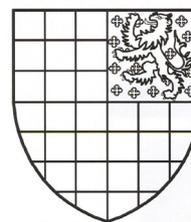


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**LEWES  
TOWN  
COUNCIL**

## ***MINUTES***

Of the **meeting of Lewes Town Council**,  
held on **Thursday 4<sup>th</sup> October 2018**, in the **Council Chamber, Town Hall**, Lewes at **7:30pm**.

**PRESENT** Councillors J Baah (*Mayor*); R Burrows; S Catlin (*Wischhusen*); M Chartier; W Elliott; I Makepeace; Dr G Mayhew; M Milner; R Murray; S Murray (*Dep<sup>y</sup> Mayor*); and R O'Keeffe.

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

*Observing:* Ms V McLachlan (*Finance and Admin. Officer*)

### **FC2018/50 QUESTIONS:**

There were none. Five members of the public were present.

### **FC2018/51 DECLARATIONS of INTEREST:**

Cllr O'Keeffe declared interests in specific applications *iro* item 6a on the agenda (*re* Grants Panel recommendations) in that she was affiliated to the applicant organisations.

**FC2018/52 APOLOGIES FOR ABSENCE:** Apologies had been received from Cllr Ashby who had a long standing engagement; Cllr Barker, who was working; Cllr Jones whose wife was injured; Cllr Lamb who had another engagement, and Cllr Rowell (no reason offered). There had been no word from Cllrs Renton or Watts. The Council's Chaplin, Canon Richard Moatt was attending his wife's 60<sup>th</sup> birthday celebration.

#### **It was resolved that:**

**FC2018/52.1** The reasons submitted for absence from this meeting are noted.

**FC2018/52.2** That Council send a card to Cllr Jones' wife wishing her a speedy recovery from her injury.

### **FC2018/53 MAYOR's ANNOUNCEMENTS:**

- a) The Mayor thanked Cllrs Chartier and Mayhew for their help and support at Heritage Open Day which had been a great success. Thanks were also given to Phillip Pople and Ashley Price for their assistance on the day together with Mrs Garth who had organised the whole day.
- b) The Mayor announced that the new Royal Sussex Regimental Association plaque had recently been erected in the Foyer in the Town Hall.
- c) Thanks were given to Emma Tingley who organised the Allotment show, together with Julie, Lee, Mick and Faye who all helped at the event; which was a great success, with even more entries than last year.
- d) Lewes Concert Orchestra would be celebrating their 25<sup>th</sup> Anniversary in the Town Hall on Friday 12<sup>th</sup> October at 7.30pm. Members were asked to contact Mrs Garth if they required a ticket.
- e) Annual Bonfire celebrations would be on Monday 5<sup>th</sup> November and the Mayor urged all Members to support this tradition.
- f) The Civic Parish Council Service at St Anne's Church would be held on 17<sup>th</sup> December. Mrs Garth would send out invitations shortly.
- g) The Mayor's Annual Christmas dinner would be held on Wednesday 19<sup>th</sup> December. Mrs Garth would send out invitations shortly.

*Continues...*

**MINUTES:**

The minutes of the meeting held on 30<sup>th</sup> August 2018 were received and **it was resolved that:**

**FC2018/54.1** Minutes of the meeting of Council held on 30<sup>th</sup> August 2018 are signed as an accurate record.

**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) Grants Panel 12<sup>th</sup> September 2018:** Members considered report FC012/2018 (*copy in minute book*) containing recommendations for payments of grants for the second cycle (of four) for the year 2018/19 and **it was resolved that:**

**FC2018/55.1** The grant payments recommended in report FC012/2018 (as shown in column **G** of the appended table) be approved, and the suggestion for a mandatory report from recipients be supported.

**b) Pells Land Exchange Working Party 18<sup>th</sup> September 2018:** Cllr Chartier presented the minutes of this meeting (*copy in minute book*):

The meeting had considered several background documents (*copies in Minute book*) explaining the history of the area of land off Brook Street where the now-defunct Lewes Rifle Club premises had been sited. The history of the land was complicated:

Prior to transfer of trusteeship of the Town Brook Trust to the Town Council; detailed research had been carried out by Lewes District Council's (LDC) Legal department, and Estates officers had engaged with the Senior County Archivist to attempt a definitive plan of the Town Brook Trust land curtilage (the original gift to the town dating from 1601 and based upon written description). By reference to archived maps and records (as far back as Domesday documents) it was decided that the boundary included the site of the rifle club.

Historically, the old Borough Council (Trustee of the Town Brook 1922 - 1974) had granted a lease which allowed the building of the butts and subsequent renewals culminated in 1985 with a 15-year lease to the Lewes Rifle Club. This was not renewed following the 2000 flood, and the land reverted to LDC – successor Town Brook Trustee (1974 – 2001). Residual legal work related to those circumstances was understood to be the reason that the land remained separate when the Trust was transferred to the Town Council (2001 – present).

In 2004 LDC had proposed that the rifle club land be jointly used as a short-term carpark. This was not agreed and there followed two years of discussion and consideration of alternatives before, in 2006, the Councils agreed to divide the site along an East-West axis, following plans in earlier documents that showed original Trust land and other distinctions in the area. This allowed LDC to retain options for use of some land with road frontage, and the Town Council registered the Northern section (an irregular shape) as Trust land with the Charity Commission based upon historic evidence; a statutory declaration by LDC's Estates Officer, and calculations of area. HM Land Registry was provided with relevant affirmations, and the land was included in title ESX 293305 – the Town Brook Trust. Members of the Working Party had considered a plan output from LDC's Estates Terrier showing the disposal and LDC's retained land.

Confusion had arisen at times since 2006, it was acknowledged, as the whole of the former rifle club land remained outwardly unchanged as a discrete fenced area. On the Town Council's part this was due to the cost and complexity of dealing with the residual footings and service connections to the original building, the footprint of which was bisected by the agreed line of division; an issue that was considered a low priority and thought likely to be best dealt-with when other redevelopment work starts in the area. Initially, LDC decided against pursuing their car parking project for similar reasons and,

more recently, their property team seemed unaware of the transfer. This had unfortunately led to the whole site being included in design drawings as part of the application for Planning Consent for the North Street Quarter, and the area of the site owned by the Town Brook Trust was shown as covering several car parking spaces and parts of three dwellings. To resolve this, LDC had proposed an exchange of land that, ostensibly, offered three areas of land of 754 square metres in aggregate compared with 580sq m on the area in question.

As Trust land, the Town Council was constrained by the disposal restrictions in s36 Charities Act 1993. It would be possible to submit a case to the Charity Commission to allow a disposal, but the benefit must accrue to the Trust for use in line with its objects, which are (Commissioners' Scheme):

- a) the provision and maintenance of an open air swimming pool; and
  - b) the provision and maintenance of a recreation ground;
- both for the benefit of beneficiaries, without distinction of political, religious or other opinions, in the interests of social welfare and with the aim of improving the conditions of life of the beneficiaries.

The Working Party acknowledged that (with reference to the suggested exchange areas A; B and C) the area designated 'A' (170sq m) would be of benefit as it would allow improvements to changing rooms and other facilities of the swimming pool, and provide an ideal location for the installation of solar panels – a long-held aspiration of both the Town Council and the Pells Pool Community Association. The area designated 'B' was understood to include the vestigial Town Brook, and a question was raised as to the prudence of incorporating a potential water hazard within the Trust grounds. This was a valid concern, although the ditch had been almost dry for many years and it was thought that the overall planning for the North Street Quarter included culverting or similar. It was agreed that this aspect needed further investigation. The area shown as 'C' appeared to simply be a 'tidying-up' of eventual boundary demarcation, and offered no particular benefit. It was noted that there would need to be agreement on responsibilities for the necessary removal of residual footings/service connections, and other structures at this location and a general agreement on legal costs and costs of final boundary structures (*eg* fencing).

Overall, the Working Party acknowledged the overall potential increase in land area; the inherent benefits of some of the land, and the opportunity to tidy boundary lines. Members, however, expressed significant concerns over aspects such as the vestigial watercourse and questions to be answered regarding detailed costs and responsibilities. Members wondered whether the former rifle club land in question could be sold outright, provided that the receipt was ring-fenced for the trust's objects. Various permutations of land-exchange and sale were discussed. A key factor would be the attitude of the Charity Commission to any suggestions which may be put forward.

**It was resolved that:**

**FC2018/55.2** The Minutes of the Pells Land Exchange Working Party, held on 18<sup>th</sup> September 2018 (*copy in minute book*) are noted.

**FC2018/55.3** Clarification is to be sought regarding intentions for 'Area B' as shown on submitted plan.

**c) Allotments Working Party 19<sup>th</sup> September 2018:** Cllr S Murray presented the minutes of this meeting (*copy in minute book*):

The meeting noted that a review of services and policies related to allotments was carried-out when circumstances prompted it, and in-depth reviews had been conducted in 2007; 2009; 2012; 2015. This Working Party had been convened as officers considered that a number of issues affecting day-to-day management of the service deserved attention by Members.

It was noted that staff regularly attended regional National Allotment Gardeners Association Allotment Regeneration Initiative (ARI) meetings, where best practices were

discussed for allotment management. Members noted that:

- > Lewes Town Council owns six allotment sites in the town. The allotment sites were transferred from Lewes District in 1995. Sites and available working plots on each site were listed. The total of 219 allotment plots in Lewes compared with 208 in 2011. 'Original' 10-rod (approx. 250sq m) plots were divided when relinquished by a tenant (or on request) to make 5- or 2.5-rod plots. Waiting lists currently stood at 126 compared with 268 in 2011.
- > An allotment plot on average for 2018/19 cost £25 per year. Charges were £4.08 per rod (One rod = approximately 25 square meters.) The budgeted nett cost for the service was around £27,000 – an average of roughly £123 per plot. The law pertaining to allotments; acknowledged to be somewhat archaic and cumbersome, limited annual tenancy charge increases to no more than the factors applied to other Council services for a year. LTC had traditionally raised fees by a factor roughly in line with national inflation, and allotment charges originated from a very low value (not uncommon across the country).
- > The General Rules and Conditions for Lewes allotment tenants stated that tenants must:

- (1) *accomplish a state of reasonable cultivation, as determined by the Council\*, within eight weeks of commencement of the tenancy when said commencement date falls between 1st April and 30th June and within 12 weeks of commencement of tenancy when said commencement date falls between 1st July and 31st March;*
- (2) *keep it clean and in a state of reasonable cultivation\* and fertility and in a good condition;*

*\* "reasonable cultivation" is defined as: a minimum area equal to 50% of the total plot should be cultivated and in active use during the main growing season March to September*

The 50% of the total plot being actively cultivated was considered best practice and followed several other Councils in the South East.

Lewes Town Council operated a three-tier warning stage for tenants who did not actively utilize their plots and this had resulted in 10 'evictions' in the last three years

*Water supply:* Currently 5 sites in Lewes have a water supply. Church Lane tenants (only five plots) used water butts to collect rain water or neighbours in close proximity to the site allowed use of water to tenants during spells of dry weather. The water supply for the remaining 5 sites is turned off between the months of October and March/April.

Members considered the cost of water supplied (five years' costs were noted), which differed significantly between individual sites due to their topography and nature. Some Councils added a water surcharge to the annual rent, and others had opportunistically exploited landscape features to create water harvesting facilities (requiring significant capital investment). A debate followed as to the practicality and wisdom of introducing a modest surcharge for water consumed, and it was agreed that this could prove counter-productive. Consensus was that it would be best to promote to tenants the use of individual water butts and guttering to sheds *etc.* to harvest rainwater.

*Rubbish collection:* Haredean and Landport sites had, traditionally, a rubbish clearance service provided from April until September. This service was withdrawn some years ago at Haredean due to excessive cost, and two bays had been created at the site: one intended for compostable waste and the other for manure (supplied *for* by neighbouring stables. Unfortunately, the site still had occasional problems with 'fly tippers' who dump household waste items in the bays. The bays were currently used for manure and spent play-bark chippings.

Landport rubbish clearance continued and it was noted that the Council was one of the only Councils in the South East that provided this service. Other councils expected tenants to compost/recycle rubbish themselves. The Working Party considered the costs against the impact on tenants of withdrawal of the service. It was agreed that the cost

was still relatively modest and the preferred response was to begin a programme of encouragement to tenants to compost within plots (or clusters of plots) and take other waste home for recycling/disposal.

*Path strimming:* The Council had provided this service on all allotment sites (apart from Church Lane) since 1995. A new contractor had been appointed this year and the cost for this service had reduced by half. It was noted that many Councils expect tenants to trim/maintain the paths directly adjoining their plots, but 'boundary disputes' could arise and it was a difficult policy to administer, even where long-established. Members again considered that: as the impact of changing this policy would be harsh, and the cost was already significantly reduced, no change should be introduced.

*Sheds at Landport Bottom (aka 'Highdown'):* this site differed from all the others in that tenants were not permitted to erect sheds. The site was technically part of the landholding of Landport Bottom, and covenants in the title deeds, applicable since the land was first farmed, restricted the erection of structures. This had been reinforced when the land was designated as an Area of Outstanding Natural Beauty (AONB) which added further restrictions. The AONB designation was superseded in 2011 by the establishment of the South Downs National Park. It was acknowledged to be an anomaly that tenants here were denied the convenience of a shed; although tenants at other sites were advised not to leave equipment or anything of value in them, they were nonetheless an accepted part of allotment-keeping. There were believed to be considerations in National Park policy that were similar to the old AONB restrictions, but this could be investigated. Similarly, the covenants could be legally interpreted to permit some structures; such as small sheds. The topography of the site meant that sheds could be visually intrusive at certain levels, but less-so at the 'bottom' of the sloping site. Overlooking residents could easily be consulted if thought appropriate. These matters would be investigated.

**It was resolved that:**

**FC2018/55.4** The Minutes of the Allotments Working Party meeting held on 19<sup>th</sup> September 2018 (*copy in minute book*) are noted, and its conclusions supported.

**FC2018/56**

**RETENTION of INTERNAL AUDITOR:**

Members considered report FC013/2018 (*copy in the Minute Book*), which recommended retention of an Internal Auditor for the 2018/19 year, and explained that:

The Council is subject to a statutory audit regime defined by the Local Audit and Accountability Act 2014 and The Accounts and Audit Regulations 2015 (SI2015/234).

All local councils were required at least once a year to confirm "in accordance with proper practices", a review of their system of internal control including a review of internal audit. Since 2003, when such regulations were first extended to Parish Councils, this had been reported as part of Lewes Town Council's published accounts booklet and repeatedly described as good practice by internal and external auditors.

It was noted that the term *internal* auditor (IA) can be misleading, as this is an independent external consultant, commissioned direct by a Council – contrasting with the *external* audit currently carried out by government-appointed contractors.

The IA has a role in reviewing the effectiveness of control measures that the council decides to put in place and Lewes Town Council had been consistently fortunate to retain the services of IA's who were extremely experienced in high-level local government financial management.

Both the Society of Local Council Clerks (SLCC) and The Sussex & Surrey Associations of Local Councils (SSALC) maintained lists of "jobbing" internal auditors, but few considered to offer experience and qualifications appropriate to the work of a larger Parish. Mark Mulberry is a Chartered Certified Accountant, Registered Tax Advisor; and Registered Auditor with a private practice based in Surrey who, coincidentally, manages SSALC's own finances and finance-related training for councils, and who also provides audit services to several other larger councils. Mr Mulberry had acted as IA for Lewes Town Council since the 2011/12 financial year, and developed a thorough understanding

of the particular operating environment.

A practical plan for internal audit at Lewes was effected in two parts; the first concentrating on systems and procedures and the second on financial aspects. These were carried out in the autumn and spring respectively. As part of the process a written plan and other associated information were provided to ensure the council can fulfil its obligations. At the end of the process a comprehensive report was submitted to council. Fees were charged based on time spent and, as members of SSALC, Lewes enjoyed a significant discount. In addition there was a small charge for travel cost but not for travel time. The fee was considered extremely reasonable; compared very favourably with other audit costs

Consequently, **it was resolved that:**

**FC2018/56.1** Mr Mark Mulberry, of Mulberry & Co Chartered Certified Accountants, Registered Auditors & Chartered Tax Advisers, 9 Pound Lane, Godalming, Surrey GU7 1BX is retained as Internal Auditor to Lewes Town Council for the 2018/19 financial year.

**FC2018/57**

### **UPDATE ON MATTERS IN PROGRESS**

- a) *Annual Plan update:* An update on progress with the Annual Plan was distributed (*copy in minute book*). A Member asked for a more detailed statement to be provided, in the next update, on the Pells lake ecology project, which was agreed. With regard to the Pells Recreation Ground, TC drew Members' attention to the dilapidated state of the multi-play equipment and swings, which had been awaiting replacement for several years. Since the earliest proposals for redevelopment of the North Street Quarter (NSQ) it was agreed that a comprehensive remodelling of the Recreation Ground was to be paid-for from developer's contributions (s106 Town and Country Planning Act 1990). That development, although imminent, had not yet been realized and it was becoming harder to maintain the equipment to safe standards. Running repairs had been effected to allow the continued provision of play facilities for children, but these were becoming more problematic. Inspections were carried out weekly by trained Inspectors on behalf of the Town Council as part of Lewes District Council's grounds maintenance contract; supplemented by an annual independent specialist inspection by an industry-recognized national body. All inspections in recent years had noted the increasing dilapidation, although continuing to rate the equipment as essentially safe for its designed use. TC now suggested that further repairs would be ineffective and the equipment should be removed; he proposed that equipment could be purchased and installed for around £14,000 that was very similar to that existing and comparable in play-value (examples were offered) and, when the NSQ programme was finally implemented, it could be relocated to serve the paddling-pool area within the Pells pool enclosure. There was a fund available arising from the s106 agreement on redevelopment of the old Police Station in West Street, which had been passed to the Town Council earlier this year and was specifically for such expenditure at the Pells Recreation Ground. After a short discussion, **it was resolved that:**

**FC2018/57.1** The Multi-play unit and two-bay swing at The Pells Recreation Ground be taken out of service and replaced with similar equipment, as soon as possible, pending eventual installation of planned improvements contingent upon North Street Quarter 's106' conditions. Costs to be met from the s106 funds received in respect of LW/10/0689 – former Police Station, West Street Lewes.

- b) *Neighbourhood Plan:* The examiner had now visited Lewes and had produced his second schedule of clarifications. These were all on the National Park Website with a link from the Town Council's website. A provisional date for the referendum was set for the 31<sup>st</sup> January 2019.
- c) *Devolution:* Following Council's earlier decision, Lewes District Council (LDC) had been asked under what terms they might consider disposal of 2 Fisher Street to the Town Council. LDC had indicated that the building was not available to the Town

Council and cited reasons that TC had challenged as having little bearing on the proposal. TC reported that, subsequent to this correspondence, he had a helpful meeting with Lewes District Council's Director of Development & Regeneration who had promised to revisit the suggestion as part of a full review of the options open to LDC as part of a comprehensive review of all their unused property. The financial difficulties affecting principal authorities were acknowledged.

- d) *Website*: This had now been launched and work was being carried out on 'snagging' and to upload historic documents.
- e) *Bus Shelter adj Fitzroy House*: A design for this shelter had been agreed with the District Conservation Officer.

**FC2018/58**

**NOTICE of ITEMS IN PROSPECT**

Members were asked to consider items, arising from this meeting, worthy of a Press Release, and indicated:

- Allotments ("value for money" aspect)
- Fitzroy House Bus Shelter, when installed

*Dates to note* were given as:

- a) The next Members' Surgery was scheduled for Tuesday 6<sup>th</sup> November – 10:00am – 12:00pm in the Corn Exchange – Cllrs Catlin and Chartier volunteered
- b) The next Planning Committees would take place on Tues 9<sup>th</sup> and 30<sup>th</sup> October at 7:00pm
- c) The next Council meeting would take place on Thursday 8<sup>th</sup> November at 7:30pm, with a deadline for agenda items to reach TC by noon on Monday 29<sup>th</sup> October.
- d) The Audit Panel would meet (Qtr 2 review) on Tuesday 23<sup>rd</sup> October at 7:00pm in the Yarrow Room.
- e) The All Saints Steering Group will meet at 3:00pm on Thursday 25<sup>th</sup> October in the Council Chamber.
- f) Meetings to be arranged are: Commemorations Working Party; Verges Working Party; Diversity Working Party, Buildings Working Party and Communications Working Party.

Members were encouraged to complete the recently-circulated 'Doodle Poll' to facilitate the selection of dates for meetings over the next few weeks.

There being no further business the Mayor declared the meeting closed.

*The meeting ended at 8:20 pm*

Signed: .....

Date: .....