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**LEWES
TOWN
COUNCIL**

MINUTES

Of the **meeting of Lewes Town Council**,

held on **Thursday 2nd March 2017**, in the **Council Chamber, Town Hall**, Lewes at **7:30pm**.

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

In attendance: S Brigden (*Town Clerk*); Mrs F Garth (*Civic Officer & Asst. Town Clerk*)

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

FC2016/93 QUESTIONS: There were none. 2 Members of the public were present.

FC2016/94 DECLARATIONS of INTEREST: Cllrs S Murray and R O’Keeffe both declared an interest *in*o grant applications (Agenda item 6b Item ref 5) in that they were directors of the applicant body. Cllr Chartier declared an interest in that he was Chairman of a body associated with the East Sussex Local Government Pension Scheme (Agenda item 8).

FC2016/95 APOLOGIES FOR ABSENCE: Apologies had been received from Cllr Bolt, who was attending family illness. **It was resolved that:**

FC2016/95.1 The reasons submitted for absence from this meeting are accepted.

FC2016/96 MAYOR’S ANNOUNCEMENTS:

- a) The Mayor noted the success of the recent Holocaust Memorial Day event at All Saints (hosted together with LDC) which had included the screening of ‘*Shoah*’ – a most thought-provoking documentary film running for nearly ten hours.
- b) The popularity of the Mayor’s talks ‘*The Men and Women who didn’t return*’ – relating background of many of local people who died in WW1 - was noted, and the next would be on 28 March: ‘*Lewes during the First World War*’.
- c) A recent visit and tour of the Town Hall by the Friends of the Keep (East Sussex County Archive) had been enjoyed by all, and particular thanks were offered to Mick Larkin, for exhibition of his personal collection of militaria.
- d) The Mayor reported on his attendance at Sackville House recently, when the Princess Royal visited a conference on Restorative Justice.
- e) Cllr Dr Mayhew thanked everyone who had helped ensure the success of his First World War Lewes Music Hall (with particular thanks to Colin Reynolds of Lewes Operatic Society, and Jane Stewart of LGB Brass)
- f) Everyone was asked to promote the public consultation (2nd round) drop-in events re. play & recreation improvements at Malling Recreation Ground and The Pells, which would be held at:
 - > St John’s Hall, Talbot Terrace, Friday 3rd March 12:00pm-6:00pm
 - > Malling Community Centre, Saturday 4th March 10:00am-2:00pm

For anyone interested (after the meeting) Cllr Susan Murray offered “sneak previews” of the display boards, which would be posted to illustrate how responses to Round 1 had been assimilated into developing design ideas.

FC2016/97 MINUTES:

The minutes of the meeting held on 26th January 2017 were received and signed as an accurate record.

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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 the organization are not expected.

a) Neighbourhood Plan Steering Group 25th January and 1st March 2017: The Chairman, Mr Ian Linton, presented the notes of the January meeting. There had been a brief update on the required Sustainability Appraisal/Strategic Environmental Assessment. A scoping report had gone out for comment by statutory consultees and potential housing site assessments would start that week. The scoping report would come back in late February and work on this would follow in consultation with Natural England, Historic England and the Environment Agency. When the Lewes Neighbourhood Plan (LNP) was out to consultation on a 'Regulation 14' pre-submission draft of the plan, the Sustainability Appraisal (SA) should be published at the same time. Dates for the six-week consultation and a two-day drop-in event in the Town Hall had been advertised in the Lewes News. However, there was a post script at the bottom announcing that for legal reasons the public consultation would be delayed by at least 4 weeks after the dates advertised. The South Downs National Park Authority (SDNPA) were not comfortable with the proposed concept and description of "Lewes Low Cost Housing" and this would need to be resolved. Concern was raised that with the building of new houses there would be a need for schools. Education was not within the scope of the Neighbourhood Plan; however, a policy statement could be included regarding educational places being made available over the period of the plan. Green spaces within the Plan area were being identified. Criteria for this designation were:

- Beauty – tree cover, whether it could be seen from a built up area
- History – monuments, conservation area
- Recreation – allotments, playing fields, playgrounds, school playgrounds, access, bridleways, rights of way
- Tranquillity – noise (near a major road?)
- Wildlife – habitats, areas of bio-diversity, areas already designated as sites of scientific interest

Work was progressing on policies. Ferial, The consultants assisting with the evolution of the Plan, would shortly need the completed work, but there was a little more time for finalisation. Comments and corrections which had been sent in would be sent to Ferial as they stood. It was reported that many people had made very useful comments in the supporting text which had been transferred into policy, *eg* there was a need to protect the Victoria Hospital in view of the proposed Community Health Hub and there was also concern that, because of Government changes, office premises on the flood plain could have Permitted Development rights for change-of-use to housing, so there would also be a need to protect business premises. The group had then discussed the Vision Statement. - what it as hoped the town might look like by 2030. A question was raised regarding employment. This was not a topic area in the plan but was being covered by the SDNPA. However if places of employment were to be turned into something else there would need to be a good reason. There was some concern that the sites being identified for possible housing were not large enough to generate \$106 million to provide infrastructure, and having a list of things that they would like to see in the town might raise public expectation when there may be no money available. It had been pointed out that, as the Plan would be for 15 years, to have a 'wish list' in the Plan was desirable in case there was space or money available in the future. Volunteers had been sought to conduct detail editing for the draft Plan to be sent for publication. Cllr Catlin had been asked to Chair this group.

A further Steering Group meeting had taken place the previous evening, when a revised timetable had been discussed and agreed, as a consequence of additional work required

by statutory consultees. The Group was now working towards the six-week public consultation (required by Regulation 14 of the Neighbourhood Plan legislation) commencing on 8th May 2017 and running to 21st June. Door-to-door publicity and advertising would promote the consultation and on 25th and 26th May there would be a two-day 'drop-in' event in the Corn Exchange.

It was resolved that:

FC2016/98.1 The notes of the Neighbourhood Plan Steering Group meeting held on 25th January 2017 (*copy in minute book*) and the oral report of the Neighbourhood Planning Steering Group meeting on 1st March 2017 are noted;

Cllr Watts joined the meeting at this point

b) Grants Panel 15th February 2017: Members considered Report FC014/2016 (*Copy in minute book*) containing the recommendations for payment of grants in the last of four cycles for the current year. The recommendations exceeded the remaining amount available from the dedicated grant budget by £122. It was nonetheless considered that these projects had sufficient merit to be supported to the degree recommended, and Council was asked to supplement the grant budget from the general fund balance (£238,703 b/fwd at 1st April 2016).

It was resolved that:

FC2016/98.2 That the grant payments recommended in report FC014/2016 and shown in column G of the table appended to the report (*copy in minute book*) be approved, with the sum of £122 in excess of the agreed budget for miscellaneous grants being drawn from the General Fund.

c) Personnel Panel 16th February 2017: Council received the minutes of this meeting (*Copy in minute book*). As this Working Party had discussed information personal to individual, identifiable, employees the press and public had been excluded from the meeting. Mr Richard Penn had attended and explained his commission to contribute an impartial viewpoint to future assessment of the Town Clerk's (TC) performance, and how in the future his proposed 'two-stage' approach would see him assist in the setting of practical objectives which were Specific; Measurable; Achievable, Realistic and Timely (SMART) and then facilitating review of these supported by his independently-assessed evidence. Members considered a report (*PersPan001/2016 copy in the Minute Book*) which apprised the panel of the Town Clerk's performance in achievement of the Council's goals in the current municipal year.

It was noted that as Town Clerk and Responsible Finance Officer, TC worked to address duties expressed in the job-description (*a copy of which had been provided to Panellists*) associated with a contract of employment, and also a fiduciary duty to the public and other general principles applicable to the role embodied in common and statute law. Explanation of this and some insight into the role was available in a Briefing Note appended to the report, a copy of which was provided to all Members following election as part of their Members' Handbook.

During the municipal year commencing May 2016 to-date, the Council's plan of 'major' projects and initiatives had been brought to the status shown on an appended update table, alongside management of the ongoing business of the Council. External factors which cause delay and deviation from initial proposals had been addressed as appropriate, with salient matters routinely reported to Council at each meeting via the standard agenda item labelled "Update on matters in progress".

All statutory responsibilities had been completed, with the Council's financial and governance systems and procedures remarked as good practice by the Council's independent auditor.

TC had noted that he had attended and administered 63 formal/structured meetings of the Council or associated bodies in the year to date (9 months of the municipal year elapsed): 44 in the evening and 19 during office hours.

Members noted that: falling outside 'usual' business or defined projects, particular

attention had been required by:

- Contention between Lewes District Council and LTC over devolution, including the need for specialist legal review of LDC's unlawful decision to withhold unrelated financial grant.
- Two instances of staff long-term (several months) sickness absence.
- Bridge Ward by-election (2nd June 2016).
- Government proposed limitation to a parish council's ability to raise funds through council tax, which directly-involved LTC in national level discussions.
- Council had introduced four additional Working Parties compared with the previous year.
- Additional projects/initiatives, eg Public WiFi for the Town Hall; support for local bus services; the 'Our Pictures' HLF project; replacement boiler at ASC; failed heating at Town Hall.
- Late stages of development of the Lewes Neighbourhood Plan had seen disruption to the smooth progress previously seen, leading to a review of the Steering Group's structure and remit. Work to produce a final draft for public consultation ("Regulation 14") had involved numerous oversight meetings, some lasting over four hours.

There had followed a general discussion, and Members who had long experience of the daily operations of the Council pointed-out that the report had actually omitted to note TC's efforts in several other areas, including time devoted to the working relationships with twin towns in France and Germany, and they also remarked upon and thanked him for the consistently long hours he habitually worked. Mr Penn described his impressions of the Council, formed when he had conducted staff job-evaluations in late 2015, as being unusually active and effective in its sector – 'punching above its weight'. He referred to his experiences in working with other large Town Councils, to which he compared Lewes most favourably. Mr Penn would assist in the formulation of a set of SMART objectives, and would visit again and attend a Panel meeting in April or May to agree these

Some questions and discussion followed and, subsequently, **it was resolved that:**

FC2016/98.3 The Minutes of the Personnel Panel meeting held on 16th February 2017 2017 (*copy in minute book*) are noted.

d) Buildings Working Party 22nd February 2017: Council received the minutes of this meeting (*Copy in minute book*). Members had received a brief oral report from TC regarding progress on current works: the Assembly Room roof work was completed, and scaffolding was being redeployed to allow work to begin on the Corn Exchange.

'Due diligence' surveys on Malling Community Centre had been received from the contractors conducting the Measured Buildings survey and the Mechanical; Electrical & Plant survey. An Asbestos survey would be carried-out prior to building works.

In view of the confidential nature of the business to be transacted during the remainder of the meeting (tender values and submissions for prospective contracts), the press and public had been excluded from the remainder of the meeting.

BLB Chartered Surveyors had conducted a tender exercise on the Council's behalf; inviting bids for Architectural design services for the refurbishment of Malling Community Centre. The invitation to tender had included a comprehensive brief on the Council's position; the history and current status of the project and the proposed execution plan; together with supporting information such as the aspirations of the current and prospective users of the Centre who had responded to consultation, ranked according to importance. All firms bidding were local, or had branch practices locally, and of the six invited only one had not submitted a tender.

BLB had prepared a summary of the relevant attributes of the bids, which ranged in value from £5,000 to £13,550, and recommendations. BLB's technical assessment showed that all were capable of carrying out the desired work to an acceptable level of competence,

having appropriately-qualified and experienced staff; and all held the appropriate insurance cover and satisfied the other requirements set out in the invitation to tender. The recommended contractor was also the lowest bid, and offered significant experience in the design of multi-purpose community buildings.

Members considered salient points of all the tenders, and explored details of the two lowest-cost submissions. They were confident that the recommended architects were an appropriate choice and agreed that these should be invited to prepare a minimum of two alternative designs, in outline, for presentation to the Working Party at a meeting to be held at the Community Centre, to allow contributions from stakeholders. Councillors were concerned that unsuccessful bidders would be appropriately thanked for their interest, and it was confirmed that they would be advised of the outcome of the tender process, with names and bid values dissociated to address any commercial sensitivity.

The Working Party accepted the bid from L A Architects Ltd, to provide architectural services (RIBA Plan of Works Stages 1 – 3) for the sum of £5,000.

Councillors noted that the Working Party would shortly address the need for a review of the condition of all Council buildings, and programme of inspections.

FC2016/98.4 The Minutes of the Buildings Working Party meeting held on 22nd February 2017 (*copy in minute book*) are noted.

FC2016/99

RETENTION of INTERNAL AUDITOR:

Members considered report FC015/2016 (*copy in the Minute Book*), which recommended retention of an Internal Auditor for the 2017/18 year, and explained that:

The Council is subject to a statutory audit regime defined by the Local Audit and Accountability Act 2014 and The Accounts and Audit Regulations 2015 (SI2015/234).

It was noted that the term *internal* auditor (IA) can be misleading, as this is an independent external consultant, commissioned direct by a Council – contrasting with *external* audit that, from April 2017, would be carried-out by a national sector-led body retained via the National Association of Local Councils. In earlier years this was by a contractor appointed by central government.

The IA has a role in reviewing the effectiveness of control measures that the council decides to put in place and Lewes Town Council had been consistently fortunate to retain the services of IA's who were extremely experienced in high-level local government financial management. The first was the (then) recently-retired Director of Finance at Wealden District Council. Following his untimely death in 2005, the Council had retained another professional, recently retired from an extended career with the District Audit Service (a division of the Audit Commission), who subsequently fully retired at the close of the 2010/11 account year.

Both the Society of Local Council Clerks (SLCC) and The Sussex & Surrey Associations of Local Councils (SSALC) maintained lists of “jobbing” internal auditors, but there was only one prospect registered who was considered to offer experience and qualifications appropriate to the work of a larger Parish: Mark Mulberry, of Mulberry & Co; a professional accountant and auditor who, coincidentally, manages SSALC's own finances and who also provides audit services to other larger councils in Surrey and Sussex. Mr Mulberry had acted as IA for Lewes Town Council since the 2011/12 financial year, and developed a thorough understanding of the particular operating environment.

Mr Mulberry is a Chartered Certified Accountant, Registered Tax Advisor; and Registered Auditor with a private practice based in Surrey. This had recently expanded with the acquisition of another practice, office premises, and experienced staff.

A practical plan for internal audit at Lewes was effected in two parts; the first concentrating on systems and procedures and the second on financial aspects. These were carried out in the autumn and spring respectively. As part of the process a written plan and other associated information were provided to ensure the council can fulfil its obligations. At the end of the process a comprehensive report was submitted to council.

Fees were charged based on time spent and, as members of SSALC, Lewes enjoyed a

50% discount off the normal commercial rate. In addition there was a small charge for travel cost but not for travel time. The fee was considered extremely reasonable; compared very favourably with other audit costs, and had not increased over the current year.

Consequently, **it was resolved that:**

FC2016/99.1 Mr Mark Mulberry, of Mulberry & Co Chartered Certified Accountants, Registered Auditors & Chartered Tax Advisers, 9 Pound Lane, Godalming, Surrey GU7 1BX is retained as Internal Auditor to Lewes Town Council for the 2017/18 financial year.

Cllr Burrows joined the meeting at this point

FC2016/100 ESCC FOSSIL FUEL DIVESTMENT:

Members considered a motion NOM010/2016 (*copy in minute book*) proposing that the Council call on administrators of the East Sussex Local Government Pension Fund to divest from fossil fuels. The proposal stated that investing in fossil fuels is financially risky. Many establishment figures are warning that fossil fuels could become the sub-prime assets of the future. The Governor of the Bank of England had warned that the vast majority of reserves are likely to be unburnable and had launched a major enquiry into this risk. Similarly, the President and the former Chief Economist of the World Bank and the UN's top climate change official had issued warnings that investments in fossil fuels could suffer dramatic losses in value. In 2015 HSBC advised its clients against investing in fossil fuel companies on the grounds that they will become "economically unviable."

It was stated that divestment removes exposure to these financial risks and sends a strong message to politicians and the industry that urgent change was needed as to how energy is generated and used. Organisations that had already joined a United Nations-backed divestment campaign include: the cities of Oslo, Seattle, San Francisco and Oxford; Glasgow University; the British Medical Association; the Rockefeller Brothers Fund; the World Council of Churches and the Quaker movement. More locally, Hastings Borough Council had passed a motion in favour of responsible investment and calling upon the ESCC Pension Fund to divest.

It was noted that a similar proposal had been submitted to the Pension Board in 2016 and that the Board had offered assurances that the issue of ethical investment for local government pension schemes was taken seriously, provided that divestment in such a manner did not interfere with the authority's fiduciary duties.

After some discussion **it was resolved that:**

FC2016/100.1 Lewes Town Council will call on both East Sussex County Council and East Sussex Pension Fund to divest from fossil fuels by developing and adopting responsible investment policies that take into account climate change by divesting from fossil fuel-based funds.

FC2016/100.2 Lewes Town Council will work with other District and town councils in East Sussex to lobby the ESCC Pension Fund Committee to adopt responsible investment policies.

FC2016/100.3 Lewes Town Council makes the following statement:

"Lewes Town Council supports a responsible investment policy that addresses serious climate change concerns by divesting from any funds that include fossil fuel public equities and corporate bonds within 5 years. It is concerned that the East Sussex Pension Fund in which LTC members of staff are enrolled has yet to address such a policy that would minimise climate change risk and reduce the council's carbon footprint."

FC2016/101 BUS SERVICES BILL:

Members considered a motion NOM011/2016 (*copy in minute book*) which described the draft Bus Services Bill, which was currently proceeding through parliament for consideration, and called for the council to lobby for the removal of a clause (Clause 21)

which would prohibit local authorities operating local bus companies. It was submitted that this was an unnecessary and ideological move that ignored contrary evidence, lacked public support and undermined localism. It was argued that there was no evidence base for it.

There were twelve local authority-run bus companies in the UK, which provided some of the best bus services in the country. Reading Buses and Nottingham City Transport had won the accolade “Bus Operator of the Year” in four of the last five years.

In terms of the stated objectives of the Bus Services Bill – increasing passenger numbers and improving quality – it was clear that council-run bus companies were more than able to help achieve those objectives. Nottingham and Reading had the second and third highest journeys per head outside London. Prior to 2014, Nottingham increased passenger numbers 13 years in a row. Nottingham City Transport and Reading Buses also delivered in terms of quality, environmental standards and innovation. This combination had led to numerous awards. Much of this had been made possible by maintaining high levels of investment, even through the recession, and by offering a sensibly integrated transport policy through strong partnerships with the local authority.

Whilst financial constraints might realistically prevent the establishment of a new public bus company, the evidence suggested that councils should at least be legally free to consider following the successful footsteps of Nottingham and Reading.

The campaign group ‘We Own It’ had commissioned polling on Clause 21. Across the political spectrum people were opposed to this sort of arbitrary ban on council powers – regardless of the extent to which they exercise them. Most respondents would also like to see more public ownership of buses. Clause 21 would prevent this option even being considered by councils – however well-placed they may be to assist in the provision of effective services.

The government professed a commitment to localism and devolution. This was enshrined in the 2011 Localism Act which gave more power to councils to provide services unless other laws explicitly prevent them from doing so. It was suggested that ideology should not get in the way of effective service provision.

TC explained that: since publication of the meeting agenda the previous week, the second reading of the draft Bill in the House of Commons had been scheduled and had actually taken place the previous day, with the Secretary of State for Transport reportedly adamant in his support for retention of Clause 21. A date was now to be set for consideration by the Public Bills Committee.

There followed some debate and consequently **it was resolved that:**

FC2016/101.1 Lewes Town Council will call for the omission of Clause 21 from any final legislation arising from The Bus Services Bill 2016-17

FC2016/101.2 The Council will ask Maria Caulfield MP to oppose clause 21 when the Bus Services Bill reaches the House of Commons and ask her to raise concerns about Clause 21 when the Bus Services Bill is considered by the Parliamentary Public Bill Committee.

FC2016/102 UPDATE ON MATTERS IN PROGRESS

a) Assembly Room/Corn Exchange roof repairs: The Assembly Room roof work was now complete, and scaffold was removed from Fisher Street. The structure was being re-erected for the Corn Exchange although agreement was still pending from the estates management representatives for neighbouring Barclays Bank, which would allow the full framework to be completed.

b) Town Hall Boiler: Following the replacement of the flue, the boiler system had been recommissioned and was working satisfactorily, albeit with the caveats expressed at the previous meeting insofar as the system should be considered to be approaching the end of its service life. Discussions with Lewes District Council building services officers suggested that they were actively considering options for the future use of 4 Fisher Street, which currently shared the Town Hall heating system, and they were likely to equip the

building with a self-contained system when any alterations were carried-out. This would mean that any replacement for the Town Hall could be of a lesser capacity and therefore likely to be cheaper than the existing units.

c) Devolution of land by Lewes District Council: TC had recently met with Rob Cottrill, the Chief Executive of Lewes District Council, and Alan Osborne, LDC's Finance Director. Agreement had been reached on the recommencement of legal work to conclude transfer of Malling Recreation Ground and the 50% LDC share of Landport Bottom. Shortly afterward LDC's legal department had contacted the Council's solicitor with revised documents, and it was hoped that final agreement might be reached in a few weeks. In answer to a Councillor's question, TC briefly recounted the history of the devolution process, and prior decisions of the Council to consider ownership of any of the parks and open spaces within the town. For practical reasons this was to proceed in tranches, and these two sites comprised the first. Any further tranches would be subject to detailed consideration by Council before proceeding. As an aside: the Council's long-standing interest in 2 Fisher Street and the Market Tower had been explained to Mr Cottrill, and the principle of 'first-refusal' had been accepted, should either be considered for disposal by LDC.

FC2016/103 NOTICE of ITEMS IN PROSPECT

- a) Public consultation (2nd round) drop-in events re. play & recreation improvements at Malling Recreation Ground and The Pells would be held:
 - a. St John's Hall, Talbot Terrace, Friday 3rd March 12:00pm-6:00pm
 - b. Malling Community Centre, Saturday 4th March 10:00am-2:00pm

The joint working group was to meet on 21st March to assess responses.

- b) Communications Working Party would next meet on Monday 6th March at 9:15am (to receive web provider presentations)
- c) The next Members' Surgery was scheduled for Tuesday 7th March – 10:00am – 12:00pm in the Corn Exchange – Cllr Ashby agreed to attend.
- d) Landport Bottom Joint Management Committee was scheduled to meet at 11:00am on Wednesday 8th March, at Southover House.
- e) A liaison meeting with the Friends of Lewes would be held at 2:00pm on Friday 17th March in the Yarrow Room
- f) The next Planning Committee would take place on Tues 21st March at 7:00pm
- g) The next Council meeting would be on Thursday 6th April, with a deadline for agenda items to reach TC by noon on Monday 27th March.
- h) The Municipal calendar for 2017/18 would be considered at the next Council meeting.
- i) Meetings to be arranged were: Buildings W/Pty; Admin Review W/pty; All Saints Steering Group.

There being no further business the Mayor closed the meeting

The meeting ended at 8:30pm

Signed:

Date: