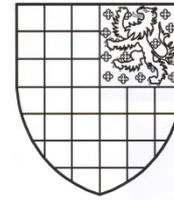


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**LEWES
TOWN
COUNCIL**

To All Members of Lewes Town Council

A Meeting of **Lewes Town Council** will be held on **Thursday 18th January 2018**,
in the **Council Chamber, Town Hall, Lewes** at **7:30 pm** which you are summoned to attend.

S Brigden, Town Clerk, 11th January 2018

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 14th December 2017.

(attached page 3)

6. WORKING PARTIES & OUTSIDE BODIES

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

a) *Lewes Neighbourhood Plan Steering Group - update* (oral report Mr Ian Linton, Chairman LNPSG)

b) *Buildings Working Party 17th January 2018* (oral report Cllr Chartier)

7. MAYORALTY 2018/19

To nominate a Mayor-elect and Deputy Mayor-elect for the 2018/19 municipal year

8. SINGLE-USE PLASTICS

To consider proposals for reduction in use of disposable plastic items (NOM013/2017 attached **page 11**)

9. CIVIC CORRESPONDENCE

To consider proposals regarding Mayoral correspondence (NOM014/2017 attached **page 12**)

10. DATA PROTECTION LEGISLATION

To consider implications of imminent new legislation (Report FC012/2017 attached **page 13**)

11. UPDATE ON MATTERS IN PROGRESS (Oral report by Town Clerk and update on Annual Plan herewith)

12. 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

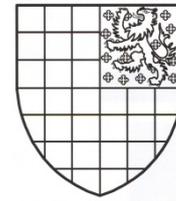
This agenda and supporting papers can be downloaded from www.lewes-tc.gov.uk Copies are available from the Town Hall

PUBLIC ATTENDANCE: Members of the public have the right, and are welcome, to attend meetings of the Council – questions regarding items on the agenda may be heard at the start of each meeting with the Chairman's consent, subject to time available. Questions or requests to address the Council should, whenever possible, be submitted in writing to the Town Clerk at least 24 hours in advance. For more information on how to ask questions, please contact the Town Clerk. General questions about the work of the Council can be raised at our offices between 9am-5pm Mons- Thurs 9am- 4pm on Fridays – when our staff will be pleased to assist.

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MINUTES

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

held on **Thursday 14th December 2017**, in the **Council Chamber, Town Hall**, Lewes at **7:30pm**.

PRESENT Councillors J Baah (*Deputy Mayor*); A Barker; R Burrows; S Catlin (*Wischhusen*); M Chartier (*Mayor*); W Elliott; J Lamb; I Makepeace; G Mayhew; R Murray; S Murray; R O’Keeffe; C Renton; T Rowell and E Watts.

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

Observing: Ms V McLachlan (*Finance Officer*); Ms J Dean (*Customer Services Officer*) and Mr B Courage (*Town Ranger*)

The Council’s Chaplain, Canon Richard Moatt, offered a few words before the meeting on the subject of quiet interludes for reflection, and the common theme of Peace amid the bustle of the season.

FC2017/70 QUESTIONS: There were three members of the public present.

Two questions were submitted. The questions; together with the answers given, are appended to these minutes

A copy of a petition was presented on behalf of the Offham Road Residents Action Group, who wished to draw Councillors’ attention to this recent submission to East Sussex County Council by 455 local residents calling for a pedestrian crossing on the A2029 Offham Road adjacent to the steps from Blois Road to Hill Road (the “Piggy Steps”). Members expressed their general support for this.

FC2017/71 DECLARATIONS of INTEREST:

Cllrs O’Keeffe and Lamb noted their association with applicants for grant, recommendations for which would be considered during the meeting.

FC2017/72 APOLOGIES FOR ABSENCE:

Apologies had been received from Cllr Ashby, who was on holiday; Cllr Jones, who was detained at work, and Cllr Milner, who had childcare commitments.

It was resolved that:

FC2017/72.1 The reasons submitted for absence from this meeting are noted.

FC2017/73 MAYOR’S ANNOUNCEMENTS:

- a) The Mayor led a minute’s silence as a mark of respect for those who lost their lives in the Grenfell Tower disaster six months earlier, and all those who had suffered as a result of that tragedy.
- b) Council welcomed Cllr Chelsea Renton, attending her first meeting since election at the recent by-election for Bridge Ward.
- c) It had been suggested that a letter be sent to Lewes Borough Bonfire Society recognizing the manner in which they had responded to recent national attention. The Mayor intended to meet the Society and would pass on that sentiment.
- d) Any Member wishing to attend the concert by Lewes Concert Orchestra on Friday 15th December, in the Assembly Room at 7.30 pm, was requested to let Fiona know
- e) LGB Brass Christmas Carol event would be on Saturday 16th December, at the All Saints Centre from 4.00 pm – all were asked to support the town band.
- f) On Monday 18th December the Mayor’s Civic Carol Service would be held at St Anne’s church at 7.00 pm followed by mince pies and glass of wine
- g) The Mayor and Mayoress looked forward to welcoming those attending Christmas Dinner on Wednesday 20th December.

FC2017/74 MINUTES:

FC2017/74.1 The minutes of the meeting held on 9th November 2017 were received and signed as an accurate record.

FC2017/75 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) Citizens Advice: Cllr Roger Murray gave a brief oral report on the work of the CA and their move to new offices in Newhaven. Priorities at the moment were related to the recognized problems associated with Universal Credit; 'Renter's Rights', and best energy deals for families on low incomes. It was noted that, between April and September 2017, 263 Lewes Town clients had been assisted; with 22 receiving an aggregate total of £113,468 in benefits and credits to which they were entitled. Lewes's Member of Parliament had joined 15 other MP's to press the Minister on problems with the national roll-out of Universal Credit. An immediate result was the abolition of the premium-rate telephone system initially used for registration, and shortly thereafter it was noted that the waiting-time before first payment had reduced substantially, and an advance was available for rent payments.

It was asked if there were any plans to return to a Lewes office base. None were known or anticipated, and locally there was a drop-in facility in Lewes at Southover House twice each week.

It was resolved that:

FC2017/75.1 The oral report on activities of the Citizens Advice Bureau in 2017 is noted

b) Personnel Panel 23rd November 2017: Council considered the minutes of this meeting (*copy in minute book*), which had been attended by Mr Richard Penn, the Council's retained consultant. As this Working Party was to discuss information personal to individual, identifiable, employees it had been resolved before proceeding to exclude any members of the public or press.

Mr Penn had reminded panel Members of his commission to contribute an impartial viewpoint and act as facilitator to future assessment of TC's performance, and how the 'two-stage' approach would operate. The previously-agreed questionnaire would be sent to an approved list of recipients later in the year, and would be administered confidentially by Mr Penn, who would prepare an analysis of responses to the 26 questions and identify appropriate outcomes. This meeting was a mid-year review; when amendments to objectives could be introduced, if appropriate, and a definitive list agreed of those to whom the questionnaire would be sent towards the end of the municipal year. Mr Penn had met with TC and reviewed performance indicators in the context of current year experience. There had followed a detailed consideration of each element of the objectives and the indicators of achievement were discussed. These were presented in four areas: 'Leadership & management'; 'Delivery'; 'Effective governance', and 'Personal' – with 17 individual elements in total. Several of these would be addressed later by taking account of responses to the questionnaire, but those which could be assessed at this point indicated satisfactory achievement in all areas within TC's control.

Members suggested recipients for the questionnaire, and a list was agreed containing 21 individuals or organizations in addition to all staff and Councillors. The list was considered to offer a representative sample of those who would be able to offer insight into the role of the Town Clerk in achieving Council objectives through the year.

There had been a brief discussion regarding application of an appraisal scheme to all staff, and a number of points which had been discussed at earlier meetings of the Panel were rehearsed. The scheme agreed only related to TC (with his consent), and no other staff

were included at this time. Cllr Barker and Mr Penn, both experienced and senior Human Resources professionals, had explained some of the issues pertaining to a wider scheme; roles and responsibilities *etc.* They provided context from their work across the public sector nationally, and stated that, in their opinion, the scheme being operated was more comprehensive than those to which most Chief Executives of principal Councils would agree. Mr Penn would distribute the questionnaires in due course, and would prepare the analysis of responses and other agreed indicators for end-year assessment with the Panel in June/July 2018.

A question arose as to when the questionnaire would be sent out and whether the list of recipients would be available to all Members. These would be sent out towards the end of the municipal year, and Cllr Barker would consult Mr Penn and give further consideration as to the appropriateness of publishing the list.

It was resolved that:

FC2017/75.2 The minutes of the meeting of the Personnel Panel (*copy in minute book*) held on 23rd November 2017 are noted.

c) Grants Panel 6th December 2017: Members considered report FC011/2017 (*copy in minute book*) containing recommendations for payments of grants for the third cycle (of four) for the year 2017/18. A question arose as to a recommended proviso in respect of grant towards a storage facility for Malling Food Bank (Malling Tenants & Residents Association). Panellists had proposed that the organization supplying some of the food – ‘Fairshare’ – be asked to confirm its agreement and suitability of the proposed storage facility. A Member who was familiar with the Foodbank submitted that none of the Fairshare supplies should be held in the new facility, and suggested this condition could be removed. It was noted that this could easily be satisfied by a written statement from the applicant, and the proviso was unaffected. A proposal was made that the whole amount requested should be granted to that applicant (an increase of £250), and a Panel member replied that many of the recommendations were for less than the whole sum applied-for. These had been carefully considered by Panellists, who balanced many factors in reaching their decisions, after assessment of all the information in the applications.

Nonetheless; a suggestion was made that the amount need to top-up the Foodbank grant to the full amount requested would be released if another grant on the schedule were not approved. This was for a programme of therapeutic writing workshops for those with social; educational; physical, or mental health needs, and it was submitted that as the applicant was an individual practitioner the application was not valid. Another Member described this suggestion as a “petty intervention” and the therapy programme as a very important and helpful thing. Another noted how it complemented local initiatives to make Lewes more dementia-friendly; which the Council supported. It was suggested that the increase of £250 could be paid to the Foodbank without affecting any other recommendations, and this simply reduced the sum remaining in the budget for the last grant cycle of the year – a relatively trivial difference. There was general agreement to this, and subsequently;

It was resolved that:

FC2017/75.3 The grant payments recommended in report FC011/2017 (as shown in column **G** of the appended table) be approved, with the amendment that application reference 7 (Malling Tenants & Residents Association) be increased to the full sum requested: £1,000.

d) Audit Panel 1st December 2017: It was reported that, due to the number of Members submitting apologies for absence, the meeting had been cancelled as it would have been inquorate. It would be rescheduled.

e) Finance Working Party 12th December 2017: Council considered the draft Minutes of this meeting (*copy in Minute Book*), which had taken place only two days earlier. These

had been distributed the previous day.

It was explained that the Working party had been mindful of the current position in respect of the General Fund and Reserves, as remarked by the Council's auditor in his most recent report. Also: in the year of introduction (2013/14) of the Government's Council Tax Support Grant scheme (to offset government changes to calculation factors), Lewes District Council had passed-on the whole amount which had been sufficient to maintain the Town Council's "band 'D' equivalent" precept unchanged. This grant had, however, reduced significantly each year since then and was to reduce from the current year amount by (at least) a further 15% for 2018/19. The Town Council (LTC) therefore faced an enforced increase to precept each year to simply maintain budgeted nett expenditure at the prevailing equivalent.

The Working Party had considered service budget estimates for 2018/19. Alongside the Council's financial systems generally ("*a model of good practice...*"), the assumptions and basic principles and the process of compiling the recommended budget had again been commended by the Council's independent Internal Auditor (IA) during a recent inspection, who had nonetheless drawn Council's attention to the level of the General Fund; observing in his interim report: "*The council has detailed workings on reserves and anticipates general reserve will be circa £50,000 against a precept of £944k this is too low for a council of this size. The council is aware it has low general reserves and has action plans in place to address this but it is also clear the council is reliant on earmarked reserves not being used in order to support the general reserve. I would recommend council continue to review its earmarked reserves in detail and reassign and reallocate.*"

It was acknowledged that there was a continuing need to address the proper maintenance of the Council's physical assets and adequately fund continuing services, yet the General Fund position had become critical with the unforeseen additional costs that had impacted the Council in the past year. These were largely attributable to decades of outstanding repairs but had unfortunately manifested in a single year, before planned reserve funds had reached adequate levels. Building and engineering works were of particular concern in this regard, as the Council's assets had all been taken-on with considerable historic dilapidation, and contexts such as heritage listing status.

With these issues in mind, the working party Members had considered the draft annual plan (*appended*); proposed contributions to reserves, and operational requirements, in detail.

The draft budgets presented took account of:

- Provision for known/anticipated increases in public Utility supplies, NNDR *etc.*
- Adjustments for completed and imminent (previously-approved) projects.
- Provision for elements identified in the Council's forward plan.
- Appropriate reserves for agreed/anticipated projects.
- Provision for anticipated increases in insurance and other overhead costs *etc.*
- Provision for known increase in employers' pension and NI contributions.
- Refinement of overhead allocation to services and base service cost estimates.
- Recognition of anticipated adjustment to salaries. (a national 'employers' side' offer had been made through the local government joint negotiating body the previous week, covering 2018/19 and 2019/20).
- Provision for known and anticipated increases in cost of contracted services.
- Re-establishment of exhausted reserves and continuation of prudent contributions.
- Provision for costs of assets or services accepted through devolution by Lewes District Council, and for necessary transitional costs.
- Fees & charges tariff increase of 5% proposed, rounded to an appropriate value for the service concerned.

The draft budget combined specific amounts for known costs and committed project items, with prudent allowances for reserves, and provided for a flexible response to

unforeseen issues. The Council's forward plan was considered, and it was understood that this was as expansive as could be practically undertaken.

Members of the working party were keen to make prudent estimates and maintain some flexibility in the budget, although concerned to keep increases within reasonable limits. The "Band 'D' equivalent" precept represented by the draft budget as presented was shown at the number of "equivalent households" for 2017/18, which would inevitably rise when the new year figure was published (by Lewes District Council); reducing the individual impact of any increase. Provision was made for all 'unavoidable' increases to give a base value, and 'live' modelling of various options was conducted throughout the meeting with the implications and overall impact carefully assessed at each point. Borrowing was also considered, which was available through the Public Works Loans Board, but not considered appropriate at this time.

The budget finally arrived-at for recommendation to Council had been agreed unanimously, and resulted in a precept requirement of £1,036,301. This represented an increase on the current year of 9.69%, with the actual cost to a Band 'D' household rising to £169.20 per year (*at 2017 values – this sum would slightly reduce when 2018 values were published*). This equated to an extra 29 pence per week.

This was presented to Council as being prudent, flexible, and in the best interest of the town and the Council. TC was able to update Members on the actual Band 'D' factor for 2018, which had been advised by Lewes District Council earlier that day. This gave revised values of £168.32 per year and an increase of 27pence per week.

A submission was made that more time should be allowed for perusal of details by Members, although this was countered by others who reminded that the Working Party had been open to any Member who wished to attend, and that the recommended budget, plan, and precept had been agreed unanimously for recommendation. It was suggested that it was a complex matter; that the work had already been comprehensively addressed and was clearly explained in the Minutes, and that delay was not appropriate.

A question arose as to apparent comparative salary budgets for the Town Hall and All Saints Centre. TC explained that budgets contained both direct and indirect salary apportionments and these figures reflected factors other than simply those for staff employed at each site. It was suggested that the Personnel Panel might be asked to look at relative staffing in an attempt to alter an apparent disparity, but TC reminded Council that it was less than two years since a comprehensive formal review by an independent consultant had made recommendations applicable to each post. Both centres operated for the maximum hours permissible, and therefore reduction in cost could only arise from a reduction in operational cover. All Saints Steering Group would be asked to look at the apparent value of the service. It was also noted that there would be a 'follow-up' review of the merits of scheduled meeting dates for Working Parties *etc* after the trial agreed in early 2017. On dealing with the budget at this meeting, the Mayor called a vote and **it was resolved that:**

FC2017/75.4 The budget, plan and precept for 2018/19 will NOT be deferred to the next meeting, but determined as scheduled on the agenda; and subsequently:

FC2017/75.5 Fees and Charges for Council facilities and services be increased by 5% (rounded to an appropriate value for the service concerned) from 1st April 2018

FC2017/75.6 Budgets for estimated operational service expenditure and income and contributions to financial Reserves for the 2018/19 financial year; recommended by the Finance Working Party following its meeting on 12th December 2017 (*Copies in minute book*), be approved.

FC2017/75.7 The total sum to be raised by precept on council tax for 2018/19 be set at £1,036,301 when anticipated Council Tax Support Grant of £38,385 is accounted-for.

FC2017/75.8 The Council Plan for major areas of work or projects in 2018/19 (*Copy in minute book*) proposed by the Finance Working Party following its meeting on 12th December 2017, is approved.

FC2017/76 INTERIM REPORT of the INTERNAL AUDITOR:

Council considered this report (*copy in the Minute book*), which had followed the auditor's recent mid-year visit and inspection.

The auditor expressed the opinion that the systems and internal procedures at Lewes Town Council were "very well established, regulated and followed. The Clerk ensures the council follows best practice regulations and has over time adapted and changed the internal procedures as regulations and technologies have changed to maintain compliance.

It is clear the council takes governance, policies and procedures very seriously and I am pleased to report that overall the systems and procedures you have in place are entirely fit for purpose and indeed are a model of good practice."

Points made in earlier reports related to the unavoidable decline in the General Fund balance were repeated, and these had been considered and addressed by the Finance Working Party (*see Minute FC2017/75e*, above). There were some helpful recommendations for continuing adherence to the Transparency Code for local councils and document reviews. There were no questions, and subsequently

It was resolved that:

FC2017/76.1 The interim report of the Council's Internal Auditor for the year 2017/18 (*copy in Minute book*) is noted.

FC2017/77 LIVING WAGE FOUNDATION:

Members considered a proposal (*NOM 012Rev/2017 copy in minute book*), deferred from the previous meeting and since revised, that the Council seek accreditation by the Living Wage Foundation. Members were reminded that the Council became a Living Wage Employer in 2015, and had resolved to support the Lewes Living Wage (LLW) campaign in its work to raise awareness of the issues through the wider business community (*FC2015/28.2*). Full accreditation required formal agreement with the Foundation, and TC had now reviewed the terms of this, declaring that his earlier concerns as to the implications of some clauses were satisfied. Accreditation would cost £120, with a further fee for registered status as a Living Wage Foundation Friendly Funder in relation to the Council's grant scheme; which would encourage grant applicants to pay the Living Wage, and to seek their own accreditation with the Foundation.

A question was asked as to conditions applicable to suppliers to the Council. It was noted that there was a phased option to bring contractors who provided staff into a framework where they would pay the LLW themselves. This did not apply to or affect relationships with suppliers of materials (*eg stationery; consumable stores etc*).

It was resolved that:

FC2017/77.1 Lewes Town Council will seek accreditation as a Living Wage Council with the Living Wage Foundation.

FC2017/77.2 Lewes Town Council will seek status, with the Living Wage Foundation, as a Living Wage Friendly Funder.

FC2017/78 UPDATE ON MATTERS IN PROGRESS

- a) *Annual Plan update distributed:* An update on progress with the Annual Plan was distributed (*copy in minute book*). There were no salient points of particular note.
- b) *Devolution of Malling Recreation ground and Landport Bottom:* Transfer of Landport Bottom was progressing through the machinery of HM Land Registry. A further written response had been received that evening from the Chief Executive of Lewes District Council (LDC), which suggested that the Town Council's concerns were fundamentally misunderstood. Answers offered regarding s106 funds appeared to relate to an issue different from that which had been raised; LDC's position regarding deferral of transfer of Malling Recreation Ground remained effectively unexplained, insofar as there was simply a statement that he supported his Leader's and officers' view, and there was no substantive response to complaints over communication

- regarding housing sites; affecting the Neighbourhood Plan.
- c) A question was asked regarding the proposed kiosk redevelopment at the Pells, and it was apparent that there was some misunderstanding. Council was intending to proceed with this project and lake repairs/environmental improvements when the 'heavy engineering' aspects of the North Street Quarter flood defences were completed, and hopefully ultimately benefiting from some integration with works to the area arising from the s106 Agreement associated with the development. The flood defences were part of the preliminary NSQ work, which was now expected to begin by mid-2018.
 - d) Cllr Catlin reported that he had not yet received answers to his questions to LDC regarding the legal authority for rail station closures on 5th November 2017, and other issues of concern.
 - e) Large-format architects' design illustrations were expected shortly and would be on-display at Malling Community Centre, together with comment forms, until the meeting of Buildings Working Party on 17th January, which would be held at the Centre.

FC2017/79

NOTICE of ITEMS IN PROSPECT

- a) The next Members' Surgery was scheduled for Tuesday 2nd January 2018 10am – 12pm in the Yarrow Room.
- b) The next Planning Committee meetings would take place on Tuesday 19th December and Tuesday 9th January at 7.00pm.
- c) The next deadline for grants applications: (cycle 4 of 4 2017/18) was Friday 26th January 2018. The Assessment Panel would meet on 7th February with recommendations being considered by Council at its meeting on 22nd February.
- d) The Buildings Working Party would meet on 17th January at Malling Community Centre.
- e) *Office closure Christmas period 2017:* The Town Hall offices would be closed between 12:30pm Friday 22nd December and 9:00am Tuesday 2nd January.
- f) The next Council meeting would take place on Thursday 18th January 2018 at 7.30pm, with a deadline for agenda items to reach TC by noon on Monday 8th January.
- g) Meetings to be arranged were Commemorations Working Party, Buildings Working Party; Audit Panel.; All Saints Steering Group; Transport Working party; Pells Pool Community Association liaison.
- h) Member training on law and finance were being arranged. Diversity training had been arranged with South East Employers organization. TC described the programme, which was offered as afternoon or evening sessions of approximately three hours duration. A 'Doodle' poll would be distributed to establish availability on the dates offered by the trainer. Members were asked to respond promptly.

There being no further business the Mayor closed the meeting.

The meeting ended at 9:00pm

Signed:

Date:



QUESTION RECEIVED: *E-mail received 10th December 2017:*

I am submitting the following question to be asked during Question Time at the start of the full council meeting on Thu 14th December 2017, with reference to agenda item 9:

Following the demonstration against the talk by Katie Hopkins on 25/11/17 at the All Saints Centre, the organiser of the Lewes Speakers Festival issued the following statement, which was posted on social media by Katie Hopkins: "Statement regarding Lewes 25/11/17

Katie Hopkins speech in Lewes on her new book RUDE was called off at 6.15pm last night after 100+ masked protestors attacked members of the audience, police and security.

We extend our sincere sympathy to these individuals. Many of the audience were elderly and we are relieved to hear they are safe. We are concerned that some locals brought young children to the protest.

When protesters broke into the church to attack Katie, she was removed from the building by her close protection officers and was asked by police to confirm this to encourage the mob to disperse.

Lewes Speaker Festival Team would like to thank the local supporters, ticket holders, venue and police."

The organiser of this festival has also made a public statement comparing the demonstration to the Rwandan genocide.

Bearing in mind the duty of the council to ensure that the All Saints Centre is used to promote community cohesion, can I have an assurance that the Lewes Speakers Festival will no longer be allowed to use council venues for their events?

Regards Newell Fisher

ANSWER:

The Council has no comment on these third-party statements.

No such assurance can be given as it would be unlawful for a Council to operate any such blanket prohibition of any hirer in the absence of any legal conviction, or serious formal indictment.

Cllr M Chartier, Mayor of Lewes 2017/18

QUESTION RECEIVED: *E-mail received 13th December 2017:*

To Mr Mayor and Councillors

This is my question to you at the full meeting of Lewes Town Council, Thursday 14th December 2017.

It is with regards to item 5 on the agenda, namely minutes of the last full council meeting 9th November,

My question concerns the minutes for item FC 2017/66 LEWES SPEAKERS FESTIVAL

Councillors are aware the amendment was dismissed. The motion failed to carry. In light of how things worked out do councillors consider there may be lessons to be learned as to how the council seeks and how it receives advice.

And would councillors commit to inquiring into this matter to better ensure the safety of the public and community assets alike in future? If this is the case myself and many other upstanding members of the community would be more than happy to contribute where appropriate.

Many thanks Marina Pepper

ANSWER:

The Council follows the law in relation to its decision-making, and Councillors take appropriate notice of all factors before voting or reaching their decisions. What is 'reasonable' to consider in any matter is constrained by legal principles, and the process may be subject to judicial scrutiny.

Councillors are elected to represent the community and make decisions on its behalf. They may consult their constituents as they see fit. As police investigations are ongoing, we cannot comment further.

Cllr M Chartier, Mayor of Lewes 2017/18

Supplementary question:

A supplementary question was asked: Did the Mayor write the answer himself?

He answered that he had drafted the answer having discussed it with the Town Clerk.

A Member stated that he did not consider the answer to be comprehensive, and he was interested to learn more. The Mayor reminded everyone that no debate should ensue from questions; and that while a Police investigation was ongoing further comment or action was inappropriate.

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 18th January 2018

NOM 013/2017 received from **Cllrs S Murray & C Renton** on 4th January 2018, in the following terms:

It is proposed that:

- 1) Lewes Town Council will become a 'single-use plastic free' council by phasing out the use of 'single use plastic' (SUP) products such as bottles, cups, cutlery, food containers and drinking straws in all council activities, where it is reasonable to do so, by April 2018 and will encourage our facility users and other organizations to do the same, by championing alternatives such as reusable water bottles.
- 2) The Council will support in principle (and in practice where possible) local initiatives being developed under the Plastic-Free Lewes* banner.
- 3) The Council will set up a Working Group to consider how best it might engage with emerging initiatives to make Lewes a 'SUP-free' town.

Supporting Information:

*Plastic-Free Lewes is supported by: inter alia, Transition Town Lewes, Lewes District Green Party, Lewes Liberal Democrats, Depot Cinema, Making Lewes, Lewes Railway Land Wildlife Trust, Lewes Food Market and Green Cuisine. It is concerned that plastic is choking our planet and poisoning our food chains. It wants to help stop this by dramatically cutting unnecessary plastic use across our town, encouraging the use of permanent or eco-friendly alternatives to single-use plastics, lobbying our councils to make changes that can help cut plastic use and pollution and making it easier for everyone to reduce the amount of plastic in their lives.

The film Plastic Ocean was recently shown at the Depot and underlined many of the same concerns highlighted by David Attenborough's Blue Planet series. An estimated 12m tonnes of plastic enters the oceans each year, and residues are routinely found in fish, sea birds and marine mammals, even ones living as much as 7 miles beneath the surface. The films showed albatrosses trying to feed plastic to their young and dead seabird chicks with stomachs made solid by plastic waste.

Much of this pollution comes from plastics used only once, but which can take hundreds of years to break down and then maybe only into micro-particles even more deadly to all of us as they enter the food chain. Tisha Brown, an oceans campaigner for Greenpeace UK, says: "Ocean plastic pollution is a global emergency, it is everywhere from the Arctic Ocean at top of the world to the Marianas trench at the bottom of the Pacific. It's in whales, turtles and 90% of sea birds, and it's been found in our salt, our tap water and even our beer."

The UK uses a staggering 38.5 million single-use plastic bottles every day, of which less than 60% are currently recycled.

Used for just 20 minutes, once discarded a drinking straw can last in the environment for 100s of years.

Plastic bags fragment in 100-300 years depending on thickness and size, but will remain at large in the environment indefinitely.

Millions of toothbrushes are discarded every year in order to preserve our dental health.

Single use plastic utensils are often not recycled due to contamination with food and cost of recycling per unit.

Nearly 24 cotton bud sticks are found for every 100m of UK coastline. These are incorrectly disposed of down the toilet and can last for over 150 years in the environment.

The Council notes that while some plastics have an essential role in modern society and that the production of plastics often use less energy for their manufacture than alternative materials, plastics recycling is woefully inadequate. Too much plastic ends up in landfill despite potential new uses ranging from new bottles and food trays, to underground drainage products and even fibre-fill for sort furnishings. A huge amount of plastic escapes the collection net altogether ending up in the sea

via sewage or river outflows, overboard disposal by ships, accidentally or on purpose, general littering or absence of proper facilities where the plastic waste is created.

More than 600 people have already signed a petition to install water fountains (taps) in Lewes and surrounding areas, intended for submission to Lewes District Council and Lewes Town Council.

*Cllr S Murray
Cllr C Renton
4th January 2018*

NOM 014/2017 received from **Cllr I Makepeace** on 8th January 2018, in the following terms:

It is proposed that:

1) Whenever the Mayor writes an email or sends a letter to an individual, group or organisation, on the behalf of the Council, that the text of that communication is made available by email to all Council members on the day it is sent to the recipient(s).

Supporting Information:

A Mayor has no more powers to act individually, or to speak for the Council, than any other Councillor.

As for all Councillors, there is a duty of Openess and Accountability.

The Mayor is the Chair of the Council. When he or she writes a letter or email on behalf of the Council, all Council members should receive a copy of the text by email on the day it is sent.

*Cllr I Makepeace
8th January 2018*

Agenda Item No: 10

Report No: FC012/2017

Report Title: General Data Protection Regulations – preliminary issues

Report To: Full Council

Date: 18th January 2018

Report By: S Brigden, Town Clerk

Purpose of Report: To advise Members of the implications of imminent new legislation – General Data Protection Regulations.

Recommendation(s):

- 1 That Council notes this report.
- 2 That the Town Clerk is asked to engage a provider of Data Protection Services, through the Sussex Association of Local Councils agreement, to
 - a) assist with initial data and systems audit work in preparation for the introduction of General Data Protection Regulations and
 - b) act as the Council's Data Protection Officer for at least one year following the effective date of the GDPR, pending national developments in the services available for the future.

Information:

- 1 The European Union regulation known as General Data Protection Regulations (GDPR) will come into force on 25 May 2018. As an EU regulation this will have direct effect, not requiring UK legislation for its provisions to apply. The Government has also confirmed that it will introduce new legislation to repeal the Data Protection Act 1998 (the 1998 Act) and to ensure that new UK legislation does not create inconsistencies with the GDPR.
- 2 This is an evolving situation with new information emerging on an almost daily basis. What is known is that the detailed requirements of the GDPR represent a very substantial increase in responsibilities and potential processing/record-keeping workload for even a small Council.
- 3 *Purpose of GDPR:* GDPR contains terminology that is familiar from the 1998 Act *eg* 'personal data', 'data controller', 'data processor', 'data subject', 'subject access request', 'processing', and 'data protection principles'. It builds on the legal framework established by the 1998 Act to balance the needs of organizations to collect and use personal data against the rights of an individual to have their information (personal data) kept secure and private. GDPR has been introduced to address the privacy issues arising from a digital age in which personal data may be collected, transmitted, stored, manipulated and shared with relative ease.
The purpose of the GDPR is to increase (i) the obligations on organizations when acting as data controllers and (ii) the rights of individuals to ensure that their personal data is respected and used only for legitimate purposes. It also imposes new obligations on data processors.
- 4 Personal data is data that relates to a living individual who can be recognized from that data. The type of personal data processed by a council may include:
 - ⊕ communications with individual local residents (*eg* letters; complaints, surveys);
 - ⊕ employment and recruitment records (*eg* employment contracts, and job applications);
 - ⊕ contracts with individuals and contracts which require processing of personal data (*eg* allotment tenancies);
 - ⊕ communications with third parties (*eg* principal authorities, CALCs, local charities, sports clubs, Disclosure and Barring Service ("DBS"), HMRC and pensions provider);
 - ⊕ the electoral roll;
 - ⊕ legal proceedings or transactions with individuals.

5 *Data protection Officer:*

Parish councils are required, under the GDPR and anticipated new UK legislation, to appoint a Data Protection Officer (DPO).

- 6 The DPO may be a member of staff or appointed under a service contract. There are stringent requirements specified for this role, which limit the practical scope for parish councils to designate a member of staff. Although a DPO is allowed to have functions or responsibilities additional to those arising from the DPO role, those other tasks and duties must not conflict with the performance of DPO responsibilities. This means, in particular, that the DPO cannot hold a position which determines the purposes and the means of the processing of personal data. The need to ensure that a DPO can work without conflict of interests is closely linked to the requirement for the DPO to act in an independent manner.

The ‘Article 29 Working Party’, which is made up of the regulatory bodies for data protection law which operate in EU member states (and includes the UK Information Commissioner’s Office [ICO]), has produced useful guidance which states:

“As a rule of thumb, conflicting positions may include senior management positions (such as chief executive, chief operating, chief financial, chief medical officer, head of marketing department, head of Human Resources or head of IT departments) but also other roles lower down in the organizational structure if such positions or roles lead to the determination of purposes and means of processing.”

- 7 Based on the drafting of GDPR and the guidance from the Article 29 Working Party, it is the view of the National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC) that Clerks and RFOs cannot be designated as a council’s DPO. Options being suggested are:

- a) Working with County associations to ensure that Councils have access to reputable firms that understand the sector (“trusted suppliers”).
- b) Assessing cost effectiveness of working with a supplier to provide a national service which Councils can access, delivering economies of scale.
- c) Setting up a sector-led body (either with or without SLCC) building on the success of Smaller Authorities Audit Appointments (SAAA) - the body set up to lead external Audit for parishes following expiry of Audit Commission (now defunct) contracts - to provide a national DPO service and other support, or developing a county based structure with national co-ordination/support.

- 8 Locally, following suggestion *a)* above, Sussex & Surrey Associations of Local Councils (SSALC) is in discussion with a company set up specifically to offer independent DPO services to local councils across the country. Fee structures are still being negotiated but it is likely that for larger town councils, such as Lewes, the cost will be up to £2,000 (although open to detailed negotiation). For this an initial impact assessment audit of the Council’s data and relationships with Data Processors will be carried out, advice given on steps to be taken and telephone support provided, followed by an annual fee for acting as DPO.

- 9 It is vital for councils to understand they are the Data Controller with overall responsibility for ensuring the integrity and security of the data held by the council. Any breach of data handling must be reported to the Information Commissioner within 72 hours. Penalties for breaches or non-compliance can be severe.

- 10 This has also cast into a different light some common practices, such as clerks in smaller councils who are expected to use their own IT equipment and local Councillors using their own email addresses rather than a corporately-administered system *eg* ‘john.smith@lewes-tc.gov.uk’. Issues such as these will need to be considered by individual councils, and carry cost implications.

- 11 NALC has agreed to oversee development of a national toolkit/template pack using external bodies who wish to be involved. They have commissioned externally a GDPR Guidance Note or “Toolkit” for NALC members to use offering practical Action Plans, checklists and other useful documents as well as providing a plain English briefing on the new law. This is expected to be available later in January. It is intended to include: consent forms; data rights checklist and

template response letters; security incident response policy checklist; data processing checklist; GDPR checklist template; Data Protection Impact Assessment (DPIA) template; and privacy notice templates (covering Employees and role holders, Candidates and job applicants, General use notice for residents receiving information, Specific notice for residents receiving services). This can be supplemented with other material as required.

- 12 NALC is lobbying government to ensure the implications for parishes are well known, that ICO provides sector specific advice and support, and for ‘new burdens funding’ to ease transition, the costs of which may be significant.
- 13 **For the future**, NALC is interested to get feedback on these options:

Option 1 In general terms it appears that services are being offered by a range of companies including legal firms. There appear to be some limited offers from principal authorities.

Costs are generally structured to reflect size of councils and usually include a first year cost and then an ongoing annual fee. It would be helpful to find out what local experience of the market is, to inform a broader view of what is available.

Option 2a The company with whom NALC has had the closest discussions to date operates the following model and included is an indicative estimate of the cost for the sector if all councils signed up to this package, on current terms. If the service was commissioned nationally and take-up could be guaranteed, then costs could be negotiated downwards. Whether the company would be able to resource a national approach is another risk.

Precept						
Under £1,500	£1,500-5,000	£5-25k	£25-100k	£100-200k	Above £200k	
2,000	1,700	3,700	1,700	520	585	Number of Parishes
£150	£280	£800	£2,200	£6,200	£11,200	Year 1 set up fee
£300,000	476,000	£2.9m	£3.7m	£3.2m	£6.5m	Total £17m

£50	£120	£400	£1,400	£3,800	£7,200	Ongoing annual cost
£100k	£204k	£1.48m	£2.38m	£1.98m	£4.2m	Total £10.3m

Option 2b NALC has spoken to a legal firm active in the public sector who would be interested in working with them to set up a national "on demand" DPO service which at base would cost £350 and provide for e-mail support 5 days a week and receive a reply within 24hours to answer questions and provide advice. There would be a schedule of other fees for greater engagement. Total potential total cost across the sector of £3.5m. This appears to be the most immediately available option.

Option 3a This would entail setting up a new company, recruiting a project manager, recruiting and training DPOs and providing back up support and management.

Estimated costs: set up £100k, Recruiting and training 50 DPOs at £2k per person =£100k Annual salary 50x45(?)k = £2.25m. IT etc ?

Option 3b An alternative model could be to recruit and train (£100k) county-based DPOs then individual counties employ 40 x£45K = £1.8m plus central advice/support £200k = £2m

Options 3a and 3b entail a fair amount of risk. Setting up SAAA, which in many ways is similar, was pump-primed by Government; Councils were deemed to have opted-in ensuring 100% take up, and there was a reasonable lead-in time. With DPO services, there could be no guarantee of take-up and unless 'new burdens funding' is secured there is no other pump priming funding available, which effectively rules this out.

14 These options are to be explored for future years.

NALC asks for any thoughts Councils may have on this and particularly the likelihood of Councils being willing to sign up to some kind of a national arrangement at circa £300 per annum.

S Brigden

10th January 2018

COUNCIL PLAN 2017/18

Status update

Lewes Town Council proposes to initiate and complete (where possible and practical), or continue, the following major areas of work in the year 1st April 2017 to 31st March 2018. These are in addition to various projects and initiatives itemised in the Council's budgets and accounts, and represent larger-scale activities deserving special attention.

		STATUS	
	Project description	at December 2017	at January 2018
1	Town Hall repairs & conservation Major roof repairs/replacement to Assembly Room and Corn Exchange Works required for safety and integrity of building.	Works in progress.	Works complete.
2	Pells Lake ecology project Improvements to water quality. Introduction of aquatic plants W/Party remit to consider structural integrity of lake perimeter.partially completed – specialist report obtained	no change	no change
3	Pells Recreation Ground and kiosk/café development (with Santon Group and others) Engagement with Santon Group and others to improve the “urban realm” in the area as an integral component of necessary flood-defence works; taking the opportunity to replace children’s play equipment and introduce equipment for a wider age-range, and to provide an enhanced café facility for the swimming pool, recreation ground, and surrounding parkland.	Working Group meeting delayed until 16th January 2018.	Working Group meeting 16th January 2018.
4	Malling (Bridgeview) Community Centre refurbishment To carry out a comprehensive refurbishment of the community centre, with modern heating and lighting, with improved facilities for community use, including more flexible interior spaces and better integration of the sports changing-rooms with the adjoining sports pitches and recreation ground.	Architects illustrations of design options to be displayed at Centre 18/12/17 onward, with comments forms and collection box. Architects on-hand to answer questions through afternoon of 17th January 2018, followed by evening meeting of Working Party to select preferred option for recommendation to Council 18th January.	Working party meeting 17th January 2018 - recommendations to Council 18th January.
5	Commemorations: To engage with, and inspire, appropriate community recognition of National commemoration of the Centenary of the outbreak of the first World War (2014). Research commission re additional names for War memorial – ongoing; end date 2018 Centenary of the signing of the Treaty of Versaille (2019)	programme ongoing. Lewes Light Festival and 'Lewes Remembers' events recently supported.	programme ongoing.
6	Neighbourhood Plan (with Community partners) Development of a Neighbourhood Plan for Lewes under provisions of the Localism Act 2011	no change	Revisions arising from Reg 14 consultation completed. Technical consultant reports pending. Revised Plan in preparation. Anticipated submission to Council for approval 22nd February 2018.
7	Continuing programme of environmental enhancements and specific site improvements Engage with appropriate projects arising from third-party initiatives (eg highway safety/traffic management). Continuing improvements to own assets (eg allotment sites)	no change	Heritage street lighting units Pipe Passage finally installed November 2017.
8	Devolution of assets & services Provide for transfer of ownership of various assets/services from Lewes District Council. (currently subject to ongoing negotiation)	Written response reported to Council 9th November - highly unsatisfactory. TC wrote again to LDC Chief Exec 20th Nov - response awaited.	Meeting held with LDC ChExec and Dsolicitor. Apologies received for poor communication and acknowledged misunderstanding of some points. Promise to revisit those issues. No change in LDC position re Malling Rec - will not transfer until NSQ footbridge location resolved.
9	New council website New website to be researched – Council resolution FC2016/19.4 (16th June 2016) refers.	Provider continuing site structure development. Transfer of background documents being effected by LTC staff. Anticipate presentation to Working Party January 2018	Provider continuing site structure development. Transfer of background documents being effected by LTC staff. Anticipate presentation to Working Party late January - early February 2018