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**LEWES
TOWN
COUNCIL**

MINUTES

Of the meeting of **Lewes Town Council** held on
Thursday 7th November 2013, 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 E Allsobrook; S Catlin (Wischhusen); M Chartier; A Dean; I Eilgart; J Lamb; D Lamport; L F Li; J MacCleary; M Milner; R Murray; S Murray; R O’Keeffe (*Mayor*); A Price; R Rudkin; J Stockdale and M Turner (*Deputy Mayor*)

In attendance: S Brigden (*Town Clerk [TC]*); Mrs F Garth (*Asst. Town Clerk & Civic Officer*); L Symons (*Mace Bearer*); Ms E. Martin (*C’tee Administration*); Rev P Hamilton-Manon (*Council’s Chaplain*).

Observing: Ms J Dean (*Customer Services Officer*); Mrs V McLachlan (*Finance Administration Officer*) and Mr J Harrison (*Town Clerk of Hailsham*)

The Rev Hamilton-Manon delivered a short philosophical comment related to the potentially world-changing effect of relatively small events in life, and the need for careful thought and openness in the work of the Council.

The Mayor welcomed new Members Cllr Liz Allsobrook and Cllr John Lamb who had been elected to the Council, representing Bridge Ward, at the by-election held on 17th October 2013.

FC2013/61 **QUESTION TIME:** There were no questions. Two members of the public were present.

FC2013/62 **MEMBERS’ DECLARATIONS OF INTEREST:** There were none.

FC2013/63 **APOLOGIES FOR ABSENCE:**
Apologies were received from Cllr J Daly who was attending hospital for minor surgery.

FC2013/64 **MAYOR’S ANNOUNCEMENTS:**

- a) Members were informed of the recent death of the wife of the Council’s Internal Auditor, Mark Mulberry. All present expressed their deepest sympathy for Mr Mulberry and his very young children, and asked that their condolences be forwarded.
- b) An email had been circulated to all Members from the South Downs National Park Authority inviting them to workshops to develop a “shared identity” for the Park. A number of venues and dates were available, and the latest information on the workshop planned at Cooksbridge (being the closest venue) suggested that up to twelve places still remained at each scheduled session. Members who wished to book a place were asked to register this with Mrs Garth before leaving.
- c) Sunday 10th November was Remembrance Sunday. Members were asked to arrive at the Town Hall for 2.15pm, allowing enough time to robe and assemble for the 2.30pm start.
- d) Monday 11th November was Armistice Day. Robes would not be worn on this occasion but any Member would be welcome to be present at the War Memorial for two minutes’ silence at 11.00am, which would be marked by the traditional “maroon”

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fired from the roof of the Town Hall by members of Cliffe Bonfire Society.

e) The Mayor would be holding a charity event on Sunday 1st December 2013 from 12noon – 3pm at the All Saints Centre in aid of Pippa's Group.

f) The Civic Carol Service would begin at 7.30pm on Tuesday 17th December 2013 at St Anne's Church.

g) The Mayor thanked all those who had supported recent civic events; Poppy collections, and the Bonfire street-cleaners' "Thank you!" breakfast. Those who had attended the "WT-Pur" twin towns events might be interested in reprints (available from Mrs Garth) from the *SudKurier*, Waldshut-Tiengen's local newspaper, which had devoted several pages to the event. It was remarked that Twinning colleagues had been delighted with the success of the weekend. The Mayor also expressed her thanks to Lewes Concert Orchestra for presenting a Mayor's Concert which raised around £900 for her charities, and briefly remarked upon the visit to Lewes of Her Majesty the Queen the previous week.

FC2013/65

MINUTES:

The minutes of the Council meeting held on 3rd October 2013 were received and signed as an accurate record. Cllr Dean apologized and noted that she had intended to send her apologies and reason for absence.

FC2013/66

WORKING PARTIES AND OUTSIDE BODIES:

NB Members are reminded that anyone who may have attended a meeting of any recognized outside body which had covered issues that deserved attention by the Council, should ensure that TC is aware of this before the meeting, and preferably before the agenda deadline. Brief written reports should be submitted wherever practical. Reports on all activities of the organization are not expected.

a) *Finance Working Party 28th October 2013:* Council considered the minutes (*copy in minute book*) of this meeting. Cllr Allsobrook declared an interest in that she is the Chairman of Malling Community Association, and closely-associated with the planned refurbishment of Malling Community Centre.

There was discussion as to the amount of detail to be contained in the recommended forward plan for the Council (*copy in minute book*), and its role in informing the budget-setting process. It was suggested that the Plan should identify stages of progress, and budget elements, to facilitate assessment of progress at key intervals. It was explained that the Plan as recommended described only salient major projects or initiatives, and that these were not all capable of structured analysis at this point in time – awaiting either definition of budget, or detailed planning of timetable. It was agreed that the description be amended to show that the Council's intention was to complete most of the items. Members were reminded that every Council agenda contained an item listed as "Update on matters in Progress". Some felt that the document should allow the public to gauge progress against budgets, or against targets, but it was generally accepted that at the present time the plan was intended simply to offer a prompt when budgets and/or financial reserves were assessed for the forthcoming year, and that it fulfilled the brief given to the Working Party. A refinement would be possible following the setting of budgets, and yet further detail could be added once detailed planning of building programmes or third-party contributions was clearer. This would be clarified in the introductory statement.

Consequently, **it was resolved that:**

FC2013/66.1. The draft Council Plan for 2014/15 recommended by the Finance Working Party and presented to Council at its meeting on 7th November 2013, be agreed, subject to clarification in the introduction on two points:

- The introduction to begin "*Lewes Town Council proposes to initiate, and complete (where possible and practical) the following major areas of work...*"
- Addition of a short statement to explain the status of the plan with regard to

presently-available details of budget and scheduling.

b) *Anti Domestic Abuse – “White Ribbon” initiative*: Councillor A Price reported that he had recently worked with *Crimestoppers* volunteers to supply local tea rooms, pubs and cafés with sachets of sugar carrying messages and information such as the telephone helpline number, to raise awareness and (hopefully) increase third party reporting of suspected abuse. He described the initiative to supply visitors at the Mumford & Sons *Gentlemen of the Road Stopover* event in July with similarly-branded bottles of water, which had been well-received.

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

FC2013/66.2 Lewes Town Council notes Cllr Price’s report on the White Ribbon scheme; thanks him for all his efforts in the cause of reducing domestic abuse, and reaffirms its support for these initiatives.

c) *Devolution of Assets & Services lead group*: Council considered the notes (*copy in minute book*) of the meeting held between its negotiation lead group and Lewes District Council (LDC) on 31st October 2013. Since previous discussions LDC had introduced their intention to recover the costs of discretionary contracted grounds maintenance services for parks and open spaces, by means of direct “special expenses” charges to each parish, moving away from the convention of distributing them evenly across the District.

The implications of this were that the total cost of the contracted services across the District (currently £845,429) would be recharged to the parishes direct in proportion to the sites and activities within their parish. The individual effects based upon current costs and parish Band ‘D’ rates of Council Tax gave a nett *reduction* of around £25 per Band ‘D’ taxpayer in nearly all parishes, with a few saving slightly less, but two - Lewes and Newhaven – carrying an *additional* £56 and £27 respectively. This reflected the disposition of the recreation sites and open spaces within the District. Lewes town would bear a direct recharge of £465,588. In the case of Lewes areas, matters were further complicated by the existence of two charitable Trusts; one for the Stanley Turner ground and one for Convent Field.

It was generally agreed that if the taxpayers of Lewes were to be directly charged for parks and open spaces in any event, the Town Council could offer better local control over the sites if it accepted ownership through devolution, and transfer of the Trust responsibilities where relevant.

There were ramifications such as the the potential or likelihood of future dissolution of the District Parks Department and the position in which that would leave any parish that had assumed ownership. It was acknowledged that Lewes in particular would have sufficient additional responsibilities as to demand additional staff and infrastructure, and this led on to implications for accommodation, and the matter of the adjoining building at 2 Fisher Street which had been discussed previously, and other assets.

LDC lead Members had stated that transfers of ownership to parishes would necessarily include caveats that any future “profit” due to disposal or development would be shared with LDC. There had been lengthy discussion on the context and meaning of “profit”, and how it might arise. It was contended that local assets had transferred to LDC on its creation in 1974 with no such condition, and the principle was not sound. Conflicting viewpoints had been expressed, and the present circumstances were acknowledged to be different, although it was agreed that each asset would need careful scrutiny in this regard. It was generally agreed that a practical and acceptable criterion to trigger such an event would be any future application for change of use classification under the Planning regime, and that there should be tapering benefit clauses to prevent onerous liabilities extending beyond a reasonable duration. LTC Members stated that their intention was to maintain

existing use, and reminded LDC that the discussions had originally been initiated, three years earlier, to determine where assets or services might be transferred for the benefit of local communities. LTC had no plans to capitalize on assets and was seeking to protect the interest of its constituents, recognizing that local taxation was inevitable one way or another, and ensuring local control. The prospects for the District Council's finances in the foreseeable future were understood, having noted the government's published intentions with regard to reduction of exchequer support to 2018 and beyond. LDC's cabinet was shortly to receive a report detailing the effects, and noting a huge savings requirement in the next four years.

Lists of assets in Lewes had been distributed for discussion (*copy in minute book*), although it was explained that these included some assets which were believed to be administered under the District Council's Housing Revenue Account, which is ring-fenced by statute. Further research was being conducted on the history of these sites to clarify their status. Tables of costs showed contracted maintenance; direct and indirect overheads; other expenditure and Band D tax valuations.

LTC members were interested to discuss the transfer of other assets, such as off-street car parks, which had the potential to generate income to offset the cost impact. It was acknowledged that these were outside the scope of Special Expenses, but LTC was keen to explore the possibility and considered that there was ample justification for local ownership. The LDC representatives stated that they were not prepared to transfer ownership, but after wide-ranging discussion it was suggested that they would consider an agreement to share with LTC up to 50% of the surplus income from the town's car parks.

After further discussion of principles, LTC Members proposed that they were happy to seek ratification from the Town Council for the acceptance of ownership of a list of assets (*below*), subject to detailed agreement on each site and the phasing or programming of a timetable for the transfers. It was stated that LDC had estimated their own legal costs for such transfers as averaging approximately £1,000 per site, and TC confirmed that: in that knowledge LTC had already provided for appropriate reserved funds for the past two financial years.

The sites proposed are:

- All recreation areas and open spaces which the District Council retains within its General Fund, and including Southover Grange Gardens and the 50% of Landport Bottom (*incl* Highdown Allotments) owned by LDC
- Recreational areas which the District Council retains within its housing Revenue Account *eg* Landport Recreation Ground and Nevill Recreation Ground
- Stanley Turner Recreation Ground Trust
- Mountfield Pleasure Ground Trust
- Office building at 2 Fisher Street
- Market Tower
- Former Public convenience, Cliffe High St (leased to Nutty Wizard)
- Landport Youth Centre
- St Mary's Social Centre, Christie Road

It was agreed that, subject to both Councils' ratification, a Memorandum of Understanding would be drafted and signed, to allow a project plan for the transitions to be expedited and detailed work to begin. It was understood that the District contract for grounds maintenance was to be extended until 2015 if possible, which would allow revised structuring of any new contract to account for local ownership and the options for independent or sub-contracted works.

Members of the lead negotiating team offered various comments to elaborate upon the notes, and a number of viewpoints were expressed by other Councillors. There was some misunderstanding evident, as to the status of agreement between the

Councils, and this was corrected to clarify that no formal arrangements yet existed. The recommendation was that the two Councils proceeded to exchange a Memorandum of Understanding, to allow detailed site-by-site assessment to proceed. Only after that point would agreement for specific transfers be sought from Council. There were some questions as to the legal standing of such a memorandum, and the potential for penalties. This was explained by TC as being an expression of mutual intention: a precursor to (but not satisfying the fundamental requirements of) an enforceable contract. Reservations were expressed on grounds of the cost and increased financial responsibilities for the Council, although it was understood that local taxpayers were inevitably facing these charges under a Special Expenses regime. It was proposed that Cllr Chartier be formally mandated to act as spokesperson for the Council on the matter and chairman of the negotiating team. A question was asked regarding any potential for a conflict of interest to arise due to Cllr Chartier's current chairmanship of the District Council. This was considered to be not relevant, under the circumstances, and no fetter to Cllr Chartier's freedom to act in either capacity. The team was thanked for its diligent hard work thus far on behalf of the town, and the proposed agreement was described as a "key to further progress".

Following further discursive debate **it was resolved that:**

FC2013/66.3 The report of the meeting to discuss devolution, between the Council's lead negotiating team and Lewes District Council, on 31st October 2013 be noted.

