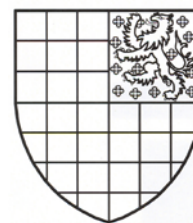


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**LEWES
TOWN
COUNCIL**

MINUTES

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

held on **Thursday 1st October 2015**, in the **Council Chamber, Town Hall, Lewes** at **7:30pm**.

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

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

Observing: Ms V McLachlan (*Finance Administration Officer*); B Courage (*Town Ranger*); Miss L Zeyfert (*All Saints Centre Manager*)

FC2015/53 QUESTION TIME: Two questions had been received from Mr J Stockdale: one related to council payments, and another regarding access to the council’s website. The questions and written answers given are appended to these minutes.

East Sussex County Councillor R St Pierre raised a question regarding a pedestrian crossing at Church Lane, Lewes. This was related to a project that Council had postponed in 2013 and was to be considered at the next Traffic Working Party meeting. There were 13 members of the public present.

FC2015/54 MEMBERS’ DECLARATIONS OF INTERESTS: Cllrs R O’Keeffe and R Murray declared an interest *in* Agenda item 7d) – Recommendations of the Grants Panel – in that they both were closely associated with applicant organisations: Cllr O’Keeffe – Pippa’s Group, Oyster Project Charity and East Sussex Radio Society, Cllr R Murray – Youth Focus for Lewes.

FC2015/55 APOLOGIES FOR ABSENCE: Apologies had been received from Cllrs F Addecott and E Watts who were on holiday and Cllr S Catlin who had a personal commitment. It was **resolved that:**

FC2015/55.1 Reasons submitted for absence from this meeting are accepted.

FC2015/56 MAYOR’S ANNOUNCEMENTS:

The Mayor thanked Councillor Chartier for his work on Heritage Open Day showing the Town Hall to interested residents of Lewes and visitors to the town. Thanks were also given to Philip Pople and Ashley Price who assisted on the day.

Thanks were extended to Councillor Catlin for all his work on the ‘Remembering 1915’ Films@All Saints screenings on Sunday 27th September. The Mayor also recorded thanks to Dr Mike Turner and LGB Brass.

Members were reminded of the Local Government Boundary Commission review of County and Districts which had a deadline of 30th November. TC had emailed members on the 24th September but could provide a printed version on request.

The Mayor noted recent press reports regarding a child who fell on the staircase during a wedding ceremony at the Town Hall. Members who wished to learn the facts should contact the Town Clerk or the Town Hall Manager.

A children’s calendar titled “A special place in Lewes” organised by the Friends of Lewes was available at £6.99. This featured drawings by Lewes young people aged 4 – 18.

FC2015/57 MINUTES: the minutes of the meeting held on 27th August 2015 were received and signed as an accurate record.

Continues...

COMPLAINT: A letter of complaint (*copy in the Minute book*) had been received from the Lewes branch of the Royal British Legion (LRBL) regarding the Deputy Mayor's actions in laying a wreath of white poppies during their VJ Day commemorative parade on 16th August. The Chairman of the LRBL, Mr Jack Neil, presented the complaint on behalf of his members, several of whom accompanied him. Mr Neil elaborated upon the detail in his letter; on the feelings expressed by Legion members and members of affiliated organizations; protocol for RBL events; and local press reports on the issue. The Mayor responded initially, in particular offering condolences to Mr Neil following his reference to close colleagues lost during the Falklands campaign.

The Deputy Mayor then replied to the complaint, in the following terms:

"I want to thank Jack for the opportunity to remind him once again of my respect and admiration for fallen service personnel. I share the grief of their families.

The British Legion Service for Remembrance protocol states that there are three essential elements; these are the Exhortation, Placing The Wreath, The Silence. Also that '...the spirit of Remembrance is more important than the format'

On 16th August, I stood with veterans at the War Memorial and listened to The Exhortation, I laid (both) wreaths and observed the Silence until the end of the Ceremony.

I believe that I fully observed the spirit of Remembrance, and that some of the upset is from people who do not understand that although the White Poppy Wreath was an unexpected addition, it did not take anything away from the Ceremony.

However, I understand that now is not the time or place to debate the symbolism and so I apologise for the way I introduced the White Poppy Wreath, and I also apologise to my fellow Councillors if my actions caused them embarrassment."

Several members then spoke; highlighting their respect and admiration for the British Legion and the work that it does leading the nation in formal remembrance, and their concern that such distress had been caused. The manner of handling the complaint was noted, with some members unhappy with the process and proposing a review. Others considered that it was being handled in the most appropriate way. It was also submitted that the complaints procedure should be reviewed; a suggestion opposed by those who considered the recent (March 2015) review to have been appropriately comprehensive. These arguments were postponed while the Mayor offered, on behalf of the Town Council, a sincere apology for the distress and any embarrassment caused over these events. Mr Neil accepted this on behalf of his members, but asked for an assurance that no such action would be repeated in future by a representative of the Council. This was willingly given by the Mayor. Following the exit from the Chamber of the LRBL members, the question of the process by which the complaint had been handled was revisited. There were, broadly, two views – one that the complaint should have been dealt-with by reference to either the Council's complaints procedure or the Code of Conduct for Members, and the other that it was most appropriate to allow the "cathartic" open submissions in the way that had just been concluded. Both positions were expounded by their respective advocates, and TC gave his professional view. This debate culminated in a formal proposal: that the Audit & Governance Panel review the manner of handling this complaint compared against the Council's complaints code of practice, and review the code itself. This was put to a vote and it was **resolved FC2015/58.1** that the proposal is **not** supported.

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] *Allotments Review Working Party meeting 10th September 2015:* Cllr Barker presented the minutes of this meeting (*copy in Minute book*) and described the site visit to inspect the Haredean allotment site, which had preceded it. The Working Party had discussed

issues concerning termination of tenancies, uncultivated allotment plots, renewal dates for tenancies and a refundable deposit from new tenants.

Members had been interested to learn of the current management practices. Staff regularly attended regional seminars organized by the National Society of Allotment and Leisure Gardeners, and had done-so for some years. This gave access to a widespread information network comprising many other Councils and private Allotment Associations. All indications from such experience indicated that the Council's management approach and general documentation was in line with what is generally-accepted best-practice. A compassionate approach was taken where valid reasons were given for non-cultivation; such situations were monitored closely; and a system existed to give reasonable warnings before a tenancy was ended. There were still some plots which offered scope for further division in size, and this was promoted at all opportunities.

It had been suggested that the situation whereby poorly-maintained sheds, fencing, cold-frames *etc* might incur cost for the Council when a new tenant wished these to be removed, was unacceptable. Although this was an extremely rare event, it was nonetheless proposed that a deposit might be levied, against this prospective cost. There was considerable debate as to the reasonability of this, and whether it should apply to all tenants upon renewal, or only new tenancies. Further; there was some discussion as to the appropriateness of 'means-testing' to allow dispensations for some tenants.

The legislative background to restrictions on rental increases was explained. The Council could not increase allotment rents by a higher factor than other fees and charges. Like most Councils, the convention for many years had been to increase charges by an overall percentage close to prevailing headline inflation rates. The Working Party suggested that the Finance Working Party this year be prompted to consider an increase in charges for 2016/17 by a value greater than inflation. The ramifications of this were considered, recognizing the important role played in the community by the organizations who formed the greater part of the Council's customer base, and who would be hardest-hit by increases.

After a rounded debate, **it was resolved that**

FC2015/59.1 The minutes of the meeting of the Allotments Review Working Party on 10th September 2015 (*copy in Minute book*) are noted, but the recommendations of the Working party are not supported, but referred-back to the working party for reconsideration.

b] *All Saints Steering Group meeting 16th September 2015*: Cllr S Murray presented the minutes of this meeting (*copy in Minute book*). Performance statistics for the Council-operated community cinema, *Film@AllSaints*, had been reviewed for the full season - September 2014 to July 2015. This had been the third season, and sixty-nine films had been shown over 111 screenings with average audience numbers continuing to rise. The operation overall was showing a financial surplus from film tickets and kiosk sales and the season had yielded an operating surplus of £3,589. There followed some discussion as to the anticipated effects of the proposed Depot Cinema, now understood to be opening in mid-2017. Members were interested to learn whether Lewes Film Club intended to relocate: it was understood that there were no plans. It was believed that the Depot intended to address a different market, and may not directly compete for All Saints audiences, although there were some indications that it might also offer more generalized community facilities such as meeting-rooms for hire.

Members who had been engaged since inception with the *Film@AllSaints* community cinema proposed that there was now a case for the installation of Digital Cinema Projection equipment (DCP); a project which had been deferred while the service 'settled' and external factors became clearer. The benefits had been considered and it was estimated that appropriate equipment would cost around £27,000; with Lewes Film Club offering to contribute their savings of £10,000 towards this sum. There was some

counter-argument, suggesting that a cost to the Council of £17,000 was not appropriate, with a competing cinema in prospect in around two years' time. Supporters of DCP installation argued that the life expectancy of the equipment was far in excess of two years, and that this was a natural evolutionary step continuing the gradual improvement of the facilities offered at All Saints and the funds were available from existing earmarked Reserves. It was also by no means certain that The Depot would negatively affect the operation at All Saints, and there were no plans to cease the cinema operation at the Centre, which should continue to offer an additional dimension to film in Lewes. It was proposed that Council be asked to approve the expenditure of *up to* £17,000 to match the contribution of £10,000 from Lewes Film Club to purchase and install suitable DCP equipment, thereby recognizing that the actual amount would be lower should any grants be forthcoming.

Cllr Milner had agreed to assist in surveying the centre and drafting a specification for potential improvements to stage lighting, applying his professional expertise, but time had not yet been available for this. It was agreed that the research into technical options and possible phasing of this prospective major project should continue, with further details to be considered at a future meeting.

There had followed a general discussion, including the usage levels of the Centre and the type of activities currently seen. Members acknowledged that All Saints represented, as an average, roughly 10% of the Council's overall nett expenditure and provided a very well-regarded facility for a very wide range of users. **It was resolved that:**

FC2015/59.2 The minutes of the meeting of the All Saints Steering Group on 16th September 2015 (*copy in Minute book*) are noted, but the recommendation to purchase Digital Cinema Projection equipment at this time is not supported. The matter is referred back to the Steering Group for review at a future meeting.

c] *Personnel Panel meeting 17th September 2015:* Cllr Barker presented the minutes of this meeting (*copy in Minute book*). Council had agreed the Panel's earlier recommendation to adopt the Living Wage Foundation Living Wage (LW) for all staff. Those affected were now receiving the higher rate of pay. This left unresolved the issues of eroded demarcation/differentials between higher-paid posts that had been reviewed using the national job evaluation system, and the future prospects for divergent rates of annual increase. The recently-announced national pay negotiation document contained much useful information and helpful insights into this context. It was recognized that although an increasing number of Councils had begun to pay the LW, none had as yet defined how they would address the attendant imbalances. It was identified that local government was by far the lowest-paid within the public sector, and real earnings had dropped by over 20% in the past five years. Lower-paid classes of worker were paid significantly less than counterparts in the National Health Service, and all categories were notably underpaid. It was understood that this was a major dilemma nationally, and that no 'tidy' resolutions presented themselves. It was recognized that many Councils who had announced that they would pay a minimum of the LW did not actually employ any lower-paid staff, as many services were contracted-out and they were relatively unaffected. Locally; it was proposed that Lewes Town Council should commission a new job-evaluation review by an independent specialist to re-establish differential grades. It was suggested that there may be scope to review job content and the staff structure, but this was felt to be most appropriate at points of significant change to the Council as the posts were matched to services provided. The Council's expenditure on salaries and overhead was proportionately low in relation to overall expenditure, and this was a result of conscious restraint in the development of the organizational structure in the past decade. As an interim measure, it was agreed that a professional review should be immediately commissioned, of the established NJC-graded posts in the current structure (to re-establish 'relativities' disrupted by the pay increase for lower grades), and that the Panel should meet annually to take a view on structure and job design, in light of

evolving service provision; devolution/acquisition of assets *etc.*

With regard to the imposition of a contractual obligation upon contractors to pay the LW, a comprehensive legal opinion on this prospect had been obtained which concluded that it was not open to the Council to impose wages clauses on its contractors. That did not prevent a Council from encouraging its contractors to adopt LW but that cannot influence the selection of tenderers or the awarding *etc.* of contracts. There were understood to be a few Councils currently requiring third-parties to pay LW. It was recognized by all across the local government professions that this situation was precarious and likely to give rise to judicial review at some point, and it had to be accepted that the Town Council could not afford the risk of becoming such a test case. General advice in the sector indicated that a practical approach would be to introduce contract performance criteria, rather than impose limitations on those eligible to tender. This could require payment of the LW to staff directly employed in the fulfilment of a contract, but would not conflict with other policies individual to the contractor, and would not preclude any company from submitting tenders. It was agreed by the Panel that it would be acceptable to encourage Town Council contractors/suppliers to adopt LW, but not to attempt compulsion.

Questions had been added, as agreed, to the Council's financial grant application form to elicit information on those applicants who employed staff. This would provide data over the remaining three grant cycles of the current year allowing an assessment of that item of the Panel's brief, following the final tranche. Subsequently, **it was resolved that:**

FC2015/59.3 The Minutes of the Personnel Panel of 17th September 2015 (*copy in minute book*) are noted.

FC2015/59.3.1 The recommendations of the Personnel Panel of 17th September 2015 (*copy in minute book*) are agreed, as

1. Lewes Town Council will immediately commission an independent professional review of the established NJC-graded posts in the current structure (to re-establish 'relativities' disrupted by the Living Wage increase for lower grades), and ask the Personnel Panel to meet annually to take a view on structure and job design, in light of evolving service provision; devolution/acquisitions of assets *etc.* Cllr Barker is asked to work with the Town Clerk to engage an appropriately qualified and experienced consultant.
2. Contractors/suppliers to the Council shall be exhorted to adopt the Living Wage as promoted by the Living Wage Foundation.

d] *Grants Panel meeting 30th September 2015*: Members considered Report FC008/2015 (*Copy in minute book*) containing the Panel's recommendations for payment of grants for the second (of four) cycle for the year. **It was resolved that:**

FC2015/59.4 Grants payments recommended in Column G of the appendix to Report FC008/2015 (*copy in minute book*) be approved.

FC2015/60 RENEWABLE ENERGY RESERVE:

Council considered a proposal (*NOM013/2015 – copy in Minute book*) to establish an earmarked Reserve for renewably energy, with an initial contribution level of £10,000 per year. Since 2013 The Council and its partner, the Pells Pool Community Association, had considered developments at the swimming pool, including the possibility of an array of photo-voltaic cells on the Northern edge of the site. It was proposed that the Council earmarked a renewable energy fund, while the Energy Efficiency Working Party carried-out research to determine the most effective use of funds in respect of providing energy/money savings/CO2 savings. In this way the Council would be in a position to grasp opportunities occurring in the next three to four years. After brief discussion **it was resolved that:**

FC2015/60.1 Lewes Town Council will establish an earmarked Reserve for renewable

energy, with an initial contribution level of £10,000 per year.

FC2015/61 REFUGEES/ASYLUM SEEKERS:

A motion (*NOM014/2015 – copy in Minute book*) proposed that the Council declare its concern, in common with many residents, about the desperate plight of asylum seekers fleeing war and persecution and seeking a safe refuge in Europe. It was recognised that this was a huge issue that required international action, but it was also believed that many Lewes people felt that the town should live up to the best of its humanitarian instincts and do more to help locally. More than 1,000 people were understood to have signed a petition and a number of organised activities were already taking place, including fundraisers and a rally. Many Lewes people, it was suggested, would like to offer accommodation or other practical and financial support to refugees coming to Lewes. Coordination would require central organisation, and Lewes District Council would be asked to lend its support. Other bodies – such as the Lewes group in Support of Refugees and Asylum Seekers – would also need to be involved. The Council should offer whatever practical support it could as refugees arrived in Lewes. Members believed that Saxonbury House could be made available as a temporary shelter now that it was being emptied of local families. **It was resolved that**

FC2015/61.1 Lewes Town Council stands ready to lend whatever practical support it can as refugees begin to arrive in Lewes.

FC2015/61.2 The Council commits itself to being part of the solution to the greatest humanitarian crisis of our times. The Council will write to both Lewes District Council and East Sussex County Council urging them to recognise the petitions stating that refugees are welcome and to help with setting up the necessary infrastructure to bring together refugees, people willing to offer space and offers of help in other forms. Lewes Town Council believes that the anticipated number of 40 people per year is insufficient and will write to the County Council and urge it to agree to take more refugees. The Town Council will also urge the County Council to be pro-active in approaching central government with offers to help and to accept refugees.

FC2015/61.3 The Mayor will write to her counterparts in Blois and Waldshut-Tiengen to offer support for any of their initiatives supporting refugees that arrive there.

FC2015/61.4 Lewes Town Council will revisit this issue in light of future developments.

FC2015/62 INTERIM PLANNING POLICY:

Council considered a proposed (*NOM015/2015 – copy in minute book*) interim policy on affordable housing development, as a precursor to the drafting of the Lewes Neighbourhood Plan and with the intention that its principles would be included in the eventual schedule of Neighbourhood Plan Policies, subject to obtaining necessary support from the community. This step was prompted by consensus of the Council's own Planning Applications Committee, who were aware of recent legal precedents which established that an emerging Neighbourhood Plan and component policies that had reached a sufficiently-advanced stage of development (albeit not yet fully publicly-tested or formalized) may – and should – be taken into account by Planning Authorities in respect of certain planning applications. **It was resolved that**

FC2015/62.1 The following statement be adopted as an interim policy on planning applications: “Lewes Town Council supports the building of truly affordable housing within the town to be rented out at social rents. This would include building on suitable infill sites and on sites which do not detract from the amenities and facilities of the town for existing residents. The Council wishes to enable and encourage young people who have grown up here to be able to settle and continue to contribute to the unique nature of our town rather than having to move elsewhere because there is no truly affordable housing available to them. The Council acknowledges the need for one bedroom properties for younger people, and sheltered smaller properties for older people, as well

as the need for family sized dwellings. The Council wishes to promote sustainable development, which includes careful choice of sites to avoid putting residents at future risk of flooding as well as housing that conserves energy and uses where possible renewable energy sources.

Lewes Town Council supports the creation of, and maintenance of access, to affordable workplace space for both manufacturing and creative industries within the town. This would include provision of new spaces, both live/work and purely work, and the conservation of existing spaces rather than allowing them to become retail or housing; and encourage employers to locate/relocate in Lewes, wherever possible. The Council recognises the need both for small starter premises and some larger ones for businesses that have had initial success and need to grow and develop over time”

FC2015/63 UPDATE ON MATTERS IN PROGRESS:

- a) *Devolution of Parks and open spaces* – TC recounted the latest position on the devolution of Malling Recreation Ground and Landport Bottom. He was to meet the next day with LDC legal officers and the Council’s retained solicitor to review the drafting of “overage” clauses in LDC’s preferred transfer agreements which, as presently worded, would impose unacceptable burdens upon the Town Council.
- b) *2015/16 plan update* – A sheet noting the status of each element in the council’s approved annual plan had been distributed to Members at the meeting.
- c) The external audit (by PKF Littlejohn on behalf of the Audit Commission) had been completed and there were no items of note, the completed certificate was available to view on the website.
- d) *Training* – A seminar, tailored to the profile of this Council and presented by the county association, would be arranged for Councillors when advisers were available. It was likely to be arranged for a Saturday, as in the past.

FC2015/64 NOTICE of ITEMS IN PROSPECT:

- a) The next Councillors’ Surgery was scheduled for Tuesday 6th October between 10:00 and 12:00 in the Corn Exchange. Cllrs Chartier and Rowell volunteered to attend.
- b) Neighbourhood Plan Steering Group future events were scheduled for the 8 & 9th October (Draft policy themes) and 19th & 20th November (Reg14 draft Plan event).
- c) The next Planning Committee meetings were scheduled for: Tuesday 20th October and Tuesday 10th November at 7:00pm
- d) The next deadline for grant applications was Fri 6th November – with the assessment Panel meeting on Wednesday 18th November and its recommendations being considered by Council on 17th December.
- e) The next meeting of Council would be on Thursday 12th November – 7:30pm – giving a deadline for agenda items to be submitted to TC of noon on Monday 2nd November.
- f) Meetings of the Audit Panel, Finance Working Party and Traffic Working Party were to be arranged.

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

The meeting ended at 10:10pm

Signed:

Date:



QUESTION RECEIVED:

I understand that for a period after the Election in May and the Council's Annual Meeting that the Council's payments were authorised on at least 10 occasions by a person or persons who were no longer councillors. Can the Lead Member for Finance report how this came about; what advice, if any, the Council sought from the Council's auditors, the District Solicitor, the District Council's Section 151 officer or others; how many former councillors were approached to act and, if so, whether any declined to do so; which current councillors were consulted; and why the whole Council was not informed before I got to hear about it in the checkout queue in Tesco?

John Stockdale

ANSWER:

I believe this matter was addressed in answer to an earlier enquiry made by Mr Stockdale under the Freedom of Information Act, but am happy to provide the following answer:

Only two signatories "survived" the elections and a combination of errors by the bank and their rejection of some verification documents caused significant delay with a replacement signature Mandate. Both signatories were not always available during that period when critical payments fell due. As Chair of Audit & Governance Panel I discussed and agreed a suggestion made by the Town Clerk as an expedient solution. I understand that the Council's internal auditor had indicated no problem with this, and there is no relevance to the District Council as the Town Council is an autonomous local council with its own s151 officer. I am happy that there was no loss of integrity to our payments authorization system. The existing registered signatories who were approached were Jim Daly, a former Councillor of over 25 years' standing and four-times past Mayor; Dr Mike Turner, former Councillor of eight years' standing and past Mayor twice, and former Councillor Professor Derek Lamport.

I consider this an operational matter, and the detail of signature processing and the new online banking process is due to be considered at the next Audit & Governance Panel meeting, in the normal course of business, and will thereby be reported to Council by way of the Minutes of that meeting.

The **original** legislation which required signature by two Councillors was the Local Government Act 1972 s150 (5), which was **Repealed** in March 2014 by The Legislative Reform (Payments by Parish Councils, Community Councils and Charter Trustees) Order 2014 (SI2014/580).

The explanatory note to this Statutory Instrument states:

"This Order removes the requirement for every cheque or other order for the payment of money by a parish or community council to be signed by two members of the council.

s2 of the Order states: *"Omit subsection (5) of section 150 of the Local Government Act 1972"*

Cllr M Milner

Chair of Audit & Governance Panel

QUESTION RECEIVED:

I have been unable to access the Council's website for several weeks. Can the Clerk advise when and why this service became unavailable, what steps he has taken to restore it and when this is likely to come to pass?

John Stockdale

ANSWER:

We are unaware of any problem with our website, which is being used by Members and Officers with no reported problems. You do not say what checks you may have made to your home installation, internet browser settings *etc.* so I am unable to offer an informed opinion. If you would care to contact me with details, I will assist if I can.

Steve Brigden

Town Clerk