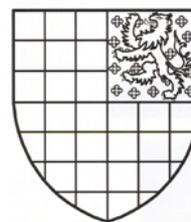


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**LEWES
TOWN
COUNCIL**

MINUTES

Of the **meeting of Lewes Town Council**,
held on **Thursday 30th August 2018**, in the **Council Chamber, Town Hall**, Lewes at **7:30pm**.

PRESENT Councillors A Ashby; J Baah (*Mayor*); A Barker; R Burrows; S Catlin (*Wischhusen*); M Chartier; H Jones; J Lamb; Dr G Mayhew; R Murray; S Murray (*Dep^y Mayor*); R O'Keeffe & A Rowell.

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

Observing: Ms V McLachlan (*Finance and Admin. Officer*), L Symons (*Town Hall Manager*).

The Council's Chaplain, Canon Richard Moatt, offered a few words before the meeting. He pondered whether 'leadership' had ever been scrutinized so much as it was currently. He noted that decisions are demanded in many areas despite recognition of the principle that they would never meet universal approval. He applauded Councillors who attended to serve their community in such circumstances.

FC2018/38 QUESTIONS: There were none. Three members of the public were present.

FC2018/39 DECLARATIONS of INTEREST: There were none.

FC2018/40 APOLOGIES FOR ABSENCE: Apologies had been received from Cllr Makepeace who was on holiday; and Cllrs Elliott; Milner; Renton, and Watts, who were working.

It was resolved that:

FC2018/40.1 The reasons submitted for absence from this meeting are noted.

FC2018/41 MAYOR'S ANNOUNCEMENTS:

a) The Mayor noted that, during her recent visit to Waldshut-Tiengen, Lewes's German twin-town, for the annual *Chilbi* festival she had encountered overwhelming hospitality and goodwill, on a scale rarely experienced.

b) Members were reminded of Heritage Open Day on 9th September, and tours of the Town Hall being conducted by Cllr Chartier; Cllr Dr Mayhew; Philip Pople and Ashley Price at 10:00am, 12:00noon, and 2:00pm

c) Anyone interested to join the Mayor's team in the traditional match against Lewes Bowls Club at Mountfield Rd. on 13th September at 2:00pm, should let Mrs Garth know.

FC2018/42 MINUTES:

The minutes of the meeting held on 26th July 2018 were received and signed as an accurate record.

FC2018/43 WORKING PARTIES AND OUTSIDE BODIES:

Members are 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 19th July 2018: Council had received a comprehensive oral report on this meeting at its previous meeting (26th July) and this was reported in the Minutes of that meeting. Members now received the written Minutes, for consistency, which were duly noted.

It was resolved that:

FC2018/43.1 The Minutes of the Personnel Panel, held on 19th July 2018 (*copy in minute book*) are noted.

Continues...

LEWES ATHLETICS CLUB TRACK LIGHTING:

Council considered report FC008/2018 (*copy in the Minute book*) which presented a request from Lewes Athletics Club for financial assistance to update track lighting. The Mayor welcomed Mr Peter Masters, Chairman of the club, who elaborated on the report and provided more detail and context to the request.

Lewes Athletic Club began in 1984; succeeding the Lewes Athletics Committee started in the 1880's by local Tom Mantell, well-known nationally as "The Countryman". He organized events for many national sporting characters including representatives of Oxford and Cambridge Universities, years before the inception of the national Amateur Athletics Association.

The modern club has close, active, Twinning links with the club in the French village of Marolles, outside Blois, and also addresses a number of wider community initiatives such as the South Downs National Park Authority's *Hike & Bike* programme, encouraging access to the Downs, alongside its own programmes for sportspeople of all ages.

Club members featured at the top end of UK youth rankings, and one young member was presently training in Spain for international events. The club instilled the values of 'respect for others' in its young members and trained 18-19-year-olds to coach juniors, which had other benefits such as introducing them to paid employment.

In 1999 the Lewes Community Athletics Track was completed and formally opened in 2000 by the then Minister for Sport Kate Hoey. This was the culmination of work undertaken by the Lewes Athletic Club to raise £660,000 to enable a community athletics track to be located in Lewes. The original funding for the track included a Sport England grant and financial contributions and help in kind from a number of local bodies. The original partnership funding package included contributions from Town, District, and County Councils; Priory School; Sussex Downs (*then Lewes Tertiary*) College and Lewes Athletic Club.

The operation of the track has been managed by a joint management group representing the Club; Lewes District Council; East Sussex County Council; Priory School; and Sussex Downs College, and funded by annual grants from those partners. The club was acting on behalf of the managing partners in initiating a project to replace/upgrade the track lighting.

The club was approaching all the partners to the original construction with a view to joint funding of the sum needed for the project. Since installation of the track, the Town Council had contributed £10,000 (in 2014) toward resurfacing, in a similar initiative. Contractors had submitted cost estimates for the lighting replacement, and the preferred contactor had agreed to hold their £83,000 as a fixed price.

It was requested that the Town Council contribute £5,000, which would complete the funding required and enable the works to be commissioned.

After a brief discussion, during which several members spoke in support of the club and its value to the town, **it was resolved that:**

FC2018/44.1 Lewes Town Council will grant £5,000 to Lewes Athletics Club toward the replacement of lighting for the community athletics track. This to be drawn from the General Fund.

PEACE GARDEN ("Magic Circle"):

Council considered report FC009/2018 (*copy in the Minute book*) which apprised Members of the status of the partnership project with Friends of Lewes to improve public realm features and create a Peace Garden in the area of Castle Ditch Lane known as the 'Magic Circle'; and to seek approval for release of funds earmarked for the project.

This project, with the working title of 'The Magic Circle', had arisen from proposals made by the Friends of Lewes in 2005. Initially, this was simply to improve public realm in the area of Castle Ditch Lane as it was semi-derelict; unattractive to visitors in the historic core of the town, and intimidating after dark. Originally the area was a classical feature within the large gardens of Castlegate House, created during the First World War by the Irish author Frank Frankfort Moore. Over time it came into public use and for decades

had been part of the short-cut down the steps into Castle Ditch Lane. It became overgrown and the water feature was removed, and the parts of the original structures that remained became damaged.

Council had agreed to be a partner in the scheme and inaugurated an earmarked financial Reserve with provision of £10,000 in the 2006/07 budget. This Reserve increased to £17,000 with annual contributions from precept, but was appropriated in 2012/13 to replenish exhausted reserves as the project had not progressed; largely due to uncertainty over ownership of the land.

The question of responsibility for the land was resolved in 2012, when Lewes District Council agreed ownership and consented to the project.

At a FoL liaison meeting in November 2012, draft proposals were presented for the improvement of the Magic Circle, and the possible inclusion of adjoining land and creation of a “peace garden”. This was welcomed, given the imminent anniversaries (2014 and 2018) of the outbreak and end of the First World War. Regrettably it was noted that the Town Council had re-assimilated into its general fund the reserve of £17,000 as the original project had not materialized and funds had been needed for other priorities. Council was asked to reinstate a financial provision for this project when setting budgets for 2013/14, and this had been done.

The earmarked Reserve had since grown to £37,000, less a contribution of £1,000 toward costs (50%) of an archaeological study in 2017. In 2018/19, £36,000 was available.

In November 2017 it was agreed that, given the status of the project and its alignment with the final peace after WW1, the target for opening the garden should coincide with commemoration of the signing of the Treaty of Versailles in 2019. The Treaty had been signed on June 28th 1919, and took force on January 10th 1920.

Background work progressed, and FoL advised that they had received a report from a Quantity Surveyor that indicated a project cost of around £160,000. This was considered to be disproportionate to the importance of the site, and discussions had begun with a potential project manager/fundraiser who had suggested a sum of nearer £85,000 should be adequate to build the project to an appropriate level of quality. FoL's Executive group had agreed this would be an acceptable sum, and had been given to understand that Lewes District Council might match any Town Council contribution. They had some concern over the likelihood of completion by June 2019, and were considering a change of title and dropping the ‘peace’ context. There was consensus among the Councillors, who all commented on this, that the link to the WW1 peace should remain. If problems were encountered in completing the project, even a foundation stone should be possible by June 2019.

A plan had since evolved, to deliver the project within that £85,000 budget. FoL would lead in the design of the built element and landscaping, and control of the project management. Delivery would be shared with Lewes District Council (LDC) who had indicated to match the Lewes Town Council cash donation, partly in cash and part in kind. As they own the land, LDC would undertake the contract management, as they have in-house resources and experience to deal with landscaping contractors.

The plan was now to emulate the original Frank Frankfort Moore circle (without a pond). This to be done using more robust modern materials, with a look and feel closely emulating the stone circle and the archway that led out of it. Rebuilding the classical stonework was not realistic, but there were resin bonded products available now that could be used for the seats, embellishments, archway and the decorative circle planned to replace the original pond. This would provide an attractive feature on a key tourist route from the castle precincts back to the High Street.

There would be no screen either built or planted between the Maltings car park and the new plan, the idea being that people arriving by car will be able to see the area, and be attracted to use it. An advantage would be that there will be no secluded areas for antisocial activities to take place.

From time to time parking could be suspended making the whole car park and the circles to be used for performance or other activities such as re-enactments, Christmas fairs, peace events *etc.*

The steps up to the top of the bank would be made good and re-routed to allow access. The path around the top of the bank would be reinstated to allow full access, providing views over the bowling green and castle, and acting as a natural auditorium for when events may take place.

Provisional cost estimates for the principal elements of the work had been tested and agreed valid at around £60,000.

Lewes Town Council was asked to agree the principles of the scheme and to release the funds held in the earmarked Reserve to facilitate commencement of the project.

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

FC2018/45.1 Lewes Town Council approves the release of funds held in the earmarked Reserve to facilitate commencement of the Peace Garden project (shown in published accounts as *P3 Magic Circle*). Funds up to a maximum of the amount currently held in Reserve (£36,000) to be drawn-down by the Friends of Lewes on request, subject to evidence of matching funds from other sources, to a minimum of 50% in cash or kind.

FC2018/46 MALLING COMMUNITY CENTRE:

Council considered report FC009/2018 (*copy in the Minute book*) which was intended to prompt consideration of options for management of the Malling Community Centre, following refurbishment. The report explained that:

The freehold of the building had been sold to the Town Council by Lewes District Council in 1996 for the sum of £46,000, and immediately a full lease was granted to the Malling Community Association (MCA).

Notes of a liaison meeting in June 2009 record that the recently-elected new executive group for the MCA had reported a number of problems. These included declining membership; loss of social club income; sports changing facilities unused as they no longer met evolving youth league standards, and other issues. Funding was a problem, and the building was by now somewhat dilapidated and with completely outdated electrical systems; heating, and plumbing. Council had agreed to commission a full structural survey, which had found that the building was in fundamentally sound condition; with no major structural problems, and confirmed the need for electrical and heating system *etc.* to be brought up to date.

The project to refurbish began with agreement of priorities for improvements, and an MCA survey of current and prospective users to clarify their aspirations. There were no surprises in the resulting analysis of responses, and local architects were engaged to offer initial design ideas. Unfortunately, the project had been interrupted in 2012 by the discovery of structural problems with the Town Hall and the unexpected introduction of a proposal by East Sussex County Council (ESCC) Children's Services department to utilize the redundant social club annexe as the area Children's Centre.

By mutual consent, the MCA had relinquished their tenancy in December 2012 to allow a new lease (of the annexe) to be granted to ESCC and facilitate the subsequent major refurbishment and conversion to provide the Children's Centre. In recognition of their long association with the Centre and the Council, they agreed to act as the Council's agent and continue to manage the day-to-day operation until refurbishment is undertaken. In consideration of this the Council makes a grant to cover the cost of the Association's employed cleaner, and allows MCA to retain a percentage of hire fees. This arrangement, which depends upon hirers and users to look after themselves and conduct themselves appropriately when on the premises, would cease upon closure of the Centre for commencement of building works.

Members considered some key considerations for future management:

- Redesigned building will introduce new, more flexible, facilities such as café/bar and

terrace and two multi-purpose rooms which are attractive for a wider range of users (eg business seminars), and will evolve a different, extended, user-profile over time.

- o Adjacent play-area and recreation ground improvements, arising from a major share of >£1million s106 agreement *iro* North Street Quarter (NSQ) development, will increase casual use; especially likely demand for café/bar with terrace and WC's, accessible for users of play area and sports spectators.
- o Local catchment will increase when North Street Quarter is occupied and accessible via proposed new footbridge.
- o Investment of the magnitude estimated means that Council will wish to ensure careful control of the building and proper maintenance of equipment; facilities, décor *etc.* to sustain the benefits for the community over several decades. Some equipment, such as the ground-source heat pump system and café facilities, will not be suitable for unsupervised operation.
- o Despite recent decision by Lewes District Council to withdraw from devolution of the Recreation Ground to the Town Council, this remains a prospect once NSQ is underway or completed.

Basic options for management models were considered (order not indicative of priority): The options discussed were simplified summaries only, and the list not exhaustive. Permutations are possible, such as separate 'franchise' of the café/bar facility with or without some responsibility for building cleaning/security *etc.*

- a) *Lease to tenant* – A straightforward handing-over of responsibility to a tenant, in return for a rent payment.

Pro: Minimum burden on LTC resources. Financial management is simple, with predictable income.

Con: Choice of appropriate tenant not straightforward. Natural lifecycle of Trusts and community groups tend to wax/wane with leading individuals over relatively short periods of time. Commercial organizations are unlikely to see adequate potential. Failure to reach income necessary for rent cover and maintenance of building and equipment could leave LTC to resume control and deal with outstanding problems. Conversely: in case of successful income generation, maximum benefits not enjoyed by Council.

- b) *Management agreement/license/shared responsibility* – This could suit an appropriately-experienced organization, and could be structured in several ways *eg* low fixed service payment with retention of income; higher fixed payment with LTC retaining all income; income share/collaborative development *etc*

Pro: Minimum burden on LTC resources. Financial management is simple, with predictable income. Less risk of outright 'failure' of the partner organization.

Con: Choice of appropriate partner not straightforward. Shared responsibility inevitably raises occasional contention.

- c) *Direct Management* – This could be implemented in different ways:
 - i) Employment of additional staff exclusively to manage the Centre, either establishing a team at the outset or building incrementally to three staff (as history of All Saints Centre [ASC]).
 - ii) Employment of additional staff to form a 'buildings management team' with existing Town Hall and All Saints Centre staff, where the team flexibly cover all three buildings.
 - iii) Hybrid of i) and ii), with key staff at fixed bases plus itinerant cleaning/security staff.

Pro: Best model for ensuring Centre and its facilities are properly cared-for and its potential maximized. All income retained by Council.

Con: Choice of model ii) or iii) disruptive to established effective working at T/hall and ASC. Model iii) does not cover all operating hours as effectively. No particular advantage to ii) as each building has very different operating profile and minimal shared detail. Model i), if a full complement is not immediately employed, leaves much to chance/trust when operating the building without resident staff.

Each option had very different financial implications, and there were many non-financial aspects to be considered. There were potential and ancillary issues already known which would affect the Centre and its likely user-profile, both in the foreseeable future and longer-term. Some exploration of possible options had already been undertaken, and detailed assessment would take more time than was reasonable for a Council meeting. It was therefore proposed that a Working Party be tasked with this, and asked to formulate recommendations. Following some questions and very brief discussion, **it was resolved that:**

FC2018/46.1 The established Buildings Working Party is asked to consider detail of various options for management of the Malling Community Centre, following refurbishment, and formulate recommendations for consideration by Council. Any Members not appointed to the Working Party, will be welcome to join it for discussions on this subject.

FC2018/47 PUBLIC RIGHTS of WAY – LANDPORT BOTTOM:

Council considered report FC009/2018 (*copy in the Minute book*) which apprised members of an application by the Sussex Area Branch of the Ramblers association to add footpath routes across Council land to the definitive map of Public Rights of Way. Council was asked to consider its response to this application.

The ‘Don’t Lose Your Way Group - Sussex’ had carried out a survey of users of a number of footpaths in the area of Landport Bottom and Offham Chalkpits, with a view to claiming previously unregistered Rights of Way through the formal deposition of claims to unchallenged use for more than 20 years.

The group included members of Mid Sussex Bridleways Group, the Open Spaces Society, the Ramblers Association, the Trail Riders Fellowship, and the South Downs Society.

The survey had asked *“Do you walk on the paths above and around the Offham chalk pits?”* and went on to state: *“... none of these paths is on the rights of way map so, in theory, any one of them could be stopped up at any time. So, although there is no immediate threat, the Ramblers Association is setting out to add the paths to the rights of way map by collecting evidence that they have been used by the public for the past 20 years. (since 1998) If you have walked on some or all of these paths please fill in the evidence form attached.”*

Following this survey, formal notice had been served by the Ramblers Association on landowners regarding claimed rights, and two of these crossed the land at Landport Bottom, owned by the Council. The Notice of Application, appended to the report, showed the routes on a map. The Council was formally asked to consider dedication of the routes labeled A-B and A-D on that map.

It was explained that Rights of Way are easements and are common features of land ownership. Often a land owner will have an easement for the benefit of services and utilities that run over their neighbour’s land. Easements are often granted by a deed or are described in some form of legal instrument and are expressly granted. Easements may also be acquired by long use by “prescription”. The basic principle being that, if a user has exercised a right over land *“not by force, nor stealth, nor licence”* and for a long period of time, the landowner has effectively lost their right to object to that right and has acquiesced to that right being made lawful. A claim to register a right of way is often made on the basis that a right of way has been continually used for a period of time in excess of 20 years or on the basis that the right is the result of an historic grant.

The District Council’s Community Ranger, who was tasked with day-to-day oversight of

Landport Bottom on behalf of the Town Council, had raised the matter of operational flexibility; notably the occasional deployment of sheep to graze particular areas of the site which requires temporary fencing. Should that impact upon unfettered use of a defined Public RoW, special permission would be required for temporary closures. Similarly, the area adjoining the path shown as A-B was a steep slope with many trees and areas of special-interest plant species. Should access need to be restricted at any time (*eg* for tree works or to protect plants) the same would apply.

East Sussex County Council had not yet notified the Town Council of the application, nor had they initiated their statutory assessment. They had indicated that this would be a low priority for them, and may take some time.

Following questions, **it was resolved that:**

FC2018/47.1 The matter of claimed Rights of Way crossing Council-owned land at Landport Bottom is referred for consideration by the successor body (to be constituted shortly) to the Landport Bottom Joint Management Committee or; if not resolved before any deadline which may set by East Sussex County Council, a future meeting of Council.

FC2018/48 UPDATE ON MATTERS IN PROGRESS

- a) *Annual Plan update:* An update on progress with the Annual Plan was distributed (*copy in minute book*).
- b) It was noted that, although the Landport Bottom Joint Management Committee had been disbanded, the LDC Community Ranger (now contracted to oversee the land on behalf of the Town Council) was happy to continue with the 'traditional' annual site visit for any Members wishing to become more familiar with the land – now in the Council's sole ownership.. Anyone wishing to attend should assemble at the foot of the Motor Road on Tuesday 4th Sept at 9:30am.
- c) The Examiner appointed by the South Downs National Park Authority for Lewes's Neighbourhood Plan had begun his work, and had already produced a schedule of early questions and announced he was planning to visit the town in the near future. He had been very complimentary, in an initial assessment, of the draft Plan and the quality of work he perceived had gone into its development.

FC2018/49 NOTICE of ITEMS IN PROSPECT

- a) Members were asked to consider items, arising from this meeting, worthy of a Press Release, and indicated:
 - Athletics Track
 - Peace garden ('Magic Circle')
 - Status of Neighbourhood Plan
- b) Reports would be prepared on the position with regard to General Data Protection Regulations and implications for email and office systems; and options for the future management of Landport Bottom.

Dates to note were given as:

- c) The next Members' Surgery was scheduled for Tuesday 4th September – 10:00am – 12:00pm in the Corn Exchange – Cllrs Catlin and Chartier volunteered
- d) The next Planning Committee would take place on Tues 18th September at 7:00pm
- e) The next Council meeting would take place on Thursday 4th October at 7:30pm, with a deadline for agenda items to reach TC by noon on Monday 24th September.
- f) The Working Party exploring the issue of a proposed land exchange at the Pells was scheduled for 11:00am on Tuesday 18th September in the Council Chamber.
- g) The Working Party assessing policy and services provided regarding Allotments would meet at 3:00pm on Wednesday 19th September in the Council Chamber.
- h) The Working Party assessing policy regarding Highway Verge maintenance had been scheduled for 11:00am on Tuesday 16th October, but this conflicted with a County

Council commitment on the part of the Chairman and it was agreed that a revised date would be sought, as the matter was not urgent.

- i)* The All Saints Steering Group would meet at 3:00pm on Thursday 25th October in the Council Chamber.
- j)* Meetings to be arranged are: Diversity W/pty; Buildings W/pty.

There being no further business the Mayor closed the meeting. *The meeting ended at 8:15 pm*

Signed:

Date:

Draft