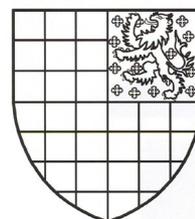


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**LEWES
TOWN
COUNCIL**

MINUTES

of the meeting of the **Working Party** formed to assess proposals for an exchange of land at The Pells held on **Wednesday 24th April 2019** in the **Yarrow Room, Town Hall, Lewes** at **3:00pm**

PRESENT Cllrs Catlin; Chartier; R Murray; S Murray .

In attendance: S Brigden (*Town Clerk [TC]*)

PellsXchWP2018/09 QUESTIONS: There were none.

PellsXchWP2018/10 APOLOGIES FOR ABSENCE: Apologies had been received from Cllr O’Keeffe who was working; no message had been received from Cllr Renton.

PellsXchWP2018/11 DECLARATIONS OF INTEREST: There were none
TC advised on the principles of Members sitting as Trustees of the Town Brook Trust.

PellsXchWP2018/12 REMIT of the WORKING PARTY: Members noted the remit of the Working Party, set by Council at its meeting on 21st June 2018 (*Minute FC2018/28 refers*):

- 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.

PellsXchWP2018/13 BUSINESS OF THE MEETING:

1 The meeting reconsidered several background documents (*copies in Minute book*) first reviewed at the previous meeting.

2 As Trust land, the Town Council is constrained by the disposal restrictions in s36 Charities Act 1993. The Charity Commission had been approached to assess their inclination to allow a disposal (*eg sale/lease/exchange*), and the response had been to simply refer Trustees to the requirements to ensure that:

i) the benefit must accrue to the Trust for use in line with its objects, which are (*1922 Commissioners’ Scheme*):

- a) the provision and maintenance of an open air swimming pool; and
b) the provision and maintenance of a recreation ground;

both for the benefit of beneficiaries, without distinction of political, religious or other opinions, in the interests of social welfare and with the aim of improving the conditions of life of the beneficiaries.

and;

ii) that values of land to be exchanged were appropriately valued to the satisfaction of Trustees, and no detriment would accrue to the Trust

3 Council had previously acknowledged that (with reference to the suggested exchange areas A; B and C) the area designated ‘A’ (170sq m) would be of benefit as it would allow improvements to changing rooms and other facilities of the swimming pool, and provide an ideal location for the installation of solar panels – a long-held aspiration of both the Town Council and the Pells Pool Community Association. The area designated ‘B’ was understood to include the vestigial Town Brook watercourse and a question had been raised as to the prudence of incorporating a potential water hazard within the recreation ground. This was a

valid point, although the ditch had been almost dry for many years and it was thought that this risk could be minimized by culverting, or a similar engineering solution. The area shown as 'C' was seen as simply a 'tidying-up' of eventual boundary demarcation, which offered no other particular benefit. It was noted that there would need to be agreement on responsibilities for the necessary removal of residual footings/service connections, and other structures at this location and a general agreement on legal costs and costs of final boundary structures (eg fencing).

4 Overall, the Working Party confirmed its view regarding the overall potential increase in land area; the inherent benefits of some of the land, and the opportunity to tidy boundary lines. There were, however, residual concerns over aspects such as the vestigial watercourse and questions to be answered regarding costs and responsibilities.

5 Members could see no reason to refuse the proposed exchange, and recognized the aforementioned potential benefits. Consequently it was agreed to recommend that the proposal be agreed, provided there was no cost to the Council (Trust); no technical reasons were discovered regarding the vestigial Brook, and valuations adequate to satisfy the Charities Act regulations supported the exchange.

PellsXchWP2018/14

CONCLUSIONS/RECOMMENDATIONS:

It is recommended that Council (as Town Brook Trust) agree to exchange the land areas proposed, subject to agreement with Lewes District Council that:

- > All associated costs of valuation; technical assessment; legal transfer, and boundary relocation (enclosure) costs shall be met by Lewes District Council, and no cost shall fall to the Town Council
- > Independent valuation of the land areas concerned is undertaken by an independent authority such as the District Valuer Service (DVS) - the specialist property arm of the Valuation Office Agency (VOA);
- > Engineering assessment of the potential need to culverting the vestigial watercourse of the historic Town Brook is carried out by an independent professional authority;

The Working Party would meet again as required, when more information was available.

PellsXchWP2018/15

The Chairman thanked everyone for attending and declared the meeting closed.

The meeting closed at 3:40pm

Signed:

Date:



boundary redrawn with new means of enclosure as part of NSQ development

POTENTIAL AMENDMENT TO PARK BOUNDARY