



## Lewes District Council

### To all Members of the Devolution Committee

A meeting of the **Devolution Committee** will be held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Tuesday, 27 January 2015** at **10:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

23/01/2015

Catherine Knight  
Assistant Director - Corporate Services

### Agenda

- 1 Minutes**  
To approve the Minutes of the Meeting held on 9 December 2014 (copy previously circulated)
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**  
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct
- 4 Urgent Items**  
Items which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972
- 5 Written Questions from Councillors**  
To deal with written questions from councillors pursuant to Council

Procedure Rule 11.3 (page D8 of the Constitution)

**6 Devolution of Open Spaces to Town and Parish Councils - Report**

**7 Exclusion of the Public and Press**

To consider, under Section 100(A) of the Local Government Act 1972 (as amended), excluding the public and press from the meeting during the discussion of Appendix D to Report No 15/15 entitled 'Devolution of Open Spaces to Town and Parish Councils' on this Agenda as there are likely to be disclosures of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act (ie information relating to the financial or business affairs of any particular person (including the authority holding that information)).

**Devolution of Open Spaces to Town and Parish Councils - Appendix D Exempt**

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

**8 Date of Next Meeting**

That the next meeting of the Devolution Committee will be called as necessary

For further information about items appearing on this Agenda, please contact Zoe Downton at Southover House, Southover Road, Lewes, East Sussex BN7 1AB. Telephone 01273 471600

**Distribution:** Councillors P F Gardiner, D Gray, J M Harrison-Hicks, C S Lambert, J Stockdale, A X Smith and B M Warren

**Agenda Item No:** 6 **Report No:** 15/15  
**Report Title:** Devolution of Open Spaces to Town and Parish Councils  
**Report To:** Devolution Committee **Date:** 27 January 2015  
**Cabinet Member:** Councillor Andy Smith  
**Ward(s) Affected:** All  
**Report By:** John Magness, Director of Finance  
**Contact Officer(s)-**

**Name(s):** John Magness  
**Post Title(s):** Director of Finance  
**E-mail(s):** [John.magness@lewes.gov.uk](mailto:John.magness@lewes.gov.uk)  
**Tel No(s):** 01273 484467

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#### **Purpose of Report:**

To provide information on matters raised at the last December meeting, that require further consideration.

#### **Officers Recommendation(s):**

- 1 That the Devolution Committee gives further consideration to the matters identified at the last meeting.
  - 2 That the Devolution Committee makes recommendations to Cabinet.
- 

#### **Reasons for Recommendations**

- 1 At its meeting on 9 December 2015 the Committee identified several points for further consideration
- 2 **Information**
  - 2.1 The areas highlighted for further consideration following the last meeting were:
    - 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

### **3 Provision of Site Plans**

- 3.1** Site plans for the open spaces subject to Special Expenses are attached at Appendix A.
- 3.2** The Committee is requested to consider if there are reasons why the sites or part of any site should not be considered for devolution to Town/Parish Councils.
- 3.3** The site plans for Seaford have been excluded at this point in time because the Town Clerk has advised that the Town Council's resources are committed to delivering existing projects.

### **4 The due diligence process.**

- 4.1** Each party to a commercial transaction will undertake its own diligence to ensure that all facts are established and understood before deciding whether to conclude a transaction. Each party needs to make its own assessment because there will be factors unique to each party that will affect the decision whether to proceed.
- 4.2** Whilst Lewes District Council cannot carry out the due diligence process for a Town/Parish Council, a framework was prepared and circulated to the Town/Parish Clerks last year. The Committee considered this at its last meeting.
- 4.3** In order to assist Clerks further, information held by the District Council can be shared with them in order to provide a better understanding of each site to be considered for transfer. This would include any asset management plans and details of expenditure incurred in recent years on maintenance and repairs.
- 4.4** There will be specific sites with unique circumstances that need to be taken into account. For example, one of the Newhaven open space sites is a former landfill site. In this instance any files held by the District Council can be shared with the Town/Parish Council.
- 4.5** Requests may arise during the devolution discussions where the District Council is asked:
  - to fully fund or contribute towards site survey costs.
  - to provide an indemnity should liabilities arise at a future point following transfer

The Committee may wish to provide Cabinet with its views on such requests.

### **5 Reserves and Balances**

- 5.1** There are some reserves and developer contributions held within the Council's accounts that could be considered as part of a devolution package.



- 5.2** The previous phases of devolution to Seaford Town Council provide a precedent for considering the transfer of site specific reserves and balances and to whether any other time limited financial support would be appropriate in specific circumstances.
- 5.3** Appendix B sets out all of the Developer Contributions for the whole District; currently received and accounted for within the Council's financial accounts. The list is sorted by the site that generated the contribution. The listing shows the purpose of the contribution and whether it is due for payment to the District Council or to East Sussex County Council.
- 5.4** Often there are triggers in Developer Agreements that specify when payments become due e.g. on large housing developments the trigger may be after occupation of "x" homes. Please note that contributions due but not received, are excluded from this list. It is a specific list of the balances in the Council's accounts. The majority of these contributions have been allocated for use to specific projects.
- 5.5** Within the Council's earmarked reserves there are two amounts held for specific open space areas:
- £41,000 is held for Southover Grange Gardens, Lewes, and
  - £48,000 is held for the West Quay areas in Newhaven.
- 5.6** The only other specific reserve is that funding play equipment renewal across all sites. The reserve receives an annual contribution of £10,000 and the reserve balance at April 2015 is estimated to be £78,000.
- 5.7** Any uncommitted source of time limited funding in the budget could also be used to facilitate the devolution process. In recent years there has been such provision in the annual estimates. The November 2014 Medium term Finance Update to Cabinet indicated a provisional amount of £110,000 for 2015/2016.

## **6 Financial Appraisal**

- 6.1** Already referred to in the above paragraphs.

## **7 Legal Implications**

- 7.1** Reports on title will be prepared for all sites covered by special expenses, should Towns and Parishes wish to accept devolution. The first phase of this work covers sites in Lewes, Newhaven, Ringmer and Hamsey. The reports will enable Town and Parishes to understand details of the legal title being transferred, and assist with the legal procedures for transferring sites authorisation is given to proceed to completion.
- 7.2** Devolution Committee does not have authority to authorise the disposal of land. However, the Committee can make recommendations to Cabinet.

**7.3** These sites are open space. Section 123 of the Local Government Act 1972 imposes a statutory duty on the Council to advertise proposed disposals and consider any objections before a decision is made as to whether or not to dispose of the land. Section 123 applies to disposals from one authority to another.

**7.4** Further legal advice is set out in the attached exempt appendix.

## **Sustainability Implications**

I have completed the Sustainability Implications Questionnaire and there are no significant effects as a result of these recommendations.

## **8 Risk Management Implications**

### **Risk**

The Town Councils have a valid concern that by taking on devolution and increasing their precepts, they will be caught by the excessive council tax rise criteria, determined each year by the Secretary of State. They have asked for a solution to be found in the event this happens.

### **Mitigation**

Any Council caught by the criteria can appeal to the Secretary of State. If there is a straight transfer of tax raising from one tier of council to another, this might be accepted as a valid reason for exemption from the excessiveness criteria.

The District Council has made a consultation response to the 2015/2016 Local Government Finance Settlement suggesting that Devolution between tiers of Councils is exempted from Government council tax setting controls in certain circumstances. A copy of the response is attached at Appendix C.

## **9 Equality Screening**

An equality screening analysis has been conducted on this report. The proposals in this report have no impacts on equality.

## **10 Background Papers**

None

## **11 Appendices**

Appendix A: Open Space Site Plans.

Appendix B: Developer contribution balances recorded in the Council's Accounts.

Appendix C: 2015/2016 Local Government Finance Settlement consultation response.

Appendix D: Exempt Legal Advice Appendix

## 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.

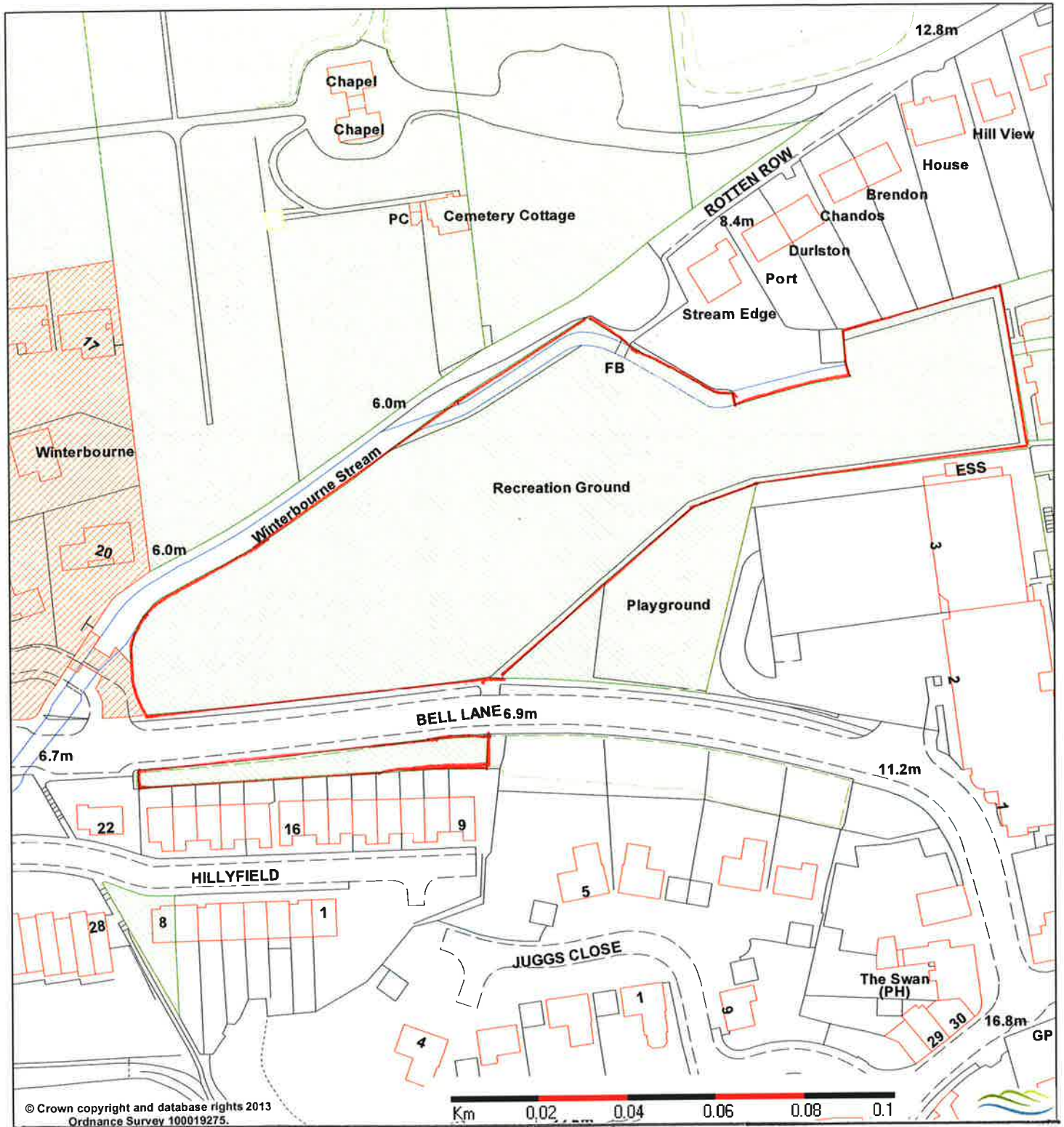
Fort Road Outdoor Gym	Newhaven	To be transferred.
Fort Road Rec	Newhaven	To be transferred.
Fort Road Skate Park	Newhaven	To be transferred.
Fairlight Avenue	Telscombe	Strategic site to be retained.
Telscombe Cliff Tops	Telscombe	To be transferred.
Firle Road Walkway	Peacehaven	To be transferred.
Lake 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.







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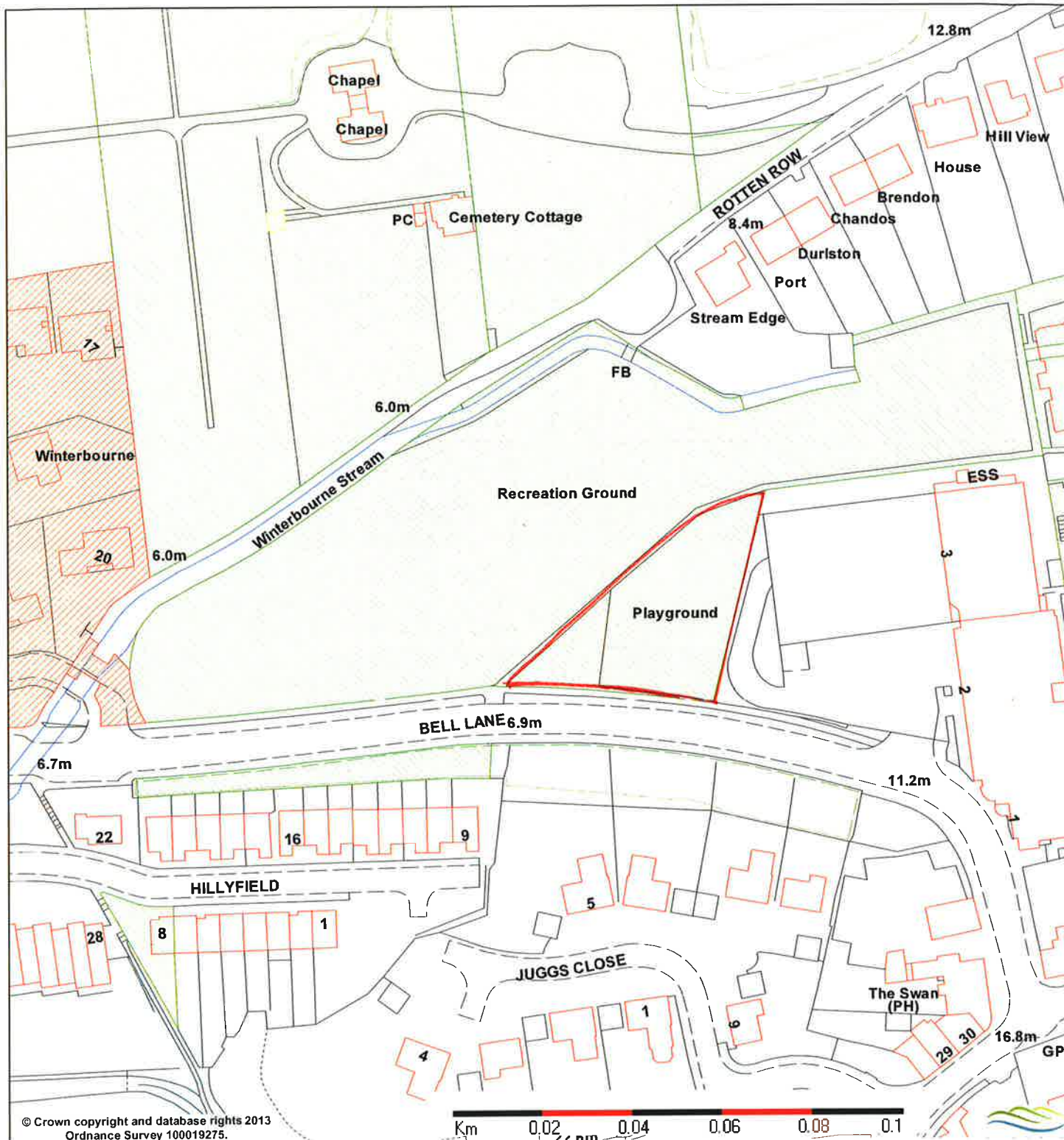




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 Lewes District Council <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a>	<b>Bell Lane Rec &amp; tree band Lewes</b>			<b>N</b> 
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## Bell Lane Play Area Lewes



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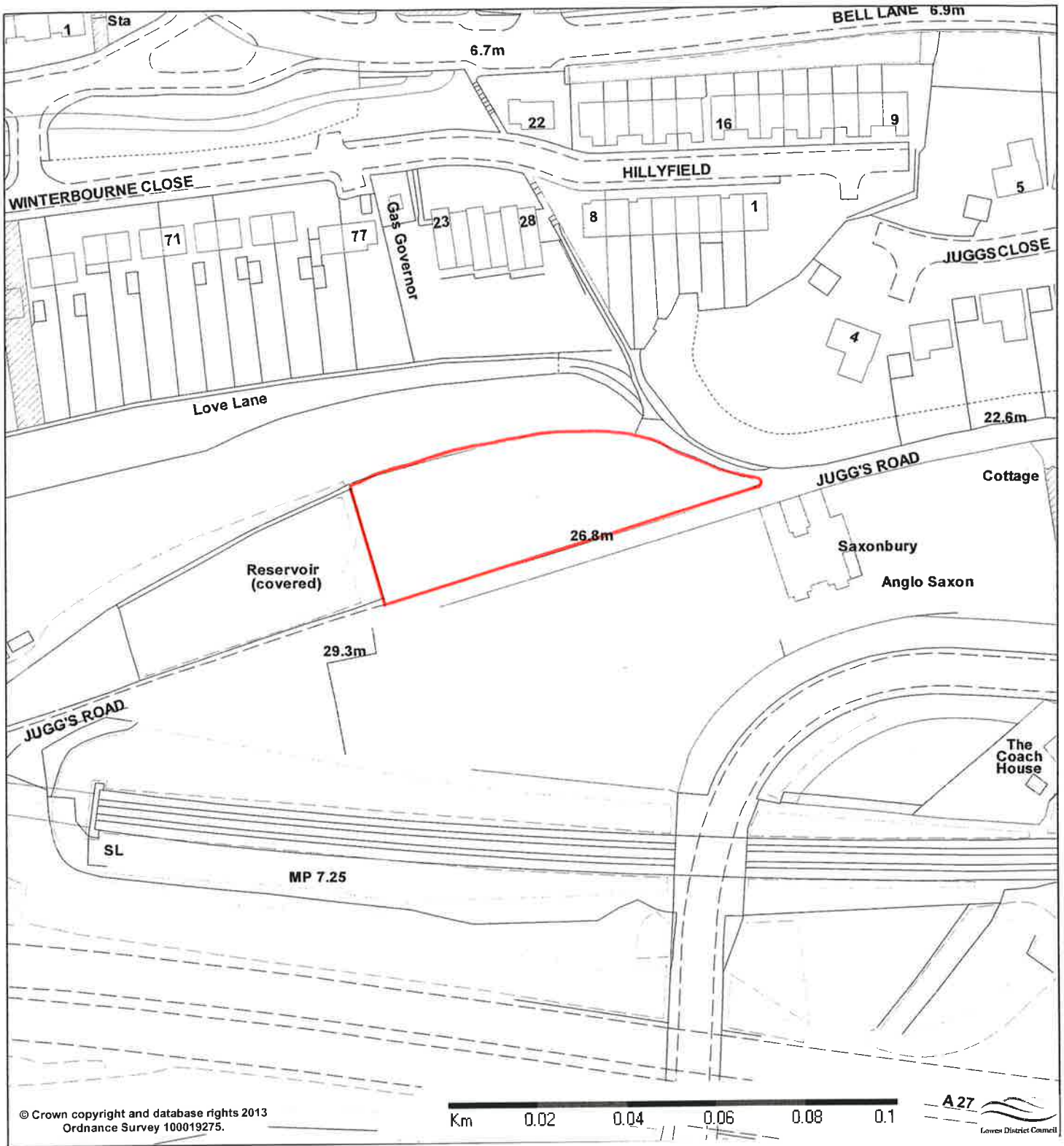
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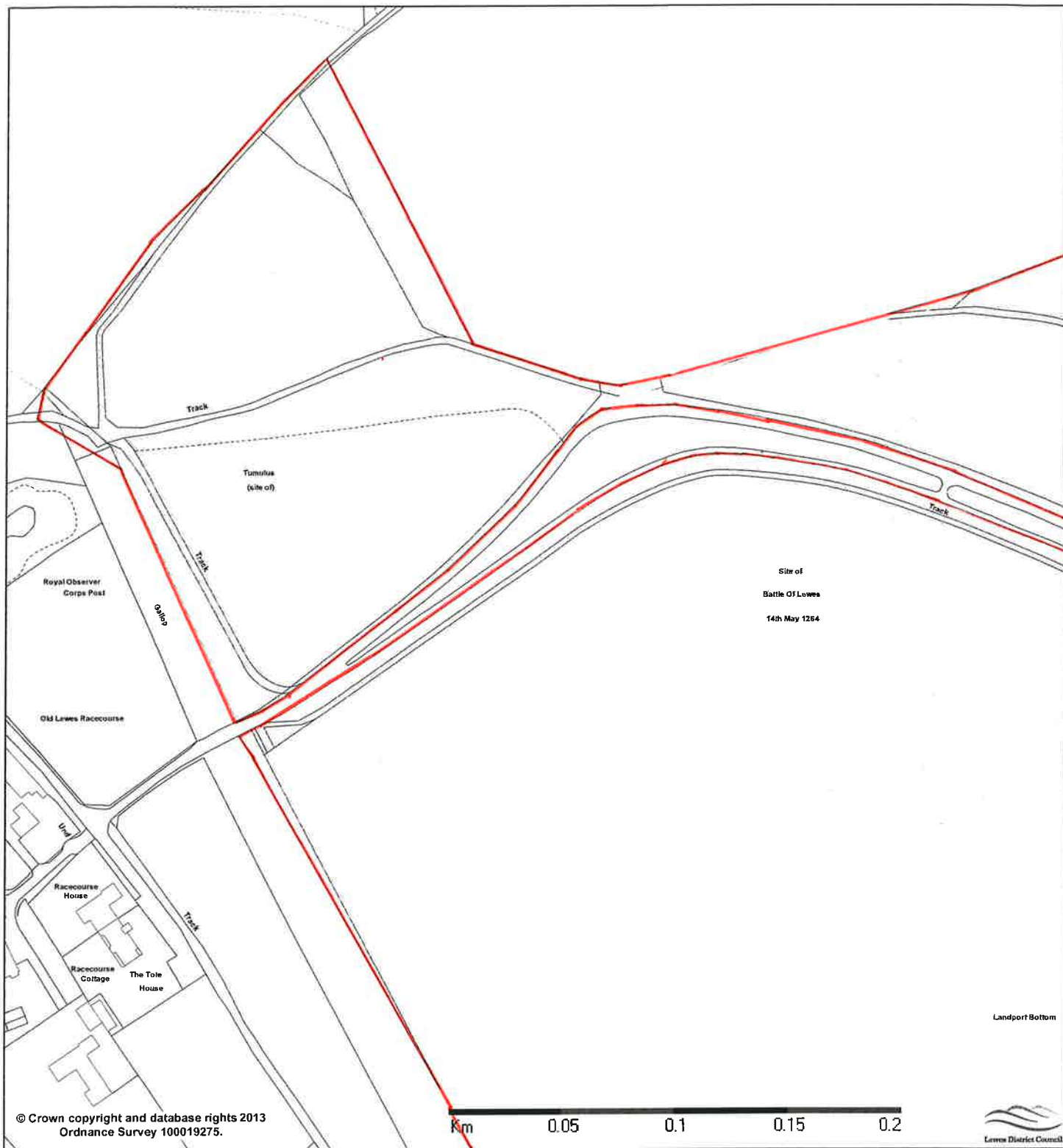

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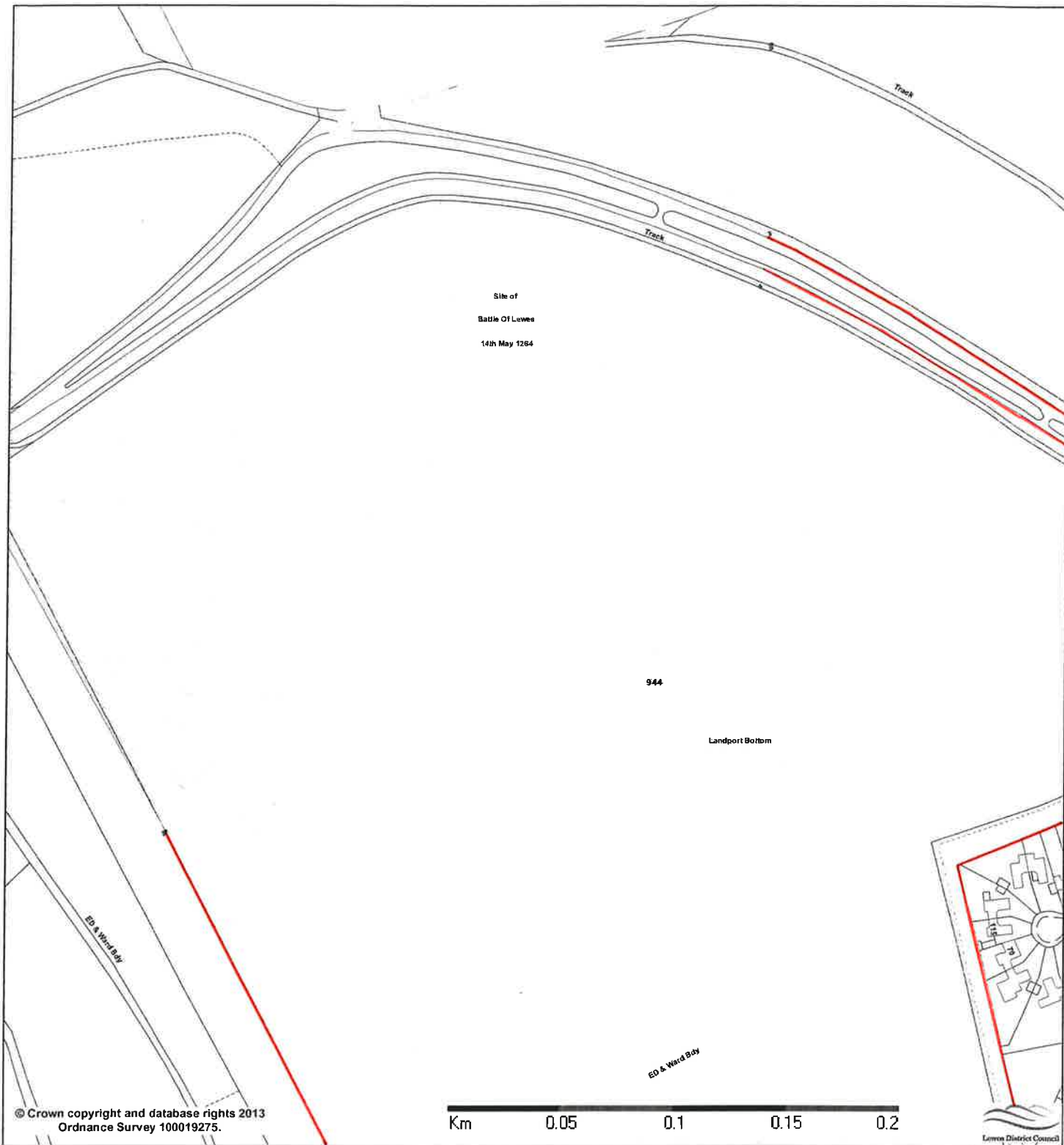
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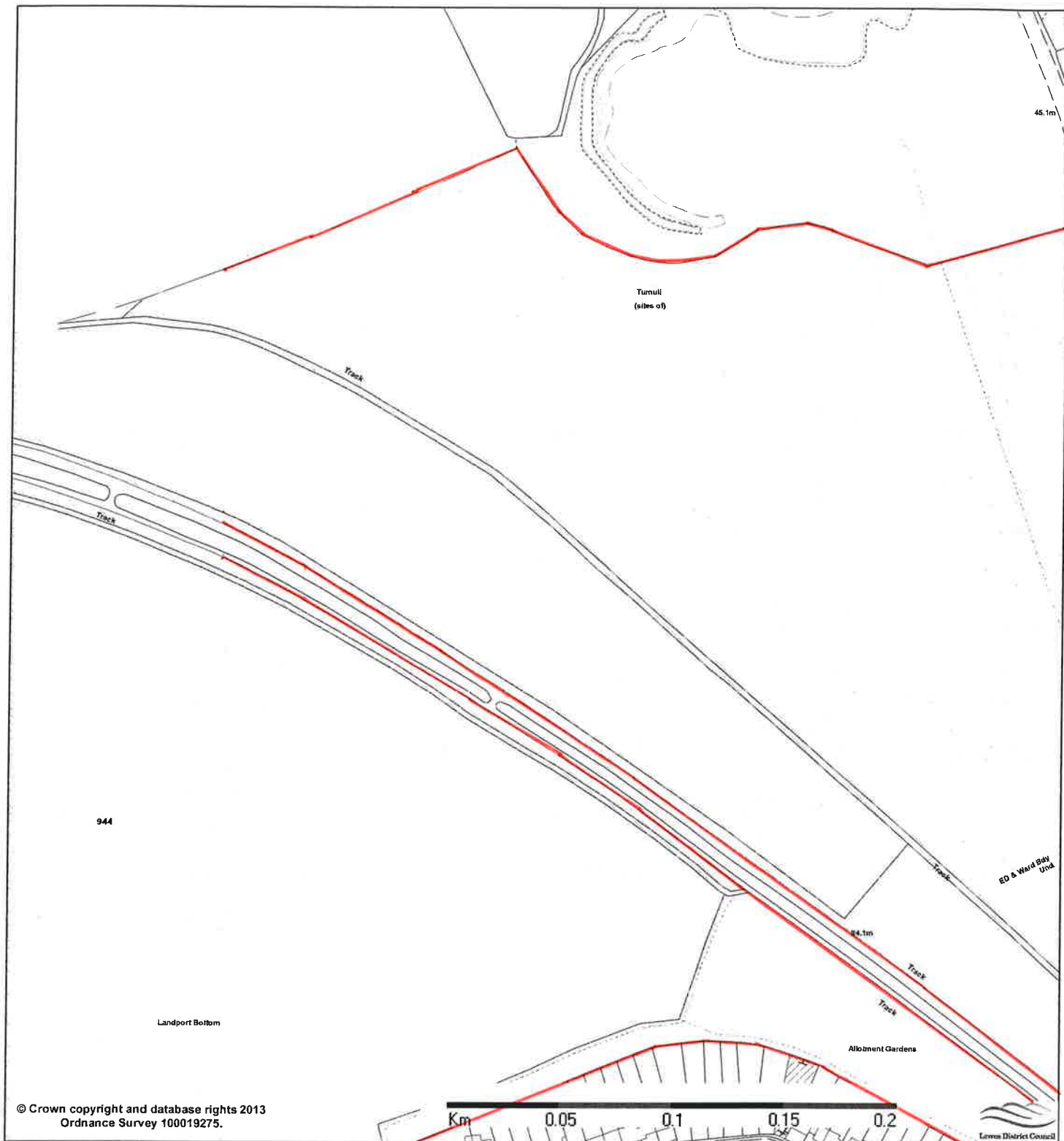




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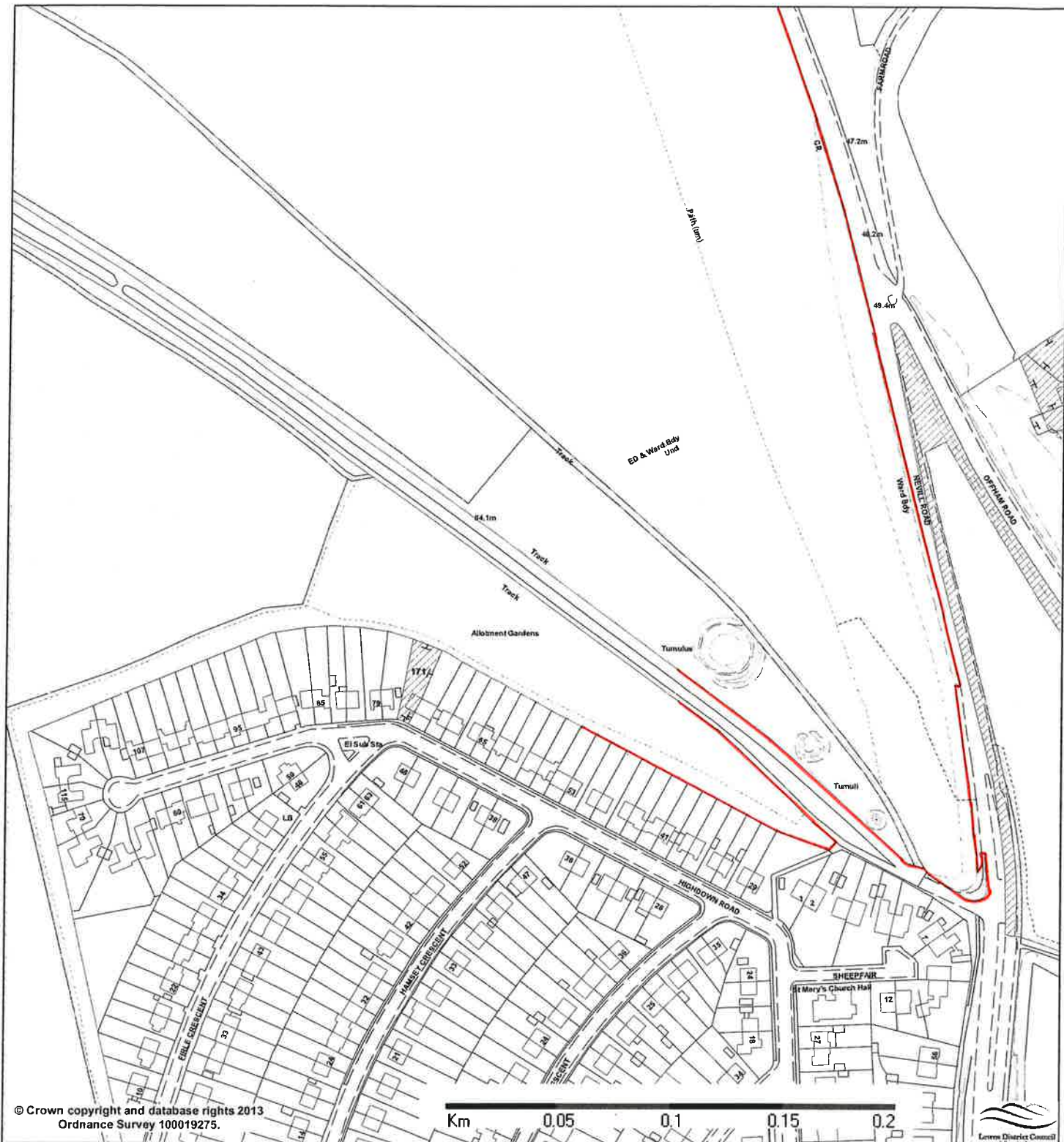




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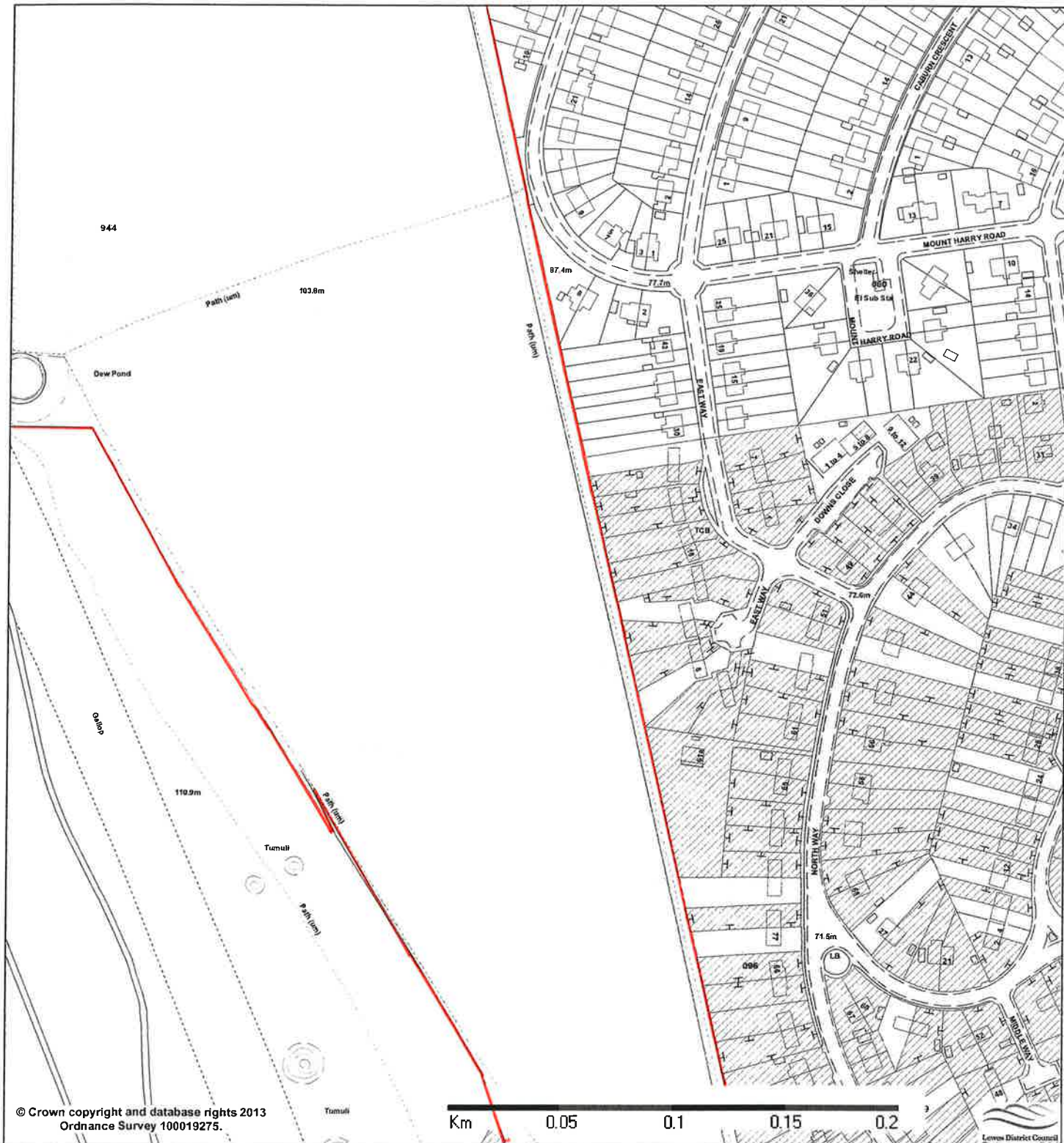
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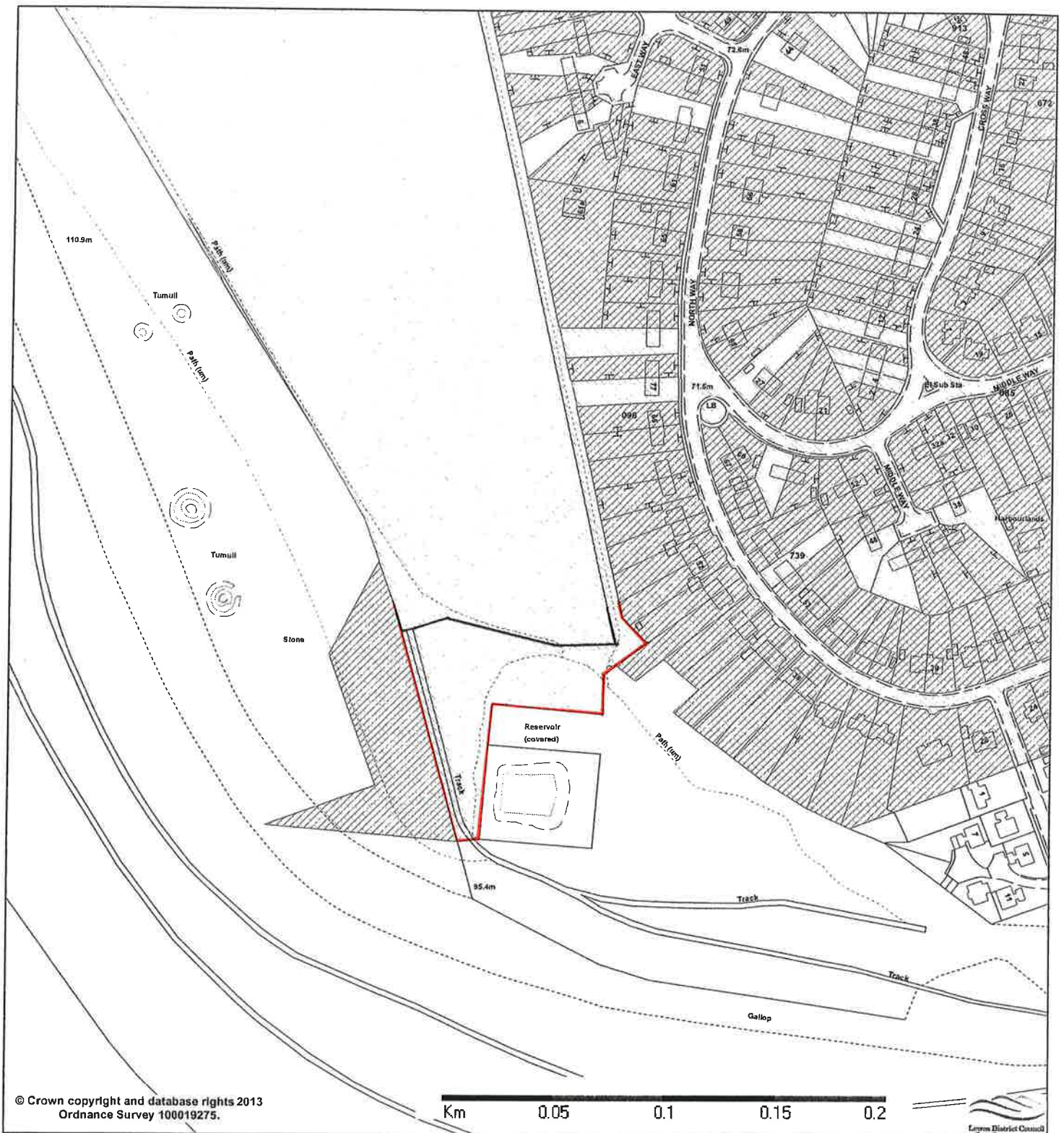



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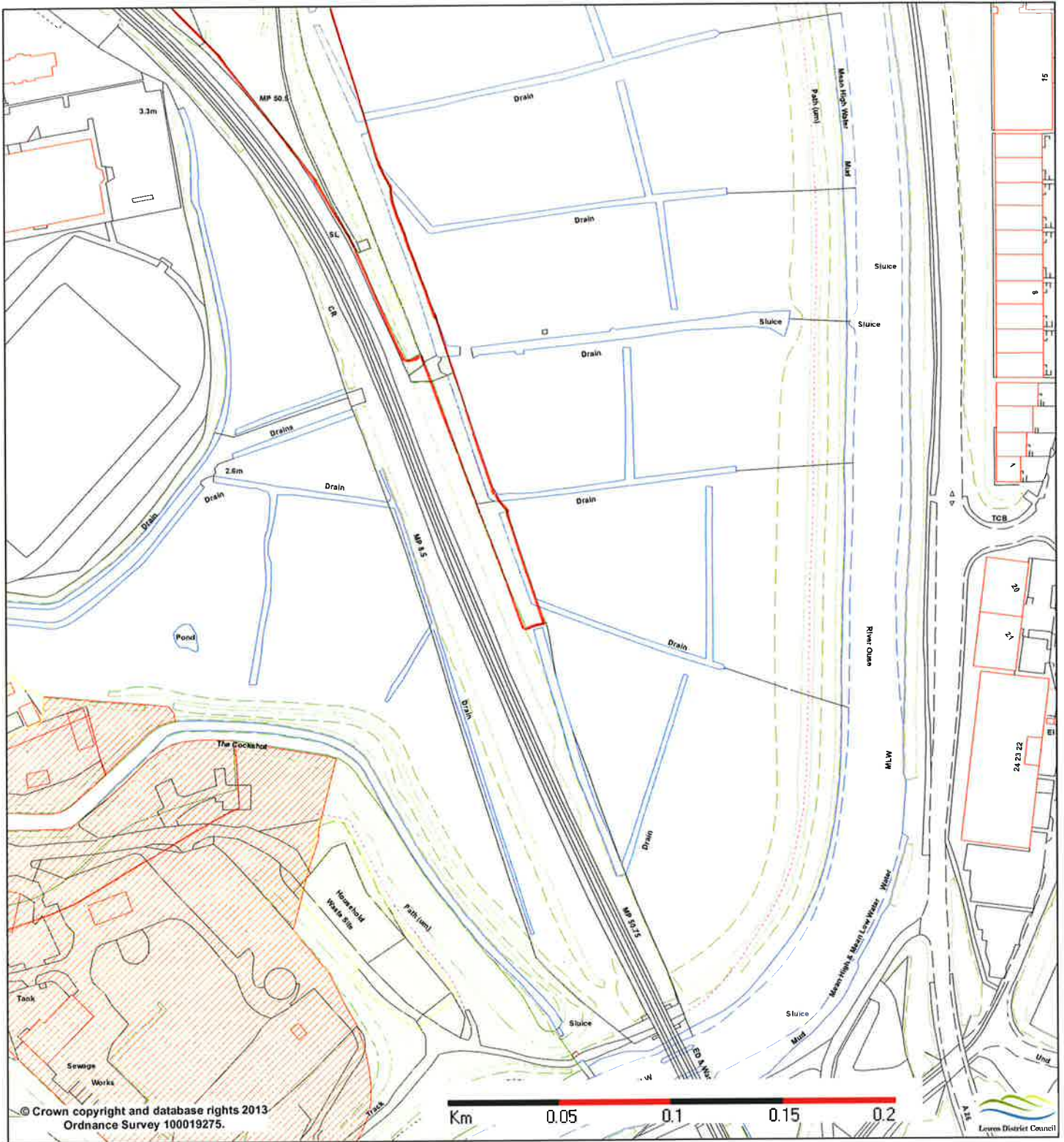
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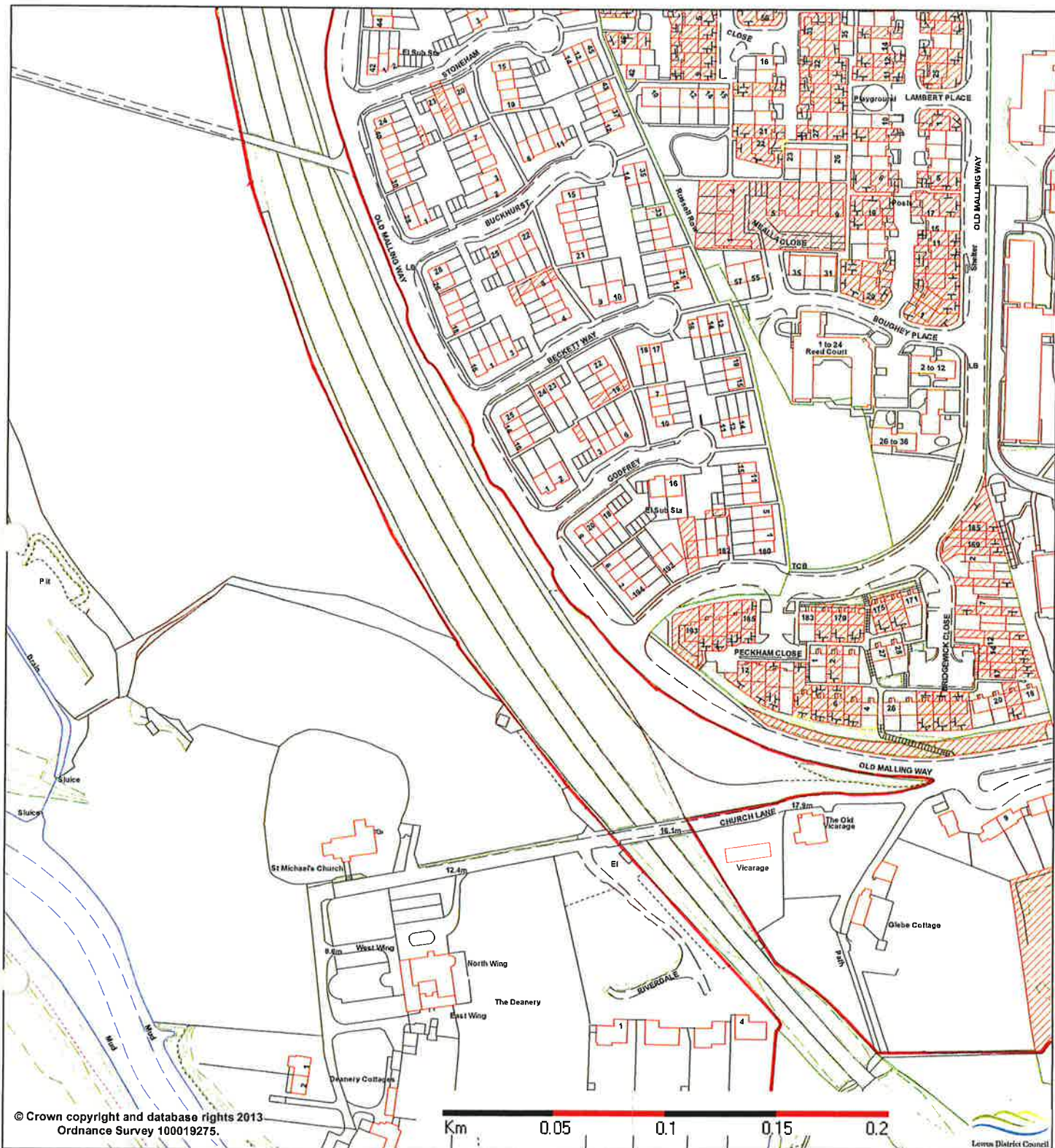




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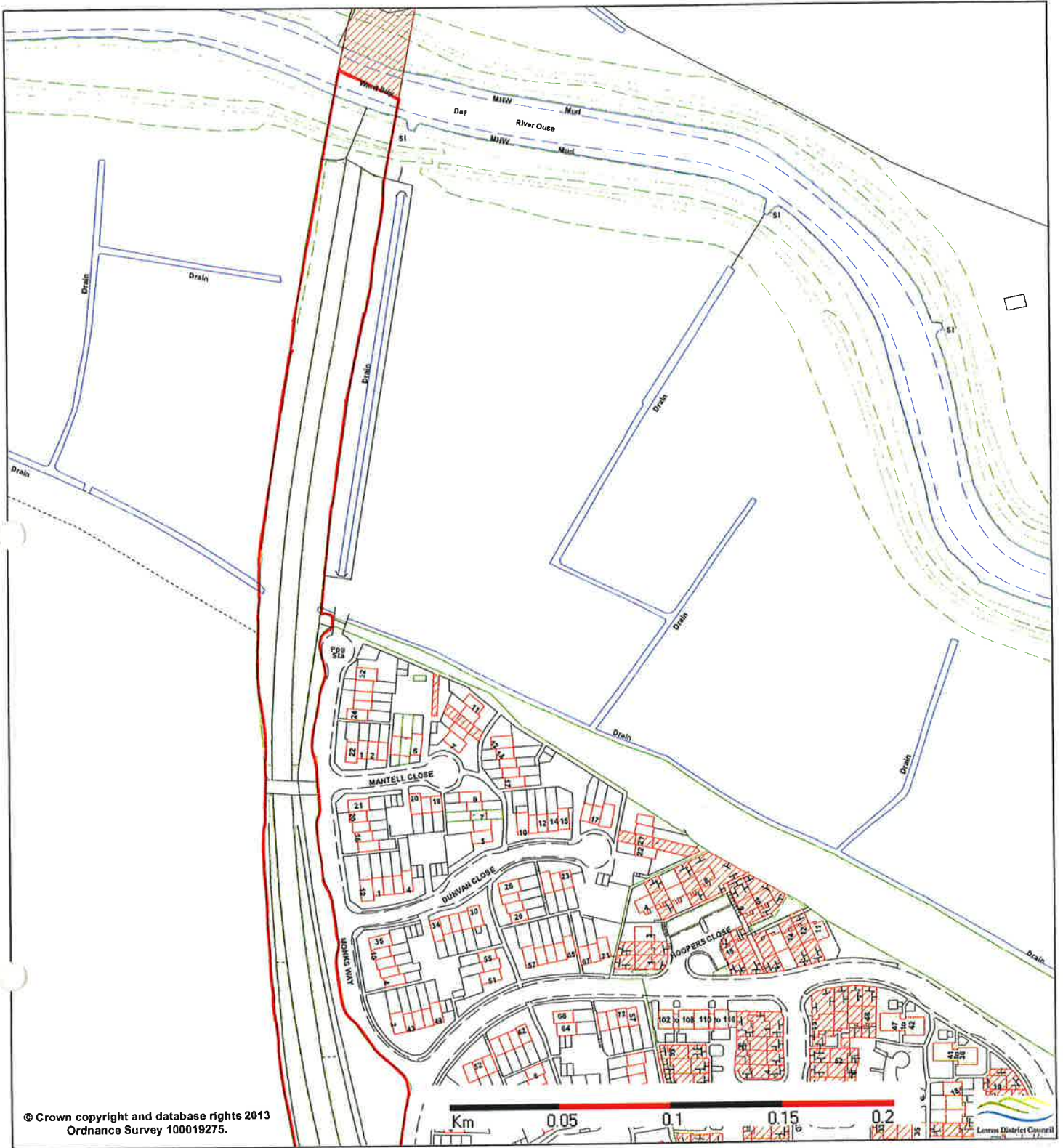
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<b>Malling Railway Cutting 1 of 2 Lewes</b>		
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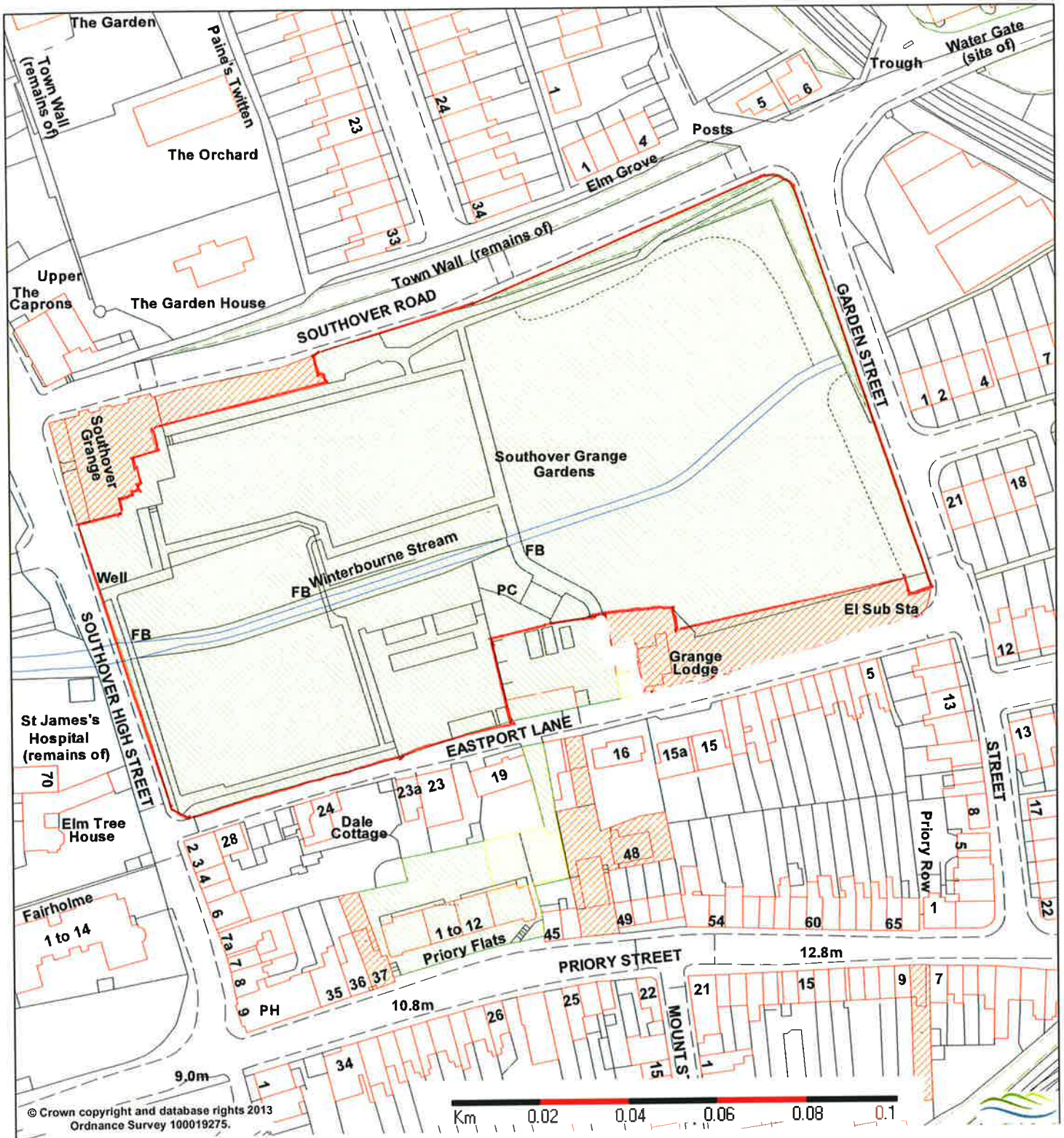




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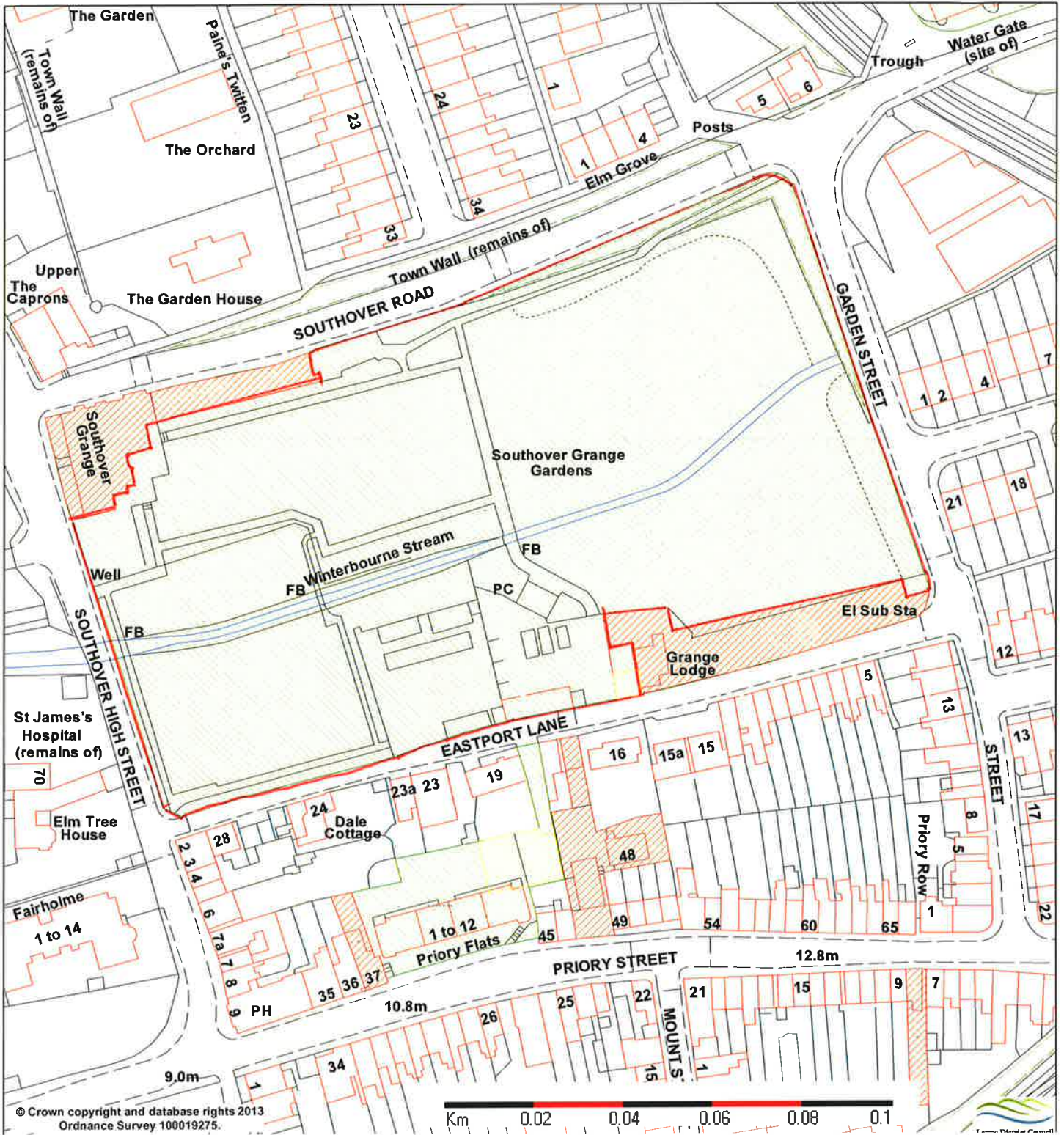
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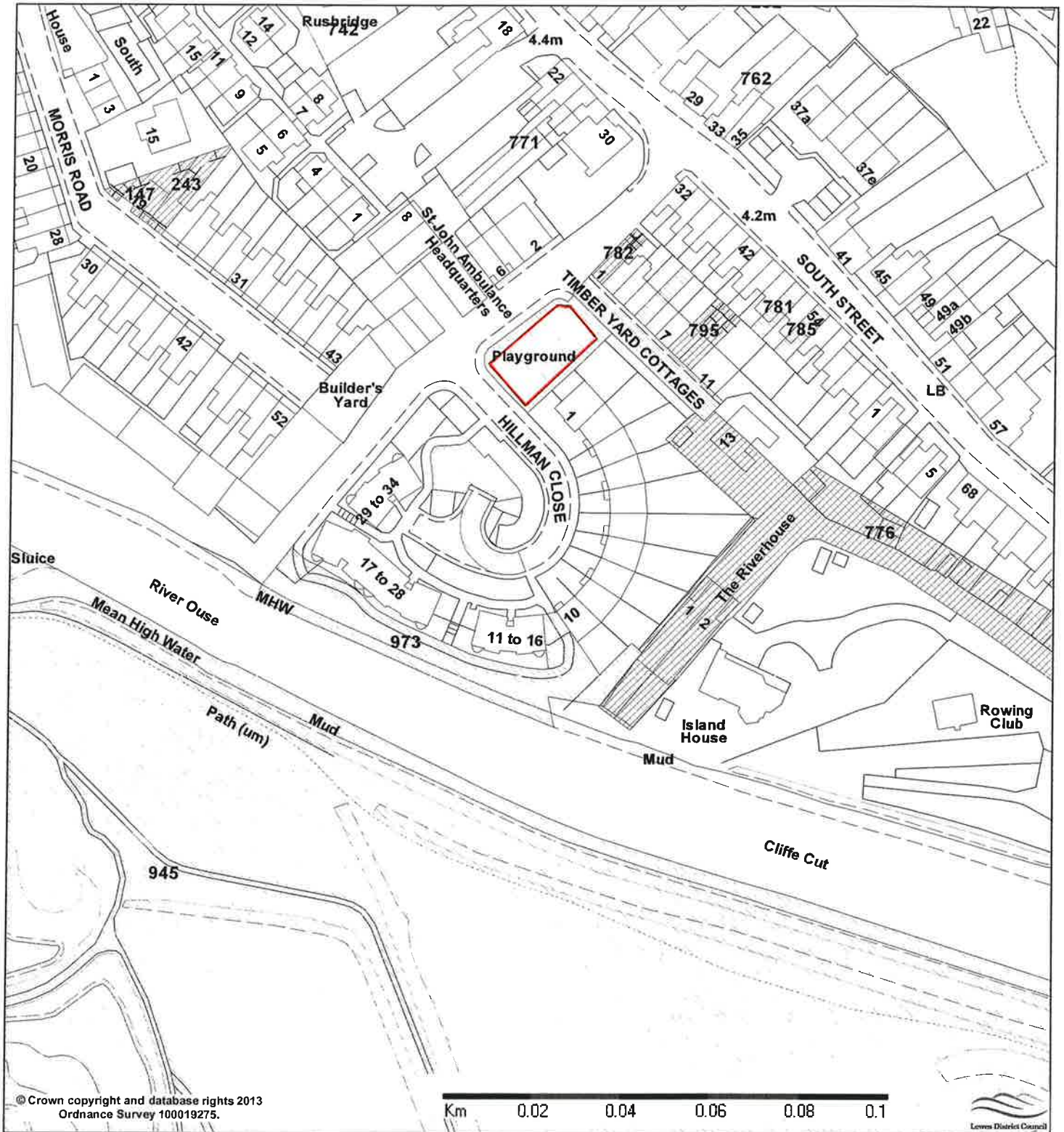
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Timber Yard Lane Play Area  
Lewes

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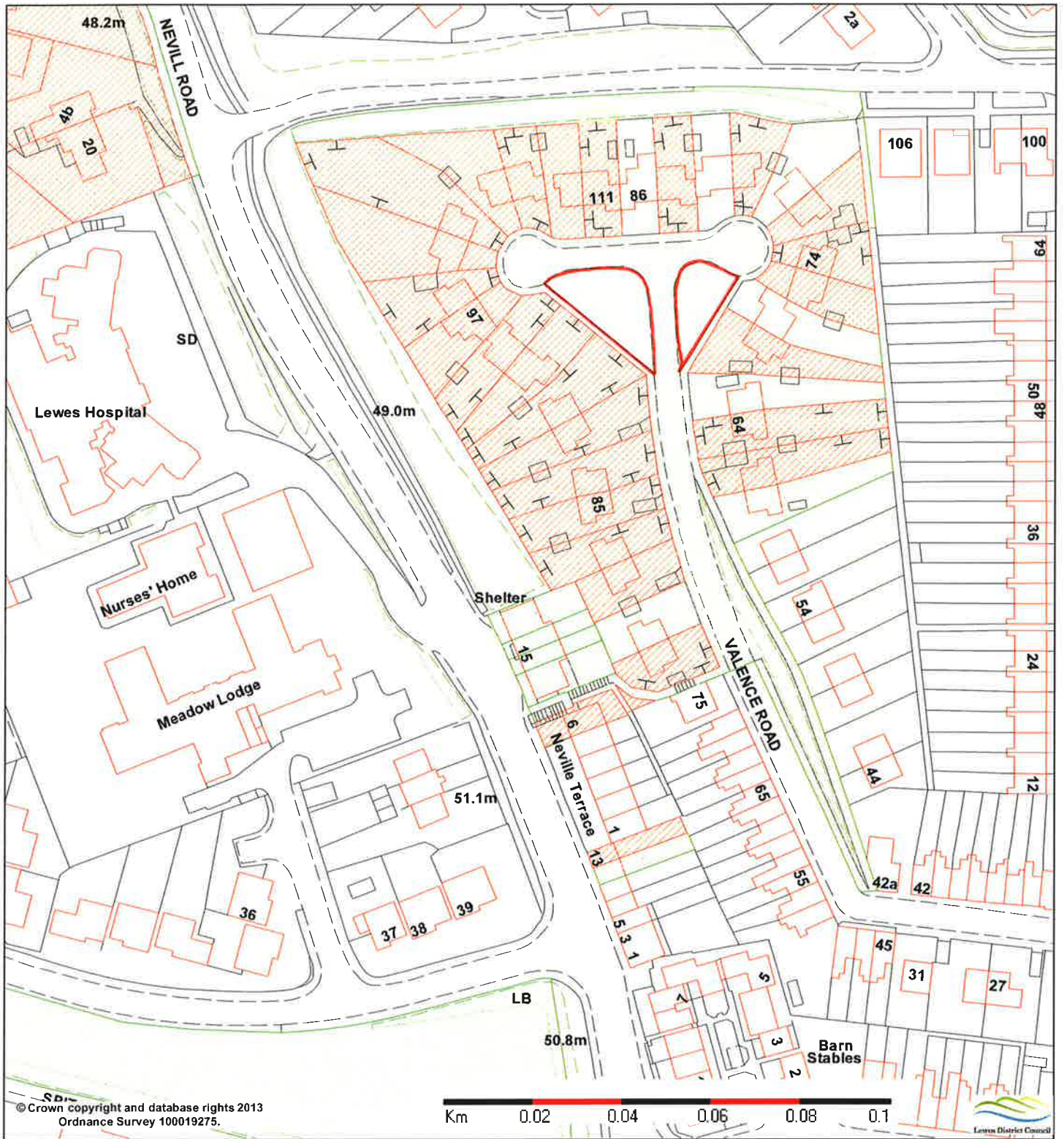
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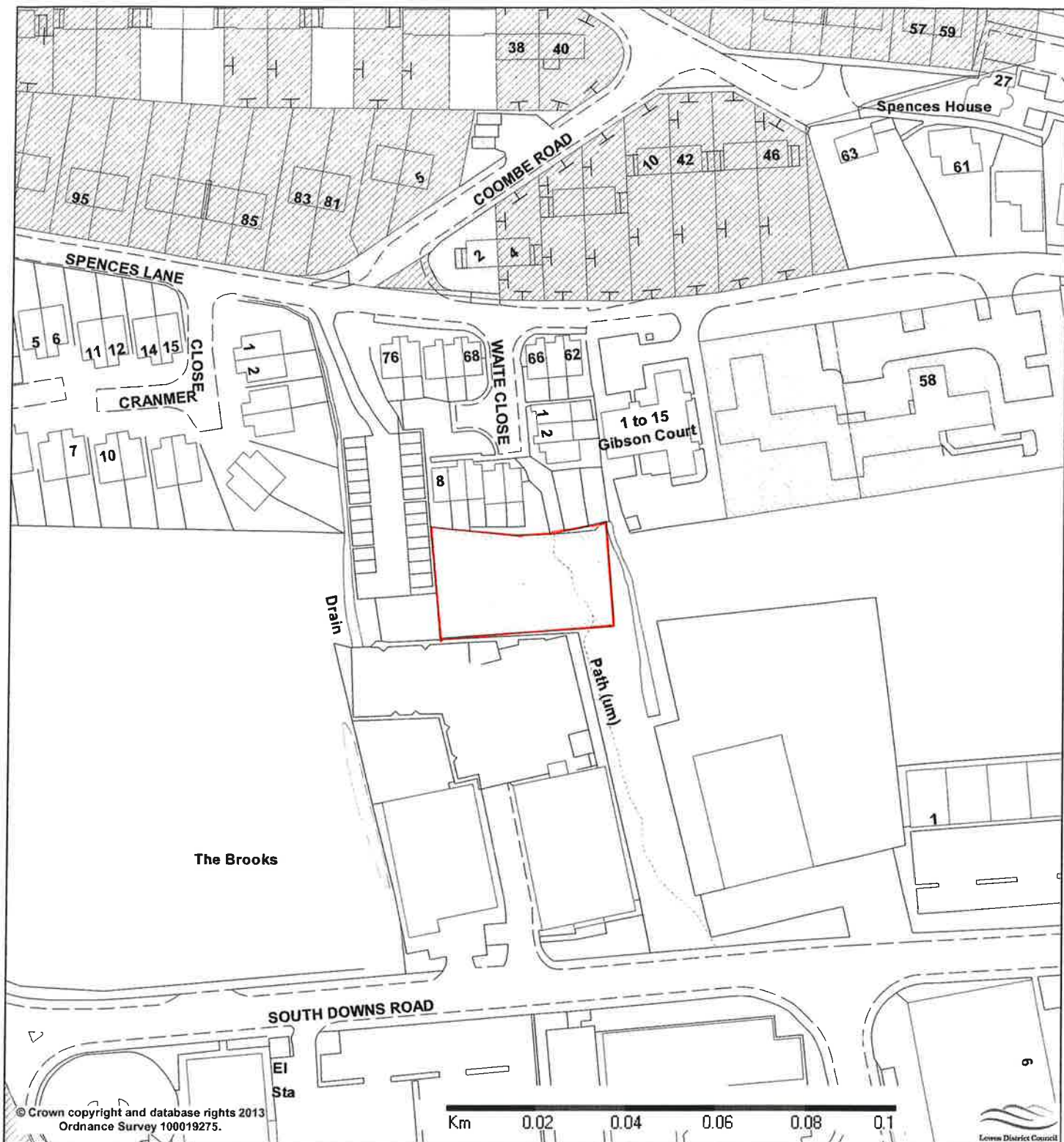
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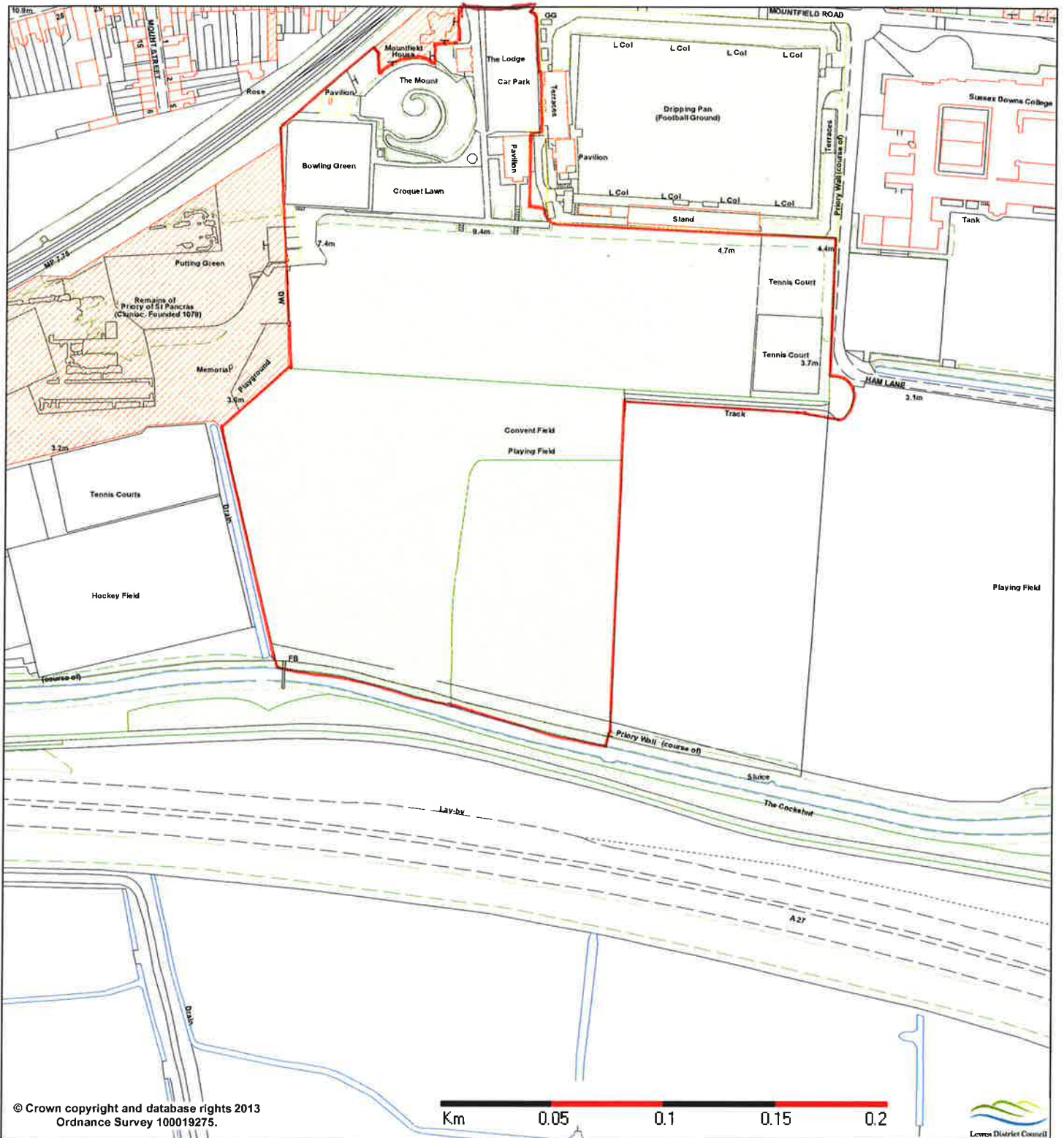
 <b>Lewes District Council</b> <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a>	<b>Stanley Turner Recreation Ground 1 of 2</b> <b>Lewes</b>			<b>N</b> 
	<b>Devolution Project</b> 540745/109111	<b>DP: 890/220/906</b> Page 31 of 64	<b>SCALE:</b> 1:2500	<b>PLAN NO.</b> E154/14
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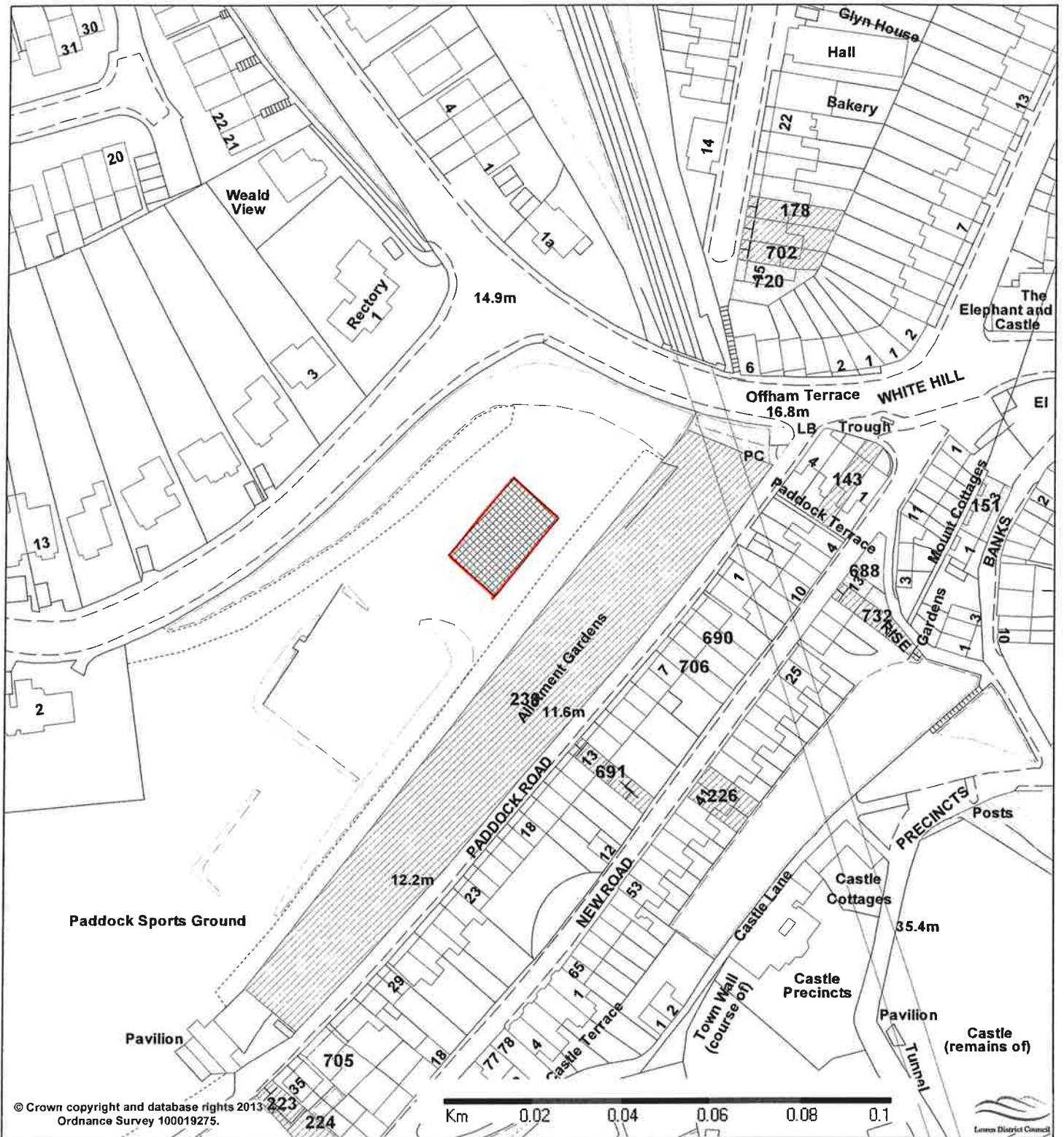
## Stanley turner



 <b>Lewes District Council</b> <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a>	<b>Stanley Turner Recreation Ground 2 of 2</b> <b>Lewes</b>			<b>N</b> 
	<b>Devolution Project</b> 540745/109111	<b>DP: 890/220/906</b> <span style="color: blue;">Page 32 of 64</span>	<b>SCALE:</b> 1:2500	<b>PLAN NO.</b> E155/14
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 <b>Lewes District Council</b> <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a>  <b>Estates &amp; Valuation Services</b>	<b>Convent Field</b> <b>Lewes</b>			<b>N</b> 
	<b>Devolution Project</b> <b>541571/109469</b>	<b>DP:</b> <b>217/218</b> <i>Page 53 of 64</i>	<b>SCALE:</b> <b>1:2500</b>	<b>PLAN NO.</b> <b>E156/14</b>
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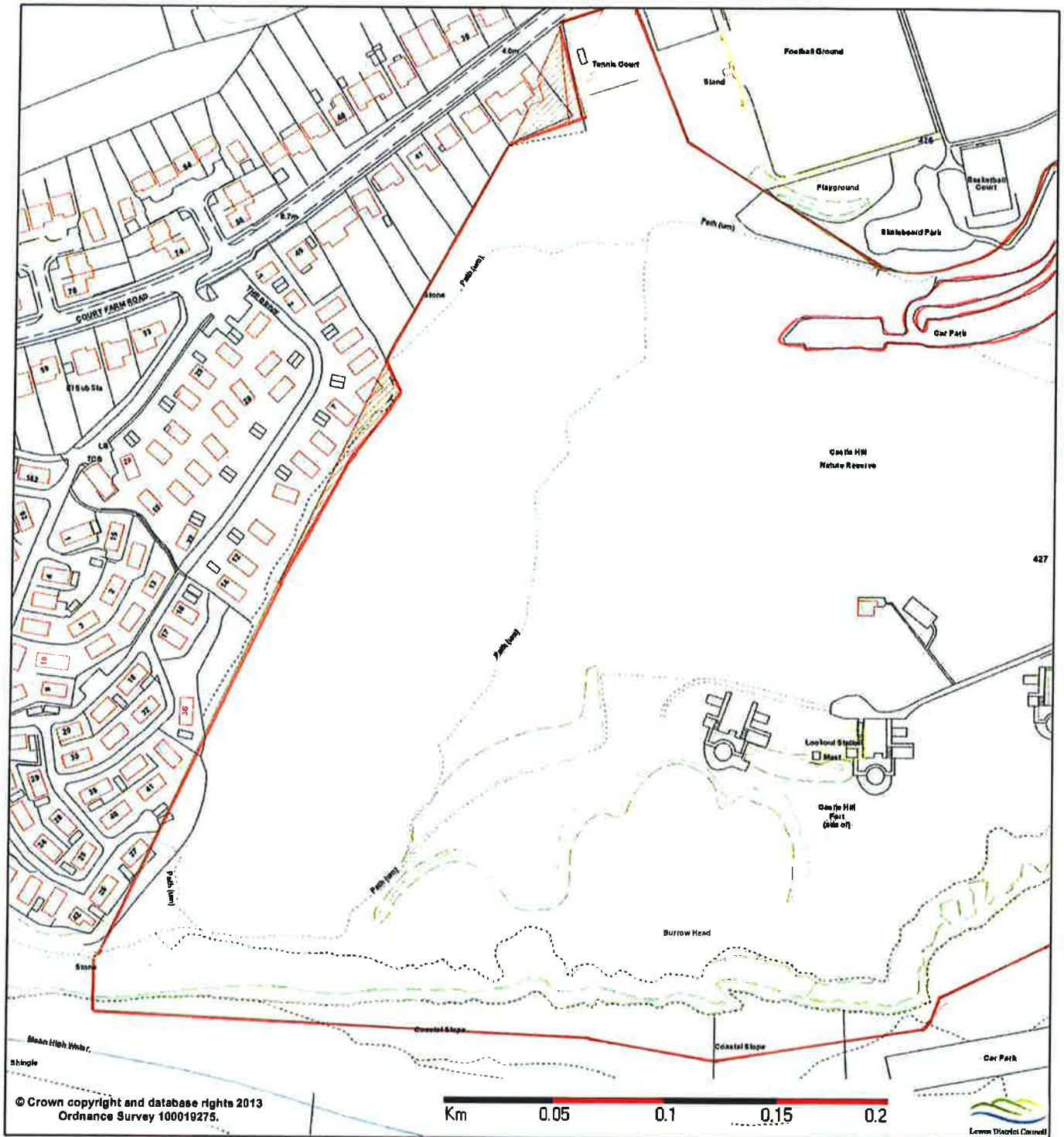
 Lewes District Council <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a>  Estates & Valuation Services	The Paddock Play Area Lewes		N 	
	Devolution 541295/110243	DP: 236 Page 34 of 64	SCALE: 1:1250	PLAN NO. E130/14
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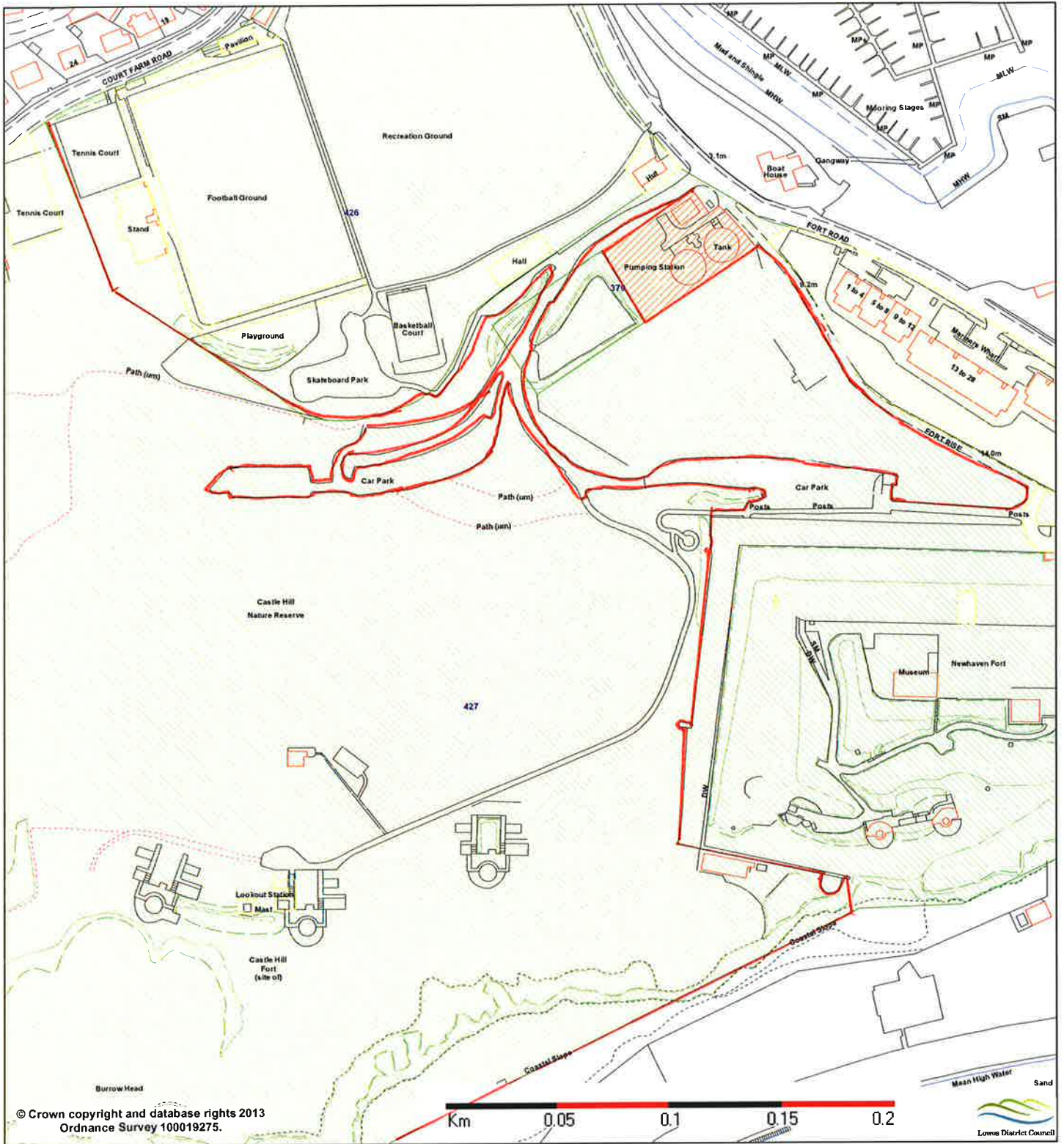
 <b>Lewes District Council</b> <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a>  <b>Estates &amp; Valuation Services</b>	<b>Avis Road Rec/Drove Park/Denton Rec Newhaven</b>		<b>N</b> 	
	<b>Devolution Project</b> <b>545211/102173</b>	<b>DP: 429/843/959</b> <b>Page 35 of 64</b>	<b>SCALE:</b> <b>1:2500</b>	<b>PLAN NO.</b> <b>E157/14</b>
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 <b>Lewes District Council</b> www.lewes.gov.uk  <b>Estates &amp; Valuation Services</b>	<b>Castle Hill 1 of 2</b> <b>Newhaven</b>		<b>N</b> 	
	<b>Devolution Project</b> 544601/100221	<b>DP: 427</b> Page 36 of 64	<b>SCALE:</b> 1:2500	<b>PLAN NO.</b> E158a/14
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<h3>Castle Hill 2 of 2 Newhaven</h3>			
<b>Devolution Project</b> 544601/100221	<b>DP: 427</b> Page 37 of 64	<b>SCALE:</b> 1:2500	<b>PLAN NO.</b> E158b/14
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**N**





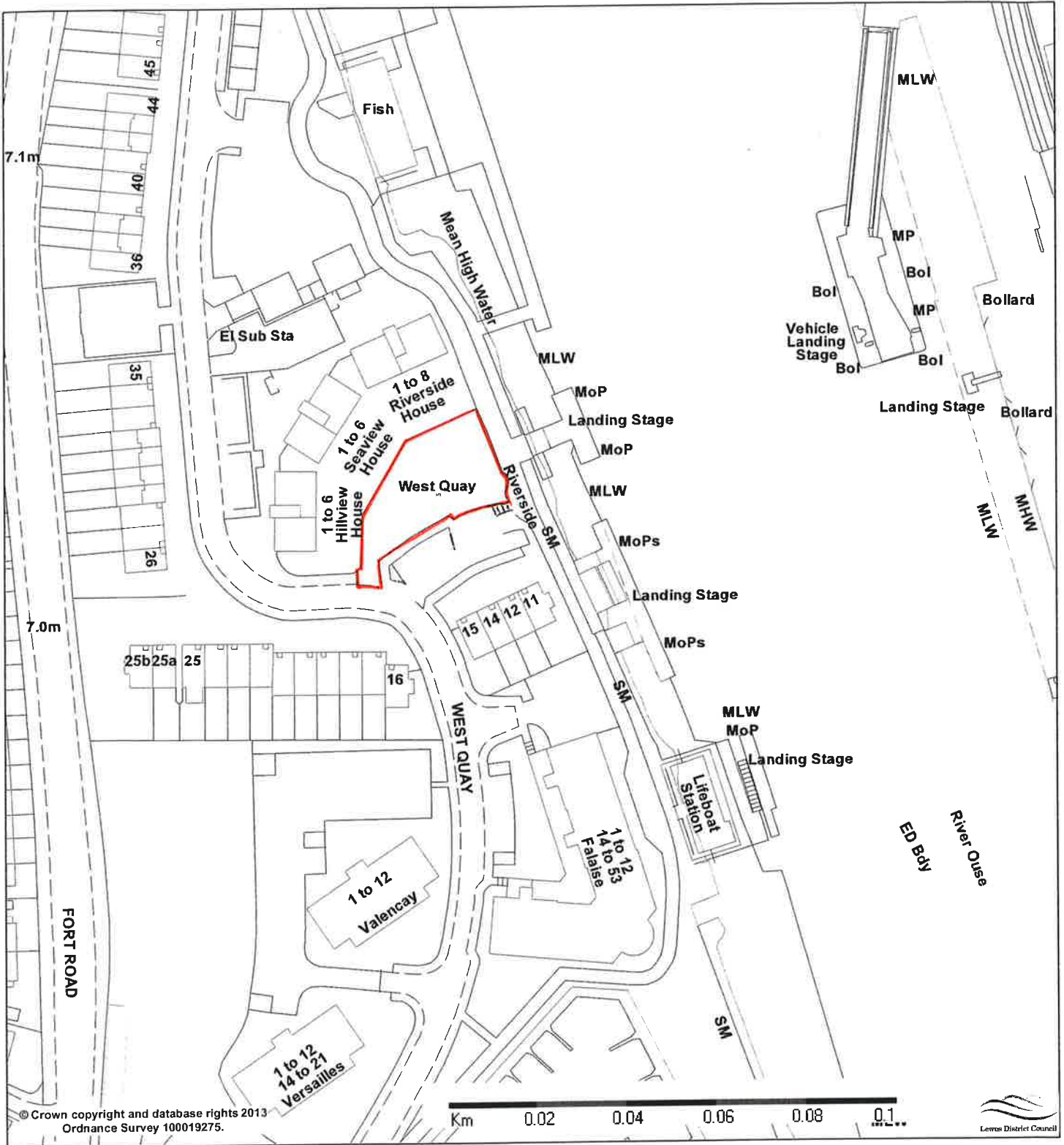






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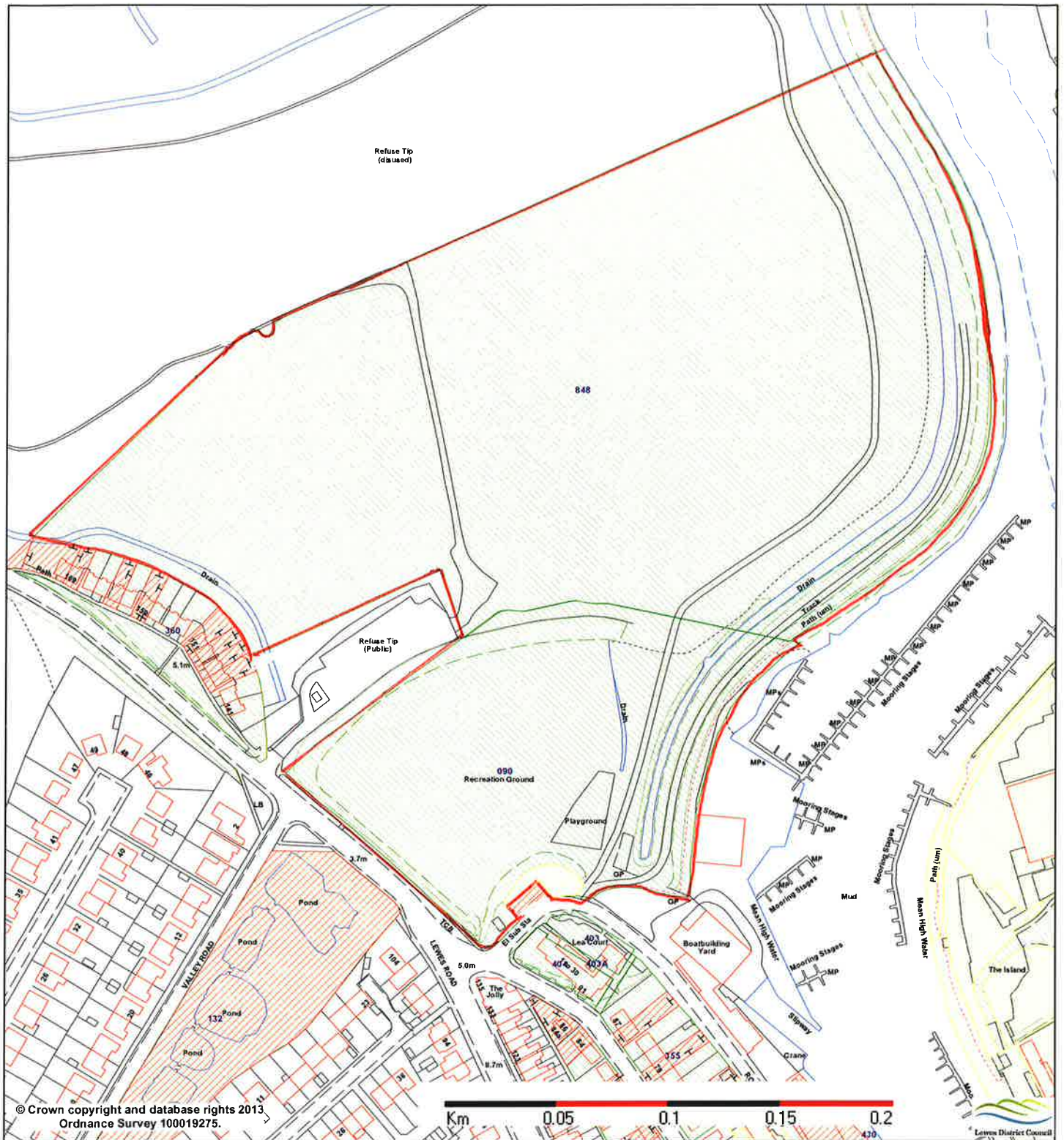


 <b>Lewes District Council</b> <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a>  <b>Estates &amp; Valuation Services</b>	<b>Court Farm Road Newhaven</b>			<b>N</b> 
	<b>Devolution Project</b> <b>544613/100548</b>	<b>DP: 426</b> <b>Page 38 of 64</b>	<b>SCALE:</b> <b>1:1250</b>	<b>PLAN NO.</b> <b>E122/14</b> <i>(Handwritten: 17)</i>
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 <b>Lewes District Council</b> <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a>  <b>Estates &amp; Valuation Services</b>	<b>West Quay Newhaven</b>			<b>N</b> 
	<b>Devolution</b> <b>544797/100856</b>	<b>DP:</b> <b>974</b> Page 59 of 64	<b>SCALE:</b> <b>1:1250</b>	<b>PLAN NO.</b> <b>E160/14</b>
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## Riverside Park Newhaven



**Devolution Project**  
544228/101967

**DP: 848/090**  
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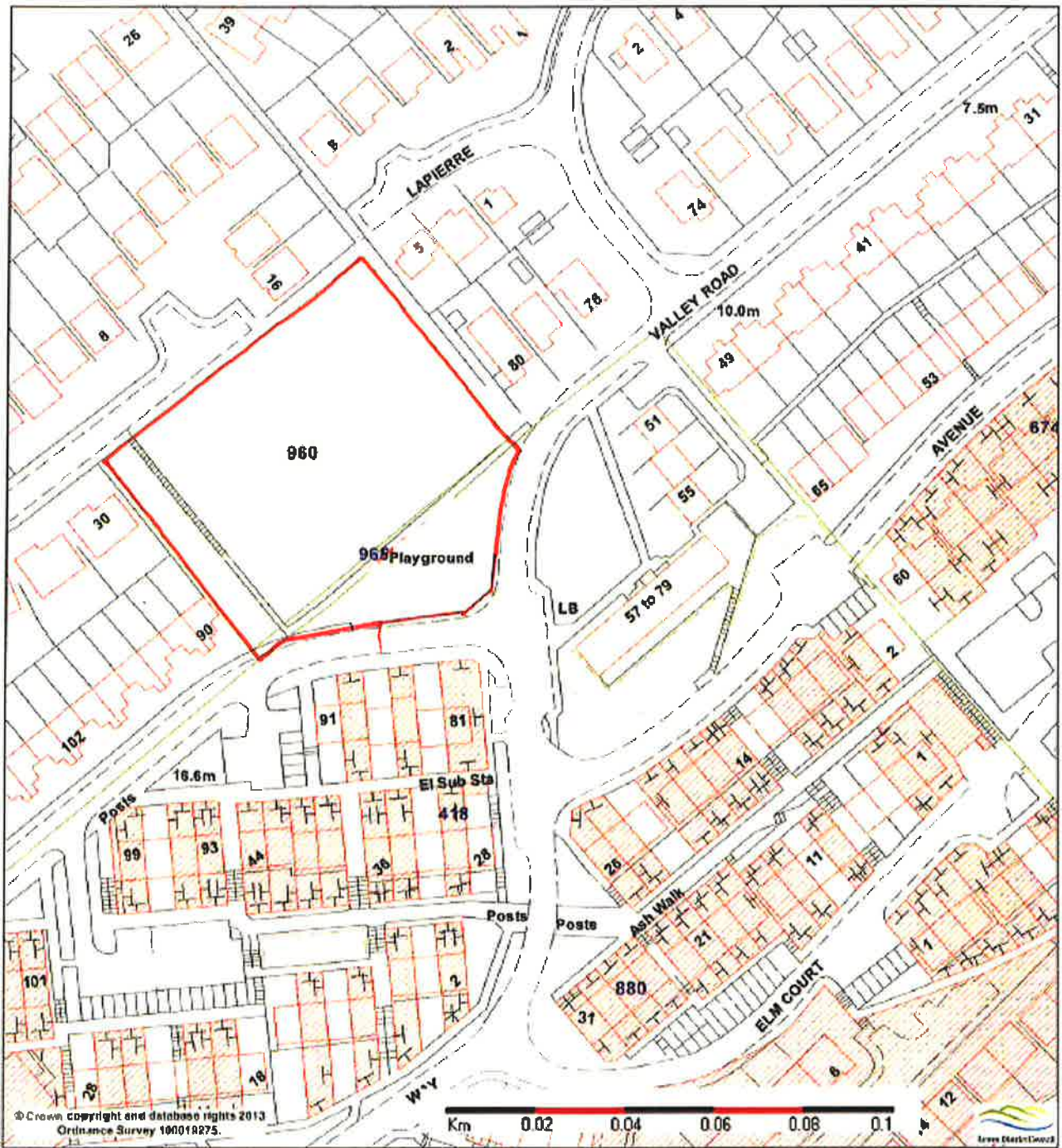
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1:2500

**PLAN NO.**  
E155/14

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## Valley Road/Parkour Play Area

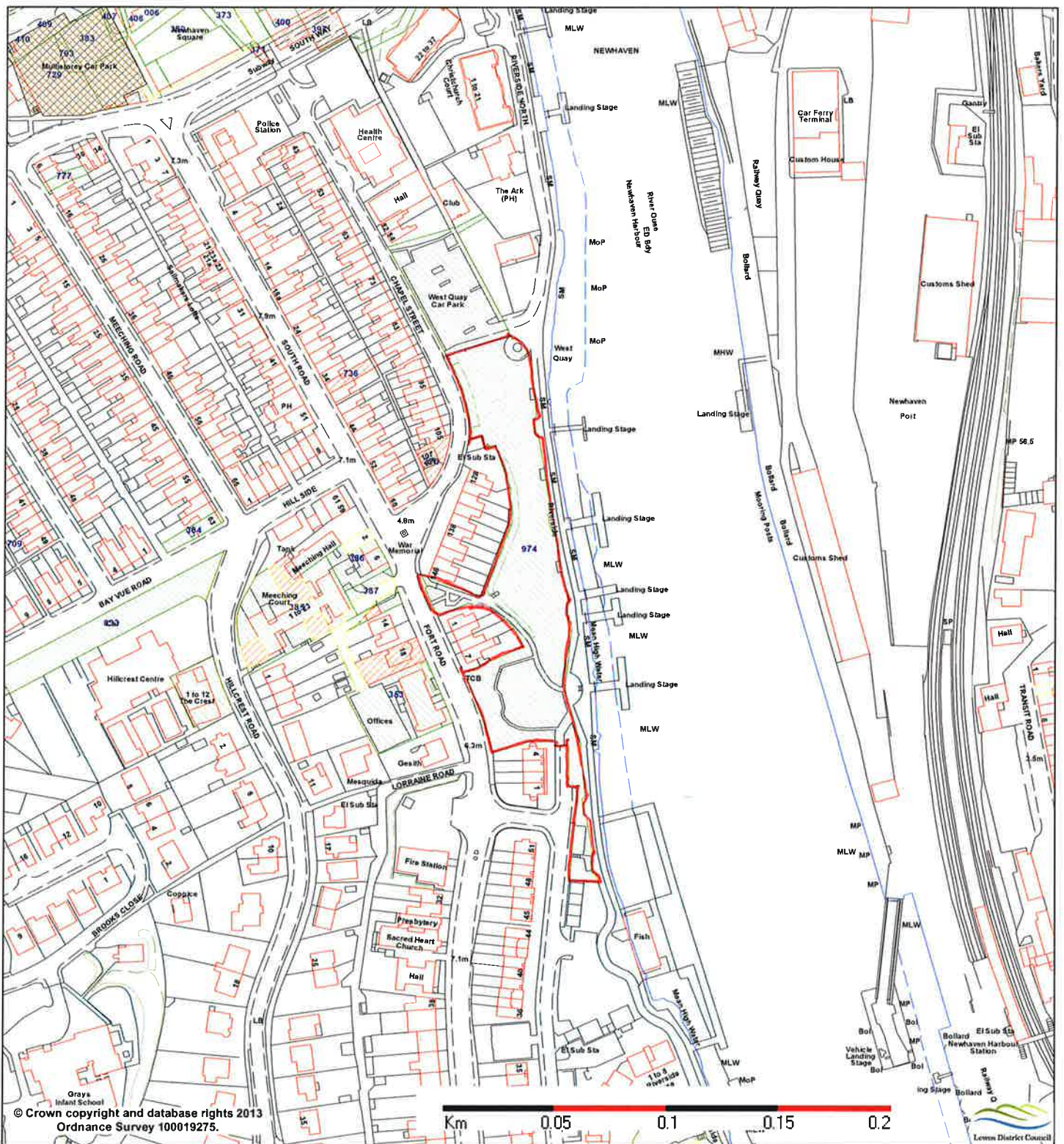
Newhaven



<b>Organisation</b>	Lewes District Council
<b>Department</b>	
<b>Comment</b>	
<b>Date</b>	06 January 2015
<b>Scale</b>	1:1250


ESRI






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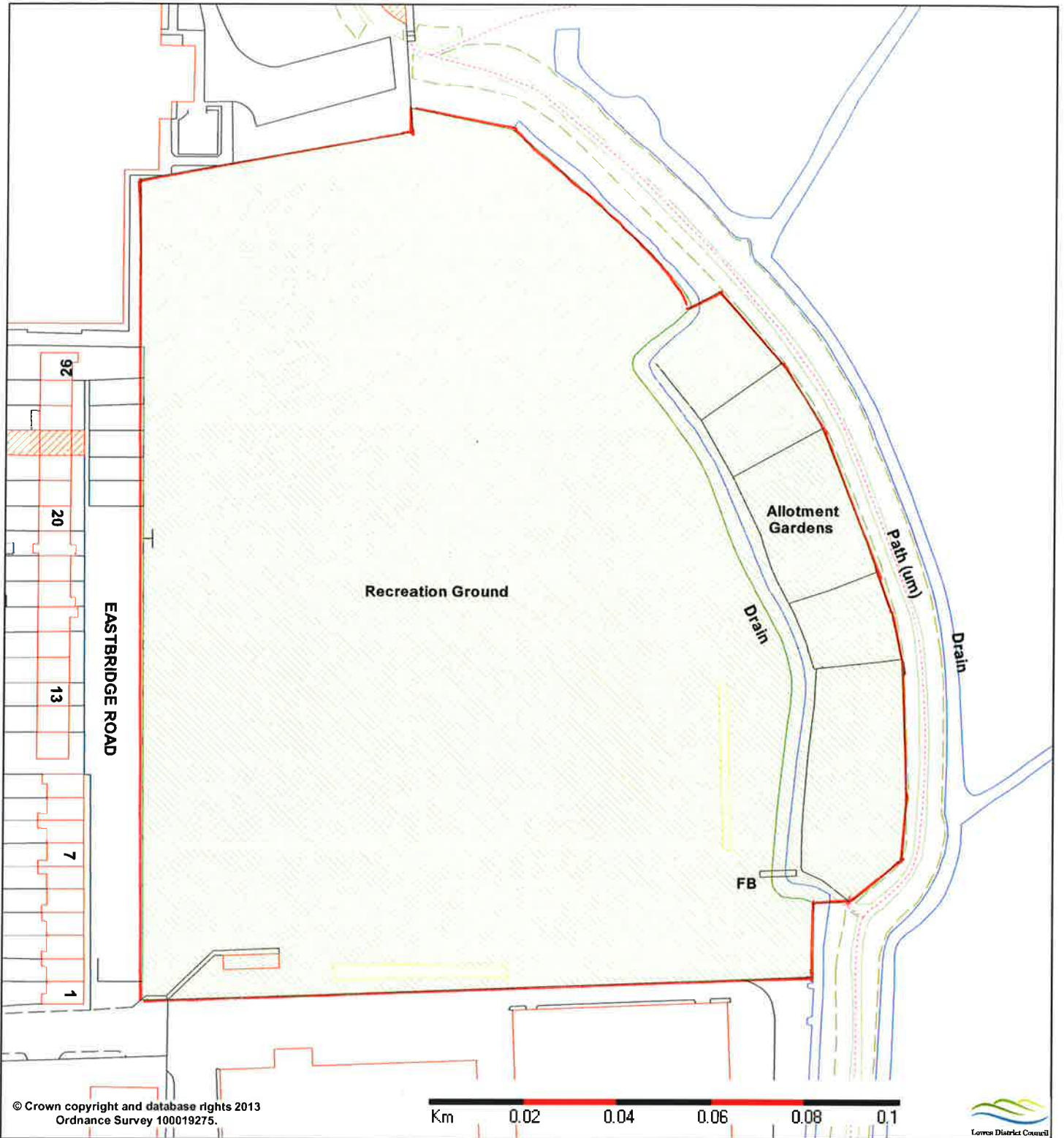
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<h2 style="margin: 0;">West Quay (North) Open Space Newhaven</h2>			
<b>Devolution Project</b> 544734/101147	<b>DP: 974</b>  <span style="color: blue;">Page 42 of 64</span>	<b>SCALE:</b> 1:2500	<b>PLAN NO.</b> E008/15
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**N**







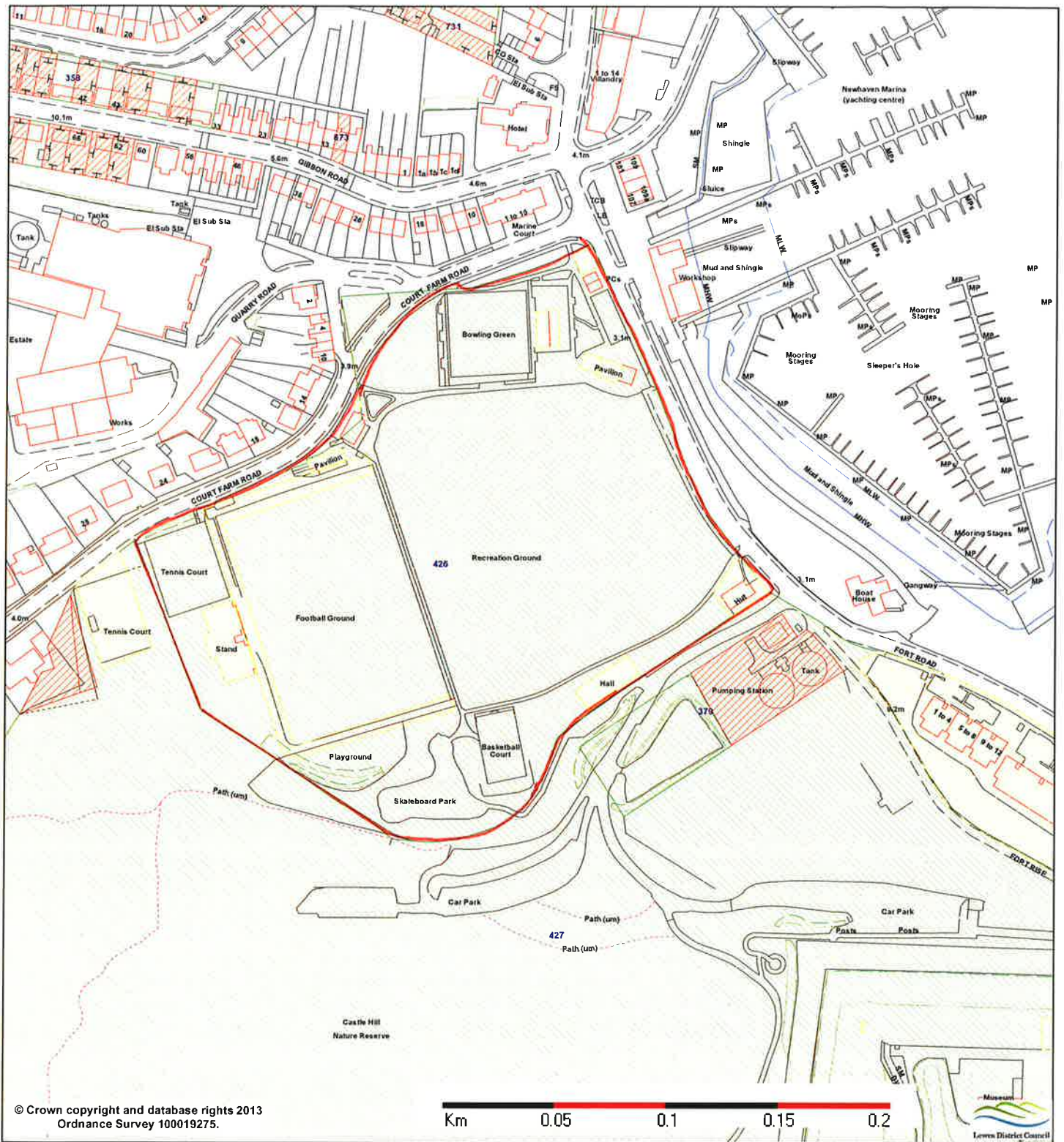


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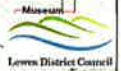




 <b>Lewes District Council</b> <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a>  <b>Estates &amp; Valuation Services</b>	<b>Eastside Recreation Ground</b> <b>Newhaven</b>			<b>N</b> 
	<b>Devolution Project</b> 545171/101199	<b>DP: 093/958</b> Page 43 of 64	<b>SCALE:</b> 1:2500	<b>PLAN NO.</b> E134/14
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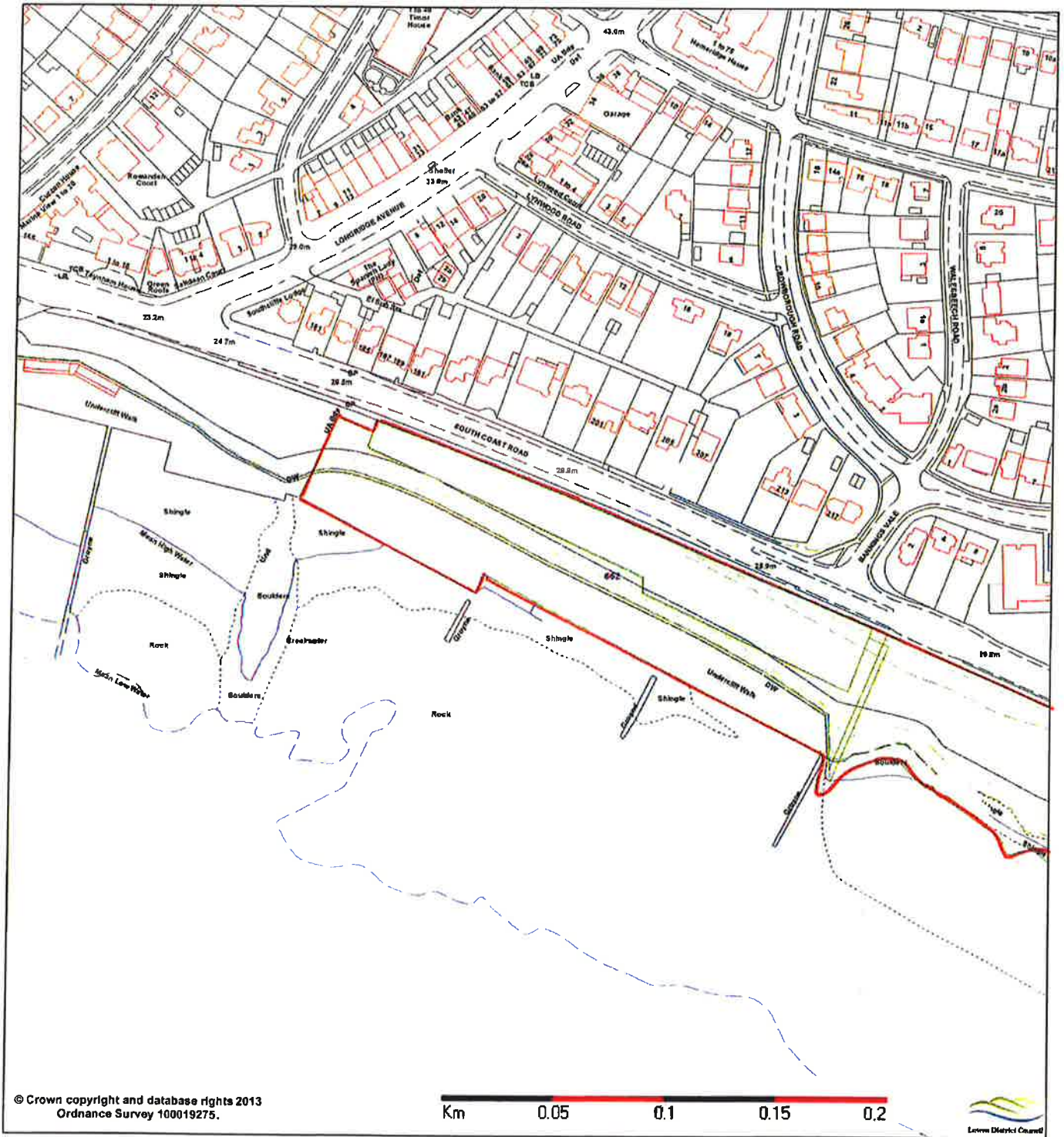
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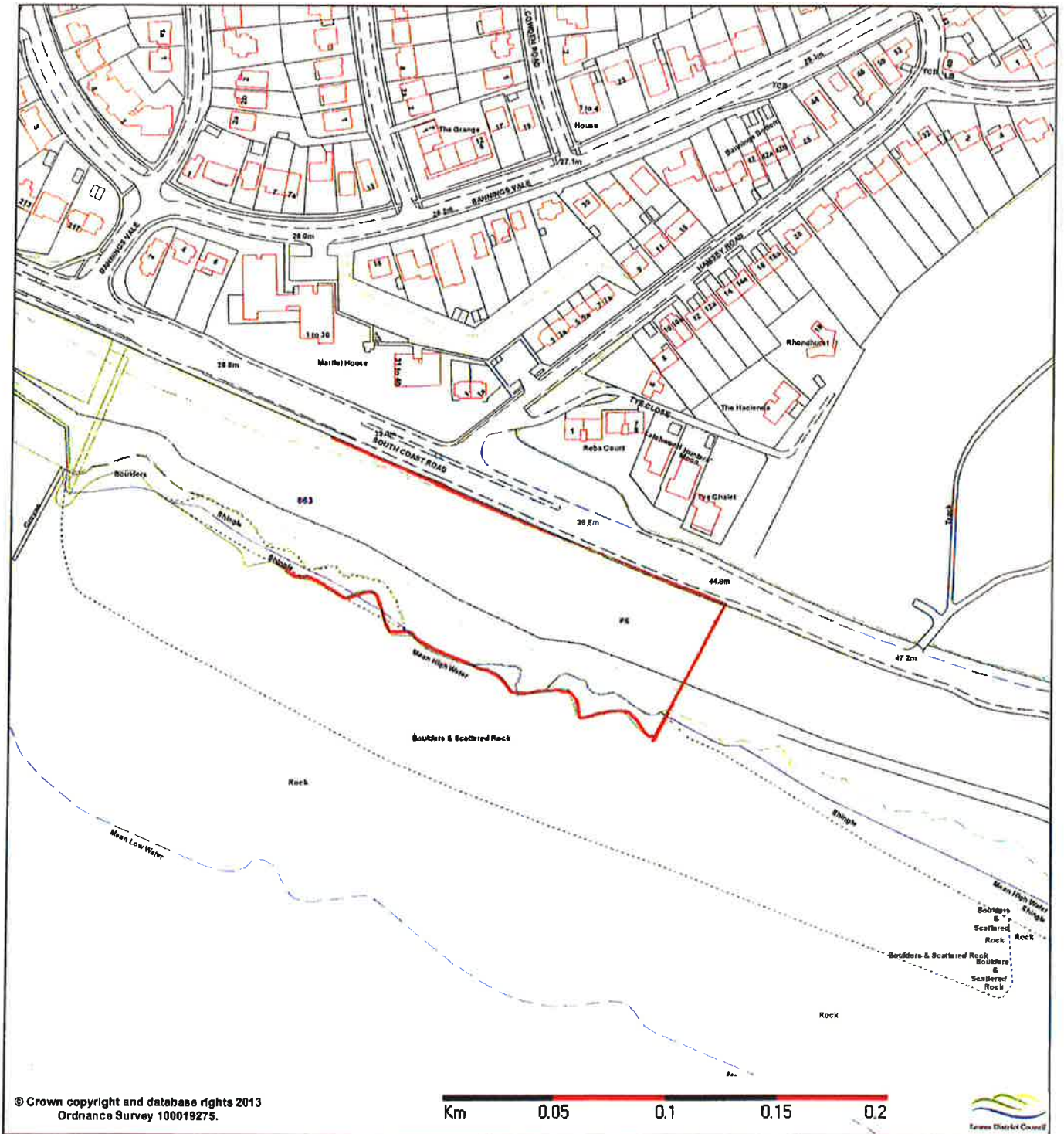




 <b>Lewes District Council</b> <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a>  <b>Estates &amp; Valuation Services</b>	<b>Fort Road Rec Newhaven</b>		<b>N</b> 	
	<b>Devolution</b> <b>544664/100446</b>	<b>DP:</b> <b>426</b> <i>Page 44 of 64</i>	<b>SCALE:</b> <b>1:2500</b>	<b>PLAN NO.</b> <b>E159/14</b>
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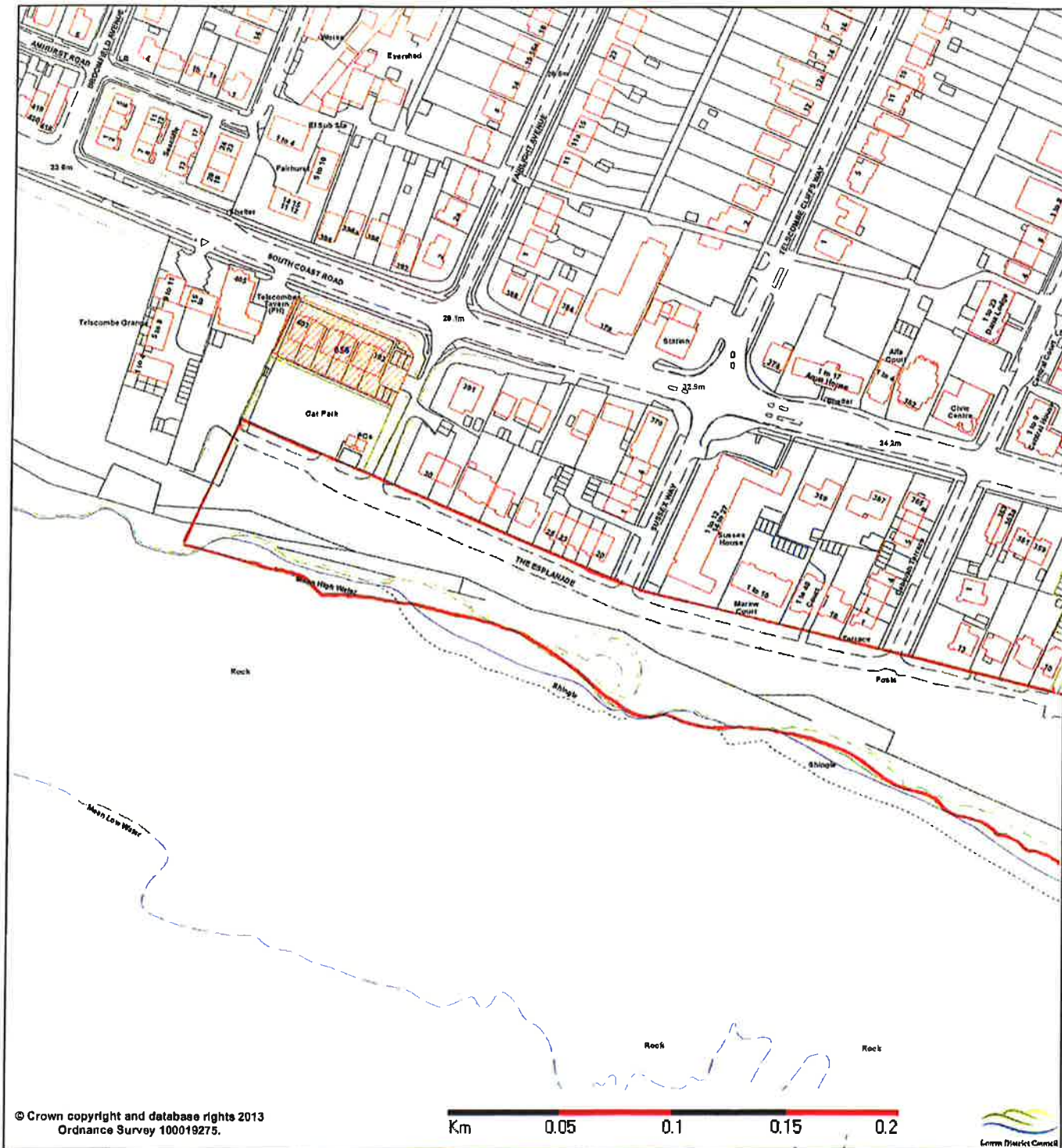




 Lewes District Council <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a>	<b>Telcombe Cliff Tops 1 of 4</b> <b>Telcombe</b>			<b>N</b> 
	<b>Devolution Project</b> 538597/101741	<b>DP: 663/62</b> Page 45 of 64	<b>SCALE:</b> 1:2500	<b>PLAN NO.</b> E170a/14
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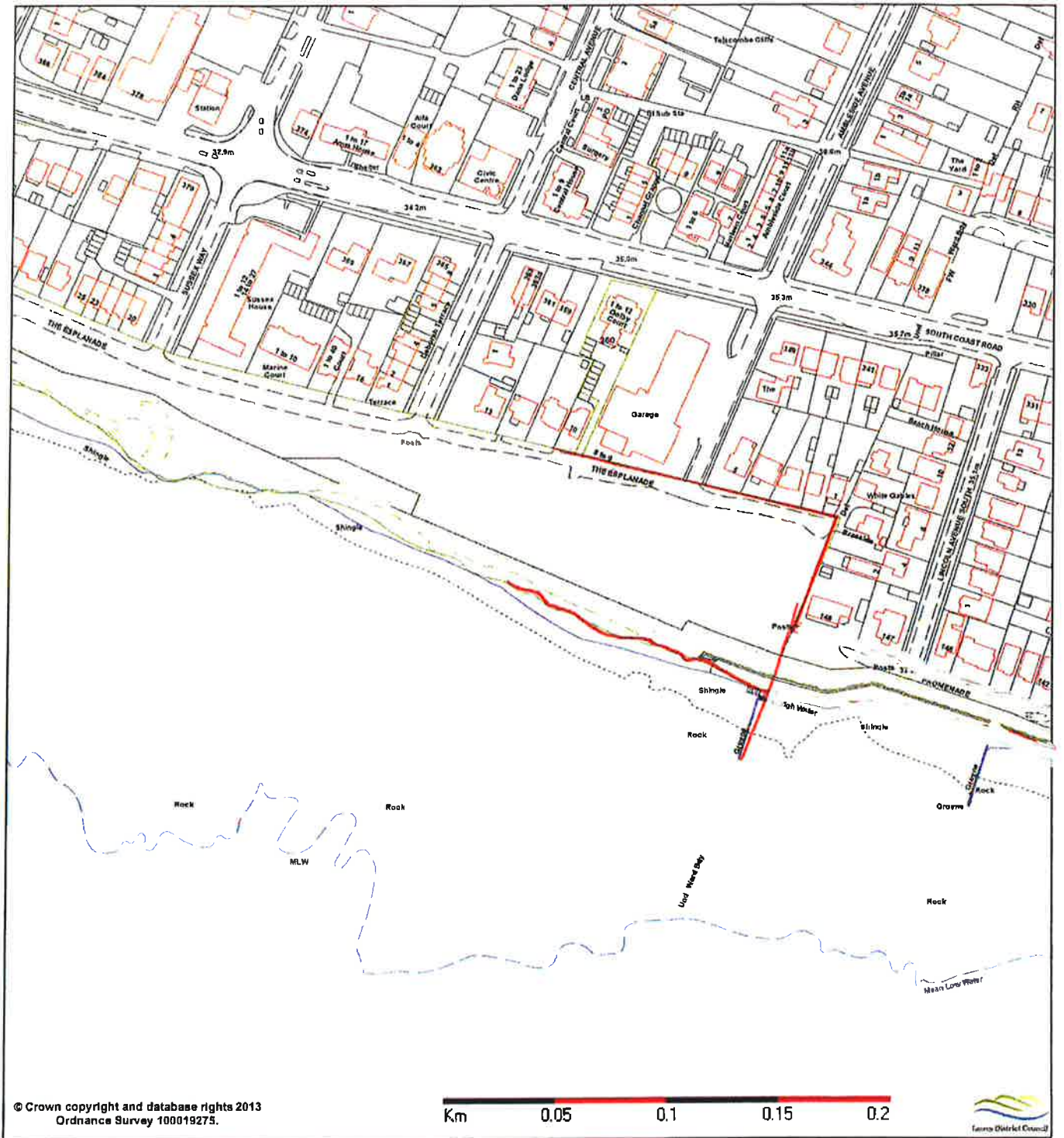




 <b>Lewes District Council</b> <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a>  <b>Estates &amp; Valuation Services</b>	<b>Telcombe Cliff Tops 2 of 4</b> <b>Telcombe</b>			<b>N</b> 
	<b>Devolution Project</b> 538597/101741	<b>DP: 663/62</b> Page 46 of 64	<b>SCALE:</b> 1:2500	<b>PLAN NO.</b> E170b/14
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	<b>Devolution Project</b> <b>538597/101741</b>	<b>DP: 663/62</b> <b>Page 47 of 64</b>	<b>SCALE:</b> <b>1:2500</b>	<b>PLAN NO.</b> <b>E170c/14</b>
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	<b>Devolution Project</b> <b>538597/101741</b>	<b>DP: 663/62</b> <b>Page 48 of 64</b>	<b>SCALE:</b> <b>1:2500</b>	<b>PLAN NO.</b> <b>E170d/14</b>
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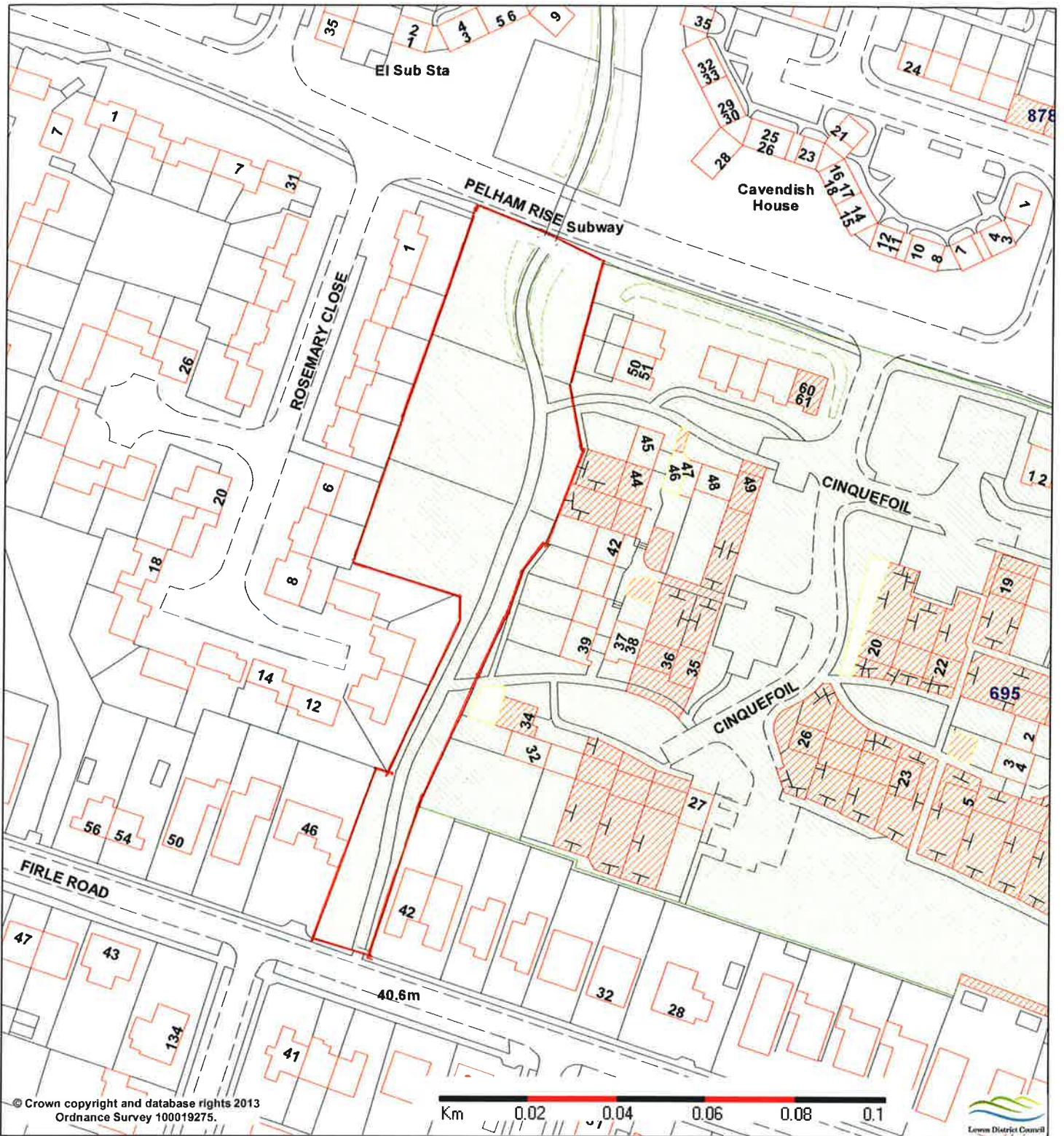




 <b>Lewes District Council</b> <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a>  <b>Estates &amp; Valuation Services</b>	<b>Telcombe Playing Fields</b> <b>Telcombe</b>		<b>N</b> 	
	<b>Devolution Project</b> <b>540382/102466</b>	<b>DP:</b> <b>834</b> Page 49 of 64	<b>SCALE:</b> <b>1:2500</b>	<b>PLAN NO.</b> <b>E165/14</b>
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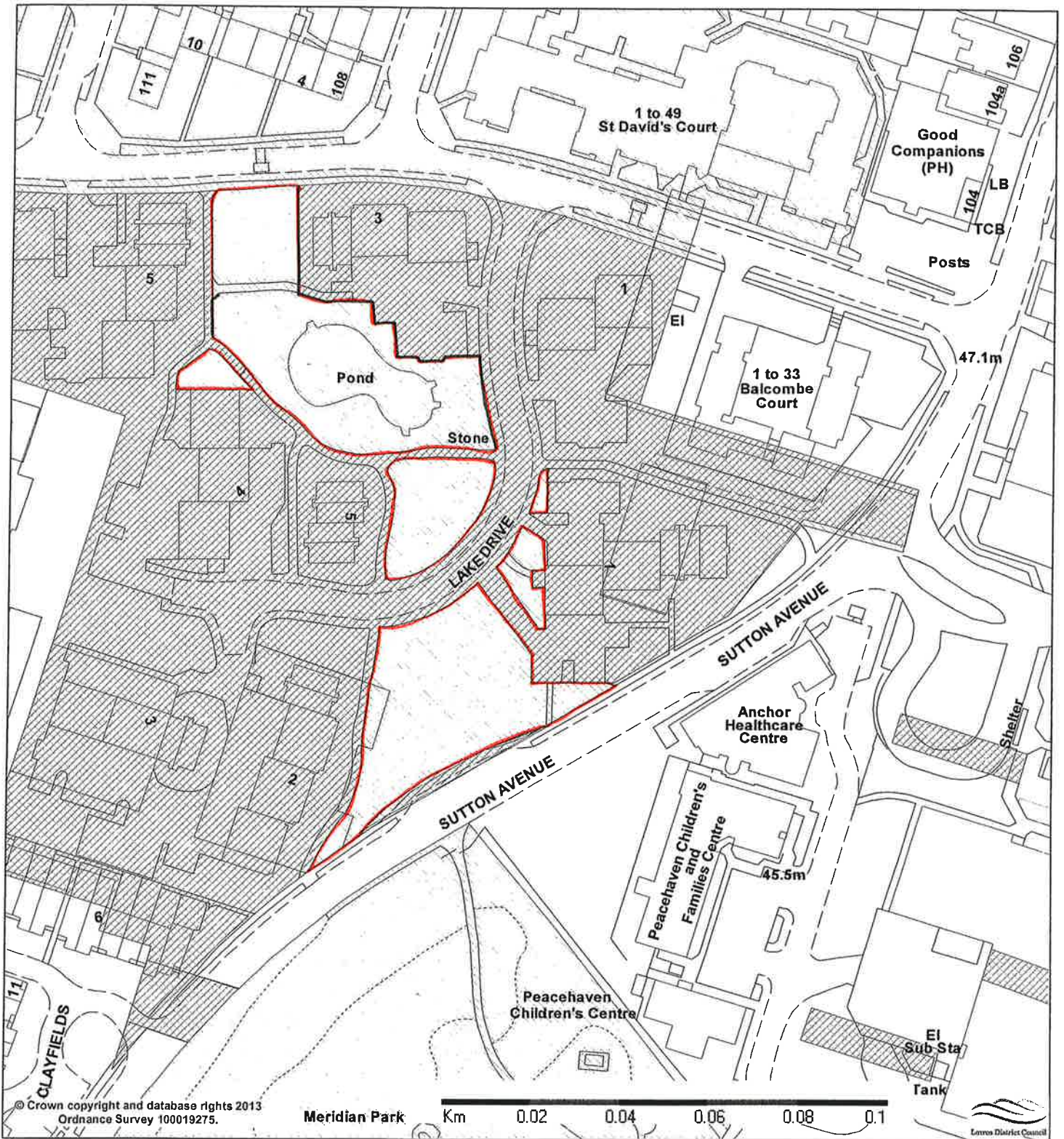
 Lewes District Council <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a>	<b>Aquila Park Peacehaven</b>		<b>N</b> 	
	Devolution <b>549314/9937</b>	DP: <b>957</b>	SCALE: <b>1:1250</b>	PLAN NO. <b>E135/14</b>
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	<b>Devolution Project</b> 541348/101989	<b>DP:</b> 695 <i>Page 51 of 64</i>	
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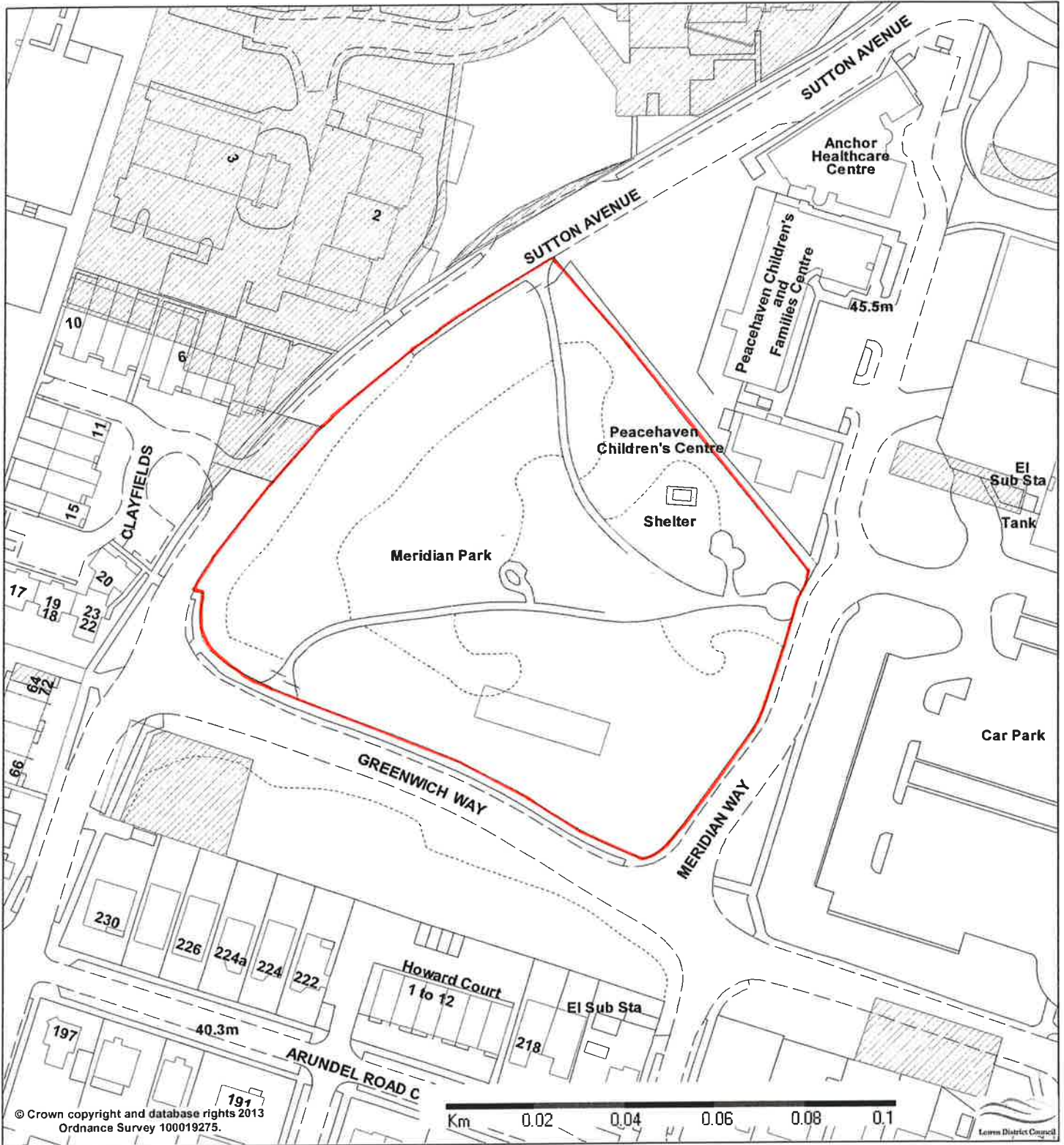



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Lake Park Peacehaven			N 
Devolution 540920/101629	DP: 939	SCALE: 1:1250	PLAN NO. E13A/14 5
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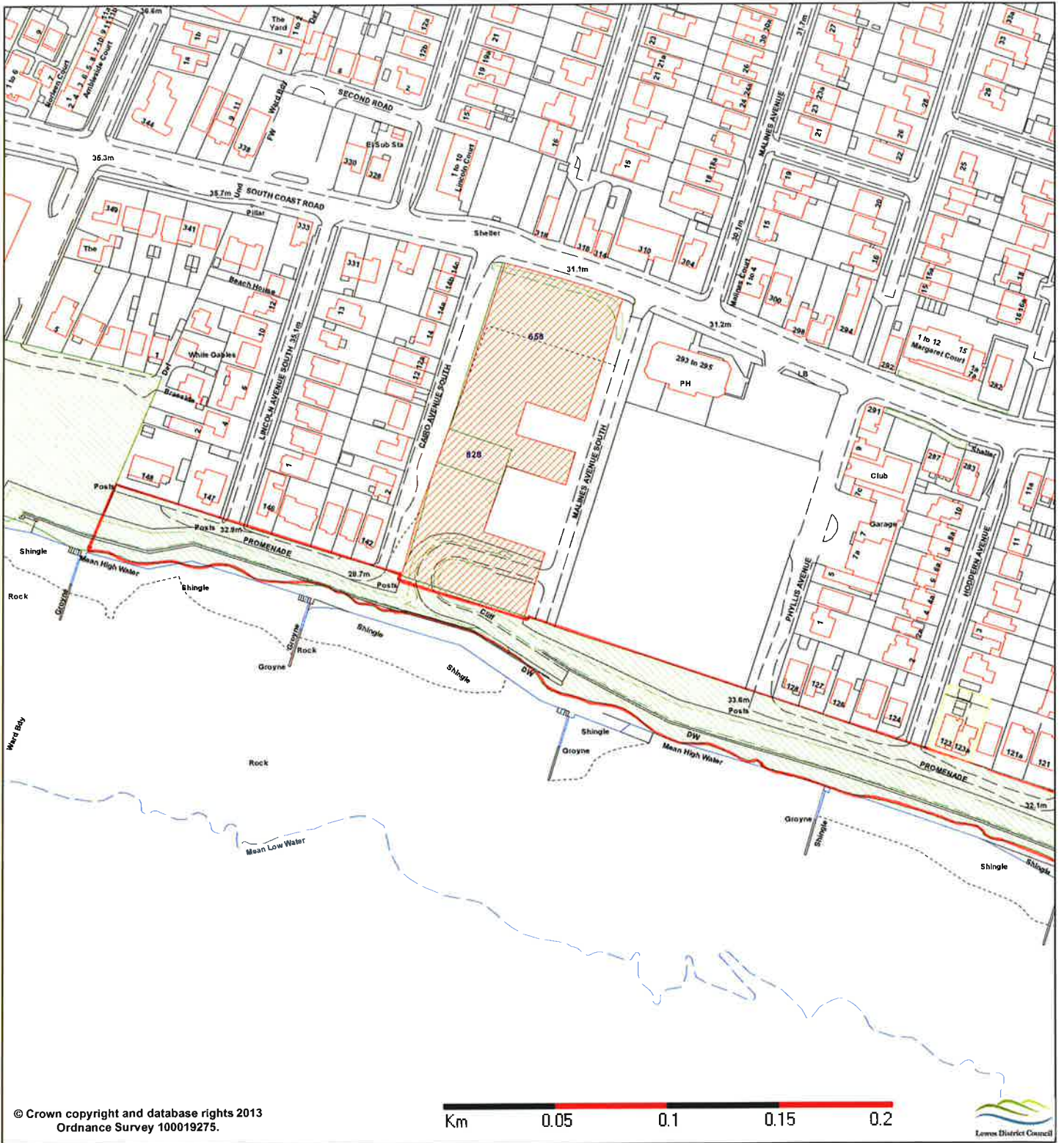
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	<b>Devolution Project</b> 540942/101460	<b>DP:</b> 892	<b>SCALE:</b> 1:1250	<b>PLAN NO.</b> E102/14 136
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Peacehaven Cliff Tops 1 of 5 Peacehaven			N 
Devolution Project 540441/100975	DP: 663/596-99 Page 54 of 64	SCALE: 1:2500	PLAN NO. E169a/14
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PLAN NO.  
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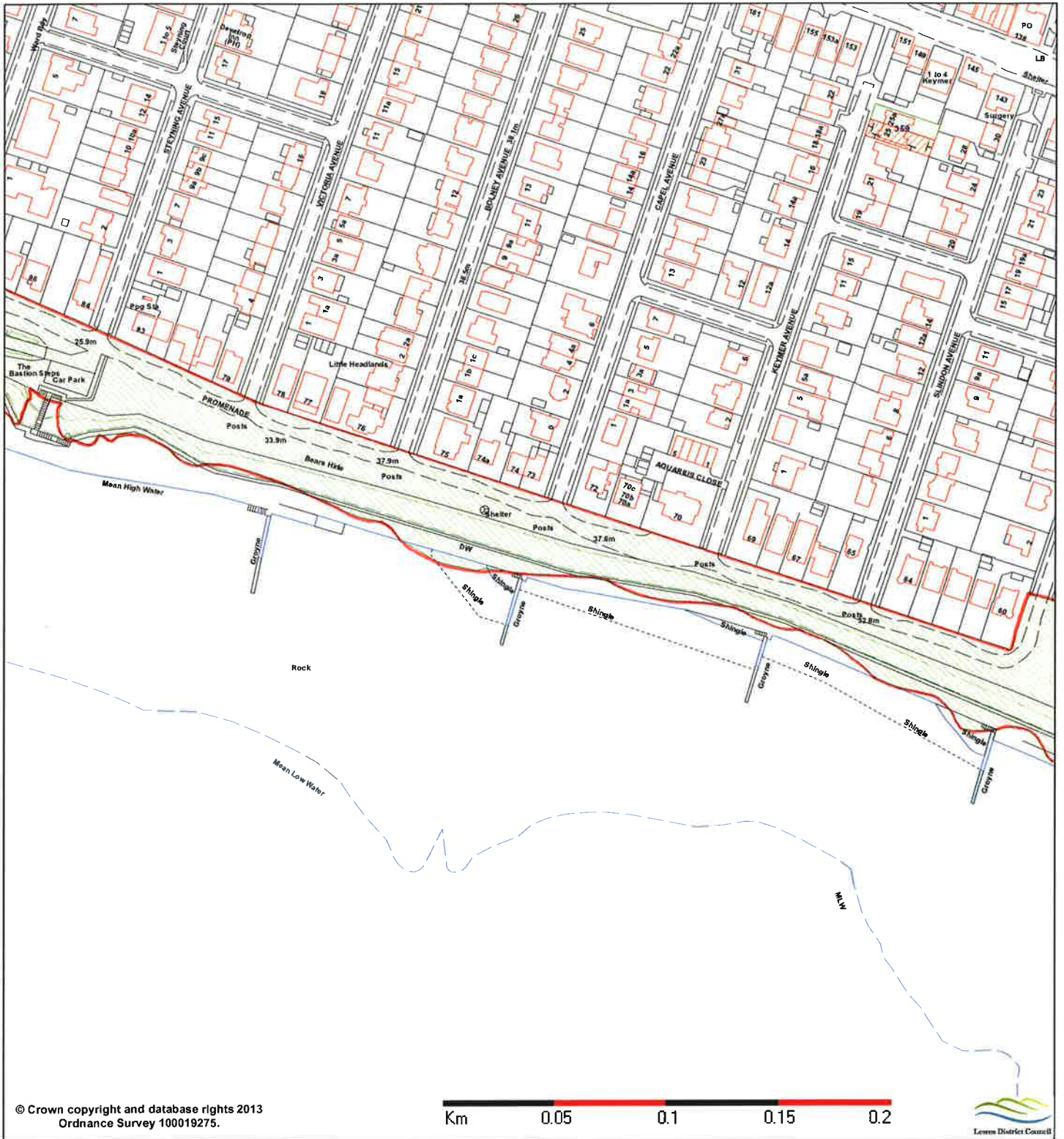


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	<b>Devolution Project</b> <b>540921/100807</b>	<b>DP: 663/596-99</b> <b>Page 55 of 64</b>	<b>SCALE:</b> <b>1:2500</b>	<b>PLAN NO.</b> <b>E169b/14</b>
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Peacehaven Cliff Tops 3 of 5  
Peacehaven



Devolution Project  
541254/100686

DP: 663/596-99  
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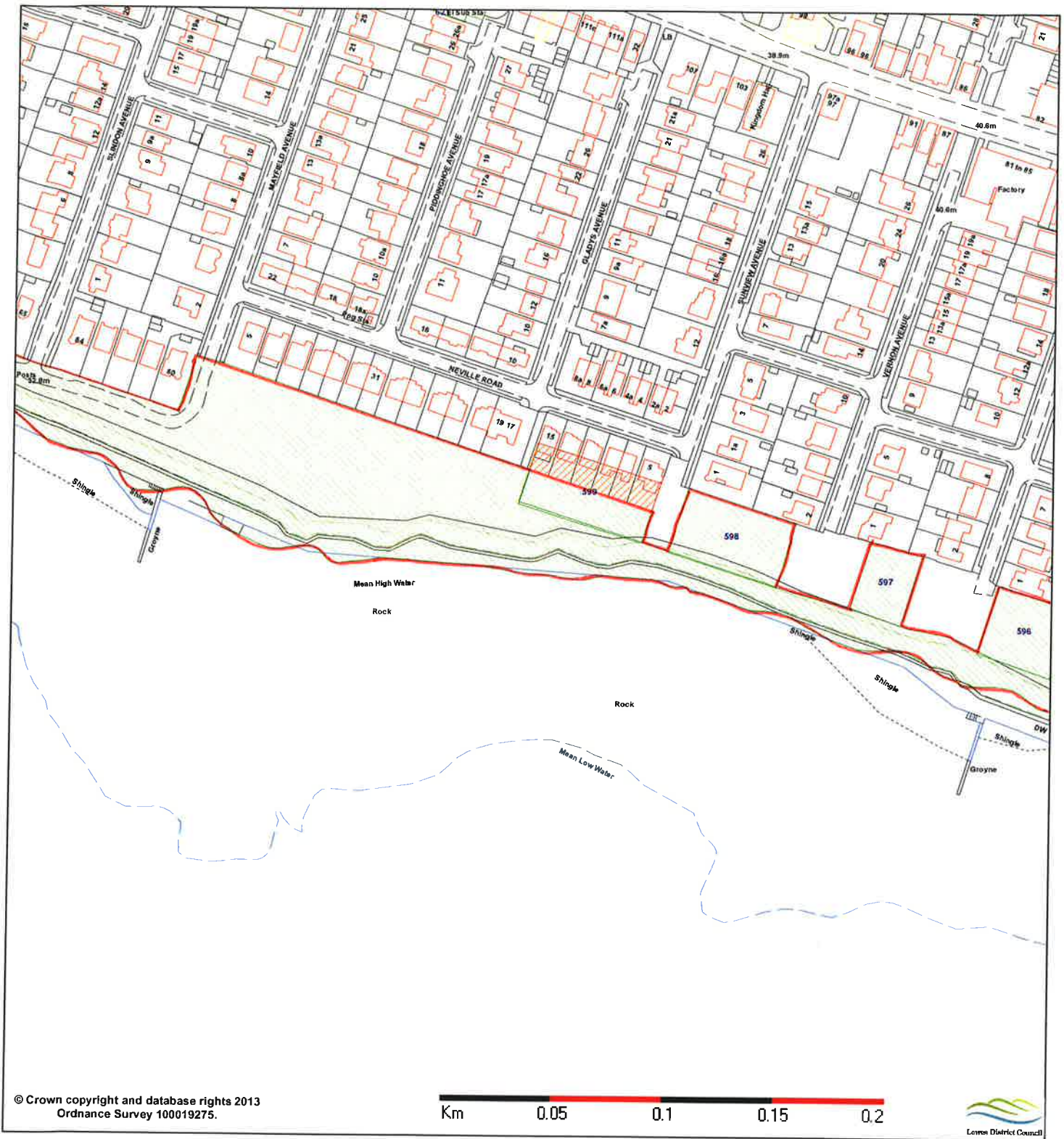
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PLAN NO.  
E169c/14

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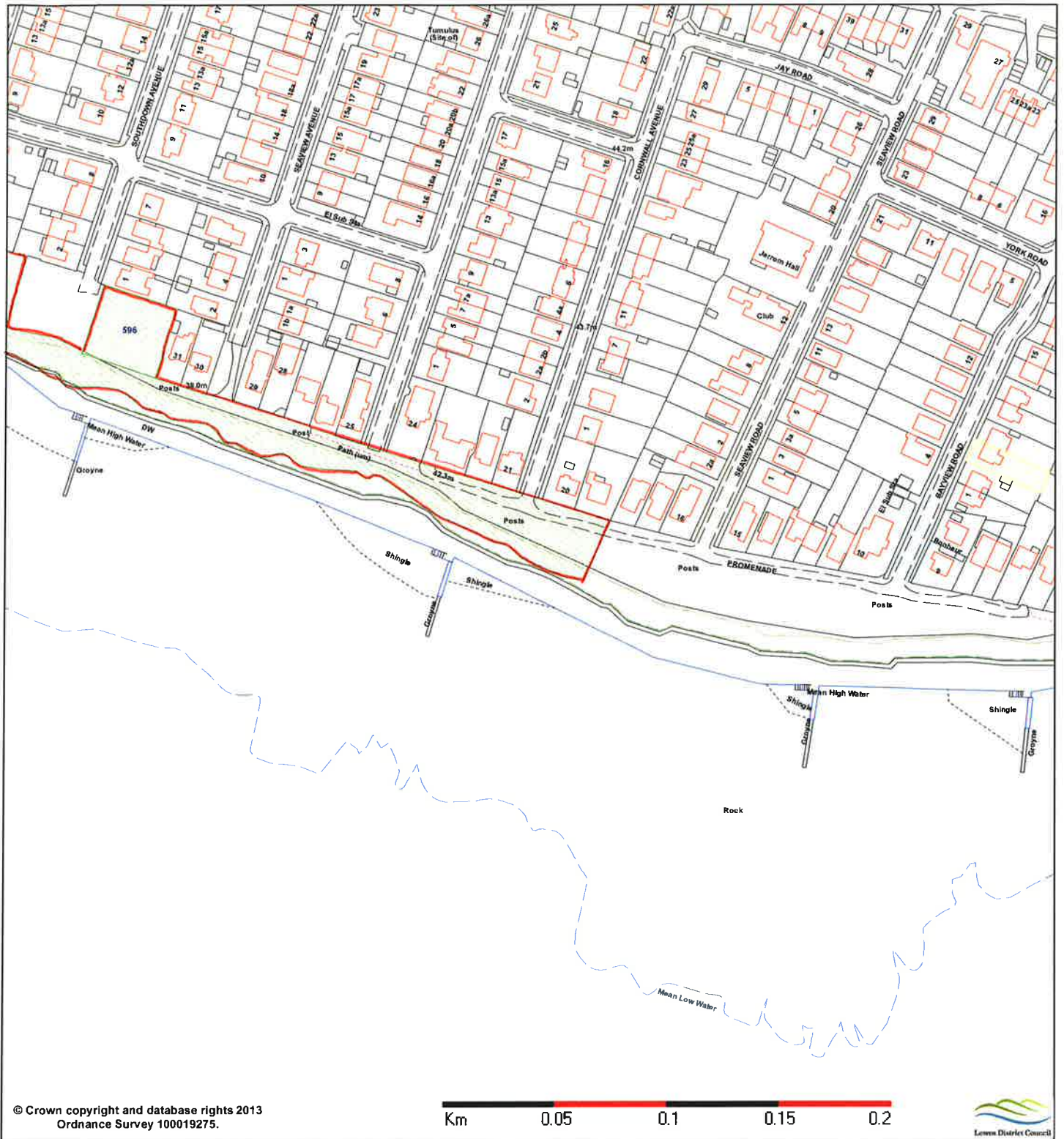
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	<b>Devolution Project</b> <b>541444/100632</b>	<b>DP: 663/596-99</b> <b>Page 57 of 64</b>	<b>SCALE:</b> <b>1:2500</b>	<b>PLAN NO.</b> <b>E169d/14</b>
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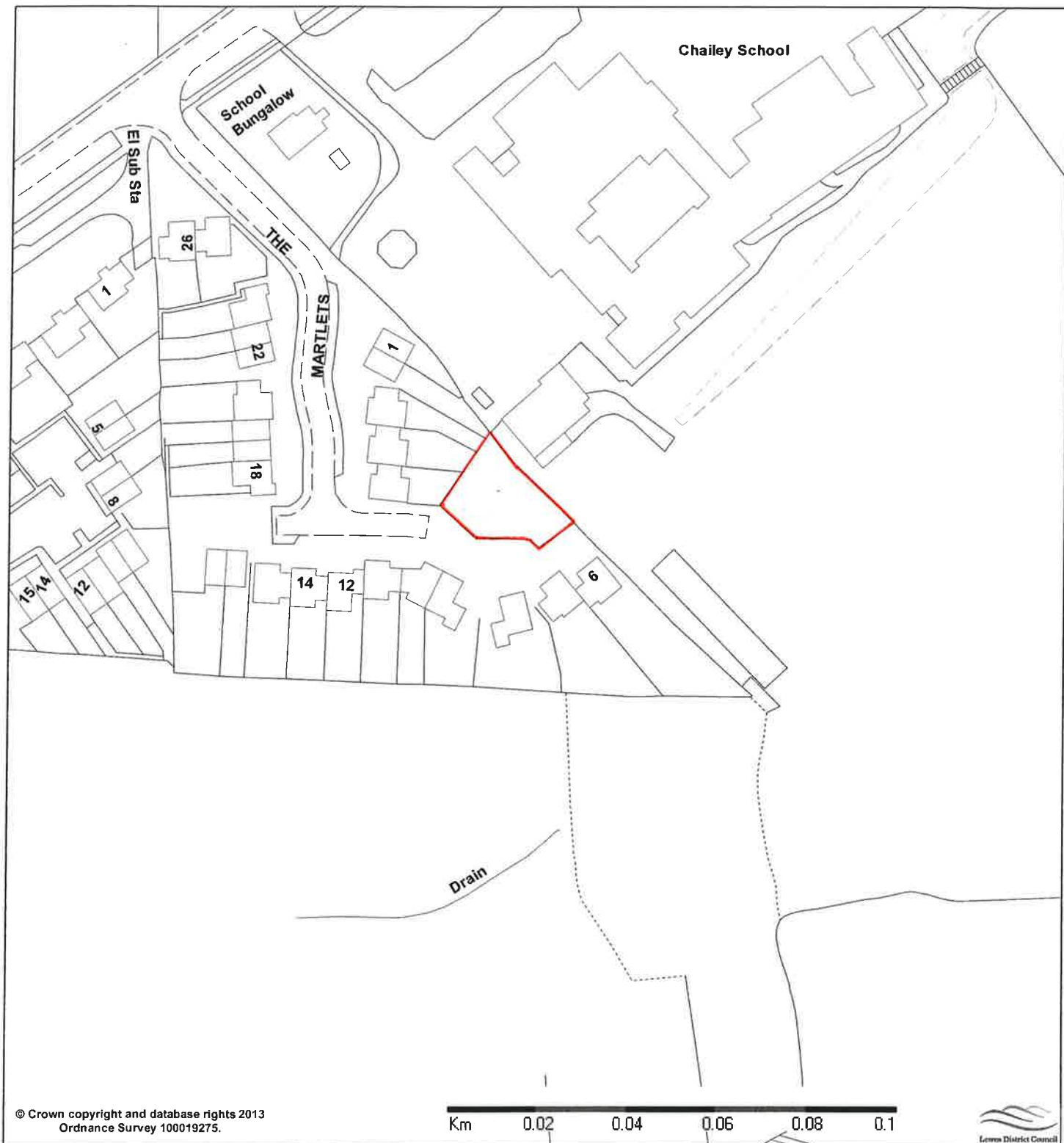




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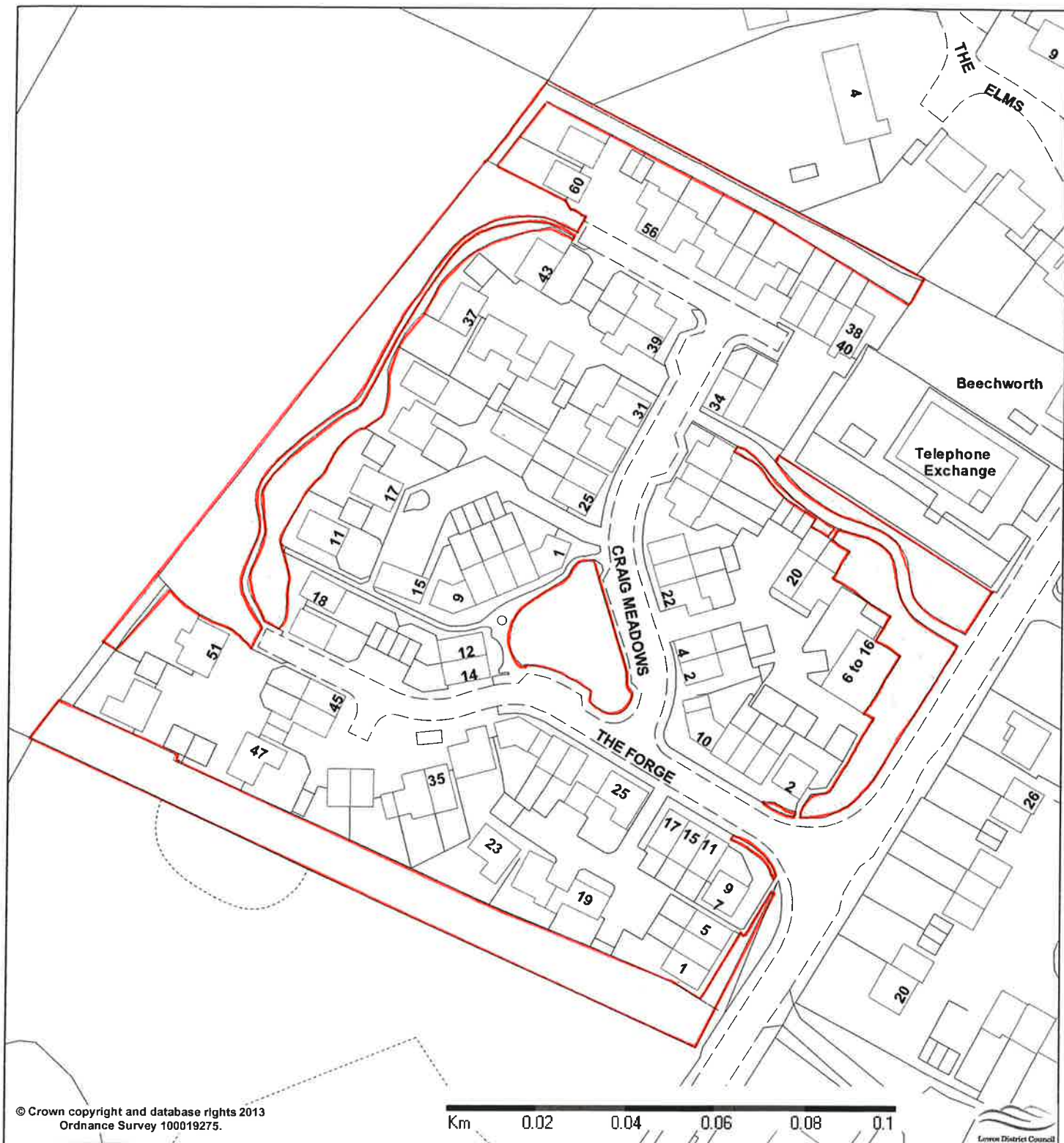


 <b>Lewes District Council</b> www.lewes.gov.uk  <b>Estates &amp; Valuation Services</b>	<b>Peacehaven Cliff Tops 5 of 5</b> <b>Peacehaven</b>			<b>N</b> 
	<b>Devolution Project</b> <b>541939/100479</b>	<b>DP: 663/596-99</b> Page 58 of 64	<b>SCALE:</b> <b>1:2500</b>	<b>PLAN NO.</b> <b>E169e/14</b>
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	<b>Devolution</b> <b>538 637/117385</b>	<b>DP:</b> <b>963</b>	<b>SCALE:</b> <b>1:1250</b>	<b>PLAN NO.</b> <b>E142/14</b>
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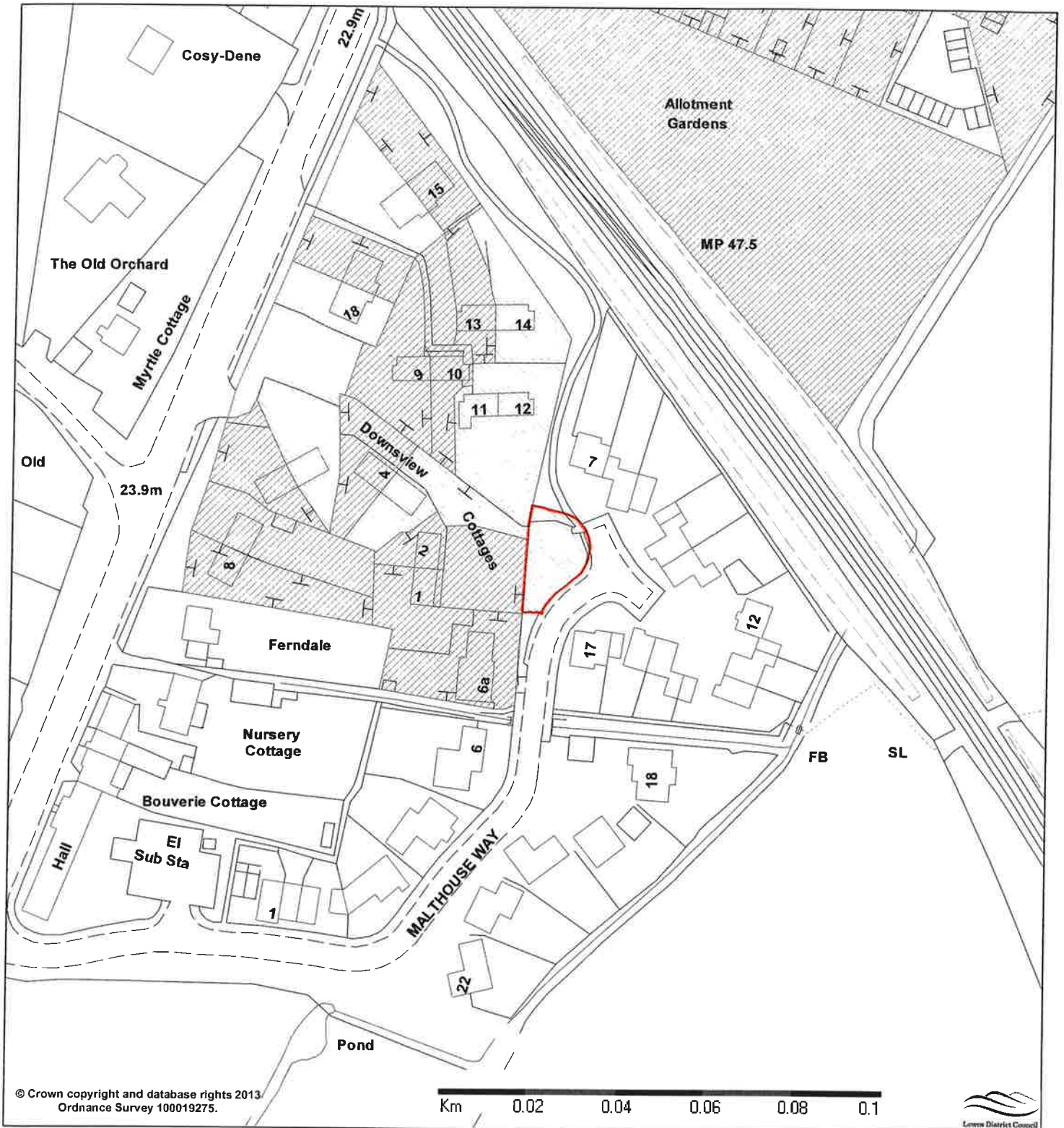
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Km 0.02 0.04 0.06 0.08 0.1

Lewes District Council

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	<b>Devolution</b> 544356/112169	<b>DP:</b> 980	<b>SCALE:</b> 1:1250	<b>PLAN NO.</b> E144/14
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	<b>Devolution</b> 540134/113292	<b>DP:</b> 962	<b>SCALE:</b> 1:1250	<b>PLAN NO.</b> E143/14
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**Lewes District Council**

Southover House  
Southover Road  
Lewes BN7 1AB  
01273 471600  
01273 484488 minicom  
**www.lewes.gov.uk**

9 January 2015

Response by email to: [settlement.consult@communities.gsi.gov.uk](mailto:settlement.consult@communities.gsi.gov.uk)

Dear Sir,

**Consultation Response: Provisional 2015-16 Local Government Finance Settlement.**

Please accept this consultation response on behalf of Lewes District Council.

In his statement to the Provisional Finance Settlement, The Minister referred to the fact that Parishes are an important part of local government, delivering valuable and valued local services.

The Minister also highlighted the importance of Devolution and mentioned why the Government has devoted much effort to empower our great cities and communities to drive local growth through a redistribution of power, away from Westminster and Whitehall, to councils, communities, and individuals across the nation.

Against this particular background I would ask the Minister to accept this submission as a response to his request for views on whether the highest spending parishes should be subject to the same referendum principle as the rest of local government.

Lewes District Council has embraced the Government Localism agenda and has embarked upon a journey to devolve its open spaces and recreation areas to the Town and Parish Councils in the district.

The first step of the journey was actioned during the current year 2014/2015 using the council tax setting process and relevant legislation to charge the taxpayers in each Town and Parish area the cost of their local open space areas. The legislative mechanism is called "Special Expenses".

This move has already raised greater service cost awareness and through retendering for a grounds maintenance contract a lower service cost has been established for the benefit of local taxpayers.

We have met with Town and Parish Councils where Special Expenses apply and they are keen to take on ownership and responsibility for these open spaces. We aim to devolve three sites during 2015/2016 which will impact on local 2015/2016 taxes. The rest of the sites (which are the majority) we aim to devolve by autumn 2015, ready for the 2016/2017 local tax calculations.

The greatest impediment to our implementation of this localism agenda and the greatest concern of Town and Parish Councils is the uncertainty that surrounds the referenda criteria and when it might and might not apply.

I would therefore like to submit for your consideration that Town and Parish Councils be excluded from any referenda requirement where:

- Towns and Parishes take on ownership of assets and services from a principal authority in the spirit of the Localism Act 2011, and
- It can be demonstrated that the aggregate band D taxation level of the combined Principal Authority and Town/Parish which has devolved/received the assets and services, remains the same.

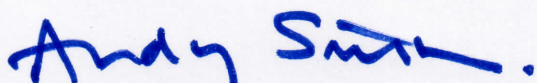
I have carefully worded this suggestion so that Towns and Parishes would be included within any criteria you choose to set if the principal council failed to address its own level of taxation to reflect what should be a transfer from its precept to that of the local Town or Parish Council. As part of the devolution agreement we would seek to give a commitment that the District Council will not subsume the transferred budget into its own Council Tax requirement.

If the Minister is minded to introduce referenda criteria for some, or all Town and Parish Councils could he please consider indicating those circumstances where he would be minded to favourably consider representations on a case by case basis, such as the instance I have referred to above and also to indicate that these circumstances would transcend financial years, or at least the next two financial years. This would provide a reasonable degree of certainty enabling our devolution programme to be delivered.

I understand that the local referenda procedure would be a vehicle for a Town or Parish Council to seek a mandate for this devolution policy but the counter argument is that the end result of our policy is no change at individual taxpayer level and therefore it would be an unnecessary and costly exercise to conduct a referenda in this case, particularly as one of our key priorities is to save money and put it back into the pockets of our residents and businesses, where we can.

Finally, I would also like to request that the referenda announcements for Towns and Parishes (if The Minister introduces criteria) are made at the same time as the Provisional Finance Settlement. I would like to thank the Minister in advance for taking the time to consider this submission.

Yours sincerely



Councillor Andy Smith  
Deputy Leader and Lead Cabinet Councillor for Corporate Resources