

## Devolution Committee

**Minutes** of a meeting of the **Devolution Committee** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Tuesday 27 January 2015** at 10.00am.

### **Present:**

Councillors P F Gardiner (Chair), D Gray, J M Harrison-Hicks, E C Merry, A X Smith and J Stockdale.

### **Also Present:**

Z Downton, Committee Officer  
J Magness, Director of Finance  
M Reynard, Head of Legal Services

	<b>Minutes</b>	<b>Action</b>
<b>7</b>	<p><b>Minutes</b></p> <p>That the minutes of the Devolution Committee held on 9 December 2014 be approved as a correct record and signed by the Chair.</p> <p>The Director of Finance clarified some matters raised by the Committee under Minute No 5. He advised that the Committee would be better placed to discuss further the question of whether all the land should be devolved at the same time after consideration of each site map, which formed part of his Report (No 15/15) being presented to the meeting. He explained that an update on the site for devolution at The Forges, Ringmer was also contained within his Report. In response to a query in relation to overage clauses as part of the devolution process, the Head of Legal Services explained that they would be carried out on a transaction by transaction basis for each site.</p>	
<b>8</b>	<p><b>Apologies for Absence</b></p> <p>Apologies for absence had been received from Councillors C S Lambert and B M Warren. Councillor Merry declared that she was substituting for Councillor Warren.</p>	
<b>9</b>	<p><b>Declaration of Interests</b></p> <p>It was noted that some members of the Committee were also members of Town Councils within the District.</p>	

## 10 Urgent Items

The Chair advised that it had been agreed, in accordance with Section 100B(4)(b) of the Local Government Act 1972, that Report No 15/15 entitled 'Devolution of Open Spaces to Town and Parish Councils' be considered as a matter of urgency in order that the Committee could take its decisions based on the most up to date information.

## 11 Devolution of Open Spaces to Town and Parish Councils

The Committee considered Report No 15/15 which provided information on matters raised at the last meeting of the Committee held on 9 December 2014, and that required further consideration.

The Director of Finance highlighted those points identified as follows:

- Provision of site plans for the remaining open space sites.
- How the District Council might share information and due diligence with the relevant authorities, including site surveys.
- Any reserves and balances that might be considered for transfer with devolved assets.

Appendix A of the Report showed the individual site plans for open spaces that were subject to Special Expenses. The Committee considered each site plan and whether there were any reasons why the sites or part of any site should not be considered as suitable for negotiation for devolution to Town/Parish Councils. It was noted that the site plans for Seaford had been excluded at this point in time as the Town Clerk had advised the Director of Finance that Seaford Town Council's resources were committed to delivering existing projects.

The Director of Finance drew the Committee's attention to the updates made to Appendix A which were tabled at the meeting, a copy of which is contained in the Minute Book and appended to these Minutes. He highlighted that the Meeching Down Open Space site was a strategic site to be retained by the Council and not for potential devolution. The Committee's attention was also drawn to the site plan for West Quay (North) Open Space, Newhaven, to be included as part of Appendix A which had been omitted from the agenda papers previously circulated.

The Committee noted that the boundaries for each site highlighted in red were at this stage in principle and that any queries relating to the exact boundary details would be resolved further along the devolution process.

The Committee made the following additional observations and comments regarding certain site plans:

- **Castle Hill, Newhaven** (pages 34 and 35 of the Agenda). The Committee suggested that a larger scale map of the site on page 35

would provide a clearer indication of the exact boundaries. The Director of Finance responded that he would bring this to the next meeting of the Committee.

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- **Telscombe Cliff Tops, Telscombe** (pages 42 – 45 of the Agenda). The Head of Legal Services explained that after transfer of the land through devolution, the legal powers for coastal protection including those relating to cliff erosion would remain with Lewes District Council as a statutory coast protection authority. He further explained that general maintenance, such as fence repairs, would become the responsibility of the Town Council. In response to a councillor's question, he assured the Committee that after devolution, the Council's rights of access to the land to carry out its statutory powers in relation to coastal protection would not be affected. He added that a coast protection authority could acquire rights of passage for facilitating coast protection work by agreement or compulsorily, so all necessary rights could be reserved in the land transfer.
- **Aquila Park, Seaford** (page 47 of the Agenda). The Committee noted that the location of the site plan should read Seaford and not Peacehaven.

Section 4 of the Report outlined the due diligence process whereby each party to a commercial transaction would undertake its own diligence to ensure that all facts were established and understood before deciding whether to conclude a transaction. The Committee noted that this was a standard procedure expected to be followed by each authority. The Director of Finance highlighted that in order to assist Town/Parish Clerks, information held by the District Council could be shared with them in order to provide a better understanding of each site to be considered for transfer. That information would include any asset management plans and details of expenditure incurred in recent years on maintenance and repairs.

The Director of Finance highlighted paragraph 4.5 of the Report which asked for the Committee's views on the possibility that requests may arise during the devolution discussions whereby the District Council was asked to contribute towards or fully fund site survey costs, or provide indemnity should liabilities arise at a future point following transfer of land site. A discussion followed on the potential costs of surveys and whether the District Council potentially had funding available, the type of surveys and the expectations of Town/Parish Councils on these matters.

The Director of Finance explained, as detailed under Section 5 of the Report, that there were some reserves and developer contributions held within the Council's accounts that could be considered as part of a devolution package. Appendix B listed balances of the developer contributions accounts as at 20 January 2015. The Committee suggested it would be appropriate for the transfer of those site specific reserves and balances to be considered, particularly as a precedent for such

consideration had been set during previous phases of devolution to Seaford Town Council. The transfer of uncommitted developer contributions and reserves would be dependent upon a Town/Parish Council taking on devolution of a complete package for their locality.

The Head of Legal Services drew the Committee's attention to the statutory duty of the Council, as imposed by Section 123 of the Local Government Act 1972, to advertise proposed disposals and consider any objections before a decision was made as to whether or not to dispose of the land, as set out in paragraph 7.3 of the Report. Section 123 applied to disposals from one authority to another. He explained that a two week notice period applied. The Committee responded that immediate action should therefore be taken to prepare the necessary notices in respect of the first phase of devolution proposals for consideration relating to the sites at Landport Bottom, Lewes, Malling Recreation Ground, Lewes and The Forges, Ringmer. The Director of Finance undertook to action the Committee's request through the Lead Councillor decision route, in advance of Cabinet's normal consideration of the Minutes of the meeting.

During the course of the meeting the Committee considered and discussed Appendix D of the Report which related to confidential legal advice on the devolution of open spaces to Town and Parish Councils. Members suggested that covenants be imposed on transfers to restrict the use of the land to public open space.

Resolved:

- 11.1** That the Devolution Committee recommends to Cabinet the following regarding each site plan for consideration for devolution to Town/Parish Councils, as set out in Appendix A of Report No 15/15:
- i. Barons Down, Lewes** (page 7 of the Agenda). Suitable for negotiation;
  - ii. Bell Lane Recreation Ground and tree band, Lewes and Bell Lane Play Area, Lewes** (pages 8 and 9 of the Agenda). Suitable for negotiation;
  - iii. Jubilee Gardens, Lewes** (page 10 of the Agenda). Suitable for negotiation;
  - iv. Lewes Library, Lewes** (page 11 of the Agenda). Suitable for negotiation, subject to clarification by the Director of Finance that the site is part of the Grounds Maintenance contract 'Special Expenses';
  - v. Landport Bottom, Lewes** (pages 12 – 17 of the Agenda). Suitable for negotiation;
  - vi. Lewes Railway Land, Lewes** (pages 18 – 20 of the Agenda).

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- Suitable for negotiation;
- vii. **Malling Railway Cutting, Lewes** (pages 21 – 22 of the Agenda). Suitable for negotiation;
  - viii. **Southover Gardens (excluding depot), Lewes** (page 23 of the Agenda). Suitable for negotiation;
  - ix. **Southover Gardens (including depot), Lewes** (page 24 of the Agenda). Not suitable for negotiation, due to operational purposes relating to the use of the depot;
  - x. **The Gallops, Lewes** (page 25 of the Agenda). Suitable for negotiation. (The Head of Legal undertook to try and determine the connectivity issues with the highlighted boundary to the left of the identified site with the land at Landport Bottom);
  - xi. **Timber Yard Lane Play Area, Lewes** (page 26 of the Agenda). Suitable for negotiation;
  - xii. **Valence Road, Lewes** (page 27 of the Agenda). Suitable for negotiation;
  - xiii. **Waite Close, Lewes** (page 28 of the Agenda). Suitable for negotiation;
  - xiv. **Stanley Turner Recreation Ground, Lewes** (Pages 29 and 30 of the Agenda). Suitable for negotiation, but requires land ownership clarification on whether the Trust owns all of the site identified for devolution or if Lewes District Council owns any part thereof;
  - xv. **Convent Field, Lewes** (page 31 of the Agenda). Suitable for negotiation, subject to the extension of the site boundary to include the Dripping Pan (football ground) area;
  - xvi. **The Paddock Play Area, Lewes** (page 32 of the Agenda). Suitable for negotiation;
  - xvii. **Avis Road Recreation Ground/Drove Park/Denton Recreation Ground, Newhaven** (page 33 of the Agenda). Suitable for negotiation;
  - xviii. **Castle Hill, Newhaven** (pages 34 and 35 of the Agenda). Suitable for negotiation;
  - xix. **Court Farm Road, Newhaven** (page 36 of the Agenda). Suitable for negotiation;
  - xx. **West Quay, Newhaven** (page 37 of the Agenda). Suitable for

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- negotiation;
- xxi. **West Quay (North) Open Space, Newhaven** (as set out under the updated Appendix A, a copy of which is contained in the Minute Book and appended to these Minutes). Suitable for negotiation;
  - xxii. **Riverside Park, Newhaven** (page 38 of the Agenda). Suitable for negotiation;
  - xxiii. **Valley Road/Parkour Play Area, Newhaven** (page 39 of the Agenda). Suitable for negotiation;
  - xxiv. **Eastside Recreation Ground, Newhaven** (page 40 of the Agenda). Suitable for negotiation;
  - xxv. **Fort Road Recreation Ground, Newhaven** (page 41 of the Agenda). Suitable for negotiation;
  - xxvi. **Telscombe Cliff Tops, Telscombe** (pages 42 – 45 of the Agenda). Suitable for negotiation;
  - xxvii. **Telscombe Playing Fields, Telscombe** (page 46 of the Agenda). Suitable for negotiation;
  - xxviii. **Aquila Park, Seaford** (page 47 of the Agenda). Suitable for negotiation;
  - xxix. **Firle Road Walkway, Peacehaven** (page 48 of the Agenda). (Clarification to be sought by the Head of Legal that the square section north of Pelham Rise on the site map is not owned by Lewes District Council);
  - xxx. **Lake Park, Peacehaven** (page 49 of the Agenda). Suitable for negotiation. (Subject to confirmation that the site is part of the General Fund and not the Housing Revenue Account Fund);
  - xxxi. **Meridian Park, Peacehaven** (page 50 of the Agenda). Suitable for negotiation;
  - xxxii. **Peacehaven Cliff Tops, Peacehaven** (pages 51 – 55 of the Agenda). Suitable for negotiation;
  - xxxiii. **The Martlets, South Chailey Play Area, Chailey** (page 56 of the Agenda). Suitable for negotiation;
  - xxxiv. **The Forges, Ringmer** (page 57 of the Agenda). Suitable for negotiation;
  - xxxv. **The Malthouse, Cooksbridge Play Area, Hamsey** (page 58 of the Agenda). Suitable for negotiation;

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Legal

11.2	That the Devolution Committee recommends to Cabinet that <b>Malling Recreation Ground, Lewes</b> , as part of the first phase of sites for devolution, and which had been omitted from the site plans as set out in Appendix A to Report No 15/15, be included for consideration for devolution as suitable for negotiation;	CO (DF to note)
11.3	That the Devolution Committee recommends to Cabinet that Lewes District Council should not fully fund or contribute towards site survey costs arising from the devolution process, unless for special reasons, then consideration be made only on a case by case basis, as raised under paragraph 4.5 of Report No 15/15;	CO (DF to note)
11.4	That the Devolution Committee recommends that Cabinet notes that Lewes District Council does not anticipate providing an indemnity should liabilities arise at a future point following transfer of sites by devolution, as raised under paragraph 4.5 of Report No 15/15;	CO (DF to note)
11.5	That the Devolution Committee recommends that Cabinet be minded to consider the transfer of site specific reserves and developer contributions held within Lewes District Council's accounts as part of a devolution package, as detailed under Section 5 and Appendix B of Report No 15/15; and	CO (DF to note)
11.6	That the Director of Finance be requested to take immediate action to issue the necessary statutory notices, under Section 123 of the Local Government Act 1972, relating to the Council's intention to dispose of the first phase sites of devolution proposals for consideration, namely at <b>Landport Bottom, Lewes, Malling Recreation Ground, Lewes and The Forges, Ringmer</b> , and to ask the appropriate Lead Member to exercise delegated powers in accordance with the Council's Constitution.	DF/ADCS
<b>12 Date of Next Meeting</b>		
<u>Resolved:</u>		
12.1	That the next meeting of the Devolution Committee be held in June 2015, exact date to be confirmed.	<b>All to note/CO</b>

The meeting ended at 12.25pm

P F Gardiner  
Chair

## Appendix A

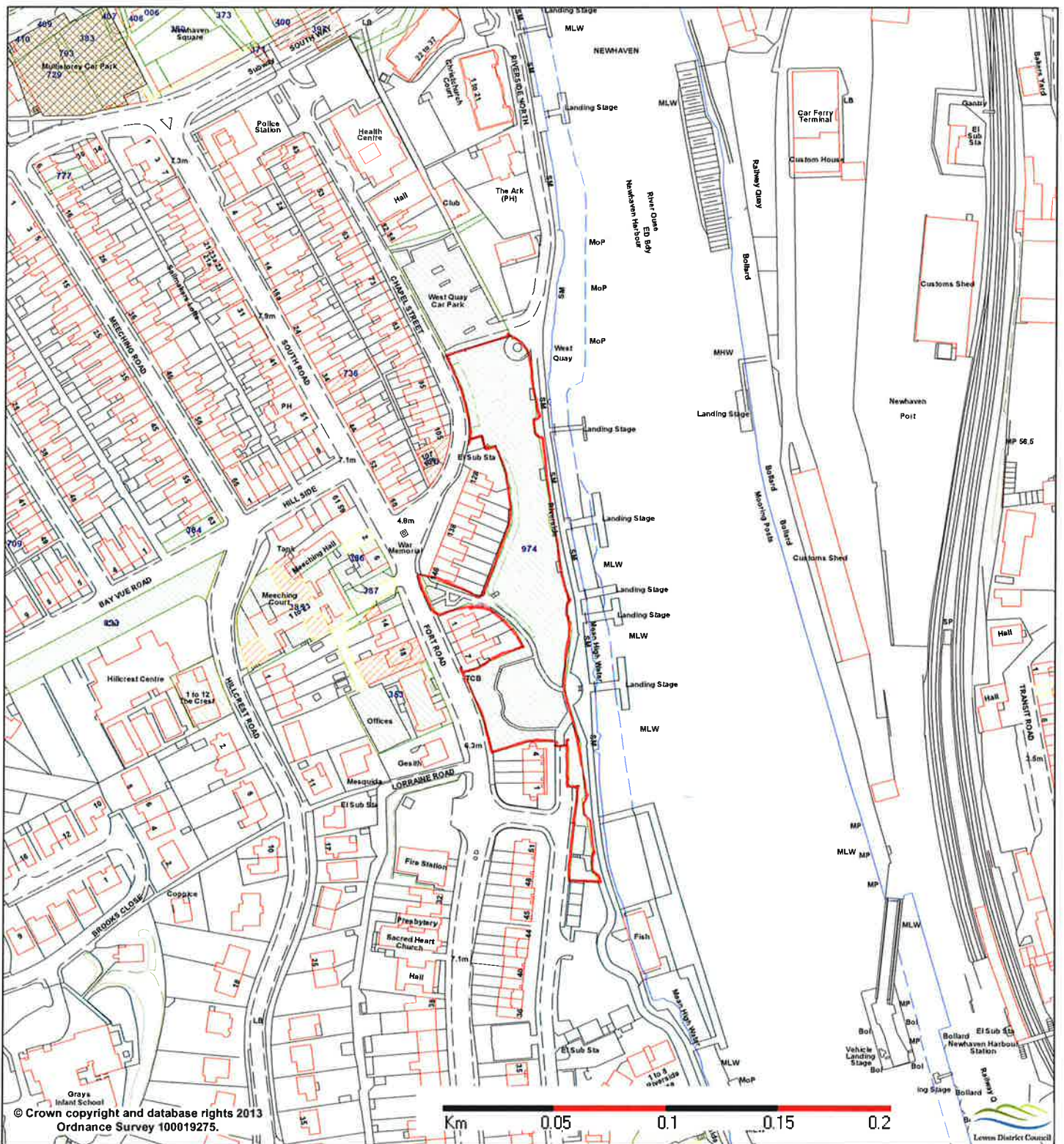
Site Name	Town	Comments
Barons Down	Lewes	To be transferred.
Bell Lane	Lewes	To be transferred.
Castle Banks	Lewes	Grounds maintenance as part of agreement with land-owner (not LDC land)
Grange Road	Lewes	To be transferred.
Jubilee Gardens	Lewes	To be transferred.
Landport Bottom	Lewes	To be transferred.
Lansdown Place	Lewes	To be transferred.
Lewes Library Site	Lewes	Part transferred (land retained as strategic footprint).
Lewes Railway Land	Lewes	To be transferred.
Malling Railway Cutting	Lewes	To be transferred.
Malling Street	Lewes	Grounds maintenance as part of agreement with land-owner (not LDC land)
Phoenix Causeway/Little East Street	Lewes	Grounds maintenance as part of agreement with land-owner (not LDC land)
Southover Grange Gardens	Lewes	To be transferred.
The Gallops	Lewes	To be transferred.
Timberyard Lane	Lewes	To be transferred.
Valence Road	Lewes	To be transferred.
Waite Close	Lewes	To be transferred.
Watergate Lane	Lewes	Grounds maintenance as part of agreement with land-owner (not LDC land)
Lewes Skate Park	Lewes	To be transferred (part of Malling Rec site).
Malling Rec	Lewes	To be transferred.
Stanley Turner	Lewes	To be transferred.
Convent Field	Lewes	To be transferred.
The Paddock	Lewes	Leased land from ESCC (lease to be transferred).
Avis Road Rec	Newhaven	To be transferred.
Castle Hill	Newhaven	To be transferred.
Court Farm Road Island	Newhaven	To be transferred.
Denton Island	Newhaven	Strategic site to be retained.
Drove Park	Newhaven	To be transferred.
Huggets Green (West Quay)	Newhaven	To be transferred.
Meeching Down Open Space	Newhaven	Strategic site to be retained.
Newhaven Town Centre	Newhaven	Grounds maintenance as part of agreement with land-owner (not LDC land)
Riverside Park	Newhaven	To be transferred.
Valley Road/Parkour	Newhaven	To be transferred.



## Appendix A


West Quay (South) Open Space	Newhaven	To be transferred.
Denton Rec	Newhaven	To be transferred
Eastside Rec	Newhaven	To be transferred.

Fort Road Outdoor Gym	Newhaven	To be transferred.
Fort Road Rec	Newhaven	To be transferred.
Fort Road Skate Park	Newhaven	To be transferred.
Fairlight Avenue	Telscombe	Strategic site to be retained.
Telscombe Cliff Tops	Telscombe	To be transferred.
Firle Road Walkway	Peacehaven	To be transferred.
Lake Park	Peacehaven	To be transferred.
Meridian Park	Peacehaven	To be transferred.
Peacehaven Cliff Tops	Peacehaven	To be transferred.
The Martlets	Chailey	To be transferred.
The Forges	Ringmer	To be transferred.
The Malthouse, Cooksbridge	Hamsey	To be transferred.




Lewes District Council  
www.lewes.gov.uk

Estates & Valuation  
Services

West Quay (North) Open Space Newhaven			N 
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