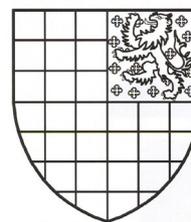


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**LEWES  
TOWN  
COUNCIL**

## ***MINUTES***

Of the meeting of **Lewes Town Council**,  
held on **Thursday 25<sup>th</sup> July 2019**, in the **Council Chamber, Town Hall**, Lewes at **7:30pm**.

**PRESENT** Cllrs J Baah; M Bird; R Burrows; S Catlin (Wischhusen); G Earl; R Handy; O Henman; J Herbert; J Lamb; I Makepeace; Dr W Maples; R O'Keeffe; S Sains; J Vernon; R Waring; K Wood.

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

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

The Council's Chaplain, Canon Richard Moatt, offered a few words before commencement of the meeting, reflecting on how developments in technology meant that many things once done as a collaborative effort were now often done in isolation. He suggested that the 'loss of the team' could hinder the ability to solve problems.

**FC2019/31 QUESTION TIME:** There were 7 members of the public present.

A written question had been received regarding meetings of the Personnel Panel held on 19<sup>th</sup> June; 28<sup>th</sup> June and 11<sup>th</sup> July 2019. The question and the answer given are appended to these minutes.

**FC2019/32 MEMBERS DECLARATIONS of INTERESTS:** There were none.

**FC2019/33 APOLOGIES FOR ABSENCE:**

Apologies for absence were received from Cllr Dr G Mayhew who was on holiday and Cllr M Milner who had a family commitment.

**It was resolved that:**

**FC2019/33.1** Reasons submitted for absence from this meeting are noted.

**FC2019/34 MAYOR's ANNOUNCEMENTS:**

a) Congratulations were offered to Cllr Waring, who had been elected to one of the two seats representing East Sussex Parishes on the South Downs National Park Authority, alongside Cllr Vanessa Rowlands of Cuckmere Valley Parish Council.

b) The traditional annual Bowls match would be held at the Tilting Ground on 3<sup>rd</sup> August 2019. Members were asked to inform Fiona if they wished to attend.

c) The Lewes Youth Band, which had newly formed, would be holding their first concert on 23<sup>rd</sup> August at 6.30pm at the All Saints Centre. There would be an opportunity for audience members to conduct a piece and a world premiere of a new composition.

d) Heritage Open Day would be on Sunday 15<sup>th</sup> September with tours of the Town Hall at 10.00am, 12.00pm and 2.00pm. Cllr Dr G Mayhew and Michael Chartier would be leading the tours.

e) On Thursday 19<sup>th</sup> September a "Sustainable Lewes" summit would be held in the Council Chamber, for United Nations Climate Action Day organized by the Mayor and Cllrs Baah and Henman. The aim of the event was to start a discussion on how Lewes could respond to sustainability goals that the United Nations had set. Invited were groups representing the town and all Members would be very welcome. On the 24<sup>th</sup> & 25<sup>th</sup> September the United Nations was to meet to review the 17 sustainability goals and how well they are being implemented.

f) The annual Allotment Show would be held in the Town Hall on 22<sup>nd</sup> September from 2.00 – 4.00pm.

*Continues...*

g) On Thursday 31<sup>st</sup> October there would be an exhibition of assistive technologies involving around a dozen local companies plus disability groups. Members support would be welcomed.

#### **FC2019/35 MINUTES:**

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

**FC2019/35.1** Minutes of the Council meeting held on 20<sup>th</sup> June 2019 are received and signed as an accurate record.

#### **FC2019/36 HIGHWAY BOLLARDS:**

It was proposed (*NOM011/2019, copy in minute book*) that the Council should agree to fund the replacement of three cast iron 'conservation design' bollards at the end of Southover High Street near the Swan public house; to aid pedestrian safety, the estimated total cost of £1,600 nett to be funded from an appropriate earmarked financial Reserve.

It was stated that there was a need for bollards to protect pedestrians and the houses at the end of Southover High Street near the Swan public house. Large vehicles rounding the corner from the Kingston Road into Southover High Street regularly mounted the pavement, coming close to pedestrians and sometimes so far as to impact the houses. The situation had become worse recently and East Sussex County Council had agreed on siting for bollards. Local residents were very keen to have these bollards installed as they felt unsafe on the pavement, which was part of the walk to school for children from the Kingston Road area going to Western Road and Southover Primary Schools and on to Priory school.

ESCC had released a quotation for the work from a fully qualified and highways accredited contractor to install three bollards at a cost of £1,600 + VAT (£1,920), and it was proposed that the Town Council might fund this.

Subsequent to this proposal being submitted for the meeting, however, another house had been hit in the area and ESCC had investigated the situation, and it was reported that they planned to install bollards at their own expense.

The Motion was therefore withdrawn.

#### **FC2019/37 WORKING PARTIES AND OUTSIDE BODIES:**

*Members are reminded that anyone who may have attended a meeting of any recognized outside body which has covered issues that deserve attention by the Council, should ensure that TC is aware of this before the Council's next meeting, and preferably before the agenda deadline. Reports on all activities of the organization are not expected.*

**a) Personnel Panel 19<sup>th</sup> June 2019 (and adjournments 28<sup>th</sup> June & 11<sup>th</sup> July 2019):** Cllr Wood, as Chair of the Panel, reported that at these meetings all panel members had read the report of the independent investigator regarding a staff grievance and two complaints regarding a member of staff. The report had been discussed at great length by the panel, which offered several recommendations which would be debated at the end of the meeting (*item 12 on the Agenda*) in confidential session. At this point the Mayor thanked Cllr Wood and members of the Personnel Panel for the time and effort they had taken over these matters.

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

**FC2019/37.1** The oral report on the Personnel Panel meetings of 19<sup>th</sup> & 28<sup>th</sup> June and 11<sup>th</sup> July 2019, is noted.

**b) Lewes District Association of Local Councils (LDALC), AGM 10<sup>th</sup> June 2019:** Cllr O'Keeffe reported on this item. Cllrs O'Keeffe and Catlin had attended this meeting as Lewes Town Council's appointed representatives. Cllr Catlin had been elected Chair of LDALC and Cllr O'Keeffe as the Vice-Chair, and both had been appointed to serve as Directors of the East Sussex Association of Local Councils (ESALC) – a component of Surrey and Sussex Associations of Local Councils (SSALC). Cllr O'Keeffe had subsequently attended a meeting of ESALC and was elected as Vice-Chair of that body. In October Cllr O'Keeffe was to attend a NALC conference in Milton Keynes.

**It was resolved that:**

**FC2019/37.2** The oral report from the Council's representatives on the Lewes District Association of Local Council be noted.

**FC2019/38** **TRANSPORT MATTERS:**

A motion (*NOM010/2019 copy in minute book*), proposed that Lewes Town Council should establish a Transport Committee, to further the work of earlier working parties.

Lewes Town Council had maintained a project-focussed Traffic Working Party for several years and had been successful in providing pedestrian crossings, commenting on the parking scheme, working with bus operators and acting as a facilitator in encouraging disparate groups in and around Lewes to work together on transport related issues. The Working party structure was not permanent, however, and a new standing committee was felt to be a better format to address the continuing need for particular attention to these areas, which represents a volume of work which could over-burden the Planning Committee (within whose remit some of these matters would otherwise fall). The original remit evolved to include strategy and sustainability issues, and a standing Committee was better suited to looking at long term vision and prospects.

Recently there had been much concern and correspondence about speeding on the A26 including discussions with Town, District, County Councillors and residents. The first Transport Committee meeting should centre around speeding issues.

**It was resolved that:**

**FC2019/38.1** Lewes Town Council will establish a Transport Committee, with a remit to:

- › Work with statutory bodies (including LDC and ESCC), agencies, community groups and stakeholders on transport related issues.
- › Facilitate a Lewes transport policy that is both sustainable and integrated. This would use the work prepared during the drafting of the Lewes Neighbourhood Plan and earlier work by the Town Council's Traffic Working Party on a 'Lewes transport forum', as a starting point:
- › Work with residents and businesses to consider and possibly fund traffic measures such as crossings, signage and speed limits.
- › Continue to monitor the LTC-funded Compass bus service, reporting back to Council.
- › Work with the Council's Planning Committee, ensuring that any recommendations are reviewed before consideration by Council.

**FC2019/38.2** Cllrs Baah, Bird, Catlin, Handy, Henman, Herbert, Makepeace, Milner, O'Keeffe, Vernon and Waring be appointed to serve on the Transport Committee.

**FC2019/39** **UPDATE ON MATTERS IN PROGRESS**

- a) *Annual Plan update distributed:* An update on progress with the Annual Plan was distributed (*copy in minute book*) and TC elaborated on various salient points.
- b) *Malling (Bridgeview) Community Centre:* the preferred contractors had been asked to re-align their tender as costings for some items were not categorized appropriately. A date would be set for a meeting of the Buildings Working Party at which point there would be a discussion on details of the next stages.
- c) *Pells Lake –* an ecology report on the Pells lake in 2014 had given rise to a plan for improvements which was on-hold pending local engineering works associated with the North Street Quarter development, but was expected to re-start in the near future.
- d) *Lewes Neighbourhood Plan –* Mr Ian Linton, co-opted Chairman of the Council's Neighbourhood Plan Steering Group, attended to offer a final review of the position since the 'making' of the Neighbourhood Plan by the planning authority. Mr Linton noted that the Plan would now serve to influence the thinking of potential developers and planners when considering the future shape of the town. He reminded Members of the long process undertaken to achieve this and noted his thanks and admiration

for those who had begun the work before his accession to the Chair and all members of the Group for their time, effort and commitment.

**It was resolved that:**

**FC2019/39.1** The oral report on the status of the Lewes Neighbourhood Plan is noted.

**FC2019/39.2** In noting the Chairman's report and formally closing the Neighbourhood Plan Steering Group, Councillors record their grateful thanks to all concerned in the development of the Plan, and to Mr Ian Linton for his personal contribution.

- e) *Devolution:* TC gave a brief summary of the history of devolution negotiations with Lewes District Council (LDC) and it was **resolved** that:

**FC2019/39.3** Lewes Town Council will establish a new Devolution Working Party

**FC2019/39.4** Cllrs Burrows, Catlin, Earl, Henman, Mayhew and Ward be appointed to serve on the Devolution Working Party

- f) *IT system* – Corporate E-mail addresses would be issued to Cllrs with guidance notes, once the new IT system was installed and fully tested.
- g) Cllr Waring reported on his election to the South Downs National Park Authority. His role would involve looking for a vision for the whole area of the Park to include facilitating groups (eg farmers) who could work together. He hoped to address diversity within the authority and to visit all parishes with his East Sussex colleague, Cllr Vanessa Rowlands of Cuckmere Valley Parish Council.

**FC2019/40 NOTICE of ITEMS IN PROSPECT**

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

The establishment of a Transport Committee and Devolution working party.

*Dates to note* were given as:

- Planning Training, primarily for Planning Committee members but open to all, would take place on Monday 5<sup>th</sup> August in the Council Chamber with refreshments from 6.30pm; session commences at 7.00pm.
- The next Member's Surgery would be between 10am-12noon on Tuesday 6<sup>th</sup> August in the Corn Exchange (corner of Market café) Cllrs Maples and O'Keeffe volunteered to attend.
- The next Planning Committee meeting would be at 7:00pm on Tuesday 13<sup>th</sup> August 2019.
- The Audit Panel would meet at 7:00pm on Wednesday 14<sup>th</sup> August to conduct the first routine review of the 2019/20 year.
- The next Council meeting would take place on Thursday 29<sup>th</sup> August at 7:30pm, with a deadline for agenda items to reach TC by noon on Monday 19<sup>th</sup>.
- The next deadline for grant applications would be on 6<sup>th</sup> Sept, for a Panel sitting on 18<sup>th</sup> Sept – Council decision 3<sup>rd</sup> October. If Members know of any organization who may be planning to apply, they are encouraged to draw their attention to these dates (dates for all 4 cycles are on the cover of the Application Pack, available on the website).
- Meetings to be arranged:* ASC Steering Group; Commemorations C'ttee; Landport Bottom Management Cttee; Buildings W/pty; Land Exchange W/pty; UN goals W/pty; Public Engagement W/Pty; Equality/Diversity/Inclusion W/Pty.

**FC2019/41 EXCLUSION of THE PRESS & PUBLIC:**

The Mayor proposed, and **it was resolved that:**

**FC2019/41.2** "In view of the confidential nature of the business to be transacted during the remainder of the meeting, pursuant to the Public Bodies (Admission to Meetings) Act 1960 *etc.* any members of the press and public present be excluded and instructed to withdraw. Further: anyone making any unofficial recording or transmission of the meeting is instructed to terminate that process. The nature of the business is – consideration of staff matters."

## FC2019/42 | PERSONNEL PANEL RECOMMENDATIONS:

The Personnel Panel presented their findings following in-depth consideration of the report by an independent consultant into a grievance registered by a member of staff in early January 2019. The investigation had been conducted by the director of the South East Employers organization; one of nine regional employers' organisations in England specialising in local government Human Resources matters.

The report covered a serious employee grievance against the Council in the previous administration and reviews of two complaints pursued against a member of staff. The Panel had met three times to consider the matter – adjourning twice due to the depth of the matters raised. They had the benefit of a report from the previous Mayor and past councillors who had liaised with the investigator in the final presentation of her report. The Panel made recommendations arising from those of the investigator and stated that it would especially like Council to note comments that provided context for future standards, policy and behaviour.

The aggrieved employee stated that, although having some misgivings regarding the interpretation of areas of the consultant's report and the omission of some factors, they would not wish to encumber a new administration with burdens arising from the previous Council and would not object to the Panel's recommendations as-presented.

### *Employee grievance:*

This was addressed as seven key allegations:

- 1 Council's failure in its statutory duty of mutual trust and confidence in the employment relationship. *Allegation upheld.*
- 2 Council's failure to address issues of stress in the workplace. *Allegation part-upheld.*
- 3 Bullying and victimization of staff by councillor. *Allegation upheld.*
- 4 Failure of Councillors to observe the Code of Conduct in regard to appropriate respect for others. *Allegation upheld.*
- 5 Council's failure to properly observe own policies/procedures; ACAS Code of Practice and employment legislation. *Allegation upheld.*
- 6 Breaches of confidentiality by some Councillors and collusion with others and members of the public in supporting complaints. *Allegation upheld.*
- 7 Unjustified complaints by Councillors as to personal and professional behaviour, not properly dealt-with by the employer. *Allegation part-upheld.*

### *Complaints against a member of staff:*

One complaint was made by a Councillor regarding the officer's response to breaches of confidentiality by the Member. This was in two parts – a question as to whether the Member was the only one to breach confidentiality, and an allegation of officer misconduct in responding to the breach. The Panel *upheld* part one of this complaint as they believe that the Member was not alone in breaching confidence. They did *not uphold* part two in that there had been no unfounded accusation; nor unfair or malicious slur on character made by the officer, as alleged.

The second matter of complaint involved a review of the handling of a complaint originally made in early 2018 by a member of the public and claiming a number of points including defamation. The matter had passed through several stages, none of which had satisfied the complainant. The Panel support the findings of the independent report and this complaint is *not upheld*.

### *Recommendations arising:*

In the matter of the complaints the Panel recommended, and

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

**FC2019/42.1** Letters shall be sent by the Chair of the Personnel Panel to the complainants concerned with matters in the independent consultant's report, as reported to Council on 25<sup>th</sup> July 2019 in confidential session; notifying them of the outcome of the investigation.

In the matter of employee grievance, the Panel recommended, and

**It was resolved that:**

**FC2019/42.2** In response to recommendations of the Personnel Panel regarding matters in the independent consultant's report, as reported to Council on 25<sup>th</sup> July 2019 in confidential session, it is agreed that Council will:

- a) Re-start the appraisal process, suspended pending the outcome of the investigation.
- b) Ask the Personnel Panel to review feedback on the revised Member's induction process with a view to further improvements in future.
- c) Initiate a review of relevant policies relating to sickness and ensure that issues of stress in the workplace are properly included and reviewed. This should include assessment of where there may be a need for training of staff or Councillors in these areas.
- d) Councillors to re-establish their expectations of officers and the Town Clerk.
- e) All Councillors will be reminded of the Code of Conduct for Members and the Communications Policy, especially and particularly in the areas of confidentiality; trust, and mutual respect, and there should be reciprocity between staff and members in these matters.
- f) All Members and staff will be reminded that any matters of concern around conduct or appropriate behaviour shall be reported to the appropriate officer or the Mayor in a timely manner.
- g) The Personnel Panel is asked to consider the Town Clerk's report on succession-planning, and to make recommendations for Council to consider alongside its review of the 'visioning' exercise, by the end of the 2019 calendar year.
- h) The Personnel Panel will consider as essential to these recommendations that they have a measurable and timed outcome.

There being no further business the Mayor closed the meeting; thanked everyone for their contributions and invited all present to join him in the Mayor's Parlour for refreshments

*The meeting ended at 9.25 pm*

Signed: ..... Date: .....



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**QUESTION RECEIVED:**

*Received from Tony Rowell at 12:57 on 22<sup>nd</sup> July 2019:*

In accordance with Standing Orders, Appendix 1 paragraph 1.1, I would like to ask the following question to the Chair of the Personnel Panel, Cllr Wood at the Council Meeting on 25 July 2019.

'The minutes of the Personnel Panel of June 19th, 2019 state 'members considered a report by Cllr Baah on the independent consultant's investigation into a staff grievance matter'. Cllr Baah was present at this meeting.

Cllr Baah was also present at subsequent Personnel Panel meetings on 28th June 2019 and 11th July 2019.

Would you please let me know on whose authority Cllr Baah was instructed to provide a report on the independent investigator's report?

Would you please refer me to the relevant minutes where she was appointed to do this?

Would you also let me know why she was present at the 3 meetings as she isn't a member of the Personnel Panel and I understand these meetings are confidential and that the public were excluded?

Was she there as an observer?

Did she participate in the discussion?

Did you consider whether her attendance might compromise the investigation and any subsequent appeal against the recommendations and decisions made or further complaint?

Was it a unanimous decision to allow her to participate?'

Tony Rowell

**ANSWER:**

- 1 Cllr Baah required no separate instruction; she was acting upon suggestions of the Investigator in her role as the serving Mayor to whom the investigation report was presented.
- 2 See 1 above
- 3 This was *one* meeting – adjourned twice, due to the length of time taken in consideration of the matters concerned. Cllr Baah was not subject to the exclusion of press and public and was present to report upon her interactions with the investigator.
- 4 See 3 above
- 5 These discussions were confidential, and no answer can be given.
- 6 The investigation, into a staff grievance and two separate complaints about a member of staff, was concluded at that point. These are confidential staff matters and appeal is available only in the context of the aggrieved staff member or the subject of the complaints finding final decisions unacceptable.
- 7 These discussions were confidential, and no answer can be given.

*Cllr Kate Wood  
Chair, Personnel Panel*