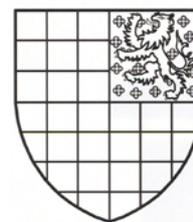


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**LEWES
TOWN
COUNCIL**

MINUTES

Of the **meeting of Lewes Town Council**,
held on **Thursday 21st June 2018**, in the **Council Chamber, Town Hall, Lewes** at **7:30pm**.

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

In attendance: S Brigden (*Town Clerk*); and Mrs E Tingley (*Committee Admin*).

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

FC2018/14 QUESTIONS:

There were two members of the public present. One question was asked regarding item 6b on the Agenda – Highways Verges Working Party. The question, together with the answer given, is appended to these minutes.

FC2018/15 DECLARATIONS of INTEREST:

Cllr Makepeace declared an interest *iro* item 6b on the agenda (Highway Verges Working Party) in that she is a member of Wildflower Lewes. Cllrs Chartier; Lamb, Mayhew; Milner; O’Keeffe and Rowell declared affiliations to bonfire Societies *iro* item 11 – proposed rail service suspension. Cllrs S Murray and R O’Keeffe declared interests in specific applications *iro* item 6h on the agenda (*re* Grants Panel recommendations) in that they were affiliated to applicant organisations.

FC2018/16 APOLOGIES FOR ABSENCE

Apologies had been received from Cllr Jones, whose wife was unwell and in hospital; and Cllr Renton who was “away from Lewes”.

It was resolved that:

FC2018/16.1 The reasons submitted for absence from this meeting are noted.

It was agreed that a bouquet of flowers be sent to Cllr Jones’ wife with Council’s best wishes for a speedy recovery.

FC2018/17 MAYOR’S ANNOUNCEMENTS:

a) On 23rd June there would a National Clean Air Day event at Cliffe Bridge, between 10:00am and 4:00pm.

b) A statement had been received from Sussex Police that: “*with regard to the investigation into criminal offences committed at the Lewes Speakers Festival in November 2017, the investigation is now closed. All those witnesses that contacted the Police have been spoken-to, and where appropriate a statement has been taken. Despite conducting numerous lines of enquiry no suspects have been identified. Any offence disclosed has been recorded. Should new evidence be discovered and made available to the police then this will be reviewed against all the evidence gathered to date. If necessary a decision to re-open the case will then be considered.*”

FC2018/18 MINUTES:

The minutes of the meeting held on 17th May 2018 were received and signed as an accurate record.

FC2018/19 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) Annual Town Meeting 19th April 2018: The notes of this meeting were presented (*copy in minute book*) and **it was resolved that:**

FC2018/19.1 The Minutes of the Annual Town Meeting, held on 19th April 2018 (*copy in minute book*) are noted.

b) Highway Verges Working Party 3rd April 2018: Council considered the minutes of this meeting (*copy in minute book*)

1 Members noted the remit of the Working Party, (*Minute FC2017/101 refers*), which was asked to suggest detailed exclusions/inclusions to East Sussex County Council's proposed new verge-cutting programme.

The Working Party had considered the maps and documents provided by ESCC and immediately noted that several areas were not, in fact, grass and should not require maintenance. Cllr O'Keeffe, as a County Councillor, had offered to arrange to accompany an ESCC Highway Steward on a tour of the sites to clarify these points. Initially identified as needing to be checked were:

- Corner of Grange Road/St Pancras Road – area believed to be the concreted 'triangle', which holds planters maintained by residents.
- Crisp Road (compacted mud)
- Top of Gundreda Road adj school
- Central reservation on A275 adj foot of the 'Motor Road' leading to Lewes Old Racecourse (believed concrete)
- Winterbourne Hollow
- Hill Road
- Dale Road

2 There was some discussion on the principles of Wildflower Verges, and what was involved to ensure that these did not become unsightly at 'strategic' locations. Also the distinction between 'wildflower' and 'wildlife'. Members presumed that ESCC's intended blanket reduction in cutting frequency effectively negated previous designation of specific verges as potential wildlife verges – as per ESCC proposals which had been agreed by Council in 2017. It was also presumed that wildflower verges may be proposed alongside the new cutting schedules and, it was considered, should then receive only TWO cuts per year but with arisings collected to prevent enrichment of soil, and that these may ultimately be planted with appropriate species when funding can be found. They wished to propose this treatment for:

- Malling Down
- The Martlets
- West side of the A275, South of the junction with the Motor Road
- A277 Brighton Road – South side verge adj entrance to Haredean
- Phoenix Causeway adj Waitrose store

There was debate as to the true support for some areas currently included in the scheme – notably Brighton Road – and it was agreed that this should be considered in more detail at a further meeting, once ESCC's position could be clarified.

3 With regard to the proposal to reduce Lewes urban verges to two cuts per year: the Working Party wished to have this increased across the town to FOUR per year, except those designated as "Wildflower verges" – as above. A cost of £2,643 for 2018/19 had subsequently been quoted by ESCC.

4 Council then opened a debate during which several Members posed a view. It was acknowledged that public opinion and preferences in this regard ranged from high levels of maintenance to no cutting at all. It was noted that there was a big difference between simply allowing nature to encroach and true wildflower/wildlife regimes, where grass-clippings should be removed and species initially introduced by selective planting. This

actually involved more intensive management and potentially higher cost than cutting grass. Attention was drawn to the fact that both the South Downs National Park, and the emerging Lewes Neighbourhood Plan, featured key policies intended to follow ‘eco-system services’ principles, and protect and enhance natural capital. It was submitted that there were several admirable initiatives across the UK that could be studied: guidance published by the *Plantlife* charity was mentioned, and ESCC Highways and Lewes District Council’s Parks Department had worked with the local Wildflower Lewes group. Subsequently, **it was resolved that:**

FC2018/19.2 The minutes of the Meeting of the Highways Verges Working Party on 3rd April 2018 are noted (*copy in minute book*) and its recommendations are agreed.

FC2018/19.3 The cost of £2,643 for two additional cuts to highway verges within Lewes in 2018/19 is accepted and will be funded from the earmarked reserve shown in accounts as ‘R8: Environmental Enhancement’ (*balance b/fwd at April 2018 £19,370*)

FC2018/19.4 The remit of the Highways Verges Working Party is extended for the remainder of this year in order to investigate the management of wildflower verges, working with ESCC Highways and their advisers.

c) Buildings Working Party 6th April 2018: Council considered the Minutes of this meeting (*copy in minute book*):

1 The meeting had considered a revised report provided by Delta Green Environmental Designs, which had been requested at their last meeting. The assessment of various optional systems for power and heating were presented in the report.

Some technical options had originally been discounted before detailed assessment as it was presumed that these would be impractical on technical grounds, or would be disproportionately expensive, given the scope of the proposed refurbishment. These were now included, with some indicative costs and potential energy savings, and Mr James Porter, a Director of Delta Green, was on hand to assist with the correct interpretation of technical details and suggested values.

2 It had been noted that modelling of anticipated energy consumption and possible savings in emissions and cost was based upon known usage profiles for the building, using *Integrated Environmental Services* software. It was acknowledged that usage of a newly-refurbished building would be likely to evolve differently in some areas. There had followed a lengthy discussion, in which it was noted that the existing building exhibited an air permeability (rate of exchange of internal air volume) roughly double that of a modern building, and that there was a need to ensure good insulation and that any new equipment was not “undersized” in terms of its working capacity.

3 Following detailed questions to which Mr Porter gave comprehensive answers, it was noted that the most sustainable option for the centre was an electric Ground Source Heat Pump (GSHP) for heating and hot water; supplemented with the maximum practical area of roof-mounted photovoltaic panels. Sports changing facilities, where unusual demand patterns applied, would best utilize a conventional gas-fired installation, with sufficiently-fast recovery time to meet intensive peak-demands. The modelling of such an installation indicated that it might cost up to £30,000 more than the next-best alternative to install (attributable to the estimated cost of drilling bore holes), but would have a similar ‘payback’ term. This could be offset to some extent by increasing the area of PV panels above the 40m² included in the calculations. Members had acknowledged that this should be considered in the context of the overall cost of the project, and the anticipated lifespan and extended flexibility of the refurbished building, and resolved that the architects would be asked to include, in their designs, provision for a Ground-source Heat Pump installation along the lines described in the report from Delta Green Environmental Design considered at the meeting, including an appropriate gas-fired calorifier system to service sports changing facilities. Also: provision for the maximum feasible area of Photo-voltaic panels should be made, to allow additional units to be installed in the future.

It was resolved that:

FC2018/19.5 The Minutes and decisions of the Buildings Working Party held on 6th April 2018 (*copy in minute book*) are noted.

d) Audit Panel 8th May 2018: Council considered the Minutes of this meeting (*copy in minute book*):

1 *Routine financial monitoring:* Members had been furnished with detailed information following the end of the final quarter of the financial year 2017/18. This showed actual expenditure and income values as posted to the Council's *Sage* accounting system for all transactions processed in the year. There was some discussion on salient points of detail, and TC had responded with reference to the identified sources. Apparent variations were related to known events, such as specific payments in respect of works and purchases, or perceived 'overspend' which are attributable to Reserves in the final accounts prepared at year-end. There were no items of concern.

There had followed a number of general questions/answers covering areas of interest to Members and offering deeper insight to matters such as the annual budgeting process; Reserve allocations and end-year accounting; precept increase history over the past fifteen years; apportionment of staff cost overheads to service accounts and apportionment of 'corporate' facility costs (telephones/photocopier/office costs *etc*).

2 *Oversight as required by the Governance & Accountability Code of Practice:* The file of periodic bank reconciliations had been checked for review of the scrutiny already conducted. The Chairman had appended his signature to verify this in each instance.

The Panel had considered information on the Council's financial status and management, and found no items of concern and; in accordance with the national audit and governance guidelines, where member oversight is required, the Chairman of the Panel had signed to attest the veracity of reconciliation records presented.

it was resolved that:

FC2018/19.6 The Minutes of the Audit Panel held on 8th May 2018 (*copy in minute book*) are noted.

e) Friends of Lewes (FoL) liaison meeting 10th May 2018: Council considered the Minutes of this meeting (*copy in minute book*) which had discussed various matters:

1 *Mount Place Wall (White Hill):* FoL had reported that East Sussex County Council (ESCC) had recently accepted responsibility for this wall, which was believed to be due to historical research conducted by Cllr Dr Mayhew proving the road-levelling had been carried out by their predecessor authority. It was understood that a bridge inspector was due to visit shortly to assess the structural integrity of the wall. ESCC had asked if financial contributions might be available, and FoL were prepared to consider that when costs were known. Councillors attending had agreed that the Town Council could be asked when costs were established.

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

3 *Interpretive plaques etc. for local buildings:* The Maltings and The Depot – wording had been agreed. The tenant at the Maltings had objected to a plaque on the building, so it

was to be mounted on a nearby wall. Thanks had been recorded to Minna Robertson of Lewes District Council for her helpful intercession. The plaques were ordered and would be erected by the Town Ranger when received. FoL reported that interpretation board for the old kilns in Pipe Passage would shortly be erected. The Town Maps were in need of comprehensive updating, and amendments were invited. FoL would work with the Council in the hope that these could be updated in 2018.

4 *Lewes Neighbourhood Plan:* FoL representatives had been interested to hear the latest position with regard to the Lewes Neighbourhood Plan draft; a comprehensive answer was given, and an indicative timetable for the next statutory consultation phase.

5 *FoL Trees project:* It was reported that Houndean Rise had been successfully completed with enormous support and practical assistance from the Houndean Residents' Association. Three Elms had been planted on St Anne's Hill, and FoL awaited confirmation of funds from Tesco's charity fund scheme, before assessing the planting of three more. An ESCC survey had suggested this was feasible. Cost would be around £2,000 each. There was a question regarding the need to contain roots as there were concerns that the money could be wasted if replacement became necessary. Technical advice was being considered on this point. "Lewes Gateway" locations for trees were being assessed. Some anomalies had been identified in the FoL survey data suggesting the percentage of town with tree 'cover', and this was being analysed carefully.

6 *Fingerpost sign in Southover (opp The Swan PH):* FoL representatives wished to record their grateful thanks to the Town Ranger, Brian Courage, for his work in restoring this sign, one of the last wooden highway fingerposts in Sussex and the only one in Lewes.

It was resolved that:

FC2018/19.7 That the minutes of the Friends of Lewes Liaison meeting held on 10th May 2018 are noted.

f) Personnel Panel 30th May 2018: Member considered the Minutes of this Meeting (*copy in minute book*)

1 The meeting had been convened to deal with a complaint from a resident regarding a member of staff, the consideration of which had been held in abeyance pending a related but unconnected police enquiry. Following formal exclusion of the press and public, the Chairman had outlined the history of the matter, and Panellists considered how best to deal with the complaint. It had been agreed that the complaint did not require independent investigation. A suggestion that the complainant should be invited to address the panel had also been rejected. There had followed a wide ranging discussion on salient points and deliberation as to the merit or otherwise of the complaint.

2 The complaint referred to the content of a private briefing document that had not been intended for circulation outside the Council. The Panel was concerned that the complainant had obtained a copy but did not feel it was appropriate for them to pursue this in the context of the complaint.

3 Specifically, the complaint related to the content and the tone of the document which the complainant believed had defamed her. Following analysis of the document, and much discussion, the Panel agreed that there was nothing in the document that amounted to defamation and in this context the complaint was not upheld.

However; some members of the Panel felt that the briefing note should not have contained the paragraph that had prompted the complaint and wished any communication with the complainant to acknowledge this point. It was agreed that as a way forward the Chairman would draft a letter and circulate to Panel members for comments. Once the content of the letter was agreed it had been sent to the complainant, noting the reasons for delay and explaining the Panel's position.

4 Since the Panel meeting, some Councillors had complained that an earlier response to the complainant by the Chairman of the Personnel Panel, which quoted an extract from the Council's personnel policies, had amounted to a promise to conduct a full and formal

investigation of the matter, and now proposed that the complaint should be re-considered by the Panel. The Chairman explained that the Council's policy had been scrupulously followed in that all issues of this nature were to be first addressed informally in order to ascertain the need for more formal action. He advised that this followed statutory guidance issued by the Advisory, Conciliation, and Arbitration Service (ACAS) and principles of natural justice. Complaints about members of staff were treated as employment matters, and appropriate concern for the employer's duty-of-care to employees was paramount. He noted that the Panel's decisions had been unanimous and that whilst his original email, perceived by some as a 'promise' to the complainant, could have been followed, this would have given cause for grievance to staff. The complainant had been sent more than one complete copy of the Council's complaints policy. The Panel had acted entirely in good-faith, and followed published procedure.

