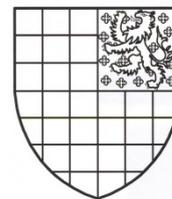


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**LEWES
TOWN
COUNCIL**

To All Members of Lewes Town Council

A Meeting of **Lewes Town Council** will be held on **Thursday 7th April 2016**,
in the **Council Chamber, Town Hall, Lewes** at **7:30 pm** which you are summoned to attend.

S Brigden, Town Clerk
30th March 2016

AGENDA

1. QUESTION TIME

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

2. MEMBERS' DECLARATIONS OF INTERESTS

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

3. APOLOGIES FOR ABSENCE

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

4. MAYOR'S ANNOUNCEMENTS

To receive any announcements from the Mayor.

5. MINUTES

To agree Minutes of the Council's meeting held on 25th February 2016.

(attached page 3)

6. PRESENTATION – Local Policing Programme

To receive a short presentation from ChInsp Rob Leet on organizational changes and work of PCSO's

7. WORKING PARTIES & OUTSIDE BODIES

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

a) *Landport Bottom Joint Management Committee 8th March 2016*

(Oral report Cllr S Murray)

b) *Neighbourhood Plan Youth Workshops 12th & 19th March 2016*

(Oral report Cllr S Murray)

c) *'Dementia-friendly Lewes' Working Party 9th March 2016*

(Minutes attached page 14)

d) *Audit Panel 23rd March 2016*

(Minutes attached page 16)

8. 'NO COLD-CALLING' INITIATIVE

To consider proposed introduction of a 'no cold-calling' scheme

(NOM024/2015 attached page 28)

9. CONSULTATION – organization of Primary education

To consider a response to consultation by East Sussex County Council.

(documents attached page 30)

10. TOWN CRIER

To consider a request for approval for representation as Town Crier.

(letter attached page 31)

11. PUBLICLY-ACCESSIBLE DEFIBRILLATORS

To consider the acquisition of publicly-accessible defibrillators

(Report FC014/2015 attached page 32)

12. UPDATE ON MATTERS IN PROGRESS

a) *Southdown & Eridge Hunt Boxing Day meeting*

(letter attached page 47)

b) *Devolution of Parks & Open spaces - background & status*

(Report FC015/2015 attached page 48)

c) *Various current matters*

(Oral report by Town Clerk)

13. NOTICE of ITEMS IN PROSPECT

(Oral report by Town Clerk)

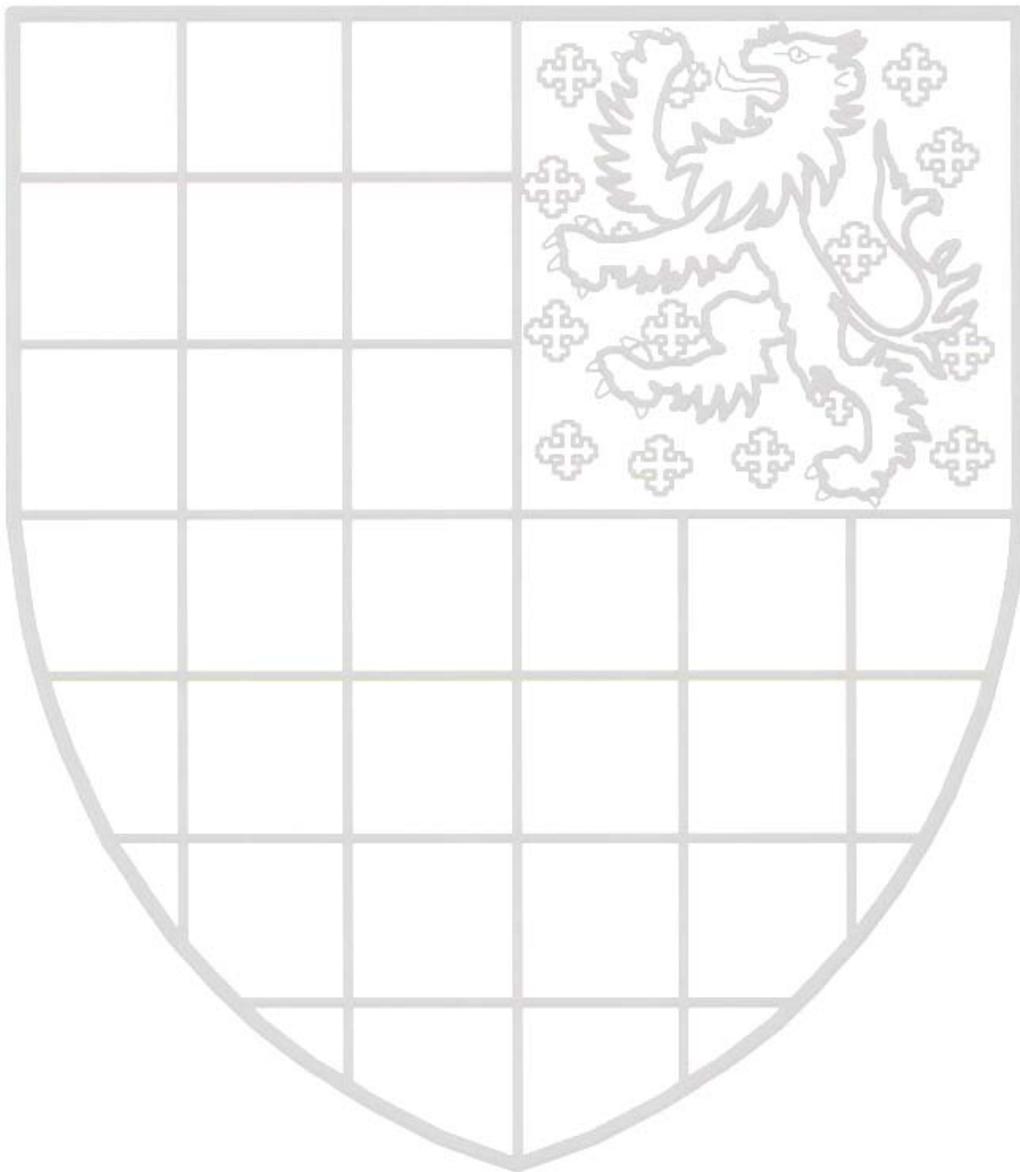
For further information about items on this agenda please contact the Town Clerk at the above address

This agenda and supporting papers can be downloaded from www.lewes-tc.gov.uk

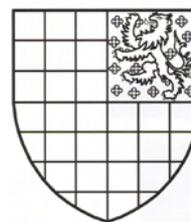
PUBLIC ATTENDANCE: Members of the public have the right, and are welcome to attend meetings of the Council and to ask questions regarding items on this agenda. Questions are heard at the start of each meeting with the Chairman's consent, subject to time available. Questions or other requests to address Council should, whenever possible, be submitted in writing to the Town Clerk at least 24 hours in advance.

General questions can be raised at our offices between 9am-5pm Mons- Thurs 9am- 4pm on Fridays – our staff will be pleased to assist.

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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

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'Keeffe 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:

Draft



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:

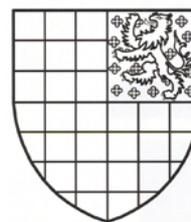
I've heard that there is a pot of Section 106 money that is unspent, allocated for Bridge Ward, specifically for Malling Recreation ground. I'd like to know how much this money is, and when it is going to be released, and how to contribute to discussions around what it is spent on. I'd like to make the 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.



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MINUTES

of the meeting of the **'Dementia Friendly Lewes' Working Party** held on **Wednesday 9th March 2016**, in the **Yarrow Room, Town Hall, Lewes** at **7:00pm**.

PRESENT Cllrs J Lamb; I Makepeace; S Murray; R O'Keeffe and E Watts (*elected as Chairman*).

In attendance: S Brigden (*Town Clerk [TC]*)

DemWP2015/01 ELECTION of CHAIRMAN:

Cllr Watts was elected as Chairman of the Working Party for the 2015/16 municipal year.

DemWP2015/02 APOLOGIES FOR ABSENCE: Apologies had been received from Cllr R Murray, who had a prior commitment to attend a meeting of Landport Residents' Association.

DemWP2015/03 DECLARATIONS OF INTEREST: There were none.

DemWP2015/04 QUESTIONS: There were none

DemWP2015/05 REMIT of the WORKING PARTY:

The remit of the working party, as defined by Council was reviewed:

Council meeting 21st January 2016

DEMENTIA-FRIENDLY LEWES:

Minute extract ref FC2015/98.1 A working party be set up to raise awareness of Dementia, its symptoms and prevalence, and to encourage understanding and support of those living with Dementia.

DemWP2015/06 BUSINESS OF THE MEETING:

Members discussed the best way to address the remit of the Working Party, and Cllr Watts 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 deals with the subject of people suffering from Alzheimer's disease and how music therapy can help and ease their suffering. This 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. Invitations would be offered to such groups as the Chamber of Commerce; Lewes Town Partnership; the Oyster Project; housing providers; arts & leisure service providers; transport providers; Hoteliers and Publicans *etc.* Unfortunately, it had been established that the All Saints Centre was not available during Dementia Week in May and so there followed various suggestions as to the most appropriate date/time, with the general consensus that a weekday evening was favoured.

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.

Whilst there were drugs and treatments that were effective in mitigating Dementia, there was an acknowledged problem with diagnosis. Figures suggested significant numbers of sufferers were undiagnosed or mis-diagnosed at a stage where treatment may have been more helpful.

DemWP2015/07 CONCLUSIONS:

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. Dates would be researched and arrangements discussed at a further meeting.

DemWP2015/08 There being no further business, the Chairman declared the meeting closed, and thanked everyone for their attendance.

The meeting closed at 7:55pm

Signed date

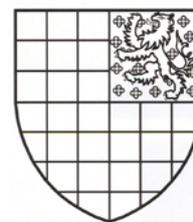
Draft

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**LEWES
TOWN
COUNCIL**

MINUTES

of the **Audit & Governance Panel** held on **Wednesday 23rd March 2016**, in the **Yarrow Room, Town Hall, Lewes** at **7:00pm**.

PRESENT Cllrs S Catlin; W Elliott; J Lamb; M Milner (*Chairman*)

In attendance: S Brigden (*Town Clerk [TC]*)

AudPan2015/17 **QUESTIONS:** There were none

AudPan2015/18 **APOLOGIES FOR ABSENCE:** Apologies were received from Cllr A Barker, who had an unavoidable work commitment.

AudPan2015/19 **DECLARATIONS OF INTEREST:** There were none.

AudPan2015/20 **MINUTES:** The minutes of the meeting held on 8th December 2015 were received and signed as an accurate record.

AudPan2015/21 **BUSINESS OF THE MEETING:**

1 Routine financial monitoring:

Members were furnished with detailed information (*copies in minute book*) following the end of the third quarter of the financial year 2015/16.

Budget monitoring update – this 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. There was some discussion on salient points of detail, and TC responded with reference to the identified sources. Apparent variations were related to known events, such as specific payments in respect of works and purchases; stock-taking adjustments; errors in posting (*eg* to incorrect accounts) which had since been corrected, or perceived 'overspend' which will be attributable to Reserves when final accounts are prepared at year-end. There were no items of concern.

2 Oversight as required by the Audit & Governance regime update 2014: TC introduced the file of periodic bank reconciliations, for review of the scrutiny already conducted. The Chairman 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 meeting, was verified in the same way.

3 Investment policy: The Council had referred the matter of additional criteria related to "ethical" investment for consideration by the Panel (*Council resolution FC2015/81.1 17th December 2015*). Members perused 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 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 he had obtained an informal opinion from the Council's Internal Auditor regarding the status of the adopted Investment & Reserves Policy in the context of the statutory requirement for an Investment Strategy, as 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 amended Policy is appended to these minutes.

4 *Investment of reserve funds:* Following consideration at earlier meetings, TC distributed 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, according to its adopted Investment & Reserves Policy, 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 were interested to see details of the real performance of a local charity 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, 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 by one panellist was related to the general security of property, and potential repeat of the 2007 depression in that market. The CCLA fund had reflected this in 2007/8/9 although in general had outperformed the industry benchmark since recovery in 2010. 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.

AudPan2015/22 CONCLUSIONS:

- 1 Members considered information on the Council's financial status and management, and found no items of concern.
- 2 In accordance with the national audit and governance regime: where member oversight is required, the Chairman of the Panel signed to attest the veracity of reconciliation records presented.
- 3 Members noted the statutory guidance on local authority investment issued by the Secretary of State for Local government, and recommend the additions to

the text of the Council's Investment & Reserves Policy noted at Minute 21 (3) above. The revised Policy is appended to these Minutes.

4 The majority of Panel members were satisfied that funds operated by CCLA Investment management Ltd remained appropriate for investment by the Council, for the foreseeable future, and commend this vehicle to Council for investment of funds not likely to be required within twelve months.

AudPan2015/23 There being no further business, the Chairman declared the meeting closed, and thanked everyone for their attendance.

The meeting closed at 8:45pm

Signed date

Draft



Section A - Policy on Financial RESERVES

1 Introduction

The following quote from the Senior Manager of the Council's external (Government-appointed) auditors is helpful in setting the context for this policy:

"Obviously, in carrying out our audits we review each council individually, but if reserves are either below 25% or higher than 100% of annual expenditure then we would expect an explanation from the council.

From the Practitioners Guide:

- *As councils have no legal powers to hold revenue reserves other than those for reasonable working capital needs or for specifically earmarked purposes, whenever a council's year-end general reserve is significantly higher than the annual precept, an explanation should be provided to the auditor.*
- *Earmarked reserves, which are set aside for specific purposes and for savings for future projects, should be realistic and approved by the council. It is generally accepted that general (i.e. un-earmarked) revenue reserves usually lie within the range of three to twelve months of gross expenditure. However, the amount of general reserve should be risk assessed and approved by the Council.*

The reserves for Lewes Town Council are at an appropriate level for the size of your council and as such we have not requested further details from you in relation to them."

2 Policies

When considering financial plans and preparing the annual budget, the Council will aim to:

- 2.1 Maintain a working bank account balance to help cushion the impact of uneven cash flows e.g. prior to receipt of half-yearly precept payments from the collection authority; referred to as the Current Account and maintained at roughly two months' gross anticipated expenditure.
- 2.2 Maintain a contingency reserve, not earmarked for specific purposes, to cushion the impact of unexpected events or emergencies; referred to as the General Fund, and maintained at roughly four-months' gross anticipated expenditure.
- 2.3 Maintain earmarked reserves, to meet known or predicted liabilities, identified individually in the Councils budgets and annual accounts. Allocations for repairs and renewals will be included in annual estimates of income and expenditure and therefore funded by the Council's precept, in order to maintain earmarked reserves; to augment or reduce them, or to establish new reserves according to Council decisions from time to time.

Section B - Policy on Financial INVESTMENTS

3 Introduction

- 3.1 This policy has been produced and complies with the guidance issued by the Secretary of State under Section 15(1) (a) of the Local Government Act 2003.
- 3.2 Lewes Town Council acknowledges its responsibility to the community and the importance of prudently investing the temporary surplus funds held on behalf of the community.

4 Objectives

- 4.1 The general policy objective for this Council is prudent investment of its balances. The Council's investment priorities are:-
 - (i) the security of its reserves, and
 - (ii) the liquidity of its investments.
- 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.

**5 Policies**

- 5.1 All Lewes Town Council's investments will be those offering high security and high liquidity. This means that:-
- (i) All investments will be made in sterling and any payments or repayments will also be made in sterling.
 - (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.
 - (iii) All investments will be made with a body or investment scheme which has been awarded a high credit rating by a credit rating agency*. (A high credit rating will be defined as 'A' 'High Credit Quality'.)

*A credit rating agency is defined in the guidance as one of the following three companies: Standard and Poor's; Moody's Investors Service Ltd; Fitch Ratings Ltd.
 - (iv) All investments will be made in UK banks and building societies, or other UK-domiciled and regulated institutions or funds.
- 5.2 Credit Ratings will be monitored at six-monthly intervals. If the credit rating falls during that period, the Responsible Financial Officer, in consultation with the Mayor, the Chairman of the Audit Panel, and the Lead Member for Finance & Policy, will decide on the appropriate action. Credit ratings will be reported to Council.
- 5.3 For prudent management of its balances, Lewes Town Council, maintaining sufficient levels of security and liquidity, will adopt a policy whereby funds which are likely to be surplus for more than three months can be invested in short term deposits.
- 5.4 The Government's Department of Communities and Local Government maintain that borrowing of monies purely to invest, or to lend and make a return is unlawful and Lewes Town Council will not engage in such activity.

6 Review and Amendment of the policy

- 6.1 The Responsible Financial Officer will review this policy annually for approval by the Council when annual estimates are being considered.
- 6.2 At the end of the financial year during the preparation of accounts the Responsible Financial Officer will also report on investment activity.
- 6.3 The Responsible Finance Officer may recommend variations of the policy for approval by the Council in accordance with guidance from the Secretary of State.
- 6.4 The Council will consider recommendations for the placement of its deposits at least one month before any instrument matures.

*Lewes Town Council
February 2013
Revised March 2015
This revision April 2016*

The Local Authorities' Property Fund

Fund Fact Sheet – 31 December 2015

Overview

- High quality, well-diversified commercial and industrial property portfolio
- Focus on delivering attractive income
- Actively managed to add value

Fund objective

The objective for this Fund is to generate long term growth in capital and a high and rising income over time.

Suitable for

The Fund is suitable for any Local Authority seeking the benefits of exposure to a diversified portfolio of good quality property investments.

Governance

The trustee is the Local Authorities' Mutual Investment Trust (LAMIT) a body controlled by appointees of the Local Government Association, the Convention of Scottish Local Authorities, the Northern Ireland Local Government Officers' Superannuation Committee and investors in the Fund.

Who can invest?

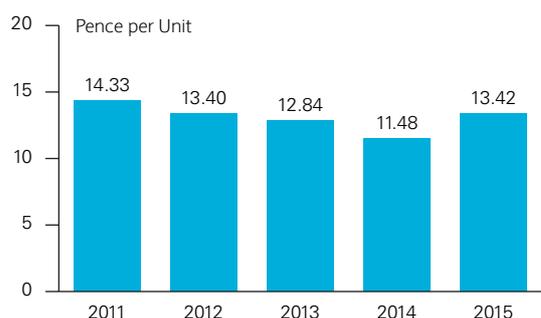
Any local authority in England, Wales, Scotland and Northern Ireland.

Income

Gross dividend yield	4.67% *
IPD Other Balanced Property Fund Index yield	3.70%
Base Rate	0.50%

* Based upon the net asset value and historic gross annual dividend of 13.6971p.

Past distributions



Unique accounting advantages

Unlike other property fund investments or even direct property purchases, investment in the Fund does not count as capital expenditure for English or Scottish local authorities. Dividends are treated as revenue but the General Fund is protected from fluctuations in the unit price. The investment is treated as an available for sale financial asset.

Fund update

Investment markets have remained strong supported by continued high levels of demand and increased investor willingness to buy into secondary and regional markets. Demand is supporting higher valuations in all areas, but it is good quality secondary assets and those on short leases, where yield compression is still strong, that are achieving the best returns. Of the sub-sectors, offices and industrial assets are performing best, retail continues to lag. Occupier markets have continued to improve, but slowly. Voids remain high but there is increasing evidence of rental growth. We expect rental value growth increasingly to become the main source of investor returns.

The Fund has continued to attract strong inflows and in an attractive investment climate there has been an active programme of acquisitions. New assets include a large office at Stockley Park, near Heathrow, a warehouse in Huntingdon and offices in Edinburgh. Total expenditure was approximately £76m. These new holdings add an attractive set of opportunities to the portfolio, support the yield and maintain the high level of asset quality.

Asset allocation



Discrete year total return performance (net)

12 months to 31 December	2015	2014	2013	2012	2011
The Local Authorities' Property Fund	+14.1%	+19.5%	+9.2%	+3.9%	+6.3%

Annualised total return performance (net)

Performance to 31 December 2015	1 year	3 years	5 years
The Local Authorities' Property Fund	+14.1%	+14.2%	+10.4%

Net performance shown after management fees and other expenses. Past performance is no guarantee of future returns.
Source: CCLA

Top ten property holdings – total 50.2%

London, Stockley Park, Longwalk	London, Lime Street
London, Kingsway	Edinburgh, Lochside Avenue
London, Beckton Retail Park	Nottingham, Queens Drive
Coventry, Torrington Avenue	London, Stockley Park, Roundwood
Cambridge, Science Park	Warwick, Icen Centre

Key facts

Total fund size	£573m
Current borrowing	£0m
Number of holdings	44

Income units

Offer (buying) price	310.41p (xd)
Net asset value	293.53p (xd)
Bid (selling) price	288.98p (xd)
Bid/offer spread	7.3%

Launch date	18 April 1972
Unit types	Income
Minimum initial investment	£25,000
Minimum subsequent investment	£10,000
Dealing day	Month end valuation day*
Sedol & ISIN numbers	0521664, GB0005216642
Dividend payment dates	End January, April, July & October
Annual management charge (taken 100% from income)	0.65%

* Instructions for the issue or redemption of units must be received by CCLA no later than 5pm on the business day prior to the Valuation Date. If the valuation day is a bank holiday, the dealing day will be the previous working day. Units are only realisable on each monthly dealing date and redemptions may not be readily realisable; a period of notice not exceeding six months may be imposed for the redemption of units.

CCLA FUND MANAGERS LTD

Income payments are now made gross of tax.

Any outstanding historic tax reclaims should be addressed to:
Glynis Free
Specialist Repayment Team
7 South
Ty - Glas
Cardiff CF14 8HR
Telephone 03000 580618 9.30am - 1pm

Senator House

85 Queen Victoria Street
London EC4V 4ET

Client Service

Freephone: 0800 022 3505

clientservices@ccla.co.uk

www.ccla.co.uk

D5/JAN16

Important Information

Investors are not certain to make profits; losses may be made. Any forward looking statements are based upon our current opinions, expectations and projections. We undertake no obligations to update or revise these. Actual results could differ materially from those anticipated.

The Fund is an Alternative Investment Fund and an Unregulated Collective Investment Scheme established under a Scheme approved by H M Treasury under Section 11 of the Trustee Investments Act 1961 and is subject to provisions of a Trust Deed dated 6 April 1972 and a supplemental Trust Deed dated 13 September 1978. The Fund operates as an open-ended Fund under Part IV of the schedule to the Financial Services and Markets Act 2000 (Exemption) Order 2001.

CCLA Fund Managers Limited (registered in England no. 8735639 at the office above) is authorised and regulated by the Financial Conduct Authority (FCA) and is the manager of the Local Authorities' Property Fund.

The Local Authorities' Property Fund Prices and Dividend Yields

End of	Jan-16	Dec-15	Nov-15	Oct-15	Sep-15	Aug-15	Jul-15	Jun-15	May-15	Apr-15	Mar-15	Feb-15
Offer Price p	310.95	310.41	308.37	306.45	304.16	301.71	300.00	297.51	296.35	295.14	292.20	290.82
Net Asset Value p	294.04	293.53	291.60	289.79	287.62	285.30	283.69	281.33	280.24	279.09	276.31	275.01
Bid Price p	289.49	288.98	287.08	285.30	283.16	280.88	279.29	276.97	275.90	274.76	272.03	270.75
Dividend* on XD Date p		3.37			3.67			3.25			3.41	
Dividend* - Last 12 Months p	13.70	13.70	13.76	13.76	13.76	13.67	13.67	13.67	13.42	13.42	13.42	12.74
Dividend Yield on NAV %	4.66	4.67	4.72	4.75	4.78	4.79	4.82	4.86	4.79	4.81	4.86	4.63
Fund Size £m	576.7	572.7	541.1	480.3	459.6	426.5	419.6	387.1	385.4	355.2	325.8	319.0

* The Dividend is paid gross and is after all charges

Risk Warning

Please remember that the value of units and the income from them can fall as well as rise and an investor may not get back the full amount invested. Past performance is no guarantee of future returns. The Property Fund's unit value will reflect fluctuations in property values and rents. The units are intended only for long-term investment and are not suitable for money liable to be spent in the near future. They are realisable only on each month end valuation date and a period of notice may be imposed for the redemption of units.

CCLA FUND MANAGERS LTD

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London EC4V 4ET
Telephone: 0800 022 3505
www.ccla.co.uk

CCLA Fund Managers Ltd is Authorised & Regulated by the Financial Conduct Authority.

The Local Authorities' Property Fund

Fund Profile – 31 December 2015

A unique, specialist Property Fund available only to Local Authority Investors

Price at 31.12.15

Net asset value

Income units	293.53p (xd)
Gross dividend yield	4.67%*
* Based upon the net asset value and gross historic annual dividend of 13.6971p.	

Strong governance

The trustee is the Local Authorities' Mutual Investment Trust (LAMIT). LAMIT is controlled by members and officers of the Local Government Association, the Convention of Scottish Local Authorities, the Northern Ireland Local Government Officers' Superannuation Committee and by Trustees to represent Unitholders. As trustee, LAMIT approves the investment strategy and the risk profile of the portfolio and reviews performance.

Unique accounting advantages

Unlike other property funds or direct property purchases, the Fund does not count as capital expenditure for English and Scottish Local Authorities. Dividends are treated as revenue income, but the General Fund is protected from fluctuations in the unit price. The investment is treated as an available for sale financial asset.

Meeting your needs

Suitable for Local Authorities with long-term funds to invest to achieve an attractive income and capital growth over time.

The Local Authorities Property Fund is invested in commercial and industrial properties in the United Kingdom. It aims to provide, over the long-term, a satisfactory total capital and income return on the Units of the Fund.

The portfolio is actively managed with a focus on asset selection. The intention is to boost returns by lease and tenant management and property improvement.

The Fund has a broad sector spread, with prudent diversification to keep risks under control.

Asset allocation by investment category 31 December 2015



Total fund size £573 million

Property portfolio details

Top 5 properties = 31.9% of the portfolio

Top 5 tenants = 23.3% of rental income

Weighted unexpired lease term 6.0 years

Vacancy rate 2.1%

Asset allocation by region and category 31 December 2015



Fund Data and IPD Other Balanced Property Fund Index data as at 31 December 2015

Top ten property holdings – total 50.2%

London, Stockley Park, Longwalk
 London, Kingsway
 London, Beckton Retail Park
 Coventry, Torrington Avenue
 Cambridge, Science Park
 London, Lime Street
 Edinburgh, Lochside Avenue
 Nottingham, Queens Drive
 London, Stockley Park, Roundwood
 Warwick, Icen Centre

Market update

Values have continued to strengthen, supported by strong investor demand. Transaction volumes, which fell heavily in the downturn, have now recovered to historic levels. Yield compression remains an important influence on prices, particularly in regional markets and for shorter lease assets, but increasingly it is rental value growth that is the main source of performance. At the sub - sector level offices and industrials have been strongest but retail has lagged due to excess supply. There is evidence that landlords are prioritising occupancy at the cost of rents. Occupier markets continued to improve, if slowly.

Fund activity

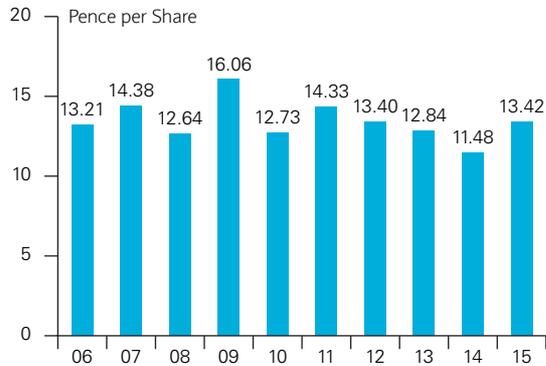
The Fund has continued to attract strong inflows of new money, which has been invested in good quality assets, maintaining the quality of the portfolio and keeping liquidity low. Three strong assets were added during the quarter, at a total cost of approximately £76m. The most substantial purchase was a large modern office in Stockley Park near Heathrow. We also acquired an office in Edinburgh and a distribution warehouse in Huntingdon.

Outlook

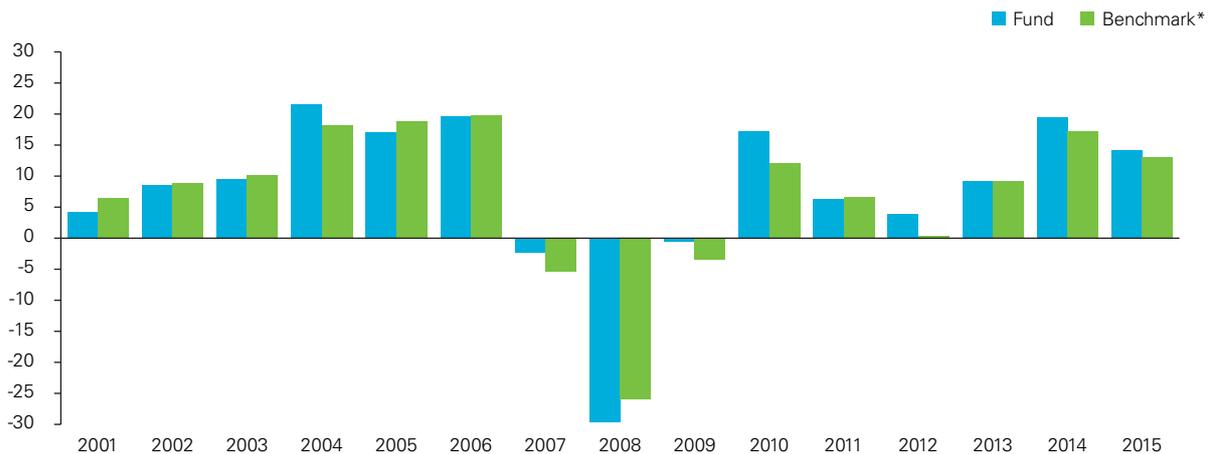
We expect further progress in valuations in the period ahead, spread broadly across the sector but strongest in shorter lease and secondary assets away from London where asset prices still have recovery scope. Rental value growth will be an increasingly important contributor to returns. Occupier markets will continue to improve which should result in lower void rates over time.

Dividend history of The Local Authorities' Property Fund

Years to 31 March



Calendar performance versus the benchmark (net)



* The benchmark is the IPD Other Balanced Property Fund Index.

Performance shown after management fees and other expenses. Past performance is not a guide to future performance and future returns are not guaranteed.

Source: CCLA & IPD

Long-term performance

Total return performance (net) 12 months to end of December

	2015	2014	2013	2012	2011
The Local Authorities' Property Fund	+14.1%	+19.5%	+9.2%	+3.9%	+6.3%
Benchmark*	+13.0%	+17.3%	+9.2%	+0.3%	+6.7%

* The benchmark is the IPD Other Balanced Property Fund Index.

Performance shown after management fees and other expenses. Past performance is not a guide to future performance and future returns are not guaranteed.

Source: CCLA & IPD

Costs and charges

Our policy is always to keep costs and charges low - we believe that high costs and charges have a very damaging cumulative effect on investor returns. We negotiate to keep expenses low and monitor dealing costs closely. We have no entry or exit fees, the only income taken by the investment manager is the annual charge of 0.65%.

Key facts

Bid/offer spread	7.3%
Dealing day	Month end valuation day*
Minimum initial investment	£25,000
Minimum subsequent investment	£10,000
Dividend payment dates	End January, April, July & October
Annual management charge	0.65% (deducted from income) Income
Unit types available	0521664
Sedol number	GB0005216642
ISIN number	

Income payments are now made gross of tax.

Any outstanding historic tax reclaims should be addressed to:

Glynis Free
Specialist Repayment Team
7 South
Ty - Glas
Cardiff CF14 8HR
Telephone 03000 580618 9.30am - 1pm

* Instructions for the issue or redemption of units must be received by CCLA no later than 5pm on the business day prior to the Valuation Date. If the valuation day is a Bank Holiday the dealing day will be the previous working day. Units are only realisable on each monthly dealing date and redemptions may not be readily realisable; a period of notice not exceeding six months may be imposed for the redemption of units.

CCLA FUND MANAGERS LTD

Senator House
85 Queen Victoria Street
London EC4V 4ET

Client Services
Freephone: 0800 022 3505
Fax: 0844 561 5126
clientservices@ccla.co.uk
www.ccla.co.uk

D10/JAN16

Important Information

Investors are not certain to make profits; losses may be made. Any forward looking statements are based upon our current opinions, expectations and projections. We undertake no obligations to update or revise these. Actual results could differ materially from those anticipated.

The Fund is an Alternative Investment Fund and an Unregulated Collective Investment Scheme established under a Scheme approved by H M Treasury under Section 11 of the Trustee Investments Act 1961 and is subject to provisions of a Trust Deed dated 6 April 1972 and a supplemental Trust Deed dated 13 September 1978. The Fund operates as an open-ended Fund under Part IV of the schedule to the Financial Services and Markets Act 2000 (Exemption) Order 2001.

CCLA Fund Managers Limited (registered in England No. 8735639 at the office above) is authorised and regulated by the Financial Conduct Authority and is the manager of the Local Authorities Property Fund.

NOTICE OF MOTIONS PROPOSED

Notice has been received, as described below, of motions which are proposed for consideration by Council at its meeting on Thursday 7th April 2016

NOM 024/2015 – received from Cllr Lamb on 18th March 2016, in the following terms:

It is proposed that:

The Council set up and fund, if necessary, a No Cold Calling Zone in Lewes in order to reduce the number of unwanted doorstep sales calls in the town

Supporting Information:

Proposal to declare Lewes a No Cold Calling Zone

This is a proposal that Lewes Town Council creates a No Cold Calling Zone in Lewes as has been done in other East Sussex towns and villages.

Many people are concerned about the amount of cold calling that goes on in Lewes, particularly on the four estates in the town where residents are subjected to frequent visits by people selling items such as solar panels, double glazing and cleaning products.

Of more concern are the bullying tactics of those cold callers who try to persuade vulnerable, older people to buy unneeded home improvements, such as new roofs and drives, for silly prices. Some of those who come to the door are opportunity thieves looking for a chance to distract a resident and grab valuables.

Many people already have no cold caller notices on their doors and a few streets have already been declared no cold caller zones, but a town-wide No Cold Calling Zone would send a clear message to cold callers to stay away from Lewes. It would empower residents to challenge and turn away these unwanted visitors or report them to Police or Neighbourhood Watch..

Police in Seaford, which has been a No Cold Calling Zone for two years, report a substantial drop in cold calling in that area. A petition on change.org has garnered 98 supporters of a Lewes Zone some of whom have written about the distress cold calling has caused Lewes residents.

The process of setting up a No Cold Calling Zone is relatively simple. The Council must satisfy itself that the majority of residents who express an opinion want a zone.

I suggest that to gauge support, the Council provides cardboard ballot boxes in the Town Hall, All Saints, Malling Community Centre and also approach The Library, District Council and Wave Leisure Centre with a view to putting ballot boxes in their premises. In addition, an online Survey Monkey poll should also be set up and promoted through social media.

Residents would be asked to vote yes or no to the question: “Are you in favour of establishing a no cold calling zone in Lewes? There would also be some text describing what is involved.

It is important that the Town Council consults with other organisations. I have already spoken to local police, Neighbourhood Watch and Trading Standards, all of whom would support a No Cold Calling Zone. The District Council has also expressed its support in a newsletter to councillors.

The zone itself would be indicated by metal A4 signs on the roads into the town. I have identified the A26 at Earwig Corner and before the Culfail Tunnel, the A227 Brighton Road after Ashcombe Roundabout, The Offham Road on or near the town sign and the Kingston Road near Spring Farm Barn as sites for the signs.

In accordance with Highways Licensing Conditions, all signs must be erected with the approval and authorisation of ESCC Economy, Transport & Environment Department (Highways). All sign locations (if on Highways maintained land) must be notified to Highways and authorisation received before signs are erected.

The licence for the signs needs to be granted to an organisation that has public liability insurance. Highways can provide more advice on this.

Lewes Neighbourhood Watch Association has supplies of window stickers warning cold callers not to call which can be distributed to residents.

The cost of buying and putting up signs will be some £1,000, according to Sussex Signs. Expenses will also be incurred in conducting the ballot. The Town Council can apply for a grant from the Joint

Action Group which funds projects that improve community security. I have the relevant forms. Further work is required to precisely establish costs but they are unlikely to be more than £1,500.

It will not be illegal to cold call in Lewes and people not selling goods and services such as meter readers, political canvassers, and religious groups would not be affected by the setting up of the zone.

Many people are reluctant to even answer their doorbells. The setting up of a No Cold Calling Zone would go some way to freeing the town from the tyranny of cold callers.

Cllr J Lamb 18th March 2016

Stuart Gallimore
Director of Children's Services

PO Box 4
County Hall
St Anne's Crescent
Lewes
East Sussex
BN7 1SG
Telephone 0345 6080 190
Fax (01273 481261
www.eastsussex.gov.uk
childrenservices@eastsussex.gov.uk



Strictly Private and Confidential

Steve Brigden
Clerk, Lewes Town Council
Town Hall High Street
LEWES
East Sussex BN7 2QS
townclerk@lewes-tc.gov.uk

Date 10 March 2016

when responding please contact
Fiona Wright
01273 481231
fiona.wright@eastsussex.gov.uk

our ref

your ref

Dear Clerk

I am writing to you because the Local Authority is considering some significant changes to the organisation of primary school education for the Lewes area of East Sussex. Please could you bring these proposed changes to the attention of Lewes Town Councillors.

Subject to approval from the Lead Member for Education and Inclusion, Special Educational Needs and Disability on 21 March 2016, we will be consulting in April on a proposal to close Pells CE Primary School by 31 August 2017.

The reason for our proposal is that the school often struggles to meet its pupil admission number which impacts on the ability of the school to secure financial stability and good outcomes for pupils.

The proposal has already been discussed with the school and the Diocese of Chichester. The Local Authority and the Diocese agree that we should consult on the proposed closure of the school

The Lead Member report will be available on the East Sussex County Council website at <https://democracy.eastsussex.gov.uk/mgCommitteeDetails.aspx?ID=456> from Friday 11 March 2016. Until this date the recommendations are **confidential** and we ask that you do not share this information until the papers have been published. If the recommendations are approved it is proposed that the consultation on closure would begin on 15 April 2016.

I recognise that these proposals present challenges for all schools and the local community. I want to assure you these decisions have been made with the best interests of the children in mind and that the Council is committed to continuing to provide an excellent standard of education for all.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Fiona Wright".

Fiona Wright
Assistant Director – Education & ISEND

Jon Borthwick MAHGTC
38c Cliffe High Street
Lewes
BN7 2AN



Dear Cllr Murray,

I am writing to formally introduce myself and offer my services to the County Town of Lewes as Town Crier.

I have been a Member of the Ancient and Honourable Guild of Town Criers for the past seven years as the Official Town Crier for Peacehaven, although since moving back to Lewes two years ago I have been actively proclaiming activities and events in the Town, from local shows, and events such as late night shopping , festivals, and other occasions around the town.

Following conversations with both Robert Cheesman, of the Friends of Lewes, and David Clark, the President of Lewes Chamber of Commerce they have both voiced their support of me taking on the role of Town Crier in addition to my current role in Peacehaven.

In order to satisfy the requirements of the Ancient and Honourable Guild of Town Criers; of which I am a member and whose annual fee includes the ever important Public Liability Insurance; I need a letter of acknowledgement from Lewes Town Council, recognising me formally as the Town Crier in the area.

Following your agreement on behalf of the Town Council, and letter of recommendation; further discussion would need to be held with Peacehaven Town Council to confirm they are happy with the share of role as a formality. I have discussed this with them in the past and this has been accepted in principle.

I understand that Lewes Chamber will agree to finance the Lewes share of my affiliation with the Guild, (a 50% share of this being only £17.50 per year) and that the Friends of Lewes have funding secured as part of a legacy to part fund Regalia befitting the County Town.

I look forward to hearing from you with the hope that we can send the formal letter of recognition of the role for the Guild without delay, which should enable me to undertake further duties within the Town, promoting the positivity of this historical and spectacular County Town.

Kindest Regards

Jon Borthwick

Jon Borthwick

Member of the Ancient and Honourable Guild of Town Criers

Cc: David Clark, Lewes Chamber of Commerce
Robert Cheesman, Friends of Lewes
Deborah Donovan , Peacehaven Town Council

Agenda Item No: 11 **Report No:** FC014/2015
Report Title: Acquisition of Publicly-accessible Defibrillators
Report To: Full Council **Date:** 7th April 2016
Report By: S Brigden, Town Clerk

Purpose of Report: To propose acquisition of publicly-accessible Defibrillators.

Recommendation(s):

- 1 That the Council provides publicly-accessible Defibrillators at the Town Hall and All Saints Centre, as described in this report.

Information:

1 In the case of a Sudden Cardiac Arrest, on average only 10% of people survive unless they receive early Cardiopulmonary Resuscitation (CPR) and defibrillation. If bystanders provide CPR, and use a defibrillator before Emergency Medical Services arrive, average survival rates increase to 38%. In fact, for every minute without CPR and defibrillation, the chance of survival decreases by 7-10%.

The main target for all UK ambulance services is 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 is that the emergency services could take 5, 10, 15 or even around 20 minutes to arrive, particularly in more remote locations.

Bearing in mind that the first 5 minutes are critical for survival, it is very clear that offering CPR immediately, and getting a defibrillator to the victim quickly, can make a real difference. South East Coast Ambulance services strongly endorse the fact that early CPR and defibrillation saves lives. They state:

CPR increases the chances of surviving because it keeps some blood circulating to vital organs such as the brain and the heart itself. It also increases the likelihood of the heart remaining in a 'shockable' rhythm rather than deteriorating to a 'non-shockable' rhythm (referred to in lay terms as a "flat line"). This matters because a cardiac arrest victim is more likely to survive if their heart is in a 'shockable' rhythm from which it may be possible to shock them out of cardiac arrest with a defibrillator. Given the random occurrence of cardiac arrest, it is relatively rare for anyone to have a cardiac arrest right next to a defibrillator in a public place. Delivering CPR promptly and effectively is therefore crucial, at least until a defibrillator arrives (and often also immediately following defibrillation), if the person is to survive.

Publicly Accessible Defibrillators (PADs) and CPR form vital links in the 'chain of survival' that includes the Ambulance Service and their local First Responder volunteers.

2 The appended 'DeFib pop-up Guide' was published by a working group in Wealden District, and is aimed primarily at that area, but contains a wealth of information on the subject and is promoted by the South East Coast Ambulance services to anyone considering provision of such equipment.

3 SECAMB's Brighton Operating Unit Manager has offered assistance, and whilst not recommending strongly any particular product, notes that the iPad SP1 AED has a special price for PAD schemes through the Ambulance service at £841.75+VAT. A cabinet and initial consumables increase this to £1241+VAT. This is a robust product used by SECAMB, who have training defibrillators available and are also happy to help with setup and facilitate orientation sessions to enable people to try using a training defibrillator. They also offer to replace the "pads" from their own stock after use if called to an event.

4 It is recommended that two units are purchased initially; to be installed at the Town Hall and the All Saints Centre, and SECAMB's offer of setup and training is accepted. The cost can be funded from the approved operating budgets for equipment at the two facilities. Council can consider further units in due course.

S Brigden
22nd March 2016

Getting more
local defibrillators
and more
local people CPR-capable
saves lives

Defib PoP-uP Guide

*A GUIDE FOR WEALDEN MEMBERS, AND FOR ALL CONCERNED COMMUNITY LEADERS
October 2014*

The content of this document does not represent
an official Wealden District Council view on these matters
but is purely based on the conclusions reached by the
Defib PoP-uP working group of district councillors, which comprises:
Nigel McKeeman (Ch)
Ray Cade
Barby Dashwood-Morris
Pam Doodes
Chriss Triandafylou

Whilst the guide may be of relevance to anyone with an interest, it is
primarily aimed at Wealden District Council members.

This report has been prepared by a group of Wealden Councillors who feel strongly about the value of defibrillators. It is a guide, intended to be of practical use. And it is a heartfelt appeal, on an issue of life and death.

We appeal to all community leaders across Wealden to respond to the challenge of getting more publicly accessible defibrillators, and more local people CPR-capable. Because - whether a community is rural or urban, isolated or well served - in the event of a sudden cardiac arrest . . .

. . . having local publicly accessible defibrillators, and local people familiar with CPR, saves lives.

So this matters to everyone, in every community. And it matters particularly to all those who are able to show Community Leadership locally.

Exec Summary

The purpose of the PoP-uP was to explore the pros and cons of having local defibrillators, research the most appropriate and affordable products, and provide some reliable information for Councillors seeking to assist their local communities in this matter.

Our research confirmed that having local defibrillators and local people trained in CPR (Cardiopulmonary Resuscitation) saves lives. We learnt that Publicly Accessible Defibrillators (PADs) and CPR form vital links in the 'chain of survival' that includes the Ambulance Service and their local First Responder volunteers. Having mapped the existing defibrillators and those planned, we conclude that there are still areas within Wealden that would benefit from seeking one or more additional PADs.

The lowest cost for a defibrillator (£400+VAT) is achievable where a grant can be obtained from British Heart Foundation. The best deal without a grant appears to be an iPad SP1 for £841(+VAT) using a discount negotiated by SECamb (South East Coast Ambulance), who may also be able to reduce ongoing costs. The external defibrillator cabinet should be heated where practicable, though this is not essential, and it must be accessible and easy to spot. We estimate that the total budget required by a local community for an individual Publicly Accessible Defibrillator will vary, according to needs and circumstances, from £800 to around £1,700 (+VAT). Basic defibrillator and CPR familiarisation is available from SECamb. Full training is also available from local providers such as St John's ambulance.

Our recommended 10 point plan for local communities

We recommend the following steps for all local community leaders, including Wealden Members, considering installing Publicly Accessible Defibrillators (PADs):

- 1) Find out where in your area there are defibrillators that are easily accessible 24/7 (see diag 2) using information from South East Coast Ambulance service (SECamb)
- 2) Identify centres of population (in which there are no PADs and where there is a natural focal point for the community) that would benefit from a PAD
- 3) Gain some agreement from the local community / Community Leaders, that the idea of a PAD, and some training, is in principle supported
- 4) Explore the options, as the basis for agreeing a budget. For isolated locations this may involve applying for a British Heart Foundation grant. For others, the best option may be take advantage of the discounted PAD as negotiated by South East Coast Ambulance Service (SECamb).
- 5) The cost estimate for each PAD will need to include a cabinet (which, if budgets allow, should be heated) and an allowance for replacing consumables.
- 6) Where necessary, funds for defibrillators can include not only community dividend grants but also Parish Council grants and local donations and other funding sources.
- 7) Once each PAD has been obtained, the next step will be encouraging as many local people as possible to take on training. Basic Cardiopulmonary Resuscitation (CPR) 'familiarisation' (such as that free from SECamb and Community First Responders) is the best, cost-free, way to achieve widespread awareness and preparedness
- 8) More comprehensive CPR and first-aid training for specific individuals can be added, as needs determine, and funded separately
- 9) Thought will also need to be given to publicising and signing, each local PAD.
- 10) The ultimate aim should be for local defibrillators and CPR to become part of more comprehensive resilience plans for each local community

Introduction

Many Wealden Council members have expressed an interest in using the community dividend to fund or part fund defibrillators for their communities. The aim of this first informal 'PoP-uP' working group was to cut through the maze of conflicting opinion on the subject and provide some coherent and practical advice speedily, and in a way that helps members support their local community efforts.

This work has been done in close collaboration with South East Coast Ambulance Service NHS Foundation Trust (SECamb) and their Community First Responder (CFR) volunteers. In particular we would like to thank Tim Fellows of SECamb, and Mike Dean and George Moss representing CFRs, for their helpful advice and valuable offers of support.

Why encourage both CPR and local defibrillators

In the case of a Sudden Cardiac Arrest, on average only 10% of people survive unless they receive early Cardiopulmonary Resuscitation (CPR) and defibrillation. If bystanders provide CPR, and use a defibrillator before Emergency Medical Services arrive, average survival rates increase to 38%. In fact, for every minute without CPR and defibrillation, the chance of survival decreases by 7-10%.

The main target for all UK ambulance services is to reach the scene within 8 minutes in at least 75% of Red 1¹ and 2 calls. And 95% must be reached within 19 minutes. So the reality is that the emergency services could take 5, 10, 15 or even around 20 minutes to arrive, particularly in more remote locations.

Bearing in mind that the first 5 minutes are critical for survival, it is very clear that offering CPR immediately, and getting a defibrillator to the victim quickly, can make a real difference.

South East Coast Ambulance services strongly endorse the fact that early CPR and defibrillation saves lives. They told us this:

CPR increases the chances of surviving because it keeps some blood circulating to vital organs such as the brain and the heart itself. It also increases the likelihood of the heart remaining in a 'shockable' rhythm rather than deteriorating to a 'non-shockable' rhythm (referred to in lay terms as a "flat line"). This matters because a cardiac arrest victim is more likely to survive if their heart is in a 'shockable' rhythm from which it may be possible to shock them out of cardiac arrest with a defibrillator. Given the random occurrence of cardiac arrest, it is relatively rare for anyone to have a cardiac arrest right next to a defibrillator in a public place. Delivering CPR promptly and effectively is therefore crucial, at least until a defibrillator arrives (and often also immediately following defibrillation), if the person is to survive. This is true even in the case of in-hospital cardiac arrests where defibrillators are more often readily available. It should be noted that 80% of cardiac arrests occur at home where defibrillators are not usually available, but calling 999 immediately and delivering effective CPR at home can still save lives.

¹ Red 1 - immediately life-threatening. Red 2 - serious but not life threatening

Advice, based on our research to date

Our advice to members who have decided to spend all or part of their dividend on local resuscitators:

- Wherever possible, identify 'local champions' who can take the ambition forward. (This might be Parish Council, Village Hall Committee, a residents group or involved local individuals)
- Where practicable, grant the dividend to the 'local owners' so that it can be combined with other monies, including donations, and spent appropriately
- Share this guide with your 'local champions' to help them make sensible and informed choices that provide the best solutions for their local needs
- Encourage your 'local champions' to take up the offer, from the British Heart Foundation, or from our local ambulance service, for discounted defibrillators and CPR sessions for residents.

Our advice to members who, until now, have not opted to support defibrillators but who still have dividend to spend:

- Please take some time to read our conclusions
- Take seriously the advice, from our local ambulance service, that early defibrillation and CPR saves lives
- Also take seriously the fact that Sudden Cardiac Arrests do happen in our communities, and do affect people of all ages - not just the elderly or unfit.
- If your local community leaders have doubts, please take up SECamb's offer of a presentation at a local venue - they can answer any questions people might have.

Purchasing recommendations

We have concluded that currently the best value defibrillator, for use by local communities within Wealden, appears to be the iPad SP1 because:

- The South East Coast Ambulance Service and the local Community First Responders recommend the iPad. The British Heart Foundation also approves it.
- It has the right basic specifications for effective community use, including easy-to-follow audio instructions to enable anyone to use it in an emergency
- SECamb have negotiated a discounted price of £841(+VAT)
- Where communities are eligible for a British Heart Foundation (BHF) grant (see details later), an iPad can be obtained for just £400(+VAT)
- SECamb and CFR have expressed an aspiration to provide free replacement pads and batteries for at least 5 years, as part of their ongoing maintenance checks on all registered PADs.



South East Coast Ambulance service favour polycarbonate cabinets but both plastic and metal enclosures have their advantages, and many variants are available. Where budgets are tight, a basic plastic cabinet should be adequate. It is quite a good idea for the cabinet to have a simple battery operated alarm that goes off if the cabinet is opened. Costs vary from £200 - £450 (+ VAT). However, if budgets allow, a heated cabinet is the best way to ensure that the defibrillator is in optimum condition. (£300 - £550 + VAT). In which case resources will need to be allowed for wiring in. With power supplied to the unit, it is also worth thinking about whether some extra external lighting could make the PAD more visibly.

South East Coast Ambulance have offered to try to replace free of charge, on all iPads registered with them, any consumables (batteries and electrode pads) that need replacement during the first five years. However it would be prudent to allow at least £100 for such ongoing costs.

Example budget 1 - lowest cost BHF option

Where a proposed PAD location is successful in applying for a British Heart Foundation grant, the budget could look like this:

iPad SP1	£400
Basic cabinet	£260
Consumables	£140
Total (excl vat)	£800
VAT	£160
Total (incl vat)	£980



Example budget 2 - PAD using SECamb discount

iPad SP1	£841
Basic cabinet	£260
Consumables	£140
Total (excl vat)	£1,241
VAT	£248
Total (incl vat)	£1,489

Individual communities may decide to opt for other type of defibrillator and perhaps a heated metal cabinet. As alternative defibrillators would not be supported by SECamb's free battery and replacement service, this should be allowed for

Example budget 3

Zoll AED Plus	£995
Child pads	£60
Heated cabinet	£395
Batt./pads, 5 yrs	£220
Total (excl vat)	£1,670
VAT	£334
Total (incl vat)	£2,004



VAT can be reclaimed by most community organisations, such as Parish Councils and Village Hall Communities, but may need to be factored into PAD budgets.

The factors that will assist survival

We recognise that local defibrillators, and CPR, are only part of a wider picture of the actions that can help a person survive a sudden cardiac arrest (SCA)

There are four factors that play a part in reducing the risk of a death:

- 1) The attendance of the ambulance service
- 2) The attendance of the local Community First Responder service
- 3) A bystander trained in, or at least prepared to attempt, CPR
- 4) The availability nearby of an accessible defibrillator

1) The attendance of the ambulance service

Calling an ambulance is the first priority. However, as the ambulance could take anything from 5 to 20 minutes to arrive, this will often be well beyond the point when resuscitation is likely to be successful, unless it has been started before the ambulance arrives.

However, calling the ambulance service also alerts the local Community First Responders and the ambulance phone operators can also play a vital role in providing advice and instructions until the ambulance or CFR volunteer arrives.

2) The attendance of the local Community First Responder service

Community First Responders are volunteer members of the community who are trained to respond to emergency calls through the 999 system in conjunction with the South East Coast Ambulance Service NHS Foundation Trust.

In most cases, immediately the ambulance is dispatched the local Community First Responders (CFR) group will also be contacted. Each Community First Responder group comprises local volunteers who have been fully trained in 'first response' aid, including resuscitation, and who carry all the necessary equipment in their car. The call from the ambulance service will go directly to the local volunteer on duty to attend the victim as soon as possible.

All CFR volunteers carry defibrillators and on arrival they can offer resuscitation. But again, depending on the situation and the location, it could be 5, 10 or even 15 minutes before a CFR volunteer is able to arrive.

3) A bystander trained in, or at least prepared to attempt, CPR

If a bystander has been trained in CPR and basic life support, they will know how to recognise a sudden cardiac arrest and they will know what to do. They will make sure an ambulance has been called and the right location given. They will ask someone to go and get the defibrillator if there is one locally. And they will begin to give CPR to the victim. If CPR begins within the first few minutes of the cardiac arrest, the chances of survival are already massively increased.

If the bystander is not trained, the ambulance service will give them instructions over the phone to enable them to attempt CPR until the ambulance or the CFR volunteer arrive.

4) The availability nearby of an accessible defibrillator

If there is a defibrillator nearby, and it is brought to the victim, it can then be used to provide resuscitation. If a bystander has been trained, they will already be providing CPR to the victim and will know how to use the device. But again, even if no one has been trained, the ambulance service will provide guidance. And anyway, defibrillators are completely self-explanatory with voiced instructions to tell the user what to do at each stage. So even without any instruction, most people will be able to use a defibrillator to save a life.

- CPR and defibrillation within two minutes of the cardiac arrest could increase the chances of survival to 80%.

- CPR and defibrillation within five minutes of the cardiac arrest could still increase the chances of survival to 50%.

- That compares with an average survival rate of just 10%.

So defibrillators and CPR save lives. And having local Publicly Accessible Defibrillators, and getting more local people trained in CPR, is two positive steps that communities can take themselves.

Equipment selection and purchase in detail

Getting a local Publicly Accessible Defibrillator (PAD)

Purchasing and installing a local Publicly Accessible Defibrillator (PAD) is comparatively simple. The cost of a basic defibrillator, for use by the public, can range from around £900 up to £2,000 or more (+VAT).

From our research we have ascertained that the best universally available defibrillator currently appears to be an iPad which, when obtained from Well Medical, through South East Coast Ambulance service (SECAMB), costs £841(+VAT). This is a discount compared with online providers, where the price is around £920(+VAT) and a list price of £1,295(+VAT). Apart from the low price, the iPad also has the advantage that the replacement batteries and pads are lower cost and last longer than some other comparable units. Also, SECAMB have told us that intend to continue their practice of supplying free replacement batteries and electrode pads for iPads. However, as circumstances may change it would be safer to assume that this might not last more than five years from now. So a budget for consumables would be advisable.



SECAMB cannot guarantee to replace batteries and electrode pads on other products for which they do not carry stocks.

There is one other route open to some more remote communities and that is the offer of a reduced cost unit for just £400(+VAT) through the British Heart Foundation (BHF) grant scheme. Any community organisation can apply and to qualify your location will have to be confirmed by SECAMB as being difficult to reach in an emergency. The BHF discount applies to two models: The iPad SP1 and the Zol AED Plus - both widely used by Community First Responders and first aid trainers - and both costing £400(+VAT) through the scheme.

Of course many other brands and types of defibrillator are available and it is up to each community to decide their own priorities. Our diagram 1 shows some examples of defibrillators, and the range of prices for particular models. A more comprehensive range of defibrillators can be browsed through online providers such as defibshop.co.uk, where a chart of ongoing costs can also be seen.



Other things required when installing a PAD

To be publicly accessible, the defibrillator will have to be installed in an external cabinet which is readily visible from the street and accessible 24 hours a day. Purpose designed cabinets range in price and are constructed in metal or high-strength polycarbonate plastic.

SECamb recommend the plastic type because they are more transparent making it easier to see what is inside in an emergency. There are number of options including alarms, heating, internal lighting, coded access and even phones for contacting the emergency services.

Whilst heating is promoted as a way to ensure that the unit is kept at optimum operating temperature, this is completely necessary for our climate, where temperatures rarely fall below zero. SECamb point out that defibrillators are routinely stored in the back of ambulance vehicles without any problems, and feel that the extra cost of heated cabinets including the cost of installing a power supply, outweigh the benefits.

However, if funds are available, SECamb still recommend a heated cabinet with some lighting on the same circuit if possible. Although the actual power used by heated cabinets is small, there will be the cost of wiring in the unit and getting the electricians certified.

Many cabinets also come with an emergency alert alarm. This is activated when the cabinet is opened and is principally intended as a deterrent if someone is opening the cabinet out of curiosity. These alarms (which can be turned off if not required) are quite loud but, as genuine emergencies will not hopefully be a frequent occurrence, they seem to be a good idea. Keypad locks are rarely advisable as PADs, by definition, need to be available quickly and easily for public use.

Ongoing maintenance

Apart from routine checking of the PAD to make sure it is ready to operate, there will also be the need to replace certain items over time. The defibrillation pads have a limited shelf life (3 - 5 years) and will have to be replaced when expired. Similarly, the battery (unless one of the few that is re-chargeable) will also require replacement when the shelf life (3 - 5 years) has expired. For this reason, the ongoing costs (between £150 and £300 over five years) need also to be considered when purchasing.

SECAmb have told us that they currently carry out (in collaboration with local First Responders) annual checks of all registered units. They will also hope to replace batteries and electrode pads when required. They can only undertake to replace consumables free where these are their stock items (such as batteries for the iPad). However, they think they may only be able to offer this 'free consumables' service for the first five years. As funding can always come under pressure, it would be advisable for communities to think about, and plan for, these potential future costs in case the need arises. The online defib shop provides a handy chart of likely ongoing costs for most defib models.

Getting more local people prepared to do CPR

Learning how to do CPR is not hard, and the more people there are in a community that can do CPR, the more likely it is that someone suffering a cardiac arrest will get prompt and effective resuscitation. That's why we are keen to enable Wealden communities to organise more local CPR training for residents.

There are two schools of thought on mouth-to-mouth within CPR.

Many professionals, including SECAmb, have come around to thinking that the compressions are the most critical for saving lives and that, for a number of reasons, mouth to mouth is generally not essential.

- Insistence on mouth to mouth discourages too many people from doing training and having a go when the need arises.
- Particularly in the current health-concerned climate of opinion, mouth-to-mouth is seen as risky to both the victim and the rescuer, unless full barriers are used
- Continuous CPR is seen as having benefits that outweigh the consequences of not doing mouth to mouth

On the other hand, many CPR training courses (and all the fully certified ones) still teach the trainee how to combine compressions with 'breaths'. And, as the British Heart Foundation point out on Radio 4 recently: "The majority of cardiac arrests (80%) occur in the home. So the person most likely to offer CPR, will be a family member. In which case most will be happy to do mouth to mouth, and will have a better chance of success if properly trained."

SECAmb have offered to team up with local CFRs to provide free CPR familiarisation sessions for local communities. These do not provide qualifications or certificates, but are designed to encourage as many people as possible to be ready to have a go at CPR, using compressions only. They have done this many times in the past and have found that this is best when hosted by the Parish Council, and with drinks or coffee etc. to encourage full attendance. Where it is felt that knowledge of full CPR, defibrillator and emergency procedures is required (including full training in mouth to mouth), the 'gold standard' of training can be achieved through various training sources, including St John's Ambulance.

Busting the myths

Myth: *“There’s no point in having a local defibrillator if most people locally don’t know how to operate it.”*

Reality: Publicly Accessible Defibrillators are designed to be used by people who have never seen one before. And, while the ambulance is on its way, the emergency services will stay on the line and give the bystander instructions on how to use the defibrillator.

Myth: *“All Defibrillators need a power-supply to keep the battery charged.”*

Reality: Defibrillator batteries are designed to keep their charge for their entire shelf life, which is generally 3 - 5 years. They are normally replaced when out of date or if they have been used in an emergency. There are some defibrillators that have re-chargeable batteries, but these again are only re-charged after a period, or if used in an emergency.

Myth: *“A defibrillator cannot be used on young children.”*

Reality: Most defibrillators are supplied with adult pads. However it is very easy to add child pads and these are not expensive. Some, like the iPad SP1, have pads that can be used for adults and children - the pads are just positioned differently for children and this is self-explanatory.

Myth: *“We have no use for a defibrillator because there is an ambulance station within half a mile of here. An ambulance could be here very quickly.”*

Reality: There are not always ambulances in the ambulance points. Firstly, at any time there may be other emergencies that are keeping the ambulance crews busy. Secondly, when not on call the ambulances are not always positioned in the ambulance points. The control centres are able to predict, particularly at the busiest times of the week, where calls are most likely to come from - and the ambulances are directed to be stationed on those areas. So, even if there is an ambulance station nearby, it could still take 5, 10 or even 15 minutes for an ambulance to arrive.

Myth: Hands-only CPR is what is now all that’s recommended. It is no longer thought beneficial to do mouth to mouth.

Reality: In a cardiac arrest, it is better for a bystander to do something rather than nothing. Some people are untrained or unwilling to deliver ‘rescue breaths’ (mouth-to-mouth ventilation). If the bystander is trained and willing to deliver rescue breaths effectively as well as chest compressions they should do so as this remains the recommended treatment. If not, it is better to deliver ‘hands-only CPR’ (i.e. chest compressions) immediately and without interruption, rather than doing nothing or attempting ‘rescue breathing’ ineffectively.

Myth: It is not necessary to deliver CPR as well as defibrillation

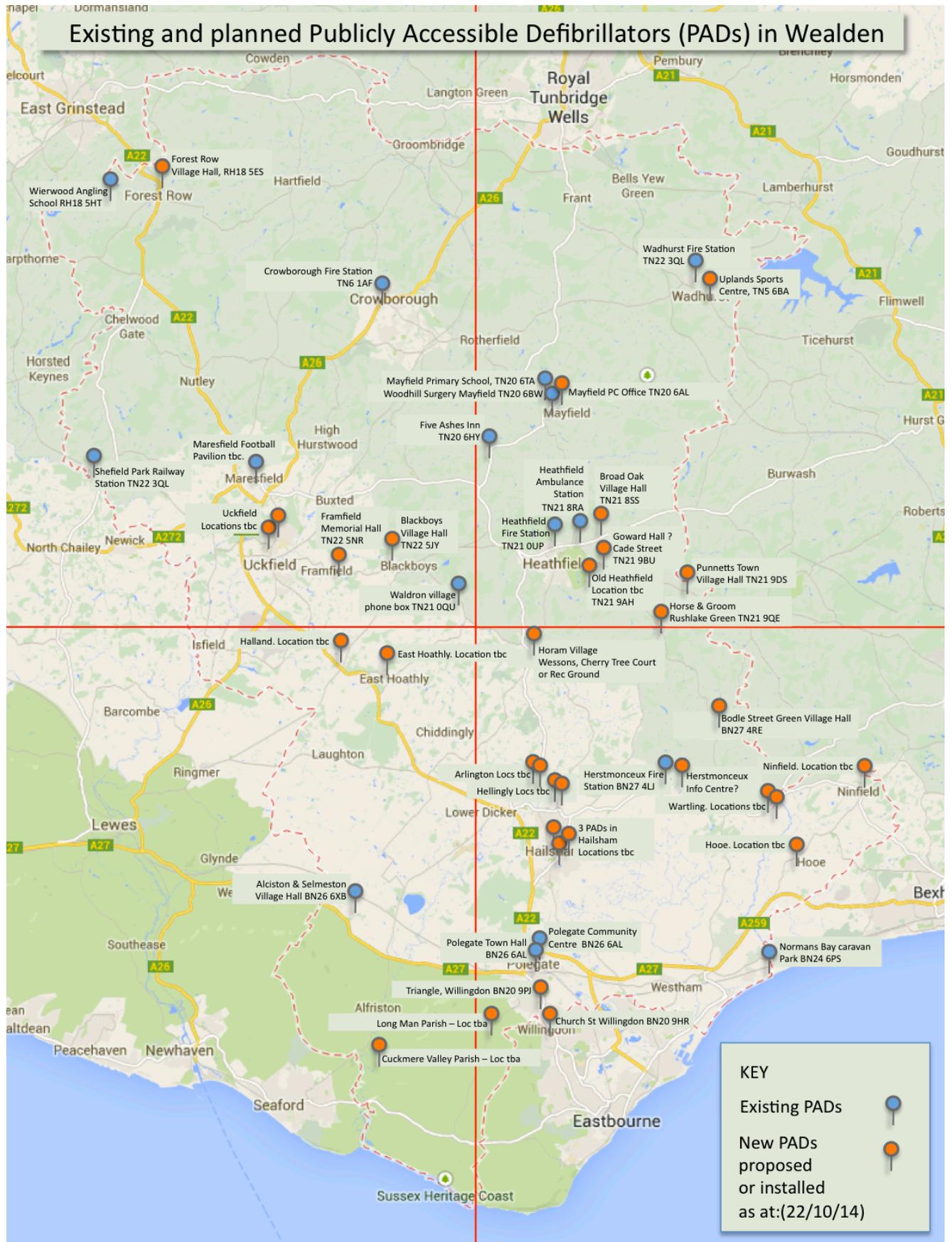
Reality: Each link in the chain of survival is important. Calling 999 immediately ensures that emergency professional help is on the way as quickly as possible - the person is unlikely to survive without receiving expert help as soon as possible at the scene, en route to hospital and after arrival. CPR increases the chances of surviving because it keeps some blood circulating to vital organs such as the brain and the heart itself. It also increases the likelihood of the heart remaining in a ‘shockable’ rhythm rather than deteriorating to a ‘non-shockable’ rhythm (referred to in lay terms as a “flat line”). This matters because a cardiac arrest victim is more likely to survive if their heart is in a ‘shockable’ rhythm from which it may be possible to shock them out of cardiac arrest with a defibrillator. Given the random occurrence of cardiac arrest, it is relatively rare for anyone to have a cardiac arrest right next to a defibrillator in a public place. Delivering CPR promptly and effectively is therefore crucial, at least until a defibrillator arrives.

Diag 1 - Table of example defibrillator costs, and typical discounts available

PAD COSTS
Range of costs for some example defibrillators, including estimated ongoing costs

BRAND	MODEL	TYPE	IP Rating	Included pads	Electrode Pad life	Manf. warranty	Battery life/warranty	RRP	BASIC COST through Defib shop online	MANF Discount on 25	CHILD PADS	5 YEAR COST	COST VIA SECAmb	COST THROUGH BHF	Best price + 5 yrs ongoing costs
IPAD	SP1	Semi-auto (shock button)	55	2, dual Adult / Child	3 years	7 years	5 Years	£1,295 +VAT	£920 +VAT 10 year warranty		Included	£220	£841 +VAT (http, Wel medical)	£400 +vat	£1,061 +VAT £620 +VAT
IPAD	Saver	Semi-auto (shock button)	54	Adult		5 years	5 years	£995 +VAT							
Zoll	AED Plus Lay responder	Semi-auto (shock button)	55	Adult	5 years	7 years	5 years	£1,194 +VAT	£995 +VAT 10 year warranty		£60	£150		£400 +vat	£1,145 +VAT £550 +VAT
Cardiac Science	Powerheart G3	Semi-auto (shock button)	24	Adult x1	2years	7 years	4 years	£1,575 +VAT	£1,099 +VAT with 10 yr warranty			£225			£1,324 +VAT
Cardiac Science	Powerheart G5	Semi-auto (shock button)	55	Adult x1	3 years	7 years	4 years		£1,099 +VAT with 10 yr warranty	£895 +VAT Cardiac Science 2 Adult pads		£275			£1,170 +VAT
Philips Heartstart	HS1	Semi-auto (shock button)	21	Adult	2 years	8 years	5 years	£1,070 +VAT	£920 +VAT with 10 yr warranty			£222			£1,142 +VAT

Diag 2 - Mapping where PADs are now and where they are planned



Useful contacts and links

Defibrillator and Cabinet suppliers

Defib online shop:

<http://www.defibshop.co.uk/>

Well medical, providers of iPad within SECAMB discount scheme:

<http://www.welmedical.com/s.nl/sc.15/category.52321/ctype.SS/SS.52321/.f>

Cabinet providers suggested by SECAMB:

<http://www.aedcabinets.co.uk/>

<http://www.securitysafetyproducts.co.uk/security/protective-covers-cages/>

Emergency services and related charities / grant sources

South East Coast Ambulance service

<http://www.secamb.nhs.uk/>

British Heart Foundation

<http://www.bhf.org.uk/heart-health/life-saving-skills/public-access-defibrillators-1/applying-for-a-defibrillator.aspx>

Training courses providers

<http://www.sja.org.uk/sja/default.aspx>

<http://tumbledowntraining.co.uk/>

<http://uktraining4you.co.uk/>

<http://www.sussexheartcharity.org/heartguard-home.php>

<http://www.jittraining.co.uk/>

<http://www.mccrudden-training.co.uk/>

The above are training providers we have found locally. We cannot provide any guarantee as to the quality or value for money of the training offered.

This guide was written and produced by the informal Defib PoP-uP working group of Wealden Councillors. Its content does not represent an official Wealden District Council view on these matters but is purely the outcome of research and investigation by the members of the PoP-uP. The Group is grateful for the help, support and offers of collaboration from the South East Coast Ambulance Service NHS Foundation Trust (SECAMB) and the Community First Responders



South East Coast Ambulance Service 
NHS Foundation Trust

Whilst the guide may be of relevance to anyone with an interest, it is primarily aimed at Wealden District Council members.



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Dear Steve

11 March 2016

Southdown and Eridge Hunt Meeting, Boxing Day, Lewes

Further to my letter dated 22 February I can confirm that my meeting with CI Rob Leet took place this Tuesday (8 March). It was a constructive meeting and we discussed the event in question in some detail. It became clear that following the initial application to Lewes District Council, the question as to whether to close the road received little attention from those it had been circulated to (including Lewes Town Council). The press interest on the petition (supporting the hunt meeting) and earlier comments of some of the Town Councillors (against it) in late December inevitably increased the potential of the event to become more confrontational than in previous years.

The Police I understand as a result of this new and late information carried out a second risk assessment and decided to provide one Sergeant and six Constables to police the event that day and deal with any resulting disorder. I understand that although no arrests took place, one minor public order offence and two common assaults were subsequently investigated by Sussex Police.

Chief Inspector Leet explained that because of the events of the Boxing Day Hunt meeting last year additional work will be done to examine and assess any risks associated with future applications.

In regards to the role of Lewes District Council we will review our internal processes in relation to how we ensure our Ward Councillors are properly able to present their views in the consultation once an application is received for a road closure here or elsewhere in the District.

Yours sincerely

Andy Smith
Councillor & Leader of Lewes District Council

Cc Cllr Cooper

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Agenda Item No: 12 b) **Report No:** FC015/2015
Report Title: Background and status of Devolution of Parks & Open Spaces
Report To: Full Council **Date:** 7th April 2016
Report By: S Brigden, Town Clerk

Purpose of Report: To advise Council of the present status of devolution by Lewes District Council of Malling recreation Ground and Landport Bottom (50%).

Recommendation(s):

- 1 That this report, and the independent legal advice attached as Appendix B, be noted.
- 2 That Council carefully considers its response to Lewes District Council’s Cabinet decisions to cease negotiation regarding Malling Recreation Ground and to withhold Local Council Tax Support Scheme grant in the sum of £53,128.

Information:

1 At its meeting on 6th November 2014 the Town Council resolved (*Minute FC2014/69.3 refers*) to pursue the transfer of the 50% interest in Landport Bottom currently owned by Lewes District Council, and also Malling Recreation Ground (with boundaries as agreed at the meeting [*copy in Minute book*]). Messrs. Wellers Hedleys (WH), the legal advisers retained by the Sussex & Surrey Associations of Local Councils (SSALC) were commissioned to conduct the legal conveyance and work with the Town Clerk (TC) in finalizing the transfers.

2 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. Meetings had been held on

28 th January 2011	14 th November 2011	31 st October 2013
10 th February 2011	18 th October 2012	9 th October 2014
9 th June 2011	29 th November 2012	

These meetings were each reported back to Council in due course. The ‘negotiation’ had been characterized by repeated cancellations and long periods of inaction and changes of personnel on the part of the District Council. Minutes of a Town Council group internal briefing meeting in July 2013 note that “LDC had introduced new policies since the last discussions, which had again been interrupted, and there was a desire [on LTC’s part] to re-establish the programme of negotiations.”

3 The requisite Reports on Title and draft transfer agreements were received from LDC in December 2014, and caused the Town Council’s solicitor, Ian Davison, to raise a number of technical questions, in particular relation to Malling Recreation Ground. He contended that there were some erroneous applications of law, and clauses which he considered were likely to significantly disadvantage the Town Council in its ownership and management of the land which, LDC proposed, would extend for 50 years from the date of transfer. Mr Davison has considerable recent experience in this field, having conducted devolution negotiations in Wealden District and elsewhere in the South-East, and is also retained by Newhaven Town Council for similar transfers from LDC. The elections of May 2015 then interrupted, and it was 2nd October 2015 before a meeting could be arranged with LDC’s legal and property management officers to address the points highlighted. At this meeting TC and Mr Davison comprehensively explained the concerns on behalf of the Town Council and it was agreed that some amendments should be submitted to LDC, in the spirit of that discussion. These were drafted and submitted in November 2015, and do NOT suggest any change that substantially undermines LDC’s position. We have reiterated our view on the over-complication of the “overage” approach but nonetheless accommodated their insistence that it be applied.

4 On 11th February 2016 there had yet been no response from LDC, and TC emailed LDC’s Head of Legal Services and the Property & Facilities Manager to prompt some reaction; including a copy of the proposed amendments. A response was received from a Legal Department officer the

following day, contesting most of Mr Davison's amendments but offering little support for the contrary position taken on each. Our solicitor had highlighted very real potential for this Council to face disproportionate cost and effort in the future on the arising of foreseeable events. LDC offered no counter-arguments to the points raised – merely insisting upon adherence to their original draft

Mr Davison replied with a detailed review of each of his proposals and its foundation in law, but the response was an abrupt refusal to negotiate further. In a 'parallel' strand of communication, the District's Property & Facilities Manager presented a wholly different standpoint from that exhibited at the meeting in October, and indicated that she would be proposing 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 was not 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 requested but no further communication has been received to-date.

5 At LDC's Cabinet meeting on 21st March 2016 the Leader of the District Council presented a report on the status of devolution and it was 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.*"

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

- a) it is 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, is believed to be unlawful and challengeable by judicial review.

7 It should be noted that the transfer of the District Council's 50% share of the jointly-owned land at Landport Bottom is apparently unaffected by this contention, as LDC accept that the transfer is simpler in nature. This is still in progress at time of writing.

8 Appended to this report are:

Appendix A: the related email correspondence described in this report, and;

Appendix B: professional advice and recommendations provided by the Council's commissioned legal adviser, Ian Davison.

Members' particular attention is drawn to this document as it summarizes the present position and the parties' respective points of difference fairly succinctly.

S Brigden

29th March 2016

For context:

Ian Davison has a long career in local government law, operating at all levels, and has served as a District Solicitor (Horsham) among other senior posts. He currently trains and advises 333 councils in Sussex and Surrey as SSALC's retained legal adviser, extending to over 1,600 in SERCAF. He liaises with DCLG and NALC routinely. In the matter of devolution – he has recently acted for parishes in negotiations of a similar nature with Wealden District Council and currently acts for Newhaven Town Council in their transfers from Lewes DC. He has acted in similar transfers from Government departments including the Ministry of Defence.

1	<p>1.1</p> <p>1.2</p> <p>1.3</p> <p>1.4</p>	<p>From: Steve Brigden Sent: 11 February 2016 12:34 To: Mark Reynard; Bee Lewis Cc: Ian Davison; Catherine Knight Subject: Devolution - Malling Recreation Ground and Landport Bottom - Lewes</p> <p>Mark/Bee;</p> <p>Devolution of Malling Recreation Ground and share of land at Landport Bottom, Lewes.</p> <p>I am concerned at the extreme and continuing delay in progressing these matters. It was October 2nd 2015 when Ian Davison and I met with you and Bee, and we thought that a workable compromise had been reached at that meeting. Ian submitted a TR5 and short list of amendments on 16th November 2015, but to date we have had no response at all. You will be aware that LDC did not raise a Special Expenses charge in respect of Malling rec for 2015/16, and yet has been paying contractors. I have a provisional agreement from my Members that they will consider reimbursement to LDC for this year as we precepted the required sum in anticipation of ownership early in the financial year which is now drawing to a close. Should we not reach agreement over the disputed terms this will not be considered, and I doubt Council will entertain any further discussions on devolution. For your convenience I copy, below, Ian's message of 16th November and attach again the revised TR5. A prompt response to this will be appreciated.</p> <p>Regards; Steve</p> <p>The Town Council reiterates its view that the proposals set out in the transfer are wholly excessive and should not be necessary as between local authorities serving the same electors.</p> <p>It has considered the overage provisions and concludes that it may be acceptable if substantially cut back both as to scope and length of overage period. It would not wish to be fettered in the use of the land as public open space or for recreational facilities nor for any dedications or disposals with this object in mind.</p> <p>I have reinstated the overage provisions but make the following comments:</p> <ol style="list-style-type: none"> 1 cl 5 of panel 11 - I cannot see any justification for LDC being able to enforce the provisions of this transfer after it has parted with any interest in the retained land. 2 sch 2 (overage) - para 1 I have sought to raise any base value by including the TC's costs of improvement and remediation amongst other things 3 I have excluded certain types of development 4 I have specified the end date as at the end of the overage period; I have deleted the ability to extend the overage 5 I have amended the issue of possession 6 I have, as instructed, reduced the overage period to 10 years. 7 I have extended the definition of permitted disposal to avoid us having to deal with the consent and deed of covenant regime 8 I have made clear that the trigger event is the implementation of planning permission and the not the grant of planning permission (this actually accords with the recitals to the overage agreement) 9 I have taken out the provisions about payment of the transferor's costs 10 I have deleted the reference to good faith - it is rather insulting as between local authorities!
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2	2.1	<p>From: Bee Lewis Sent: 19 February 2016 12:28 To: Steve Brigden Cc: Mark Reynard; Alan Osborne; Catherine Knight Subject: RE: Devolution - Malling Recreation Ground and Landport Bottom - Lewes</p> <p>Hello Steve</p> <p>2.2 Thanks for your email. Like you, I thought we'd reached an agreement on the way ahead, though it was quite clear at our meeting that Ian did not agree with LDCs stance. We were therefore disappointed, but not completely surprised, to find that the changes he subsequently suggested in the drafting had the effect of eroding the agreement we'd tentatively reached.</p> <p>Despite discussions between both sides, I agree with you that it has not been possible to resolve the outstanding matters and I will now seek further instruction.</p> <p>2.3 However, if I have misunderstood and you are now in a position to agree, then please let me know at the earliest opportunity.</p> <p>Kind regards, Bee</p>
3	3.1	<p>Hello Bee.</p> <p>3.1 For clarity: Ian's view is this Council's view, and I share it. Our position has always been that LDC's approach was unnecessarily complicated for a transfer between two public authorities of land continuing in the same use – for the benefit of the community. A simple transfer with appropriate covenants would be more straightforward; the cumbersome overage clauses are considered inappropriate and not necessary to protect electors'/taxpayers' interests. This was made doubly inappropriate since the imposition of Special Expenses parish-by-parish, as the only taxpayers' that are relevant are those of Lewes town, whom Town Councillors are elected to represent. The insistence upon some form of overage clause being apparently unshakeable on LDC's part, nonetheless the agreement we reached in my office on 2nd October last was, I understood, that a schedule of exceptions would be agreed – thus preventing expense and effort being triggered by an everyday event such as a request for an easement by a utility company, or similar. The intention was to follow the original spirit of these clauses insofar as LDC seeks a share in any significant windfall arising from a valuable development approval being implemented, but does not seek to impose burdens for insignificant events. Also: we consider that a term of 50 years is unacceptably long and out-of-step with general practice. Since your response, I understand that Eve Steer has corresponded with Ian and the detail amendments he submitted in November are still under scrutiny.</p> <p>You must understand our frustration: the subject of devolution “in earnest” first arose in late 2010, since when the protracted delay has been entirely attributable to LDC. After initial discussions and tentative agreements with your Lead Members in late 2011 we suffered a lengthy period of inaction during Nilam Popat's tenure and subsequently found ourselves effectively re-negotiating in 2013/14. Having clarified our respective positions we have been patiently awaiting conclusion of legal agreements, but with periods of several months passing with no communication whatsoever. The Malling Recreation Ground site was chosen as a first tranche transfer to streamline the position subsequent to North Street Quarter planning approval – giving Santon/LDC a single landowner to deal-with for works on affected land to both sides of their development – The Pells and Malling Rec.</p> <p>3.5 We have been put to considerable expense and effort, and your Council finds itself continuing to maintain land for which it has not charged the appropriate Special Expense in the current year. I believe this will also have a bearing on devolution to other Parishes. This is a mess and we seek to resolve it now and move on.</p> <p>3.6 I trust this clarifies our position. I await confirmation of LDC's position on Ian Davison's proposed final draft, and will advise my Council accordingly.</p> <p>Regards; Steve</p>

4

From: Eve Steer
Sent: 12 February 2016 11:24
To: Ian Davison
Cc: Bee Lewis; Mark Reynard
Subject: FW: 25216-3 Malling Brooks

Dear Ian

I write further to a meeting attended by Steve Brigden, Mark Reynard, Bee Lewis and yourself, the outcome of which has been relayed to me.

Please find attached the draft TR5 for the transfer of Malling Brooks Recreation grounds and my further comments below.

I refer to your amendments (in blue).

- 4.1 1. Clause 5 – Declarations and agreements, I agree to the deletion on the basis that section 33 ought correctly to be used as a positive covenant and to provide another means for securing the use of the land. I have inserted new clauses 3.4 and 3.5 to this end. This amendment should not be controversial given that the premise that the land is to be used for recreational use is agreed.

Schedule 2

- 4.2 2. Base value - the Base value affects the overage payment. Your amendment appears to have the effect of inflating the base value so that the overage payment is decreased. Please see my proposed amends.

- 4.3 3. Development – We cannot agree to have this definition restricted by the inclusion of clause (a) . A development order would sidestep the overage formula while also allowing the transferee to develop the land, but this is exactly what LDC is seeking to capture. As such I have included the use of development order in the definition of Planning Application so that development under those orders also attracts overage.

- 4.4 4. “End Date” – Overage must be 50 years to 2065. The amendment does not appear to be in the spirit of the agreement reached on overage as this amendment together with the amendment to Planning Permission has the sum effect of nearly cancelling overage.

- 4.5 5. “Enhanced Value” – the effect of deleting the words that deal with easements way leaves, etc is to remove certainty of valuation. We cannot agree to the deletion.

- 4.6 6. “Permitted Disposal” – the purpose of this definition is to ensure that not every disposal attracts overage. The drafting reflects what is considered the standard position.

We agree to the inclusion of sub clauses (b) and (c) can be agreed but for the word “transfer” at clause (c).

We cannot agree to the inclusion of clauses (d) to (f); as not only are they not “disposals” but the effect if agreed is to avoid future transferees from covenanting directly with LDC by the Deed of Covenant

- 4.7 7. “Planning Permission” - We cannot agree to your amendment as the use of “implementation” as the criteria for payment is uncertain, and that is the widely accepted view.

- 4.8 8. “Trigger Date” – your amendment to the definition is not agreed, however LDC will agree to the deletions you have made, (and the deletions of clause 3 (Extensions to the End Date) if you can agree to the End Date being 50 years.

- 4.9 9. Clause 5.2 – the deletion will have the effect of allowing other charges or mortgages to have priority over the overage and cannot be agreed.

- 4.10 **I understand that the land included in this transfer will have to be slightly reduced to facilitate the erection of a new bridge from the North Street Quarter. I will provide you with a new plan as soon as it is provided.**

I look forward to hearing from you. Kind regards; Eve

5	<p>From: Ian Davison Sent: 16 February 2016 13:00 To: 'Eve Steer' Cc: Steve Brigden Subject: RE: 25216-3 Malling Brooks</p> <p>Eve, Thank you for your message and enclosure.</p> <p>I have taken the instructions from the Town Council but am waiting further comments in respect of the length of the overage period.</p> <p>5.1 1 I do not agree to the inclusion of the provisions on s 33 - this is essentially a mechanism for covenants (particularly positive covenants) to run. LDC has the benefit of restrictive covenants and s 33 is not necessary and rather oddly applied.</p> <p>5.2 2 I do not agree to the qualification regarding improvements which effectively excludes most improvements. Holding costs include any financing costs, outgoings. Clearly if overage were triggered by planning permission and sale, then such costs could be reflected in any sale price.</p> <p>5.3 3 If you look at the GPDO you will see why I have included reference to permitted development as excluded development. In particular see parts 2, 4, 8, 9, 10,12, 13, 15, 16 and 19. Many of those are rights accruing to the benefit of statutory undertakers or external agencies. I am prepared to limit the list to those Parts mentioned. I am glad that you have now excluded development for or in connection with the land as open space or for recreational facilities - which goes to the heart of our arguments.</p> <p>5.4 4 and 8 I do not think that the Town Council would agree that there is an agreed spirit on overage..... I am still awaiting instructions on the length of the option period.</p> <p>5.5 6 "Permitted Disposal". These provisions do not affect overage as such but the requirement to obtain a deed of covenant. If e.g. Fields in Trust requires a deed of dedication, this has been held to amount to a disposal especially if the transaction were to involve a charitable dedication - it would not enter into a deed of covenant (c). If e.g. Sport England were to make grant aid for improvements to the land (which presumably LDC would consider a benefit) it will require a deed of dedication and a restriction - it is a nice point whether that would amount to disposal in local government terms, it would not enter into a deed of covenant (d). A statutory successor would stand in the shoes of the Town Council and no deed of covenant would arise (e) and a body exercising CPO powers would not give a deed of covenant but would have the power to override any such requirements. While the some of the exceptions might be "standard" (as you say), the way in which statutory organisations work extends the scope.</p> <p>5.6 7 The Town Council's view is that the trigger in the context of your requirement for an overage must be the grant of planning permission and its implementation (I have provided the statutory definition), otherwise there may be a requirement to pay money to LDC when the Town Council has generated none. Indeed, it is usual for such overages to be triggered by both the grant of planning permission and disposal.</p> <p>5.7 9 A local authority cannot charge or mortgage its land, hence my amendment.</p> <p>I should be grateful for your confirmation that my amendments in respect of those matter mentioned above are agreed.</p>
6	<p>Weds 17th February 2016 Eve</p> <p>6.1 I have taken the further instructions of the Town Council on the length of the overage period. It has had regard to the practice of other public sector bodies, particularly Government, and proposes a compromise period of 20 years.</p> <p>Please will you take instructions.</p> <p>I look forward to hearing from you.</p>

<p>7</p> <p>7.1</p>	<p>From: Ian Davison Sent: 29 February 2016 14:49 To: Eve Steer Cc: Steve Brigden Subject: FW: 25216-3 Malling Brooks</p> <p>Eve</p> <p>I was wondering whether we are any nearer to agreeing these documents. I understand that matters are becoming somewhat "political" and I am sure that we want to bring this negotiation to a close.</p>
<p>8</p> <p>8.1</p> <p>8.2</p> <p>8.3</p>	<p>From: Eve Steer Sent: 29 February 2016 17:06 To: Ian Davison Cc: Steve Brigden; Bee Lewis Subject: RE: 25216-3 Malling Brooks -Subject to formal transfer</p> <p>Dear Ian</p> <p>Thank you for the email.</p> <p>While the Council wish to bring the negotiation to a close, the amendments are such that this is not a transaction that I am either authorised to do or recommend to my client that they complete on.</p> <p>We are considerably apart on a number of issues.</p> <p>Attached is the transfer that I can recommend to my client. I am not in a position to negotiate further on the draft.</p>
<p>9</p> <p>9.1</p> <p>9.2</p>	<p>Eve</p> <p>Thank you for your message.</p> <p>It seems fair to say that you have not taken on board any of my suggestions and have given no reasons for not considering them.</p> <p>I am taking instructions on your message and its ramifications.</p>
<p>10</p> <p>10.1</p> <p>10.2</p> <p>10.3</p>	<p>From: Eve Steer Sent: 02 March 2016 07:46 To: 'Ian Davison' Cc: Steve Brigden; Bee Lewis Subject: RE: 25216-3 Malling Brooks -Subject to formal transfer</p> <p>Dear Ian</p> <p>We are very far apart on a number of issues.</p> <p>The Town Council's position on this matter is made very clear in Steve Brigden's email of 22 February, where he advises as follows:</p> <p>"For clarity: Ian's view is this Council's view, and I share it. Our position has always been that LDC's approach was unnecessarily complicated for a transfer between two public authorities of land continuing in the same use – for the benefit of the community. A simple transfer with appropriate covenants would be more straightforward; the cumbersome overage clauses are considered inappropriate and not necessary to protect electors'/taxpayers' interests".</p> <p>You do not want to accept overage and no amount of negotiation will change your mind. As suggested in your earlier email of 29 February, it is in the interests of both parties to bring this negotiation to a close.</p> <p>Yours sincerely; Eve</p>

<p>11</p> <p>11.1</p> <p>11.2</p> <p>11.3</p> <p>11.4</p> <p>11.5</p> <p>11.6</p>	<p>Eve,</p> <p>I must say that this response is rather surprising. You have quoted only part of my email, and drawn a rather broad inference from what was a simple statement of our opinion. My comments were for clarity (as stated) and, surely, the more pertinent element of that email is:</p> <p>“The insistence upon some form of overage clause being apparently unshakeable on LDC’s part, <u>nonetheless the agreement we reached in my office</u> on 2nd October last was, I understood, that a schedule of exceptions would be agreed – thus preventing expense and effort being triggered by an everyday event such as a request for an easement by a utility company, or similar. The intention was to follow the original spirit of these clauses insofar as LDC seeks a share in any significant windfall arising from a valuable development approval being implemented, but does not seek to impose burdens for insignificant events. Also: we consider that a term of 50 years is unacceptably long and out-of-step with general practice.”</p> <p>That was agreed with Mark Reynard and Bee Lewis and runs counter to your assertion that we “do not want to accept overage and no amount of negotiation will change your mind.”. Ian proposed relatively few amendments in the spirit of that agreement and submitted them shortly after it was reached; the legal background to which he has helpfully explained for each point. We cannot see how it would diminish or harm LDC’s interests to agree them, and they are not actually that “far apart” as you state.</p> <p>You offer no counter-arguments and have misinterpreted “bring this negotiation to a close” – intended merely to prompt a restart and (hopefully) progression to a mutually-acceptable conclusion.</p> <p>We are simply exercising appropriate care with regard to the exposure of this Council to unreasonable risk and Ian has diligently highlighted the very real potential for an “everyday” event to trigger disproportionate cost and effort in the future.</p> <p>If you are under instruction to cease negotiation, then please be clear as I wish to present a detailed report and recommendations to my Council at its next meeting.</p> <p>Regards; Steve</p>
<p>12</p> <p>12.1</p> <p>12.2</p> <p>12.3</p>	<p>From: Bee Lewis Sent: 03 March 2016 12:11 To: Steve Brigden Cc: Catherine Knight; Mark Reynard; Gillian Marston Subject: Devolution</p> <p>Hi Steve</p> <p>I hope you are well.</p> <p>I just wanted to give you a heads-up about a report going to Cabinet on 21st March. One of the recommendations in the report reads: “To note the current position relating to the transfer of Malling Rec to Lewes Town Council (LTC) and to approve the recommendation to retain the grant payable to LTC in lieu of the Special Expense charge for 2016-2017 until such time that agreement may be reached.”</p> <p>The intention is to cover our Grounds Maintenance costs and of course, we are too far advanced in the budget to introduce Special Expenses for 2016-17. The body of the report does say that if we are able to reach agreement, then the grant will be paid to LTC pro-rata.</p> <p>I believe the key sticking point is overage and after taking further instruction, LDC’s position hasn’t changed. I’ve attached an extract from an external source which shows it is entirely reasonable and practicable for public bodies to use overage clauses in the way we have suggested. Please be assured that it is our intention to ensure that the transfer completes, but I understand you may need to revert to your Members</p>

<p>13</p>	<p>Bee;</p> <p>13.1 Thank you for the notice regarding your proposed report. I am not sure to what “grant payable to LTC” you refer – we have precepted for the 2015/16 year cost of Malling Rec, as I believe I explained in an earlier message, and were not expecting any money from you. It had been suggested within this Council that WE might support YOU by paying that over to offset the fact that you raised no Special Expense for the site this year and so much time has passed. That idea had some support until the recent display of intransigence on LDC’s part regarding technical details. It may be more helpful if you shared a copy of your report, so that the extracts to which you refer can be read in context.</p> <p>13.2 As for the rest of your email; you must forgive me if I consider it rather patronising. I am familiar with the principles of overage, and Ian Davison continues a long and illustrious career as a Solicitor in local government with his current role as Head of Local Government at Wellers Headleys: he is retained legal adviser and trainer for the Sussex and Surrey Associations of Local Councils, and operates at regional and national level. The “external source” reference material you offer as reassurance is no better than can be gained from a quick Google search!</p> <p>13.3 <i>For the avoidance of further misunderstanding:</i></p> <p>The sticking-point is NOT overage, but rather the sensitivity of the trigger and a few matters of exception. As stated in my message to Eve yesterday (copied to you):</p> <p style="padding-left: 40px;">“The insistence upon some form of overage clause being apparently unshakeable on LDC’s part, nonetheless the agreement we reached in my office on 2nd October last was, I understood, that a schedule of exceptions would be agreed – thus preventing expense and effort being triggered by an everyday event such as a request for an easement by a utility company, or similar. The intention was to follow the original spirit of these clauses insofar as LDC seeks a share in any significant windfall arising from a valuable development approval being implemented, but does not seek to impose burdens for insignificant events. Also: we consider that a term of 50 years is unacceptably long and out-of-step with general practice.”</p> <p>13.4 This was agreed with you and Mark last October. Ian proposed relatively few amendments in the spirit of that agreement and submitted them shortly after it was reached; the legal background to which he has helpfully explained for each point, in correspondence with Eve. We cannot see how it would diminish or harm LDC’s interests to agree them.</p> <p>13.5 There appears to be no spirit of genuine negotiation on LDC’s part, as you offer no counter-arguments to the technical points Ian has raised – just a refusal to accept them. This is surprising, given the obvious benefits to LDC in passing-on the burden of ownership of Parks & Open Spaces; especially-so as Lewes town contains sites representing more than 50% of your contracted maintenance cost, and Newhaven town (who also retain Wellers Headleys) represents a further 25% or thereabouts.</p> <p>13.6 We are simply exercising appropriate care with regard to the exposure of this Council to unreasonable risk. Ian has diligently highlighted the very real potential for an “everyday” event to trigger disproportionate cost and effort in the future, or for the Council to be generally disadvantaged, and has proposed sound legal reasoning for amendments to minimize that. You will understand our reluctance to ignore his advice, and amazement that LDC is not able to see the practical nature of it.</p> <p>Regards; Steve</p>

29 MAR 2016

Lewes Town Council
Mr Steve Brigden, Town Clerk
Town Hall
High Street
Lewes BN7 2QS

YOUR REF

OUR REF

REPLY TO

ID/ID/25216/3
East Horsley office

T

E

DX

DATE

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ian.davison@wellerslawgroup.com
141174 East Horsley
23 March 2016

Dear Steve

Malling Recreation Ground transfer

I refer to our telephone conversations on 22 and 23 March 2016 and to your messages.

You tell me that you intend to make a report to the Council meeting on 7 April to explain the current position of the proposed transfer of open space from Lewes District Council to the Town Council.

You have asked me to set out the current position regarding the transfer and, additionally, have sought my advice about the threatened non-payment of the Local Council Tax Support Scheme grant.

So far as the transfer is concerned, I have the following comments:

- 1 My approach, which the Town Council has supported, is that the form and content of the transfer must be appropriate as between two local authorities serving the same taxpayers. Both are obliged to act within the legal framework set out in statute, e.g. as to achieving best consideration for the disposal of land, but also achieving best value in taking on land and the common law, acting reasonably in the legal sense and having regard to each authority's fiduciary to its taxpayers.
- 2 This is a case where LDC is off-loading liabilities rather devolving valuable assets.
- 3 The Town Council remains keen to see this transaction through to completion (and you and I have striven to achieve this objective) but the Council is also entitled not to proceed unless the terms are right for it and its taxpayers.
- 4 It is right to constrain the use of the land by restrictive covenant and the Town Council has readily agreed to this. It has agreed to restrict the use of the land for public open space and/or for recreational facilities. If the Town Council wanted to use the land for other than these purposes, then it would have to seek a release from or a modification of the covenants and there could be financial consequences flowing from such release or modification including payment to the District Council. Such an approach satisfied LDC's obligation to obtain best



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consideration and the advice in circular 06/03 (disposal of land for less than the best consideration that can reasonably be obtained) and is wholly consistent with the Government's devolution agenda.

5 The Town Council wants to make beneficial use of the land for public open space and for recreational facilities and does not wish to be unduly fettered in achieving this important public service objective e.g. by having to refer back to LDC.

6 The Town Council is entitled to be and should be treated as an equal partner local authority.

7 While LDC is under obligations with respect to land disposals, equally the Town Council is under obligations to secure best value for its taxpayers.

8 Overage is a means of capturing an increase in value enabling a previous owner to participate in the benefit of such uplift. The device is now widely used where there is a suggestion of a sale at an undervalue especially where development is envisaged or where there is hope value in the land. The Government routinely uses the device. The length of such option periods is typically 10-20 years. Overages may be triggered in four different types of circumstances: (a) the grant of planning permission; (b) the grant of planning permission and implementation of that permission; (c) sale, (d) grant of planning permission and sale. In cases (c)-(d) the owner will have identifiable funds with which to pay the person having the benefit of the overage. In case (a) the owner may not have funds to pay. In case (b) the owner may have funds. LDC's requirement is case (a) - the trigger for payment is upon the grant of planning permission whether or not it is ever implemented.

9 Overage should not be necessary, especially as between local authorities particularly given the existence of the restrictive covenants. If, however, the parties were to agree to an overage, then the terms should reflect the context, two local authorities working together, it must be fair and reasonable, not fetter the intended use and not complicate the beneficial use of the land for the purposes for the intended purpose and not impose unnecessary administrative burdens. While I do not think that overage is a necessary way of proceeding, the Town Council has agreed to overage in principle to facilitate the transfer.

10 The following table sets out the current positions:

LDC	Town Council
Term 50 years	Term 20 years
Overage amount 50% of the difference between base value and enhanced value	Agreed in principle
Base value - market value as at trigger date but no allowance for Town Council's costs	Base value - market value as at trigger date but allowance must be made for Town Council's costs of remediating any contamination and improving land
Trigger event - grant of planning permission or planning permission granted by a development order	Trigger event - the grant of planning permission and sale but prepared to accept implementation of planning permission
Planning permission is for any purpose but has conceded that planning permission for use of the land as open space or for	Planning permission for the use of land as public open space and for recreational purposes and permitted development for

recreational uses can be excluded	minor local authority development or development by utilities must be excluded.
Requirement for LDC's consent for certain disposals	Town Council should not have to get LDC's consent where there is a deed of dedication to e.g. Fields in Trust, Sport England, successor authorities or authorities exercising compulsory powers.

- 11 On the planning permission point mentioned in the table, I am also concerned and conscious of the fact that development on neighbouring land for example an industrial site may require development granted by a permission on the land to be transferred which could trigger overage where the Town Council may not actually benefit.
- 12 On the consent point the Town Council would not be wanting to go to LDC should (say) Sport England require a deed of dedication to secure grant funding for improvements on the land.
- 13 In reality there is a bridgeable gap between LDC and the Town Council but it is difficult to see how agreement can be reached if officers have been instructed not to negotiate (negotiations are suspended).
- 14 It is my perception that LDC is behaving like many principal authorities in seeking to outsource to parish councils the cost and risk of e.g. open space management while in reality seeking to maintain control. While LDC evidently wishes to have a one-size fits all with regard to its devolution proposals (and there is merit in a consistent approach), there should be a sensible realisation of the principles which I have set out and fair dealing with the Town Council.
- 15 The ball is in LDC's court.
- 16 There is a second but related issue upon which you have sought my opinion. This is potentially serious in legal terms although it may not be serious in financial terms for the Town Council.
- a. On 8 December 2015, LDC made the unequivocal statement that it would allocate £53,128 of Local Council Tax Support Scheme Grant to the Town Council (and other amount to the other parish councils).
 - b. In summary terms, in 2012 government changed the way in which council tax support was to be given to claimants by passing responsibility for devising support scheme to district councils. A consequence was that the tax base could have been adversely affected. Broken down to parish council level, the tax base for individual parishes may have been affected to a greater or lesser extent than others. Government also sought to mitigate the impact of the change by making grants available to district councils. The grant made under s 31 of the Local Government Act 2003 was not ringfenced and, because Government has no legal power to grant aid parish councils directly, expressed the hope that the grant would be passed on to parish councils to reflect the impact on the parish councils' tax bases. Most district councils did pass on the grant but were not obliged to do so. LDC chose to pass on the grant.
 - c. From a parish council's point of view such a grant, if received, was not ringfenced and had to be taken into account in the income item of its statutory

calculation under s 49A of the Local Government Finance Act 1992. While not wholly correctly done (because LDC asked for the amount to be shown separately having the effect of reducing the council tax requirement which would otherwise be applicable), LDC indicated that the grant should be taken into account in the way in which I have described. The effect of the grant was, in reality, to reduce a parish council's council tax requirement or precept, although the actual choice of how the parish council was to spend the money was for the parish council and not for the district council to dictate.

- d. In this case, LDC stated that the grant would be paid (the letter of 8 December is unequivocal); the Town Council undertook its statutory calculations on the faith of such assurance and produced a council tax requirement which it notified to LDC as billing authority. LDC in accordance with its statutory obligations under the 1992 Act made its statutory calculations taking into account precepts, levies, its own demand on the collection fund etc and made the council tax resolutions. So far, so good.
- e. It seems now that, despite the letter of 8 December 2015 and the council tax resolution of 25 February 2016, you tell me that LDC's Cabinet has now resolved not to pay the £53,128 grant because negotiations are suspended whether or not that will be until such time as the transfer of the open space has been effected is currently a moot point. It has not sought to withhold the grant from other parishes. At this stage I do not know why the grant is to be withheld and you should take steps to ascertain the true position by reference to the proceedings and documents. One could reasonably surmise that LDC's actions were (a) to bring pressure to bear on the Town Council to accept the transfer of open space on LDC's terms alone or (b) to help make up the shortfall on the sum raised by LDC as its proportion of the council tax. It seems that LDC has not budgeted in 2016-17 for the maintenance of the open space which it had hoped would have been transferred and financial responsibility for which would have passed to the Town Council.
- f. I should add in parentheses that LDC has been funding the maintenance of the open space in question together with other open spaces in the District by means of special expenses chargeable to the relevant parish. I have significant doubt whether the use of special expenses in this way is lawful. S35(2) of the 1992 Act (so far as is relevant) provides that special items comprise -
 - d) any expenses incurred by a billing authority in performing in a part of its area a function performed elsewhere in its area by ... a parish ... council ... are the authority's special expenses unless a resolution of the authority to the contrary effect is in force.

The clear intent is to give a district council the ability to levy the equivalent of a precept with respect to an unparished area for parish council-type functions. It is not in my view authority for a district council to add an additional impost on parished areas. In this case the provision of open space is a district council function. This is, however, an argument for another occasion.
- g. You have asked me whether LDC's actions in withholding the grant are challengeable and how a challenge could be mounted. It is my

recommendation that counsel's opinion should be sought. However, it is my initial view that LDC's actions could be unlawful for the following reasons:

- i. LDC's letter of 8 December 2015 and the making of the council tax created a legitimate expectation that the grant would be paid (substantive legitimate expectation) and the summary withdrawal without notice or consultation not only breached the Town Council's substantive legitimate expectation but also breached the Town Council's procedural legitimate expectation. Such breach might amount to an abuse of power.
- ii. Additionally, if LDC withheld the grant because of the lack of progress in negotiations over the transfer of land rather than for reasons connected with the council tax support scheme's impact on the council tax base, then arguably LDC's decision could be tainted for evincing an improper purpose or by taking into account an irrelevant consideration.
- iii. The decision to withhold grant could therefore be challengeable by way of judicial review.
- iv. Before embarking on any litigation (and we will have to move quickly), the Town Council must be aware of the following matters: (a) what would it seek to achieve by taking action - the court would at best quash LDC's decision and it would not order the payment of the grant; (b) the costs of taking such action - the possibility of having to pay two sets of costs in the event of losing the case and not recovering its full costs even if it were to succeed; (c) whether the loss of this grant (perhaps temporarily) would have a material impact on the finances of the Town Council in view of its having precepted for the grounds maintenance in 2015-16; (d) the court's antipathy to public authorities litigating against one another when the public purse will bear all the costs; (e) the outcome of litigation is never certain; (f) reputational implications; (g) the court's being exasperated that two local authorities cannot come to an accommodation.

Please let me have your instructions in respect of the conduct of the transfer and whether or not you wish me to pursue the possibility of challenge to LDC's grant decision (once we know the full implications).

Yours sincerely



Ian Davison
Solicitor
Head of Local Government