FC2013/66.4 Cllr Chartier is appointed as Chairman of the group leading negotiations with Lewes District Council on devolution of assets and services, and spokesperson for the Council on these matters, and;

FC2013/66.5 Lewes Town Council agrees the drafting of a Memorandum of Understanding with Lewes District Council on the basis of the recommendations described in the notes of the meeting of 31st October 2013, discussing devolution of assets and services, which were considered by Council on 7th November 2013.

FC2013/67

SUSTAINABLE COMMUNITIES ACT 2007:

Members considered report FC008/2013 (*a copy of which is in the Minute Book*) which apprised members of the recent extension to parish councils of provisions of the Sustainable Communities Act 2007.

Following a short discussion **it was resolved that:**

FC2013/67.1 Report FC008/2013 (*a copy of which is in the Minute Book*) regarding provisions of the Sustainable Communities Act 2007 be noted.

FC2013/68

INVITATION TO CANDIDATES:

Members considered report FC009/2013 (*a copy of which is in the Minute Book*) which apprised members of the opportunity to nominate a member for elections to serve on the National Association of Local Councils Larger Councils Committee.

Following a brief discussion **it was resolved that:**

FC2013/68.1 Lewes Town Council supports the candidacy of Cllr S Murray in elections to the National Association of Local Councils Larger Council Committee.

FC2013/69

UPDATE ON MATTERS IN PROGRESS:

a) The pedestrian crossing in Church Lane, Malling, funded by the Council, had finally been completed the previous week by East Sussex County Council. There was some discussion as to the opportunities for publicity photographs and an appropriate press release to be agreed with ESCC.

b) With regard to the proposed refurbishment of the Malling (Bridgeview) Community Centre, a very helpful meeting had been held recently with the Chairman of Malling Community Association and a funding specialist from East Sussex County

Council. Initial research into potential grants gave promising results. TC reminded Members that the availability of third-party funding would define whether or not the Council proceeded with a single-phase project using its own allocated Reserved fund, augmented from the General Fund, or pursued another course.

c) Pells urban realm group – Santon Group was coordinating discussions, to follow on from recent consultations with local residents. Availability of contributors was being established.

d) With regard to the current Employment Tribunal case in which the Council was Respondent; TC and the All Saints Centre Manager had attended a case management hearing held by the presiding Employment Judge, who had issued a series of detailed formal Orders regarding the clarity of the claim and the subsequent programme for action. The Town Council's insurers had been advised and had appointed Solicitors.

FC2013/70

NOTICE of ITEMS IN PROSPECT:

a) Town Hall Repairs Working Party would meet on 12th November at 11.00am.

b) A Traffic Working Party had been arranged for 28th November at 6.30pm. This meeting would develop ideas recently promoted regarding opportunities presented by planned works at the railway station and other anticipated major developments in the town. It was anticipated that Norman Baker MP would attend.

c) The inaugural Neighbourhood Plan Steering Group meeting would be held on Tuesday 26th November at 7.00pm in the Council Chamber.

d) The deadline for Grant applications for the next cycle was Friday 8th November, with the Grants Panel meeting to assess these on 20th November.

e) The next Planning Committees would be on Tuesday 19th November and Tuesday 10th December, both at 7:00pm in the Yarrow Room.

f) Audit Panel would be held on Tuesday 3rd December at 3pm in the Yarrow Room.

g) The next Council Meeting was scheduled for Thursday 12th December at 7.30pm with the deadline for submissions to the Town Clerk of proposed items for the agenda being 12 noon on Monday 2nd December.

h) Meetings would take place before the next Council meeting of the Finance Working Party (budget) and the Working Party to discuss Pells play equipment.

i) TC announced that he had received the resignation of the Town Ranger; who would be leaving at Christmas after seven years with the Council, to take up a post with the War Graves Commission as a specialist inspector and repair agent. Councillors wished to place on record their recognition and appreciation of Mr Kemp's "outstanding" work and best wishes for success in the future

j) Members' attention was drawn to the imminent deadline for items to be submitted for inclusion in the next council Newsletter. Cllr Murray (S) would coordinate.

k) The next Councillors' "drop-in" Surgery was Saturday 7th December.

l) In answer to a question, it was stated that the All Saints Steering Group would next convene when there was a salient reason, and it was anticipated that there would shortly be development in the project to improve lighting and sound installations.

m) Another question arose regarding communications Working Party meetings (there was no meeting planned) and TC reminded Members that Working Parties were intended to be created as required to operate on a task-and-finish basis, and were not "standing committees".

FC2013/71

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

The meeting ended at 8:45pm

Signed:

Date: