



Lewes District Council

## Devolution Committee

**Minutes** of a meeting of the **Devolution Committee** held in the **Telscombe Room, Southover House, Southover Road, Lewes** on **Tuesday 9 December 2014** at 10.00am.

### Present:

Councillors P F Gardiner (Chair on Election), D Gray, J M Harrison-Hicks, C S Lambert, A X Smith and J Stockdale.

### Also Present:

A Blanshard, Committee Officer  
C Knight, Assistant Director of Corporate Services  
J Magness, Director of Finance  
P Morris-Jones, Graduate Intern

	Minutes	Action
<b>1</b>	<b>Election of Chair</b>  <u>Resolved:</u>  <b>1.1</b> That Councillor Gardiner be elected Chair of the Committee for the municipal year 2014/15.	
<b>2</b>	<b>Apologies for Absence/Declaration of Substitute Councillors</b>  Apologies for absence had been received from Councillor A Dean. Councillor J Stockdale declared that he was substituting for Councillor Dean.	
<b>3</b>	<b>Minutes</b>  <u>Resolved:</u>  <b>3.1</b> That the minutes of the Devolution Committee held on 23 July 2007 be approved as a correct record and signed by the Chair.	
<b>4</b>	<b>Declaration of Interests</b>  Councillors declared that they were members of Town Councils as follows:	

Councillor Stockdale, Lewes Town Council;

Councillors Harrison-Hicks and Smith, Peacehaven Town Council;

Councillor Smith, Telscombe Town Council.

## **5 Devolution of Open Spaces to Town and Parish Councils**

The Committee considered Report No 184/14 which outlined the progress of devolution requests from Town and Parish Councils and set out a timetable for the completion of the devolution process.

The Director of Finance explained to the Committee that he had prepared a blueprint for the devolution process that would enable any Councillor or Officer to continue the process following the local elections in May 2015. He informed the Committee of the background to the devolution of assets. The Special Expenses charge for open spaces and recreation areas had been a key driver generating discussions on devolution with Town and Parish Councils. A list of all sites subject to Special Expenses was contained at Appendix E to the Report. All eight Town and Parish Councils where Special Expenses charges applied had expressed an interest in the potential transfer of sites within their area.

The Director of Finance explained that the annual budget and precept setting cycle significantly influenced the timing of any transfers. The work required for devolution included due diligence, Council approvals and legal freehold completion. These needed to complement the budget timetables of both the District and Town/Parish Councils. The ideal annual cut-off date for transferring freehold ownership would be the end of November to avoid uncertainty for both parties. The reason for this was that Town/Parish Councils would not want to include provision in their precept if they were unsure of asset ownership in the coming year. The District Council would not want to omit an item from its Special Expense budget if the transfer did not then proceed.

The Assistant Director of Corporate Services explained to the Committee that Brighton and Hove City Council had been enlisted to assist with the legal work. There were over 40 sites being looked at and this was being done in prioritised stages, the reports for which would be delivered when complete. There was a large amount of work involved for each of the sites. Each report included:

- Obtaining Land Registry official copies of the title register and checking their contents;
- Extracting documents still of relevance to the title from deed packets and checking their contents; and
- Producing a written report, with appropriate annexed documents.

These reports would not contain copies of pre-exchanges searches such as

local land searches, local authority searches, drainage and water authority enquiries, environmental data or flood searches. These would be the responsibility of the solicitors to the Town/Parish Council and obtained at the expense of the Town/Parish Council. These reports would be provided to Town/Parish Clerks to enable them to assess the implications for their Council. It was expected that the majority of Town and Parish Councils would have made their assessment of devolution proposals by 31 March 2015 and be in a position to confirm their decision.

The Assistant Director of Corporate Services reminded the Committee that it had been resolved at Council that there would be monthly updates provided on each stage.

The Director of Finance drew the Committee's attention to Appendix B of the Report which set out a guidance note and template that District Council Officers had drawn up to assist Town/Parish Clerks in the assessment of the implications of devolution for their Councils.

The Director of Finance then informed the Committee that the first phase of devolution proposals for consideration were shown in section 9 of the Report. The reports for two of Lewes Town Council's sites, namely Landport Bottom and Malling Recreation Ground, had been completed and the Ringmer Parish Council Forges site was in the first phase of reports to be produced. He explained that if the Committee decided to recommend the devolution of these sites to Cabinet, then he would share the reports for these with the relevant Clerks following the meeting.

The Director of Finance circulated two plans of the Malling Recreation Ground, labelled Plan A and Plan B, copies of which are contained in the Minute Book. He explained to the Committee that the actual area of each site did not always match perceptions of a site. It was important that the District Council knew the expectations of the Town/Parish Council of the land to be transferred. The difference between Plan A and Plan B demonstrated this. Plan A showed the land that Lewes Town Council wanted transferred, Plan B showed the full area of land that was proposed for devolution.

A discussion followed during which members expressed how important it was for both parties involved to actually see the land subject to devolution. In principle, the Committee expressed the view that it would be preferable to devolve the whole of each site, however it was important to take into account the wishes of each Town/Parish Council and to let them lead discussions. It was agreed that the ideal situation would be that, at the end of the process, all land was devolved and that the District Council was not left with odd parcels which might become unmanageable and therefore a future financial burden for the District. However, as this was a rolling programme, it was not essential for all land to be devolved at the same time. The Director of Finance explained that there were other sites with similar issues and he proposed that copies of each plan be brought to the next meeting of the Devolution Committee so that these issues could be

addressed.

The Committee agreed that the process would be driven by the Town and Parish Councils, but that they would appreciate clarity on how the District Council might share information and due diligence with the relevant authorities.

The Director of Finance then outlined the proposed devolution of the Landport Bottom site. He explained that this would be much simpler, as it was currently under the joint ownership of Lewes District and Lewes Town Council. This would involve us transferring our 50% share to the Town Council. The Committee asked if there were any financial reserves held by the District Council in respect of Landport Bottom. The Director of Finance explained that, if there were, this would be subject to separate discussions to the devolution of the land.

The Director of Finance circulated plans of the Forges site at Ringmer, a copy of which is contained in the Minute Book. He informed the Committee that the proposal was to devolve all those areas highlighted in green. The Committee was informed that Ringmer Parish Council intended to take on the maintenance of the site as it had its own in-house maintenance team. The Director of Finance explained that if the Committee recommend to Cabinet to accept the devolution, the Council would proceed as soon as it had confirmation from Ringmer Parish Council.

The Assistant Director of Corporate Services explained to the Committee how the Grounds Maintenance arrangements which had been discussed by Cabinet would integrate with devolution. She advised that the Contractor was aware that the contract might vary in size and that land could be either withdrawn or added to the contract. She also advised the Committee that it was important to be aware that any changes that might be made would not affect the material nature of the contract. Both Town Clerks and the Contractor were fully aware of this.

The Director of Finance drew the Committee's attention to section 10.4 of the Report which highlighted that the District Valuer had been instructed to provide a commentary on the proposal to transfer assets at a nil value. He informed the Committee that this was an essential administrative point and that the precedent for the devolution discussions was to conduct the transfers at nil value for retention of existing use, but there will be an overage clause to cover change in use. The commentary from the District Valuer was a useful record, but the Council was permitted to proceed without it.

During the consideration of the Report, the Committee established several points of interest that they required more information on, these included matters of reserves and sharing of site surveys. It was requested that the Director of Finance present a report containing details on this to a future meeting of the Devolution Committee and that the meeting be held as soon as possible.

Resolved:

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| <p><b>5.1</b> That the progress on devolution, since the introduction of Special Expenses, be noted;</p> <p><b>5.2</b> That the Devolution Committee recommends to Cabinet the devolution of Landport Bottom and Malling Recreation Ground, as shown on Plan A, to Lewes Town Council during 2014/2015;</p> <p><b>5.3</b> That the Devolution Committee recommends to Cabinet the devolution of the Forges site at Ringmer to Ringmer Parish Council during 2014/2015;</p> <p><b>5.4</b> That the Devolution Committee recommends to Cabinet that no Special Expenses should apply in 2015/2016 in respect of Landport Bottom, Malling Recreation Ground and the Forges at Ringmer;</p> <p><b>5.5</b> That the Director of Finance be requested to present a report containing details on matters relating to financial reserves, sharing of site survey information, and further information on each site to a future meeting of the Devolution Committee; and</p> <p><b>5.6</b> That the next meeting of the Devolution Committee be arranged for January 2015 and quarterly thereafter to oversee the progress of remaining sites in the devolution process.</p> <p><b>6 Date of Next Meeting</b></p> <p><u>Resolved:</u></p> <p><b>6.1</b> That the next meeting of the Devolution Committee will be held in January 2015 on a date yet to be confirmed.</p> | <p></p> <p>CO</p> <p>CO</p> <p>CO</p> <p>DoF</p> <p>CO</p> <p></p> <p></p> <p>CO</p> |
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The meeting ended at 11.16am

P F Gardiner  
Chair