings now to be sought by LTC, and the expected timeframe?

*Ian Linton
Chairperson
Houndean Residents Association
6th April 2016*

ANSWER:

1. It is not clear to what consultants' statement you refer. Following the analysis of responses to the online questionnaire our consultant presented a progress report and summary to the Neighbourhood Plan Steering Group on 18th February, which contained an indicative Timeline showing analysis of the questionnaire extending through January and bringing the Group up-to-date at the meeting. The consultation report states: *"Please provide your comments by 20th December 2015. These comments will be used to inform the first full draft of the neighbourhood plan, which will be subject to further consultation."* The Plan development continues but there is, as yet, no further draft upon which to consult. Steering Group task teams are working on matters such as tracing ownership and corresponding regarding land identified in public workshops, and refinement of policies in light of public responses. There *will* be further public events and consultation and this will be publicized in due course. At the point where the draft Plan is considered ready, there will be a formal six-week consultation constrained by the statutory rules contained in Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. There will follow further revisions and consultations stipulated in those Regulations and at least one of these will include door-to-door coverage. There will also, ultimately, be a public referendum on the Plan.
2. These areas may have been shaded (suggested) by anyone attending the public workshops, where large-scale plans and coloured pens were available for that purpose, along with guidance material and professional facilitators. The area designated for the Neighbourhood Plan is the formal boundary of the Civil Parish of Lewes, and is not limited by the present built-environment perimeter. This was established at the outset and was the subject of a statutory decision taken at a meeting of the South Downs National Park Authority Planning Committee on 8th May 2014 following a six week period of public consultation by the Authority, which ran from 29th January to 14th March 2014. A plan is attached for your convenience.
3. The number of dwellings to be allowed-for in the Lewes Neighbourhood Plan is 220, to be built between 2014 – 2032. Planning permission granted after 2014 can be 'banked' against this figure in the Neighbourhood Plan, for example consent given for homes (79) in South Downs Road. This leaves at least 140 for which to identify deliverable sites.

The latest developments on the Lewes Neighbourhood Plan are available at www.lewes4all.uk