5 Personnel Panel members confirmed that they had held a lengthy conversation during their meeting regarding the absolute need for confidentiality, and all had confirmed their acceptance. Councillors were reminded that the Personnel Panel had authority in this matter, and that debate should not ensue from presentation of Minutes. Further; no debate should disclose personal details of a member of staff in public session. It was regrettable that; despite the obvious and agreed need for confidentiality, due to breaches of this fundamental requirement by certain Members the ability of the Council to act as an appeal body in the matter, following Personnel policy, was destroyed.

6 Despite this advice, debate continued and further breach of confidentiality arose when the individual complained-of was identified before any motion had been proposed to exclude the public. A suggestion was repeated that the matter should be re-opened, and again TC advised that the established Personnel policy must prevail, despite all Members being compromised in their role in any potential appeals. Following a robust debate, to which several Councillors contributed, a form of words was agreed to resolve the matter, but a vote was called on whether to proceed with this. This passed with 13 affirmative votes (16 present), and a recorded vote (*record appended to these Minutes*) was requested for the substantive motion and **it was resolved that:**

FC2018/19.8 Council notes the Minutes of the Meeting of the Personnel Panel held on 30th May 2018, and the actions taken, although in view of messages originally sent to the complainant, concedes a lesson has been learned for the future.

g) Pells Pool Community Association liaison Working Party 6th June 2018: Members considered the Minutes of this meeting (*copy in minute book*).

1 The meeting had considered the matter of the project to rebuild the kiosk and provide a park-side terrace café; put on-hold pending works connected with the adjacent development of the North Street Quarter (NSQ). It had been suggested that, as works were not yet scheduled, this project could start without further delay. There had followed a lengthy discussion around the known factors affecting such a decision. It was understood that, whilst progress over recent years had been slow, the developers were currently engaged in disposing of the 80-plus individual pre-commencement conditions applicable to the project, and Planning Authority validation was in progress. There would follow almost immediately a process to engage a development partner to carry-out the actual building work. It was anticipated that a timetable for the commencement of major works would be drafted in the next few months, and that works to the pool and recreation ground walls would be in the first stages, once underway. The work would include re-positioning the well-head equipment room and encroach upon the area available for any kiosk development, both inside the pool enclosure and in the recreation ground immediately adjoining the existing building. This would compromise any design which might be drafted at this stage, and waste time; money, and goodwill. A question arose as to the merit of asking architects to begin design work immediately, while other aspects followed their due course, but all had agreed that this would be premature. Designs could be invited once a timetable was established. It was acknowledged that

there had been a benefit from the delay, as funds amassed by both parties had increased to a point where the building project could be markedly more ‘adventurous’ than originally anticipated. The NSQ developer was aware that the pool operating season was to be avoided, and would be reminded before a timetable was completed.

2 A similar discussion had followed, regarding plans to install a solar panel array on the Northern boundary of the site. The same factors applied as had been discussed regarding the kiosk project, and there was some uncertainty as to actual ownership of land at the optimum location for the array. It was expected that this would be resolved during the final planning for commencement of the development, and it was confirmed that the Town Council held a financial reserve fund for renewable energy, which could be applied to the project.

3 The PPCA Chairman gave a report on the activities of the charity and registered thanks to the Council for its continued confidence in, and support for, the Association. This, he said, had facilitated many improvements over the years. He reported that Plastic Free Lewes were scheduled to hold a launch event that weekend, to promote the local introduction of the national ‘Refill’ scheme to minimize use of plastic water bottles. There were plans for two new events in 2018 – a Summer Solstice swim at 4:30am, and one Midnight session on a Friday or Saturday. Councillors present had welcomed these ideas, and issued a gentle reminder to include mention of the Council’s role as owner and supporter, in any publicity for the pool. It was agreed that a further meeting would be convened once a timetable was announced for the North Street Quarter works.

4 Councillors considered that the liaison meeting had given fair consideration to the matters discussed, but it was proposed that the continued delay in commencing work on the kiosk refurbishment was inappropriate given the lack of certainty over NSQ works proposals. Several of the arguments raised at the Working party meeting were rehearsed, but it was subsequently **resolved that:**

FC2018/19.9 The Minutes of the meeting of the Pells Pool Community Association liaison Working Party held on 6th June 2018 (*copy in Minute book*) are noted.

FC2018/19.10 Architects should be invited to commence design work on the proposed redevelopment of the Pell Pool kiosk building as soon as possible, taking account of known factors affecting flood defence structures *etc.*

h) Grants Panel 6th June 2018: Members considered report FC001/2018 (*copy in minute book*) containing recommendations for payments of grants for the first cycle (of four) for the year 2018/19 and **it was resolved that:**

FC2018/19.11 The grant payments recommended in report FC01/2018 (as shown in column **G** of the appended table) be approved.

i) Commemorations Working Party 12th June 2018: Members considered the minutes of this meeting (*copy in minute book*).

1 The meeting had welcomed Professor Michael Bull, of Sussex University, and Ms Lisa Guile, an arts professional, who had attended to present a request for support for a proposed project to commemorate the centenary of the end of World War One. Also welcomed was Mr Phil Rose, an organizer of the Lewes Light Festival.

Professor Bull described a multi-disciplinary art and adult education event to commemorate the centenary of the end of World War One, to be held at the Lewes Depot, scheduled for 10th November 2018 (*to be confirmed*). “Exploring the Human Experience of WW1 through Film, Words, Music and Sound”, the event would run from the afternoon into the evening and would provide a preface to the more traditional commemorations in Lewes on the 11th.

There would be three interconnected aspects to the event:

- A multimedia lecture by Professor Bull that explores the sounds of WW1 where he discusses how these sounds have been represented and understood in literature,

poetry, letters, music and film.

- A showing of *Wooden Crosses* (1932) directed by Raymond Bernard, based on the 1919 novel by Roland Dorgeles. The film is considered perhaps the most 'realistic' of all WW1 films. It was shot in the trenches of Northern France with all the cast and crew having fought in the trenches during WW1.
- A live performance of a new 'gig theatre' piece: "The Human Sound of War", setting WW1 poetry to music/sound installation. Performed by a double bass player and vocalist (Rebecca Askew), a saxophonist (Lisa Guile), and a trumpet player and live sound installation performer (Al Strachan).

The aim of this event was to leave the audience with greater knowledge about, and deeper insight into, the human experience of WW1. This would be achieved via exploration of WW1 from several angles using different media: *eg.* people would watch servicemen in the trenches, learn about the literature written at the time, and experience their own responses to settings of wartime poetry. A secondary aim was to gather information regarding people's views of this type of arts education event, which would be used by the Lewes Depot/The University of Sussex/local arts practitioners to inform future events.

Members had considered a project budget outline prepared by Ms Guile, and asked what plans existed to allow for a shortfall in predicted ticket sales. It was noted that ticket costs were set extremely low, and this was applauded. It was acknowledged that the date planned was subject to the availability of key performers, one of whom was currently awaiting confirmation of a role with the Royal Shakespeare Company which would necessitate a change of schedule.

Working Party members had been impressed with the proposed project, and unanimous in agreement that Council should be asked to contribute up to £500 once details were confirmed.

2 Mr Rose was pleased to announce that Lewes Light Festival had been shortlisted for a Lewes Business Award, as Tourist Destination of the Year. He went on to update Members on plans for the 2018 event. There continued to be significant support from within the lighting industry and arts and educational institutions. In addition, more than £4,500 had been secured from the Lewes area. A Heritage Lottery Fund application was in process, and another strand was likely to be attractive to the Arts Council. Also planned were applications to the Lewes Community Fund and the Chalk Cliff Trust. Local notable author Mrs Alice Dudeney (*aka Mrs Henry Dudeney. 1866 – 1945*) was the subject of one strand of research, and her resonance with the 2018 theme of "[*things*] *Missing*". It was anticipated that the 2018 festival will require road closure Orders for three nights between 7:00 and 10:30pm. Greater numbers were expected than in previous years, and measures were in place for additional adult and youth guides for 'tour groups' during the Festival. Lewes Youth Theatre Group; Northbrook College, a youth folk group, and local traditional folk singers the Copper Family had all given commitment to various strands of the festival.

The Festival organizers were hopeful that the Town Council could grant up to £8,000 to cover, as in previous years, expenses that would not attract specific grant funding (insurance; technical operators, general running costs *etc*)

Working Party members had noted that in 2017 the Council had agreed up to £6,300, and £5,500 had been called-upon. They acknowledged the growth in profile of the event, and recognized its high value to the town, but wished to avoid establishing a pattern of regular and significant increases in Council support. There were suggestions that a donation-on-booking/collection bucket scheme for tours might help defray costs, as had been used in an earlier Festival, and Mr Rose agreed that this should be incorporated.

Members were happy to agree to recommend that Council should grant up to £8,000 for

2018, on the understanding that Lewes Light Festival would operate a donation/collection scheme as discussed.

3 Approaches had been made to several Members by a group proposing a commemoration to note the 250th anniversary of Tom Paine's residence in Lewes. It appeared that Lewes District Council (LDC) had already acknowledged it for inclusion in the 2018 *Artwave* programme and were likely to offer premises and other support. Members considered that this was appropriate recognition and would let LDC know that they were generally supportive of the project. Similarly, they would indicate their welcome of the planned LDC event on 9th July to mark the vote for women. It was commented that the first indoor meeting supporting suffrage was held in Lewes Town Hall.

4 Members had noted that since their last meeting Ms Julie Van Ackeren, LRA Supervisor at Sussex Downs College, had visited with colleagues who led arts and design and media courses. The tutors had been interested to learn of the work of the Council and partners, and may find links to several ongoing projects such as *'Our Pictures'* and the proposed *'Suffrage to Citizenship'* initiative.

5 Also since the last meeting, the plaque to commemorate the fallen of the Royal Sussex Regiment had been agreed with the RSR Association and ordered. Installation was expected in August.

6 Attempts had been made to engage with the Pestalozzi charity with regard to International Day of Peace 2018, as suggested, but had so far not borne fruit.

7 The efforts of Ms Brigitte Lardinois and Dr Diana Wilkins, in the *"Suffrage to Citizenship"* initiative affiliated to the ongoing Reeves Photography Archive project, had resulted in the inclusion of Lewes's Kate Fowler-Tutt in the Women's Local Government Society project "to identify and celebrate the lives of 100 women and men who were active in the campaign for extending the vote to all women and who went on to use their extended rights of citizenship in a positive way in their local areas".

8 The performance at the All Saints Centre in April by *The Bard's Buskers* had been well-received by those attending, albeit there had been regrettably few and poor support by Councillors.

9 With regard to suggestions to mark the renewals of the ceasefire agreement following 11th November 1918 (renewed on 13th December 1918; 16th January 1919, and 16th February 1919 before the eventual signing of the Treaty of Versailles on June 28th 1919 and its effective date of 10th January 1920.) Cllr Catlin had undertaken to approach LDC to ask if Gabriel, the Market Tower bell, might be rung to accompany a short simple event he hoped to arrange at the War Memorial on those anniversaries. LGB Brass would be approached to establish whether they might provide a bugler to play the *Last Post*.

10 Cllr Dr Mayhew had remarked that, in the course of his research into local people who fell in WW1, he had acquired photographs of many individuals and asked if these could be displayed in November in the Town Hall foyer. He hoped that this might prompt families to come forward with other photographs they may hold and thereby contribute to the historical records of that time. This could be easily done using Town Hall equipment. Members agreed to recommend this.

11 There had followed a brief discussion on the staining of the limestone components of the War Memorial, and TC had described the project to clean it that was conducted in 2010/11. Works had been carried out by Chichester Cathedral Works Organization experts, and utilized superheated steam cleaning and chemical poultice treatments, which had been repeatedly applied for several weeks. Their expert opinion, offered at the conclusion, was that the staining was too deeply ingrained into the stone to be removable, and although the actual depth could be ascertained by cutting a sample this was not advisable. The memorial had, in 2014 been re-designated as 2* (Two/Star) by English Heritage on the national List of Buildings of Special Architectural or Historic Interest,

which may make such intrusive investigation difficult. It was agreed that the matter could be researched at a later date.

FC2018/19.12 The Minutes of the Commemorations Working Party held on 12th June 2018 (*copy in minute book*) are noted.

FC2018/19.13 Council agree the recommendations of the Working Party, as described.

j) Policies Review Working Party 19th June 2018: Cllr Chartier, who had been elected as Chairman, noted that the meeting had taken place only two days earlier. Minutes, and any amended policies recommended, would be presented to Council in due course

It was resolved that:

FC2018/19.14 The oral report of the meeting of the Policies Review Working Party held on 19th June 2018 is noted

FC2018/20 INTERNAL AUDITOR'S REPORT:

Council received the final report from its retained Internal Auditor on the financial year ended 31st March 2018.

The audit had been conducted in accordance with current best practice and statutory guidelines. Areas covered included:

- Financial Regulations and Standing Orders
- Risk Assessments
- Budgeting Process
- Proper Bookkeeping
- Salaries
- Assets

Councillors were pleased to note the comments, made in the Auditor's introduction, that *"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."*

It was noted that the Auditor's report formed a key element of the Council's internal control regime and, together with regular reports of the Audit Panel, was an instrument by which it assured itself that all responsibilities were satisfied.

FC2018/20.1 Lewes Town Council notes the report of Mulberry and Co (*a copy is included in the Minute book*) on their Internal Audit work for the Council for the year ended 31st March 2018.

FC2018/21 ANNUAL RETURN & ACCOUNTS year ended 31st March 2018:

Members received report FC002/2018 (*copy in minute book*) which presented the requisite accounting information and draft Annual Governance & Accountability Return for approval as required by the Local Audit and Accountability Act 2014 and The Accounts and Audit Regulations 2015 (S12015/234).

The relevant pages of the return were appended to the report. It was required that Council resolve its approval of its Annual Governance Statement (section 1) prior to approval of the Accounting Statements (section 2).

The accounting statements had been certified by the Responsible Finance Officer, and the certificate by the Council's independent Internal Auditor had been signed. He indicated that he had no concerns, and his final report had earlier been presented to the meeting. The Internal Auditor's work; regular reports of the Audit Panel, and occasional reports from other sources, were the instruments by which the Council assures itself that all responsibilities are satisfied.

Consequently, **it was resolved that:**

FC2018/21.1 Lewes Town Council approves the Annual Governance Statement shown at section 1 of the statutory Annual Governance & Accountability Return for the year

ended 31st March 2018

FC2018/21.2 Lewes Town Council approves the Accounting Statements on the Annual Governance & Accountability Return for the year 1st April 2017 to 31st March 2018, for submission, with supporting documents as required, to Messrs PKF-Littlejohn LLP; the External auditors appointed by the national sector-led body.

FC2018/22 CORPORATE RISK ASSESSMENT 2018/2019:

Members considered report FC003/2018 which dealt with the assessment of risks associated with the operations and functions of the Council for the forthcoming municipal year (*a copy is included in the minute book*). The report explained the principles of the annual assessment and the concepts of tangible risk (*eg physical risks associated with a swimming pool*) and intangible risk (*eg risks associated with publications*) and summarized the annual evaluation. This year's review had taken account of 276 risk elements within 37 functions/areas of operation. Not all were relevant to LTC, but scores had been awarded to 237 risk elements, and there were 8 salient points, six related to third-party management arrangements for Mallings Community Centre. Mitigation was effected by close contact with the managing agents, Mallings Community Association, and appropriate insurance. One was related to new data protection legislation and one to increased risk of trespass with the acquisition of Landport Bottom. Both were addressed by working routines.

A summary report extract was appended; the full report being available on request to TC with full details available if required. **It was resolved that:**

FC2017/22.1 Lewes Town Council notes the Corporate Risk Assessment report, reference FC003/2018 (*a copy is included in the Minute book*) and the summary table of assessed risks for 2018/19 appended to it.

FC2018/23 COUNCILLORS INDIVIDUAL DUTIES:

Report FC004/2018 (*copy in minute book*). was received, which advised changes requested by Members to their allotted individual duties. The effects of these were shown in an appended table, and other suggestions and requests were received during a brief discussion. Subsequently, **it was resolved that:**

FC2018/23.1 The individual responsibilities for Members for the remainder of the 2018/19 municipal year shall be amended as:

Members Individual Duties:

Commemorations Working Party

Cllr O'Keeffe's resignation from this appointment is noted.

Cllr S Murray be appointed to the Commemorations Working Party.

All Saints Steering Group

Cllr O'Keeffe's resignation from this appointment is noted.

Cllrs R Murray and C Renton be appointed to the All Saints Steering Group.

Grants Panel

Cllr Makepeace be appointed to the Grants Panel

Highway Verges Maintenance Working Party

Cllr Makepeace be appointed to the Highway Verges Maintenance Working Party.

Appointments to Outside Bodies:

Lewes Conservation Area Advisory Group

Cllr Ashby's resignation from this appointment is noted.

Cllr S Murray be appointed to this Group.

Lewes District Association of Local Councils

Cllr Catlin be appointed to this Association, with Cllr Makepeace as substitute for instances of unavailability, (if acceptable within the Association's constitution).

Lewes Priory Trust

Cllr O'Keeffe's resignation from this appointment is noted (she is now a Trustee)

Cllr Dr G Mayhew be appointed to the Lewes Priory Trust

PROPOSED RAIL SERVICE SUSPENSION:

Members considered a proposal (*NOM006/2018, copy in minute book*) that the Mayor be asked to write to the Secretary of State in the strongest terms opposing any move by the Bonfire Tactical Co-ordination Group to cease the train service to Lewes; Glynde; Falmer; Cooksbridge and Southease at 17.00 on Monday 5th November 2018 and asking him to ignore any requests for approval of closures, so that a normal service can be maintained.

1 Supporting information described a meeting which had been held at Lewes District Council on 8th June to discuss proposals to close Falmer, Lewes, Southease, Cooksbridge and Glynde railway stations on 5th November from 17.00 that day until the first service on 6th November.

District Councillors had been invited about three weeks earlier. Cllr Catlin had requested that parish councils should be advised, and although Lewes Town Council members were invited on 4th June - just 4 days before the event - no other parish councils were told about it, the first response to an enquiry being that there was not room; later amended to suggest that District Members were expected represent the parishes. Those attending had been told there were 3 choices on the table: to run a normal service, an amended service, or to close stations, and the mood of those conducting the meeting was described as favouring the latter. This despite the fact that 2017's station closures had been stated to be a singular event, prompted by the celebrations falling on a Saturday.

2 Members had put forward alternative proposals, such as closing the outlying stations later than 17.00 and starting a service again after about 21.00. The attitude to buses was described as "more malleable", but it had been noted that some parishes rely on the railway. The Tactical Co-ordination Group advising LDC had recommended the cessation of train services from 17.00 on November 5th 2018, and re-starting with the first train on 6th November.

3 The matter had been brought to the attention of Lewes District Association of Local Councils, which had decided to write the Secretary of State opposing this draconian measure.

4 In 2017, it was noted, there were broadly the same number of accidents and arrests as in previous years. It was therefore argued that the reduction in numbers was irrelevant, and in fact the same number of incidents over a lesser number of people meant that the percentage-per-head was actually increased. This year 5th November falls on a Monday when expected numbers would be 50% lower than a weekend. It is a working day and argued that the working person has a legitimate expectation, having left for work by train, to return the same way.

It was **resolved that:**

FC2018/24.1 The Mayor be asked to write to the Secretary of State in the strongest terms opposing any move by the Bonfire Tactical Co-ordination Group to cease the train service to Lewes; Glynde; Falmer; Cooksbridge and Southease at 17.00 on Monday 5th November 2018 and asking him to ignore any requests for approval of closures, so that a normal service can be maintained.

PLAY & RECREATION IMPROVEMENTS – Pells and Malling Recreation Grounds:

1 Members considered report (*FC005/2018, copy in minue book*) which presented background and current status of the proposed play & recreation improvements arising from the planning conditions attached to the North Street Quarter development:

2 Planning consent had been granted on 25th May 2016 in respect of application SDNP/15/01146/FUL for developments known as the North Street Quarter (NSQ). This was a 'Hybrid' planning application; being a full application as to Phase 1 and an outline application as to the remainder being Phases 2 & 3, for the demolition of existing buildings and the redevelopment of the North Street Industrial Estate, North Street, Lewes for a mixed use development. The consent was dependent upon discharge of 82

detailed conditions, several of which must be discharged before development can commence. Conditions 62 and 82 require comprehensive play & recreation and landscape improvements at the Pells and Malling Recreation grounds respectively. Other conditions relate to landscaping; trees, and flood defence provision. Play & recreation improvements had been the subject of much preliminary discussion and site inspections between stakeholders including local residents since early 2014.

3 One obligation under the consent was an agreement between interested parties under section 106 of the Town & Country Planning Act 1990.

Minutes of Lewes Town Council's meeting of 7th April 2016 record:

minute FC2015/124 c) North Street Quarter s106 group – Council considered an executive summary of the draft Planning s106 agreement regarding development of the North Street Quarter. This had been helpfully prepared by the solicitors acting for the joint developers (Santon and Lewes District Council) and explained the relationship of the Town Council to other parties and its role as both landowner, and Trustee (of the Town Brooks Trust).

The purpose of the Section 106 agreement was to secure a significant number of planning benefits arising out of the North Street development, including:

- real-time infrastructure at a number of bus stops;
- improvements to Church Lane and the A26 corridor;
- the provision of a community heritage project on the site;
- new cycle facilities;
- pedestrian and other public realm improvements;
- new flood defences;
- recreational improvements for Malling Field and the Pells recreation ground;
- affordable and local priority housing for the scheme.
- subsidised units for occupation by the creative industries
- Securing the future management of the site and
- a contribution to education facilities.

The agreement would be directly enforceable by the South Downs National Park Authority.

4 The Town Council was asked to enter into the agreement as the development included improvements and works to Pells recreation ground and the creation of new flood defences partially situated on land belonging to the Town Council. As a result, areas of land belonging to the Town Council, both in its own right and as sole trustee of the Town Brooks Charity, had been included in the red line plan showing the application site.

5 Whilst it was necessary for the Town Council to enter into the agreement, it was not appropriate for it to be bound by the same obligations as Santon North Street Limited and Lewes District Council. Consequently, it was expressly stated that the Town Council was entering into the agreement solely to facilitate the delivery of works on the Town Brooks land and the Town Council's land. The agreement also expressly provided that neither the Town Council nor the Town Brook Trust could be liable for any breaches of obligations within the Section 106 agreement by any other party and that they are only required to permit, facilitate or maintain (where maintenance is part of the Town Council's duties) the works on the Town Council land or the Town Brooks land, which form part of the development.

6 The Town Council was not taking direct liability for any financial contributions, nor undertaking to carry out any development works by entering into the agreement. Its role would be limited to:

- Allowing works to be carried out on Pells recreation ground;
- Allowing works to the flood defences to be carried out on land owned by the Town Council;

- Maintaining any parts of the works or equipment on the Pells recreation ground which fall within the Town Council's responsibilities; and
- Allowing the land to be bound by these obligations to facilitate the grant of planning permission.

7 Whilst some of the improved flood defences were to be located on Town Council land, the obligation to maintain these flood defences would not fall on the Town Council, but be retained by the Owner and the District Council and will be passed on to a company expressly set up for estate management purposes.

8 The proposals for works to Malling Field and the Pells recreation ground would be submitted to the SDNPA for approval. The approved scheme will then be carried out by Santon North Street Limited at its own cost. The costs of the Malling Field improvements must fall within an agreed budget, submitted to and approved by the SDNPA. There was a similar budgeting mechanism for the Pells Recreation Grounds works. The total combined financial value of both budgets was capped at a maximum of one million one hundred and forty five thousand pounds (£1,145,000), which could include a lump sum maintenance allowance, but the total maintenance allowance for both sets of improvements may not comprise more than ten per cent of the combined budget. Any such maintenance contributions would be paid over to the SDNPA on completion of the works.

9 Council had previously delegated membership of the associated joint working group to Cllr S Murray and the Town Clerk, and resolved to agree the principles of the proposed s106 Agreement and accept the attendant responsibilities of Lewes Town Council and The Town Brooks Trust.

10 The s106 agreement was duly executed, and the joint working group set up according to its terms of reference with representation from all contracting parties plus local residents groups and the town-wide 'sounding group', and technical support provided by the developers. At its inaugural meeting on 15th July 2016 Cllr Susan Murray was elected as Chairman of the group by unanimous consent.

11 Meetings had been held regularly and the design of new landscaping and public realm features, and play equipment *etc* for Pells Recreation Ground and Malling Rec had been an ongoing process which involved and responded to comments made by key local stakeholders, play and recreation design working group and comments made by the local community at three public consultations. Phases 2 and 3 built upon feedback from two-day exhibitions that were held to display plans and ideas:

- | | |
|--|-----------------------|
| 1. Friday 25th and Saturday 26th November 2016 | - Initial Thoughts |
| 2. Friday 17th and Saturday 18th February 2017 | - Initial proposals |
| 3. Friday 7th July and 8th Saturday July 2017 | - Developed proposals |

Plans and consultation responses could be viewed at:

<https://northstreetqtr.co.uk/pells-malling-fields-consultation/>

12 At a well-attended meeting in March 2018, the designs had been reviewed against indicative costs following a market-testing exercise and it was agreed that final proposals should be given a last 'polish' in the light of technical assessment of alternative elements. It was considered that the first phase works at the Pells should be capable of refinement to fit within available funds.

13 Final plans for the Pells were included in a batch of applications to discharge 27 of the pre-commencement conditions, which were received and validated by the South Downs National Park Authority on 19th April 2018. Reference documents could be found at www.southdowns.gov.uk/planning/planning-applications

Application reference SDNP15/01146/FUL

FC2018/25.1 Report FC005/2018 (*copy in Minute book*) is noted

DEVOLUTION:

1 Members considered report FC006/2018 (*copy in minute book*), which presented background and current status of devolution by Lewes District Council (LDC) of Malling recreation Ground and Landport Bottom (50%), and prospects for future transfers:

2 At its meeting on 6th November 2014 the Town Council resolved (*Minute FC2014/69.3 refers*) to pursue the transfer of the 50% interest in Landport Bottom currently owned by Lewes District Council, and also Malling Recreation Ground (with boundaries as agreed at the meeting [*copy in Minute book*]). This followed protracted negotiations on the devolution of all parks and open spaces, and other LDC assets in Lewes, between a delegated group of six Town Councillors and the Leader and Deputy Leader of Lewes District Council, which had commenced in early 2011. Meetings had been held on:

28th January 2011 10th February 2011 9th June 2011 14th November 2011
 18th October 2012 29th November 2012
 31st October 2013
 9th October 2014

These meetings were each reported back to Council in due course. The negotiation had been characterized by repeated cancellations and long periods of inaction and changes of personnel on the part of the District Council. Minutes of a Town Council group internal briefing meeting in July 2013 noted that “LDC had introduced new policies since the last discussions, which had again been interrupted, and there was a desire [on LTC’s part] to re-establish the programme of negotiations.”

3 The requisite Reports on Title and draft transfer agreements had been received from LDC in December 2014, and caused the Town Council’s solicitor to raise a number of technical questions, in particular relation to Malling Recreation Ground. It was contended that there were some erroneous applications of law, and clauses which he considered were likely to significantly disadvantage the Town Council in its ownership and management of the land which, LDC proposed, would extend for 50 years from the date of transfer. Mr Davison has considerable experience in this field, having conducted devolution negotiations in Wealden District and elsewhere in the South-East, and was also retained by Newhaven Town Council for similar transfers from LDC. He had acted in similar transfers from Government departments including the Ministry of Defence. The elections of May 2015 then interrupted, and it was 2nd October 2015 before a meeting could be arranged with LDC’s legal and property management officers to address the points highlighted. At this meeting the concerns of the Town Council were detailed, and it was agreed that some amendments should be submitted to LDC in the spirit of that discussion. These were drafted and submitted in November 2015, and did not suggest any change that substantially undermined LDC’s position. LTC had reiterated its view on the over-complication of the “overage” approach but nonetheless accommodated their insistence that it be applied.

4 On 11th February 2016 there had yet been no response from LDC, and TC had emailed LDC’s Head of Legal Services and the Property & Facilities Manager to prompt some reaction; including a copy of the proposed amendments. A response was received from a Legal Department officer the following day, contesting most of Mr Davison’s amendments but offering little support for the contrary position taken on each. LTC’s solicitor had highlighted very real potential for the Council to face disproportionate cost and effort in the future on the arising of foreseeable events. LDC offered no counter-arguments to the points raised – merely insisting upon adherence to their original draft

Mr Davison replied with a detailed review of each of his proposals and its foundation in law, but the response was an abrupt refusal to negotiate further. In a ‘parallel’ strand of communication, the District’s Property & Facilities Manager presented a wholly different standpoint from that exhibited at the meeting in October, and indicated that she would

be proposing to LDC's Cabinet that LDC should "retain the grant payable to the Town Council in lieu of Special Expense charge for 2016/17", which had not been levied by LDC for the Malling site for the 2015/16 year. At that point it was not clear that the grant in question was the £53,128 payable under the government's Local Council Tax Support Scheme – introduced to mitigate effects on parish Councils of national changes to tax-base calculation factors. An explanation was requested but no further communication was received.

5 At LDC's Cabinet meeting on 21st March 2016 the Leader of the District Council presented a report on the status of devolution and it was subsequently resolved "74.3 That the current position relating to the transfer of Malling Recreation Ground to Lewes Town Council be noted, that the grant payable to Lewes Town Council in lieu of the Special Expenses charge for 2016-2017 be retained as necessary and that the Officers be instructed to suspend work on the transfer of the Malling Recreation Ground site to Lewes Town Council."

6 The procedure to have this decision reviewed by the LDC's Scrutiny Committee was commenced (by Cllr Catlin) although there was no compulsion that could be exercised, on the grounds that

- a) it was believed that the presentation of the report contained misleading information regarding the Town Council's standpoint, and that this prevented a reasonable decision being reached.
- b) the withholding of an unrelated grant (intended by government to be passed-on to mitigate tax-base adjustments, and included by both LTC and LDC in statutory calculations for their 2016/17 Council Tax requirement) in these circumstances, was believed to be unlawful and challengeable by judicial review.

7 It should be noted that the transfer of the District Council's 50% share of the jointly-owned land at Landport Bottom was unaffected by this contention, as LDC accepted that the transfer was simpler in nature.

8 In March 2016 Lewes Town Council considered a report (*Report FC015/2015*) and associated evidence, together with professional advice and recommendations provided by the Council's solicitor, and consequently commissioned a review by a specialist barrister. This Counsel's report, received in June 2016, confirmed that the decision by LDC's cabinet was unlawful and admissible for judicial review. At around the same time, LDC's own internal review reported to Cabinet in the same vein. No correspondence was received but the grant was released shortly thereafter.

9 Following a change of Chief Executive at LDC in 2016, a brief meeting was held in July at which the incoming CE agreed to address the suspension of negotiations. Subsequently; LDC produced revised 'heads of terms' for use in transfers to Newhaven Town Council which the solicitor had considered acceptable, as they broadly accommodated his original suggestions. If subsequent contract drafts accurately reflected the declared principles it would allow Lewes Town Council to ask LDC to remove its embargo on transfer of Malling Recreation ground and the LDC share of Landport Bottom. There had been no further development since the last report, and the progress on contract drafting was unknown. In anticipation of reaching a point at which the embargo may be lifted, TC asked Councillors for a decision on their continued desire to complete the transfers, and their inclination to pay over to LDC all or part of the £40,000 raised by precept *in* the Malling Rec site for 2016/17 to compensate them for having excluded that site from the year's Special Expenses levy. It was resolved that:

(FC2016/47.1) Lewes Town Council remained willing to accept ownership of Malling Recreation Ground and Lewes District Council's 50% share in land at Landport Bottom, subject to acceptable revision of certain clauses in formal transfer agreements; also:

FC2016/47.2 Lewes Town Council would consider transfer of up to £40,000 to Lewes District Council in respect of grounds maintenance costs for Malling Recreation Ground in 2016/17, subject to further negotiation and transfer of ownership of the site.

10 TC wrote in January 2017 to LDC's Chief Executive to insist that LDC reconsider its decision to cease dealings, and re-start the transfer of Malling Recreation Ground and LDC's 50% share in land at Landport Bottom. The last-mentioned should not, technically, have been suspended as it was not covered by the Cabinet decision and falls into a different class of land (no capital value applies), but no further work had been done on that either.

11 In October 2017 TC was again forced to write to advise of LTC's concerns regarding lack of progress and to seek the C.Exec's intervention. Following the constructive dealings in January, a LDC legal officer had been very promptly in-touch with LTC's solicitor and it had seemed that the issues were in the past. Indeed; it was mentioned in a telephone conversation that LDC "were keen to proceed". Almost all outstanding details had been identified and discussed between them by mid-March and final documents were awaited. All appeared to be progressing at long last and on 7th April, in apologizing for a short break in communication, LDC's officer noted that "*we [her client]... have agreed to prioritize devolution matters this month and I hope to come back to you shortly*". Further progress was made on the transfer of LDC's 50% share of Landport Bottom, albeit that the pace again slowed to a crawl. With regard to Malling Recreation Ground, however, there had been no further progress on the transfer and no documentation or discussion since April, despite enquiries as to progress.

12 By coincidence, when reading LDC's cabinet agenda for 27th September 2017 TC had discovered (item 9.2 - Report 124/17 *Portfolio progress and performance report 2017/18 Q1*) that:

- Para 15. "Devolution of open spaces remains on schedule, with transfer of sites to Lewes Town Council and Newhaven Town council progressing well" and;
- Appendix 1 (p37 of 165 in agenda pack - *Portfolio Cllr Nicholson: 'Customers & Partners'*) "*...Agreement reached with Leader to retain the Lewes Malling Recreation Ground at present and for the site to be the last to be devolved*".

13 It had been made clear from the outset of this process that the Town Council had identified Malling Recreation Ground in the first devolution tranche (all Lewes parks and open spaces were originally mutually agreed for eventual transfer) in order to 'streamline' and assist in evolving plans for play and recreation improvements ancillary to the North Street Quarter development. The reasoning was to effectively offer the developer a single body to deal-with regarding the recreation space to both sides of the NSQ site; as LTC already own the Pells and a section of Malling Rec including the Community Centre (which houses changing facilities for the recreation ground's sports pitches).

14 It was suggested that the anticipated need for part of the riverbank within Malling Rec for new footbridge abutments made transfer impractical. LDC had already intimated that previously-agreed site plans for Malling Rec "may be amended" to allow for the footings of the proposed new pedestrian bridge from NSQ, and TC's letter questioned why the Town Council could not simply be asked (or legally-bound if it was not to be trusted) to provide land for the bridge footings when required. Further; it asked for an explanation of the statement contained in the cabinet report, and insisted that LDC either undertook to adhere to agreements reached originally several years ago, or explained openly why it would not.

15 LDC's Chief Executive, and the Assistant Director of Legal & Democratic Services met with TC on 8th January 2018 and repeated the view that the matter of future bridge abutments, which could not yet be specifically located, prevented the transfer. It was suggested that contracts could easily provide for a flexible future location, subject to survey, and an undertaking by LTC to donate the required land, but that argument did not alter their view.

16 Transfer of Landport Bottom progressed slowly in the background, and was drawing towards a conclusion at this point.

Recent events and current position:

17 Upon his recent appointment as the Chairman of LDC's Devolution Committee, Cllr Catlin had arranged a meeting between LDC officers and LTC Members to discuss the matter. This took place on 18th April 2018, and eight LTC Members attended with TC, plus Cllr Catlin who chaired the meeting in his District capacity. The LDC position regarding Malling Recreation Ground was unchanged, and discussion ranged around principles and other sites. It was understood that whilst LDC had only considered Parks & open Spaces for devolution, LTC was free to make proposals regarding other assets such as the redundant office building at 2 Fisher Street. It was agreed that:

- Completion of transfer of land at Landport Bottom from LDC to LTC was imminent. All legal documents had been finalized and were ready for execution. LDC to confirm two minor points on relevant schedules with LDC's Parks team later that week, prior to execution.
- Previous Minutes of the District Council's Devolution Committee which identified a longlist of possible sites for devolution to the town council would be revisited. TC would be notified if there was any change in circumstances which meant any of these sites are no longer considered (by LDC) suitable for devolution.
- LDC officers would identify those sites which might be easiest and quickest to devolve to the Town Council, and notify TC.
- LTC Members attending would confirm to its council meeting on 21st June 2018 their agreement that LTC should not pursue devolution of Malling Recreation ground for the time being. They would recommend that LTC consider and choose any alternative site or sites on the longlist for early devolution and then make a request to the District Council for the devolution of this/those.
- TC circulated the notes of the meeting and action points agreed to all LTC Councillors

18 Final documents to effect the transfer of Landport Bottom were delivered to TC on 10th May; executed promptly, and returned for forwarding to the counterparties on 16th May. All that was now awaited was registration of third-party documents (eg Higher Level Stewardship Scheme undertaking; grazing licence), and completion of formalities by LDC.

19 On 16th May TC received the proposal that the following sites had been identified for early transfer:

- Timberyard Lane play area
- The Paddock play area (including defunct WCs)
- Bell Lane

In an October 2015 report to LDC's Devolution Committee (LDC Ref 143/15), two of these sites were listed as "possibly contaminated land", and one was leased from ESCC and contained a derelict public convenience and an expensive-to-repair flint wall in need of urgent work to ensure public safety. They represented significant burdens in terms of cost and administration, yet ownership would effectively confer no benefit on LTC or the local community.

20 Further to consideration of this report **it was resolved that:**

FC2018/26.1 Lewes Town Council reluctantly acknowledges the decision by Lewes District Council to withdraw Malling Recreation Ground from the devolution process for the time being, and requests immediate notification when these circumstances change.

FC2018/26.2 The offer, by Lewes District Council, to devolve Timberyard Lane play area; The Paddock play area (including defunct WCs), and Bell Lane, is politely declined.

FC2018/26.3 Lewes District Council is asked to consider, at its earliest convenience, terms upon which Lewes Town Council might acquire ownership of the District

Council's redundant premises at 2 Fisher Street, Lewes and also the Market Tower, Market Street, Lewes.

FC2018/26.4 Lewes District Council is asked to consider terms upon which Lewes Town Council might assume the Trusteeship of the Convent Field Trust, including the off-street car park.

FC2018/26.5 Lewes District Council be notified that the Town Council may be interested to assume the Trusteeship of the Stanley Turner Trust in a future tranche of devolution.

FC2018/27 UPDATE ON MATTERS IN PROGRESS

- a) *Annual Plan update distributed:* An update on progress with the Annual Plan was distributed (*copy in minute book*).
- b) *Devolution of Landport Bottom:* The transfer of Lewes District Council's 50% interest in Landport Bottom to give the Town Council sole ownership had been completed the previous day. Various documents would shortly be received from the Council's solicitor, and TC would bring a report to Council in due course outlining options for future management of the land.
- c) *'Our Pictures' project:* There would be a civic reception on 6th July to thank the team of conservators from the Hamilton Kerr Institute of Cambridge University for their work on the three recently-returned paintings that featured in the 'Our Pictures' project. This would be followed by a presentation on the work undertaken, given by the Director of the Institute, Rupert Featherstone ACR, in the Assembly Room at 7:00pm.

FC2018/28 NOTICE of ITEMS IN PROSPECT

- a) A land-swap proposal had been made by Lewes District Council in respect of land held by the Town Brook Trust, to better-align boundaries with the proposed North Street Quarter development. It was proposed that a Working Party be set up to consider the matter in detail, and **it was resolved that:**

FC2018/28.1 A Working Party be formed, comprising Cllrs Chartier; Catlin; Murray (R); Murray (S); O'Keeffe and Renton to consider proposals made by Lewes District Council in respect of land held by the Town Brook Trust, and to bring recommendations to Council in due course.

- b) Which items from this meeting considered worthy of a Press Release?. Members indicated the decisions *re* Highway verge maintenance; rail station closure proposals, and the conclusion of the transfer of Landport Bottom ownership.
- c) A report would be drafted on the General Data Protection Regulations status and implications for email and office systems.

Dates to note were given as:

- d) The next Members' Surgery was scheduled for Tuesday 3rd July – 10:00am -12.00pm in the Corn Exchange – Cllr Ashby volunteered to attend. Cllr Chartier indicated he would attend the next on 7th August.
- e) The next Planning Committees would take place on Tuesday 26th June and 17th July, at 7:00pm
- f) The next Building Repairs Working Party would meet on Tuesday 3rd July 2018 at 10:00am.
- g) 'Our Pictures' reception would be at 5.45pm with a following lecture at 7:00pm on Friday 6th July 2018.
- h) The Transport Working Party would meet on Wednesday 18th July at 7.00pm.
- i) Personnel Panel would meet on 19th July (*appointed Panel Members only*).
- j) The Audit Panel would meet on 19th July at 7:00pm.

- k) The next Council meeting would take place on Thursday 26th July at 7.30pm, with a deadline for agenda items to reach TC by noon on Monday 16th July.
- l) Meetings to be arranged were Verges Working Party; Diversity Working Party, and Town Brook land Working Party.

There being no further business the Mayor thanked everyone for their contributions and closed the meeting

the meeting ended at 10:25pm

Signed:

Date:



QUESTION RECEIVED:

20th June 2018, from Joanna Carter, Chair of Wildflower Lewes:

My question is:

"Would the council consider postponing a decision on the highways verges until the verges working group has actually consulted with ecologists and Wildflower Lewes on the best options for wildlife and people?"

Ms Carter also presented a statement that, in effect, offered the opinion that the proposed four cuts per year for urban highway grass verges in Lewes would be "the worst of both worlds" in context of previous 'tidy' cutting frequencies, and 'wildflower' regimes where grass was only cut twice.

ANSWER:

The matter is scheduled for attention on this evening's agenda, when the recommendations of our Verge Maintenance Working Party will be considered.

*Cllr Janet Baah
Mayor of Lewes 2018/19*

