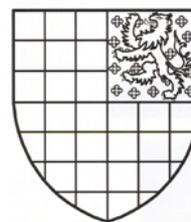


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**LEWES
TOWN
COUNCIL**

MINUTES

Of the **meeting of Lewes Town Council**,
held on **Thursday 18th January 2018**, in the **Council Chamber, Town Hall**, Lewes at **7:30pm**.

PRESENT Councillors A Ashby; J Baah (*Deputy Mayor*); A Barker; R Burrows; S Catlin (*Wischhusen*); M Chartier (*Mayor*); J Lamb; I Makepeace; Dr 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*); Mrs E Tingley (*Committee Admin.*) and Mr Ian Linton (*Chairman Lewes Neighbourhood Plan Steering Group*).

Observing: Ms V McLachlan (*Finance Officer*); Mr L Symons (*Town Hall Manager*) and Mr B Courage (*Town Ranger*).

FC2017/80 QUESTIONS: There were none. Two members of the public were present.

FC2017/81 DECLARATIONS of INTEREST: There were none.

FC2017/82 APOLOGIES FOR ABSENCE: Apologies had been received from Cllrs W Elliott and M Milner who were both working and Cllr H Jones who was unwell.

It was resolved that:

FC2017/82.1 The reasons submitted for absence from this meeting are noted.

FC2017/83 MAYOR’S ANNOUNCEMENTS:

a) The Mayor announced that Philip Hall had passed away after a short illness on 28th December 2017. Philip had been a long standing member of the Lewes Operatic Society and a former Town and District Councillor. A service of thanksgiving was to take place at Trinity Church, Southover, Lewes on Friday 19th January 2018 at 2.00pm.

b) Ken Jessop, who worked for the Council as temporary Finance administrator from 2001-2003, had died after a fall at home on Christmas Eve. Ken had also worked for Citizens’ Advice and Victim Support. His funeral would be held on Tuesday 23rd January.

c) The Mayor announced that Birthe Rutley, a former Mayoress, had been taken ill and was now living in a nursing home in Cheshire; nearer to her family.

Councillors joined in observing a period of silence as a mark of respect for the deceased.

d) Lewes District Council was launching its new *Neighbourhood First* team, said to be “a multi-skilled team that will provide a first response to local issues and will work closely with Town & Parish Councils”. TC was seeking a date for an informal meeting when their Lead Member and key officers could be available to discuss the details, and also the planned roll-out of the new commingled recycling services.

FC2017/84 MINUTES:

There was a submission regarding the Mayor’s letter to Lewes Borough Bonfire Society, but this was not related to accuracy of the Minutes. There were also comments regarding the detail in description of an interlude during the meeting, but it was conceded this was not inaccurate.

FC2017/84.1 Minutes of the meeting held on 14th December 2017 were received and signed as an accurate record.

FC2017/85 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

Continues...

the organization are not expected.

a) Neighbourhood Plan Steering Group (LNPSG): Mr Ian Linton, Chair of the LNPSG, gave an oral report. Mr Linton explained that the Neighbourhood Plan (NP) was running to schedule although two technical reports were being finalized. One of these was an independent professional assessment of realistic costs to provide low-cost housing. During the Christmas/New year period Mr Linton had personally cross-referenced each individual response to the earlier six-week public “regulation 14” consultation and points raised by statutory consultee bodies; rectifying errors introduced, or omissions by, the initial editing team. It was hoped that the final submission draft would be available to the LNPSG on the 13th February for comments and then to present to Council on the 22nd February 2018. This would fit in with the South Downs National Park Authority programme for its Local Plan, which was intended to be put forward for examination and consultation from the end of March. Councillors joined the Mayor in recording their thanks to Mr Linton for his “incredibly hard work” and commitment to the Neighbourhood Plan.

it was resolved that:

FC2017/85.1 The oral report on the work of the Neighbourhood Plan Steering Group is noted.

b) North Street Quarter Play & Recreation ‘s106 Group’ meeting 16th January 2017: Council was reminded that in 2017 there had been three phases of public consultation on potential play and recreation improvements for the Pells area and Malling Recreation Ground. A meeting had recently been held and the opinions that had been expressed at the consultations had been taken into account and these will be reflected in final solutions. Consideration had also been given to the residents who had objected to the provision of an additional access gate at the Pells. Consultants were now testing the market and seeking prices for the various elements of proposed designs, and there would be another meeting in the next few months which will take into account the Working Party views, consultations etc. and what is actually achievable with the Section 106 contributions available, which totalled more than £1,000,000. It was also hoped that some of the Section 106 money might be used to support facilities at the refurbished Malling Community Centre. A question was raised as to the feasibility of commencing the long-planned remodelling of the kiosk building at the Pells Pool; planned jointly with the Pells Pool Community Association, but deferred pending NSQ developments. It was noted that it might be possible to integrate with NSQ works, but this would only become apparent after the next stages of planning the overall area improvements. There was a question regarding the s106 agreement and Members were reminded that this had been considered and approved by Council in 2016, and that each subsequent meeting of the multi-agency working group had been reported-back promptly to Council. Detail was contained in Minutes, but should any Member seek more information they were encouraged to ask the Town Clerk.

It was resolved that:

FC2017/85.2 The oral report on the North Street Quarter is noted.

c) Buildings Repairs Working Party 17th January 2018: The Working Party had met the previous day, at Malling Community Centre, and this was described as a very helpful meeting.

The Working Party had received a report on energy assessments for the building and viability of various optional systems for power and heating. The Working party would consider sustainable technologies in more detail at a later meeting, to be convened as soon as practical once more data was available.

Following a wide-ranging discussion, questions and answers, the Working Party had re-affirmed its decision that the design option referred-to as “Option C/Optimum” was their choice to proceed for implementation, and the Architects had been asked to refine the details of this, so far as possible, in light of points raised at the meeting by both Members and user-group representatives.

It was resolved that:

FC2017/85.3 The oral report of the Buildings Repairs Working Party held on 17th January 2018 is noted.

d) Appointment to Personnel Panel: There was currently a vacancy on the Personnel Panel. It was proposed that Cllr Renton be appointed, and subsequently **it was resolved that:**

FC2017/85.4 Cllr Renton be appointed to the Personnel Panel.

FC2017/86 **MAYORALTY 2018/19:**

It was proposed that this item be deferred pending the expected arrival of latecomers, and a vote taken. **It was resolved that:**

FC2017/86.1 the selection of Mayor-elect and Deputy-elect for 2018/19 be deferred until after item 9 as listed on the agenda for this meeting.

FC2017/87 **SINGLE USE PLASTICS:**

Members considered a proposal (*NOM013/2017, copy in minute book*) that the Council 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, and encourage their facility users and other organisations to do the same by championing alternatives such as reusable water bottles. Further: the Council would support in principle (and in practice where possible) local initiatives being developed under the 'Plastic-Free Lewes'* banner, and would set up a Working Party to consider how best it might engage with emerging initiatives to make Lewes a 'SUP-free' town.

*Plastic-Free Lewes was 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 was concerned that plastic is choking our planet and poisoning food chains. It sought a dramatic cut in unnecessary plastic use across the town; encouraged the use of permanent or eco-friendly alternatives to single-use plastics; lobbied for changes to help cut plastic use and pollution and make it easier for everyone to reduce the amount of plastic in their lives.

The motion cited instances of environmental damage, and highlighted some simple adjustments to help reduce occurrences of incorrect disposal. It was noted 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 was woefully inadequate; with a huge amount of plastic escaping the collection net altogether and passing into waterways and seas.

It was resolved that:

FC2017/87.1 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 their facility users and other organisations to do the same, by championing alternatives such as reusable water bottles.

FC2017/87.2 The Council will support in principle (and in practice where possible) local initiatives being developed under the Plastic-Free Lewes* banner.

FC2017/87.3 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, comprising: Cllrs Ashby, Baah, Catlin, Lamb, S Murray, O'Keefe, Renton and Watts.

FC2017/87.4 The Working Party is asked to address the issues raised and discussed at this meeting, in consideration of the motion NOM013/2017 (*copy in Minute book*)

FC2017/88 **CIVIC CORRESPONDENCE:**

Members considered a proposal (*NOM014/2017, copy in minute book*) that Mayoral emails or letters to an individual, group, or organisation be made available by email to all Council

members on the day sent to the recipient(s).

It was commented that much of the correspondence by a Mayor is mundane, and suggested that only text of notable civic importance be included in the request. Further; it should be at request of Council, when asking a Mayor to undertake such correspondence.

It was resolved that:

FC2017/88.1 Whenever the Mayor writes an email or sends a letter to an individual, group or organisation, when requested by the Council, the text of that communication will be made available by email to all Council members within three days.

FC2017/89 MAYORALTY 2018/2019:

The matter of nomination of a Mayor-elect and Deputy Mayor-elect for the 2017/18 municipal year was tabled, and the meeting considered nominations for the roles. Proposals were received and voted upon and consequently **it was resolved that:**

FC2017.89.1 Cllr J Baah is nominated Mayor-Elect for the 2018/19 municipal year.

FC2017.89.2 Cllr S Murray is nominated Deputy Mayor-Elect for the 2018/19 municipal year

Those Members were congratulated on their nominations and both offered a few words of thanks for the honour and privilege of the roles.

FC2017/90 DATA PROTECTION LEGISLATION:

Members considered a report (*FC012/2017 copy in minute book*) to advise Members of the implications of imminent new legislation.

The European Union regulation known as General Data Protection Regulations (GDPR) would come into force on 25 May 2018. The Government had also confirmed that it will introduce new legislation to repeal the Data Protection Act 1998. This was an evolving situation with new information emerging on an almost daily basis. It was known that the detailed requirements of the GDPR represented a very substantial increase in responsibilities and potential processing/record-keeping workload for even a small Council.

The purpose of the GDPR was 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 imposed new obligations with regard to 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.

Data protection Officer: Parish councils are required, under the GDPR and anticipated new UK legislation, to appoint a Data Protection Officer (DPO). There were stringent requirements specified for this role, which limited the practical scope for parish councils to designate a member of staff.

The international Working Party made up of the regulatory bodies for data protection law had produced useful guidance, and the National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC) had based best practice advice on this.

Options being suggested were:

- a) To work 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 could access, delivering economies of scale.
- c) Setting up a sector-led body to provide a national DPO service and other support, or developing a county based structure with national co-ordination/support.

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

It was vital for councils to understand that 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, and penalties for breaches or non-compliance could be severe.

This had also cast into a different light some common practices, such as clerks in smaller councils who were expected to use their own IT equipment and local Councillors using their own email addresses rather than a corporately-administered system *eg* ‘Cllr.john.smith@council.gov.uk’.

NALC were lobbying government to ensure the implications for parishes were well known, that the Information Commissioners Office provides sector specific advice and support, and for ‘new burdens funding’ to ease transition, the costs of which may be significant. They were consulting on various future scenarios and asked for any thoughts Councils may have.

There were some questions, answered by TC, and subsequently **it was resolved that:**

FC2017/90.1 Report FC012/2017 (*copy in minute book*) is noted.

FC2017/90.2 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.

FC2017/91 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 questions
- b) *Devolution of Malling recreation ground and Landport Bottom:* Landport Bottom transfer was progressing, and awaited completion of formalities by HM Land Registry.

Lewes District Council (LDC) was asking for agreement that we include a provision in the contractual documentation to state:

- i. LDC carry on dealing with the Higher Level Stewardship Scheme (HLS) i.e. LDC continues to manage the land in compliance with the HLS and receive any income from Natural England
- ii. That it is agreed that LDC will continue to manage the land in compliance with the HLS agreement and will have full management control of the land insofar as necessary to comply with the terms of the HLS agreement (which is in respect of the restoration and maintenance of chalk grassland)
- iii. LTC will not compromise the HLS agreement in any way e.g. by causing or allowing to be caused any breach of that agreement. If there is a breach due to LTC default they will be liable and will indemnify LDC

- iv. LTC will, immediately following completion, enter into a grazing licence between LTC (as landowner), LDC and Plumpton College, which will allow LDC to manage this licence (LTC would be entering solely as landowner to confirm that the College can occupy the land and to confirm that LDC will be managing the licence)
- v. In order that LDC can comply with the HLS agreement ranger services will be provided by LDC and paid for by LTC until the end of the HLS.
- vi. These provisions will apply until the end of the term of the HLS only

This was actually all in accord with the discussions that had originally prompted the transfer, and caused no foreseeable problems. **It was resolved that:**

FC2017/91.1 The conditions requested by Lewes District Council regarding interim management of Landport Bottom following devolution, noted in these minutes, are agreed.

With regard to Malling Recreation Ground, TC had recently met with LDC's Chief Executive and District Solicitor, who acknowledged their misunderstanding of some elements of earlier complaints, but were unable to alter LDC's position on retaining ownership of Malling Recreation Ground pending North Street Quarter developments and detail of the proposed footbridge across the Ouse. They apologized for the failure of communication, but maintained their position. In law, there was nothing that the Town Council could do to change this, and the position would have to be accepted. One positive aspect of the meeting had been the acknowledgement of error with regard to a "section106" fund set up specifically for use by the Town Council for the benefit of The Pells (arising from the planning consent for the Police Station in North Street) which had been unilaterally appropriated to another purpose by LDC. This apology had been followed a few days later by confirmation that the fund (a sum of approximately £26,500) would shortly be transferred directly to the Town Council's bank account.

- c) Living Wage Foundation accreditation had been registered and TC had received that afternoon an electronic 'pack' of media for use on stationery *etc.*
- d) Cllr Barker, in his role as Chairman of the Personnel Panel, advised Members that: with regard to recent complaints received from two members of the public, he had corresponded with Sussex Police who had instructed him that the Council's complaint investigation process should be suspended pending the outcome of a police investigation, which may take some time. Complainants would be notified.

FC2017/92 NOTICE of ITEMS IN PROSPECT

- a) The next Members' Surgery was scheduled for Tuesday 6th February 10am – 12pm in the Corn Exchange. Cllrs Lamb and Rowell volunteered to attend.
- b) The next Planning Committee would take place on Tuesday 30th January at 7.00pm.
- c) Diversity training by South East Employers organisation would begin promptly at 6.00pm on Wednesday 24th January in the Council Chamber.
- d) The next deadline for grants applications: (cycle 4 of 4 2017/18) is Friday 26th January 2018. The Assessment Panel would meet on 7th February 2018 with recommendations being considered by Council at its meeting on 22nd February 2018.
- e) The Commemorations Working Party would meet at 11.00am on Tuesday 30th January 2018.
- f) The Communications Working Party would meet at 2.30pm on Tuesday 6th February 2018.
- g) The All Saints Steering Group would meet on Wednesday 14th February 2018 at 11.00am in the Council Chamber preceded by a site visit to the Centre at 10.00am promptly to minimise disruption to hirers.
- h) The Transport Working Party would meet at 11.00am on Tuesday 20th February in the Council Chamber.
- i) The next Council meeting would take place on Thursday 22nd February at 7.30pm, with a deadline for agenda items to reach TC by noon on Monday 12th February 2018.

- j) Meetings to be arranged in coming weeks were: Buildings Working Party; Pells Pool Community Association Liaison; School 'Market Entrepreneur' Working Party.
- k) Member training on law and finance was still being finalised
- l) There would be a Dementia-Friendly Lewes lunchtime drop-in session the following day (Friday 19th January) in the Yarrow Room at 12:00.

There being no further business the Mayor closed the meeting.

The meeting ended at 9:20pm

Signed:

Date: