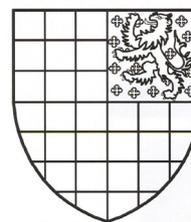


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**LEWES
TOWN
COUNCIL**

MINUTES

Of the meeting of **Lewes Town Council**,
held on **Thursday 7th November 2019**, in the **Council Chamber, Town Hall**, Lewes at **7:30pm**.

PRESENT Cllrs M Bird; R Burrows; S Catlin (Wischhusen); R Handy; O Henman; J Lamb; I Makepeace; Dr W Maples; M Milner; R O’Keeffe; S Sains; K Wood.

In attendance: S Brigden (*Town Clerk [TC]*); Mrs F Garth (*Assistant Town Clerk & Civic Officer*), Mrs E Tingley (*Committee Admin.*), Mr D Wynn (*Lewes District and Eastbourne Borough Council Special Advisor (Arboriculture)*) and Ms D Twitchen (*Lewes Foodbank Scheme*).

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

FC2019/66 QUESTION TIME: There was one member of the public present.

FC2019/67 MEMBERS DECLARATIONS of INTERESTS: There were none.

FC2019/68 APOLOGIES FOR ABSENCE:

Apologies for absence were received from Cllrs Baah, Earl, Mayhew and Vernon who were unwell, Cllr Herbert who had a family commitment and Cllr Waring who was in London

It was resolved that:

FC2019/68.1 Reasons submitted for absence from this meeting are noted.

FC2019/69 MAYOR’S ANNOUNCEMENTS:

a) The Mayor and Mayoress has recently visited the Council’s French twin town of Blois. This was to attend a history conference which had coincided with Blois’ signing an agreement with town of Urbino, in the Marche region of Italy. Permission of the Italian government had been required, and the Italian Ambassador to France had attended together with the Italian Minister for Education.

b) The Mayor’s Civic Service had been held at South Malling Church with the Bishop of Lewes in attendance together with a number of Town Councillors.

c) The Mayor thanked all those who had given up their time to collect for the Royal British Legion Poppy Appeal.

d) The Mayor had attended the recent funeral of John Tilbury who had been the last surviving Mayor of the Borough of Lewes.

e) The Mayor reported on the visit to the annual Bonfire celebration by the Mayor and Councillors from the Council’s German twin, Waldshut-Tiengen, and a journalist from their local regional newspaper; the *Sudkurier*. The Mayor thanked all those involved in organizing a very successful visit.

f) Remembrance Sunday would fall on 10th November. Councillors and guests were asked to assemble in the Town Hall foyer at 2.15pm prompt, for the parade to the War Memorial.

g) The Mayor reminded any Councillors who wished to attend the short ceremony on Armistice Day (11th November) to assemble, with any guests, in the foyer of the Town Hall at 10.50am.

h) “*Anti-Social and Extremists Behaviour in Lewes: Building a Partnership*” – was to be held on 22nd November at 7.30pm in the Council Chamber. A representative of Sussex police was expected to assist.

i) A reception for Lewes Football Club would be held on Monday 9th December at 6.00pm in the Council Chamber.

j) The Mayor’s Christmas dinner for Councillors and Staff would be held on Friday 13th December in the Council Chamber – invitations would be sent out in due course.

k) The Civic Parish Carol Service would be held on Monday 16th December at 7.00pm at St Anne's Church.

l) "Shepherds Arise!" would be held on Wednesday 18th December in the Council Chamber at 7.30pm.

m) The meeting of the Finance Working party which had been rescheduled to the 18th December, was further deferred and would be held at 2:00pm on Monday 16th December.

n) Due to the recent announcement of a General Election on 12th December the next Council meeting, scheduled for that evening, was deferred and would take place on Thursday 19th December at 7.30pm.

o) Cllr Maples thanked the Town Ranger for giving some Members a walking tour of some Council assets recently. Members had been given useful insights into operations such as Malling Community Centre and Paddock Road allotments. It was hoped for another walking tour in the Spring and that more Members would be available to join this.

Cllr Maples also reported on the Town Councillors Surgery held on Tuesday 5th November 2019. The surgery had taken place in the foyer of the Town Hall and 8 members of the public had attended to discuss a wide range of issues.

p) The Late-Night Shopping event would be held on Thursday December 5th. Council staff would be offering mulled wine and hot chocolate in the foyer of the Town Hall as in previous years, for the benefit of the Mayor's good causes.

FC2019/70

MINUTES:

It was resolved that:

FC2019/70.1 Minutes of the Council meeting held on 3rd October 2019 are received and signed as an accurate record.

FC2019/71

URGENT TREE WORKS – Landport Bottom

Councillors welcomed Daniel Wynn, Lewes District and Eastbourne Borough Council's Special Advisor (Arboriculture). Mr Wynn gave a presentation on the situation regarding Ash trees on Town Council land adjacent to the A275 Offham Road, and other land owned by the two principal Councils. Mr Wynn also represented the interests of the South Downs National Park in the Lewes and Eastbourne area, with regard to trees *etc.*

Ash Dieback – Mr Wynn explained that Ash Dieback disease (*Hymenoscyphus fraxineus*) killed up to 95% of all Ash Trees that become infected and this would change the landscape forever and affect many other species that rely upon Ash. The disease had arrived in Europe from Asia around 30 years ago and had devastated the European Ash. The presentation showed the current Ash coverage in South East England and highlighted the areas of infection. These had increased steadily since 2012 with fungal spores being blown in from the Continent infecting trees in Eastern England through easterly winds. A video was presented: a recent aerial survey filmed on behalf of the Forestry Commission, which clearly showed the devastating effect on the East-facing scarp slope running from Willingdon to Beachy Head, where only a very small number of existing trees remained unaffected. The Woodland Trust had predicted that Dieback would cost the UK economy in excess of £15 billion. This would be in addition to other costs/impacts such as those associated with closure of Highways.

Legislation - The Occupier Liability Acts of 1984 and 1957 were key as the proximity to traffic of the Ash trees on the Offham Road represented a clear liability. Failure to act could lead to allegations of negligence in the event of injury or death.

Felling - The trees could not simply be felled as such activity was regulated. A felling licence had been applied for on behalf of all three affected Councils. Mr Wynn had commissioned a Forestry Consultant to represent the Councils. Road closures would also need to be put in place. The Consultancy fees could be paid for by way of grants, it was suggested. Members were shown on a map where clearance of infected Ash trees would need to take place; this affected an embankment running for approximately 500 metres alongside the A275 and extending up to 30 metres up the steep slope from the roadside. Timber from felled trees would be used as an energy source as it would be unusable in other areas. There

was a provisional date for work to commence on 13th January 2020. The work was expected to take 10 days to 2 weeks to complete. There were only two machines in the country that would be able to undertake the work required. These machines had an unusually long-reach cutter which could both fell and manipulate a tree, and other features which allowed it to be used in relatively close proximity to other machinery and people.

Restocking – This could be by regeneration supplemented with additional planting as, in some affected areas where a “wait-and-see” policy had been adopted, a surprising natural resurgence of disease-resistant regrowth was observed within a few years.

Questions were asked and answers given during the session, with Members expressing a variety of views regarding the proposals.

Mr Wynn was thanked for his extremely informative presentation and

It was resolved that:

FC2019/71.1 Council would consider this item at their Council Meeting in December when more detail and costings would be available.

FC2019/72

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) East Sussex Association of Local Councils 10th October 2019: Cllr O’Keeffe recounted to Council her recent attendance at meetings of the East Sussex Association of Local Councils (ESALC) and the National Association of Local Councils (NALC) conference.

It was resolved that:

FC2019/72.1 The oral report on the recent meeting of East Sussex Association of Local Councils and the National Association of Local Councils conference is noted.

b) Transport Committee 10th October 2019: Council considered the minutes of this meeting. It had been noted that Council had asked the committee to address, at its first meeting, speeding issues.

It was explained that the Committee, and the Town Council, had limited legal powers in highway matters but that it could influence policy and strategies and could sometimes affect matters directly.

Traffic speed: A major issue that had been the subject of much discussion and research was that of traffic on the A26 Malling Hill. Several representatives of the local residents’ group ‘Slow Down Malling’ were present, and Members of other Councils who had engaged with detail of the issue. It was noted that the problems were seen as both speed and volume of traffic, and the failure of many drivers to observe the prevailing legal restrictions.

ESCC’s reported assessment of current average speeds on Malling Hill was disputed. Highways officers had advised that it was “without recognized crash problems” and that mean speeds were “at acceptable levels”, which led transport planners to the conclusion that it was “...not especially meritorious of a calming scheme”. ESCC’s position was that if Community Match partnership funding could be established, they would be prepared to conduct a traffic study. They had indicated that increased signage would be contrary to Highways Act provisions. Temporary signs were a common answer to this in other areas, although not an ideal solution, and it was stated that on the Brighton Road these had been in place across ten years with short periods when they were removed and then re-erected.

It was acknowledged that context played a large part in driver behaviour, and Malling Hill was said to “feel” like a ring-road – where higher speeds would be considered normal. Altering environmental aspects to change this misperception would be the most effective solution to excess speed. There was general agreement that physical measures were the most desirable, and if a feasibility study were conducted to look at possible improvements, it should be preceded by a scoping exercise where contributions were sought from all

stakeholders. ESCC should be challenged as to what is done elsewhere. Enforcement should be emphasized, and for true integration all key 'feeder routes' in the town should be assessed to the same level.

ESCC consultation on 20mph limit proposals for New Malling: East Sussex Highways had developed proposals for introducing a 20mph speed limit for the New Malling area, which were said to result from feedback to a previous proposal consulted upon by the County Council in 2015. A plan was distributed, highlighting the details of the proposals. The main objectives of the scheme were to reduce vehicle speeds and improve safety in the area. The revised design also aimed to address a number of concerns raised during the previous consultation. In developing these proposals, ESCC had sought to minimize the number of physical traffic calming features that were to be introduced in order to minimize the loss of on-street parking. However, to ensure traffic speeds were maintained at or below the proposed 20mph speed limit, it had been necessary to provide these features at regular intervals along the whole extent of Old Malling Way. Comments and feedback on these proposals had been sought by the 30th September, but Highways officers were aware of the Committee meeting and awaited a considered response.

The opinion of the Managing Director of Compass Travel, who operate local bus services in Malling (subsidized in part by the Town Council), was distributed. He considered that a 20mph limit would have such a serious detrimental effect on the route 127 service that it would need to be reduced in frequency or withdrawn completely. Further: the proposed introduction of speed humps would create an unacceptable hazard to buses, and it was stated that Compass were likely to seek a legal indemnity against damage. Members could not support this position and found the claims to be pessimistic. They calculated that the real effect of a 20mph limit on journey times should be negligible, although they understood the points against speed humps. Residents present asked if it was likely that enforcement would be effective and wondered if the cost might not be disproportionate and better spent on problem areas such as Malling Hill.

The consensus was to support the ESCC proposals for a 20mph limit roll-out to Malling, except for very serious reservations as to the practical effect of the proposed speed-humps. These were not generally considered to be effective and were expensive. Members would rather see chicanes formed by either large planters or kerb 'build-outs', or (as a last resort) strategic marking of alternate-side parking areas to achieve the required 'slalom' slow-down effect. This would be passed back the next day to the officers awaiting a response.

National Cycle Route 90: Improvement of local sections of national cycle Route 90 was a project identified as a high priority by Cycle Lewes and had been noted in the Lewes Neighbourhood Plan (s11.7) as a project listed to benefit from future receipts of Community Infrastructure Levy (CIL). This was a vital "missing link" from the Brighton Road (if travelling Eastbound) as it enters Lewes and out again at Cliffe High Street and South Street. The mostly on-road signed route would run from Brighton Road to South Road via Barons Down, Montacute and Delaware Roads, Bell Lane Recreation Ground, Grange Road, Southover Road, Pinwell Road, Court Road, Cliffe High Street and then out along the cycle path running alongside the A26 to Southerham when it picks-up the off-road route alongside the A27.

South Downs National Park Authority officers had indicated that an unspent s106 fund of £16,101 arising from the development of the Lewes house site (Planning reference SDNP/14/01199/FUL) could be earmarked for this purpose. ESCC were also bidding for CIL funds to be used on Route 90 and had described the project as "essential". The Town Council currently held £4,300 in CIL received in 2018 which had been applied to another project (*designated Footpath 51*) but was ultimately not needed and could also be available. The Committee agreed to recommend that the National Park be asked to commit the unspent s106 cash to the Route 90 project (which would be implemented by ESCC) and that the Town Council 'Parish share' of 2018 CIL receipts is similarly dedicated. It

was also considered essential that Cycle Lewes is included in all planning for the works. The final route should be that agreed by Cycle Lewes.

Future prospects: Setting of programme items for future attention by the committee would be informed by the Lewes Living Streets June 2019 publication “*Tackling traffic dominance in Lewes – a Report*”, which had been prepared by John Dales, Director of the Urban Movement transport and urban design consultancy and a former Chair of the Transport Planning Society and a Trustee of the Living Streets UK charity.

It was resolved that:

FC2019/72.2 The Minutes of the Transport Committee meeting held on 10th October 2019 are noted.

FC2019/72.3 The Council will provide £500 for Community Match scheme funding of an ESCC traffic speed study on the A26 Malling Hill.

FC2019/72.4 The recommendations of the Council’s Traffic Committee regarding a response to ESCC’s consultation on a 20mph speed limit scheme for Malling are supported.

FC2019/72.5 The South Downs National Park Authority be asked to commit the unspent s106 fund of £16,101 arising from the development of the Lewes house site (Planning reference SDNP/14/01199/FUL) to National Cycle Route 90 enhancement, and the Town Council’s ‘Parish share’ of £4,300 (from 2018 CIL receipts) is similarly dedicated. It is also considered essential that Cycle Lewes is included in all planning for the works. The final route should be that agreed by Cycle Lewes

c) Audit Panel 17th October 2019: The Minutes of this meeting were presented:

Routine financial monitoring: Members had been furnished with detailed information (*copies in minute book*) following the end of the second quarter of the financial year 2019/20.

Budget monitoring update – working papers had shown actual expenditure and income values as posted to the Council’s *Sage* accounting system for all transactions processed in the period. There was some discussion on salient points of detail, and TC 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.

Oversight as required by the Governance & Accountability Code of Practice: TC introduced the file of periodic bank reconciliations, for review of the scrutiny already conducted. The Chairman appended his signature to verify this.

Internal and external Auditors reports - TC reported that the External Auditor’s signed certificate for the accounts year ended March 2019 had been received with no comments recorded, and this was now published with the other sections of the Annual Governance & Accounting Return as required. The Internal Auditor had conducted the interim audit for year ending March 2020 the previous week and had submitted his report; which found no items of note, all ‘control objectives’ met, and was complimentary regarding Council systems and operation.

Complaint(s) received: Members had considered complaints received from a past Councillor regarding processing of data and the delay in responses received from the Chairs of both the Personnel and Audit Panels. In both instances, the complainant had made requests which were not unreasonable in themselves, but the ways in which they had been registered with the Council were unorthodox and impractical and had resulted in protracted delay and some confusion. In the matter of a request for personal data contained in a confidential consultant’s report to Council, this had been submitted as a file attachment sent direct to the Chair of the Personnel Panel in a format which her personal computer’s software had treated as suspicious and would not open. After an admittedly lengthy delay, this had been investigated and the content identified and a redacted copy of the report

requested had been prepared and subsequently sent to the complainant, who was presumed to be now satisfied in that regard.

A separate demand for other personal data had been initially sent to the Chair of the Audit Panel, who had explained the reasons that that he was unable to comply personally and that the request should be redirected. This had not been accepted and the complainant had distributed a complaint to all members of the Panel. TC was not aware of the details of the request but was the only person able to address it. The data that could be requested was that held about an individual personally, or from which they could be identified *eg* by reference or description of a role. Such requests were for the Town Clerk to deal with in the normal course of his duties as the Council's data processor and system administrator. He advised that the originator of a data subject access request had no legal rights to demand how or by whom the request must be handled.

Members agreed that the Chairman should write to the complainant accordingly, and if his request was to be pursued then TC should be provided with the details.

it was resolved that:

FC2018/72.6 The Minutes of the Audit Panel meeting held on 17th October 2019 are noted.

FC2019/73 LEWES FOOD BANKS REFERRAL SCHEME:

Ms Debbie Twitchen was welcomed and presented to Council a short description of problems faced by the three Lewes Foodbanks. All the foodbanks used the same referral system and were suffering from some dysfunction in that regard. Up until June the Lewes Job Centre had dealt with referrals, however the centre was no longer able to refer clients. This was a policy from the Department of Work and Pensions (DWP) which was affecting foodbanks across the Country. Ms Twitchen was looking at ways to expand the list of referrers and asked that Town and District Councillors assist by encouraging applications and referring clients who may seek assistance from them, particularly if they have pressing financial issues.

It was resolved that:

FC2019/73.1 Lewes Town Councillors agree to assist the scheme by promoting it and referring clients to Lewes Foodbanks.

FC2019/74 REVISED CODE OF CONDUCT for COUNCILLORS:

A report (*FC012/2019 – copy in minute book*) was presented to Council, which proposed revisions to the Code of Conduct for Members to preserve alignment with that adopted by Lewes District Council.

Lewes District Council (LDC) had formally adopted a revised Code of Conduct for Members at its meeting on 25th September, which implemented a number of best practice recommendations arising from the report published by the Committee on Standards in Public Life.

The statutory function of Monitoring Officer with regard to Parish Council affairs was held by the District Council and for consistency, particularly in cases where alleged breach of the Code involved review by the MO or independent investigators, it had always been recommended that Parishes adopt the same Code (tailored appropriately in relevant detail) and this was generally accepted.

It was lawful for each 'local council' (Parish) to decide its own Code but LDC's recommendations were for consistency across the area. This was especially helpful given the number of Parish Councillors in the District who were also members of LDC and/or ESCC.

It was resolved that:

FC2019/74.1 Council agrees the revision of its Code of Conduct for Members (as attached to Report FC012/2019 presented to Council on 7th November), to preserve alignment with that adopted by Lewes District Council.

FC2019/75 NATIONAL PARK PARTNERSHIP MANAGEMENT PLAN:

Council had received statutory notification of the South Downs National Park Authority’s intention, following a process of review, to amend the management plan for the South Downs National Park area, which had been published in 2014.

Members had received a copy of the proposed 2020-25 Management Plan incorporating proposed amendments, having been developed in consultation with a wide range of stakeholders. The National Park Authority was not proposing to amend the “outcomes” stated in the Management Plan.

The SDNPA would be pleased to receive any observations that Lewes Town Council wished to make no later than 29th November 2019, and any such observations would be taken into consideration by the Authority before it made its decision regarding the review.

It was resolved that:

FC2019/75.1 With regard to proposed amendments to the South Downs National Park Partnership Management Plan, individual comments by Councillors shall be forwarded to TC no later than 22nd November 2019, to be collated and forwarded to the Park Authority before their consultation deadline.

FC2019/76 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.

FC2019/77 NOTICE of ITEMS IN PROSPECT

Members were asked to consider items, arising from this meeting, worthy of a Press Release, and indicated: Assistance in referring clients to the Lewes Food Banks scheme, and the breakfast provided to thank street cleaners following Bonfire celebrations.

Dates to note were given as:

- The next Member’s Surgery would be between 10am – 12noon on Tuesday 3rd December in the Yarrow Room. Cllrs Catlin and Makepeace volunteered to attend.
- The next Planning Committee meetings would be 7pm Tuesdays 12th Nov. and 3rd Dec.
- The next deadline for grants applications (cycle 3 of 4) would be 22nd November, for a panel sitting on 4th December with Council’s decision in December. If Members knew of any organisation who may be planning to apply, please draw their attention to these dates (all 4 cycles were on the cover of the Application Pack, available at the website).
- The Personnel Panel would meet at 7.00p on Wed 27th November in the Yarrow Room.
- The second phase of the ‘visioning’ exercise would be held at 7.00pm on Thursday 28th November in the Council Chamber, with refreshments available from 6.15pm.
- The Devolution Working Party would meet at 11.00am on Friday 29th November
- The Landport Bottom Management Committee would meet at 7.00pm on Wednesday 4th December in the Council Chamber.
- The Finance Working Party scheduled for 27th November would now meet at **2.00pm on Monday 16th December** in the Yarrow Room (**not** the 18th as previously advised)
- Due to the recent announcement of a General Election on 12th December the next Council meeting would now take place on Thursday 19th December at 7:30pm, with a deadline for agenda items to reach TC by noon on Monday 9th December.
- Selection of a Mayor-elect and Deputy Mayor-elect for the 2020-21 municipal year would be an item on the Council agenda for the meeting on 23rd January 2020.
- Meetings to be arranged: Pells land exchange W/pty (pending info from LDC); Commemorations Committee; UN Goals W/pty; Open Council W/pty.

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 9.40 pm*

Signed: Date: