



Meeting of the Council

Minutes of a Meeting of the Council held in The Council Chamber, County Hall, St Annes Crescent, Lewes on Wednesday, 7 December 2016 at 6.00pm

Present:

Councillor N Enever (Chair)

Councillors S Barnes; B Bovington; J Carr; J Carter; S Catlin; S Davy; W Elliott; P Franklin; P Gander; P Gardiner; S Gauntlett; B Giles; O Honeyman; V Ient; T Jones; I Linington; A Loraine; E Merry; S Murray; D Neave; T Nicholson; R O'Keeffe; S Osborne; J Peterson; R Robertson; T Rowell; J Sheppard; A Smith; C Sugarman; R Turner and L Wallraven.

Apologies received:

Councillors S Adeniji; G Amy; W Botting; M Chartier; J Harrison-Hicks; A Lambert; R Maskell and S Saunders.

Minutes

36 Minutes

The Minutes of the Meeting of the Council held on 13 October 2016 were approved as a correct record and signed by the Chair.

37 Declarations of Interest

Councillor Giles declared his personal, non-prejudicial interest in Agenda Item 13 (Review of Polling Districts and Polling Places 2016).

Action

38 To Receive any Announcements From the Chair of the Council, Leader of the Council, Members of the Cabinet or the Chief Executive

(i) Urgent Item

The Chair reported that he had agreed that, in accordance with Section 100B(4)(b) of the Local Government Act 1972, a Notice of Motion that had been received from Councillor Ient relating to the proposed fare increases for Southern rail passengers which were scheduled to be introduced in the New Year, which had been circulated to all Members of the Council on 5 December 2016, be considered as a matter of urgency under Agenda Item No 5 at the meeting in order that discussion and any subsequent decisions thereon could be taken based on the most recent information which was available.

(ii) Chair of the Council's Engagements

The Council received the list of the Chair and Vice-Chair of the Council's engagements carried out since the Meeting of the Council held on 13 October 2016.

(iii) Long Service Award to an Officer – Stephen Osborne (Principal Accountant)

The Chair, on behalf of the Council, made a Long Service Award presentation to Stephen Osborne, one of the Council's Principal Accountants, who had begun his local government career on 22 August 1966 with the former Chailey Rural District Council. He had later moved to the former Seaford Urban District Council before transferring to Lewes District Council upon Local Government reorganisation on 1 April 1974. Mr Osborne had therefore recently completed 50 years local government service.

39 Urgent Items

The Chair reported that a Notice of Motion had been submitted under Council Procedure Rule 14 by Councillor Ient which related to the proposed fare increases for Southern rail passengers which were scheduled to be introduced in the New Year. Details of the Notice of Motion had been circulated to all Members of the Council on 5 December 2016, copies of which were circulated to Councillors at the meeting and made available to the public attending the meeting (a copy of which is contained in the Minute Book).

In accordance with Council Procedure Rule 14, Councillor Ient moved, and Councillor Murray seconded, the Notice of Motion as follows:

"The Lewes District Council deplores the fact that the Rail Delivery Group on behalf of the rail operators is putting up rail fares by an average of 2.3% this coming January 2017 this being especially painful for southern railway commuters bearing in mind the abominable service provided by the rail operator GTR/Govia. Accordingly this council requests that the Secretary of State for Transport cancels any fare increase on Southern Railways for the next 12 months."

Councillor Catlin moved, and Councillor Murray seconded, an amendment as follows:

"That the Motion be amended to read:

".....for the next 12 months. In future, this Council will seek earlier engagement through the Southern Community Rail Partnership and the Govia Thameslink Railway Stakeholders Meeting."

Councillor lent reported that he was in agreement with the above amendment being made to his Notice of Motion.

The substantive motion was put to the meeting, Declared Carried, and it was

Resolved:

39.1 Accordingly.

ADLDS/
M
Robertson

40 Questions from Members of the Public

A written question was asked of the Cabinet Member for Planning, Councillor Jones, on the following subject, a copy of which was circulated to all Councillors at the meeting and made available to the public attending the meeting (a copy of which is contained in the Minute Book). An oral reply to the question was given at the meeting by Councillor Jones:

Questioner

Vivian Carrick,
Secretary,
Peacehaven Focus Group

Question Concerning

Taking in to consideration the Supreme Court and very recent High Court ruling for immediate action for the United Kingdom government to review Air Quality Action Plans, speed up and improve measures to combat harmful air pollution levels, particularly nitrogen dioxide and comply with European Union Legislation, what immediate and future plans were the Council taking to address such matters and safeguard the health of their residents and future generations from Peacehaven to East Saltdean, because of recent, current and future building

developments as stated in the Local Plan, which, as a result, increased traffic pollution, due to high levels of slow moving traffic both ways along the A259 particularly at rush hour?

41 Petitions

(i) The Chair received a petition from Councillor Carter and Mr Neil Thomson, who was a representative of Making Lewes, which contained 1609 signatures. The petitioners called upon the Council to fully explore a range of options for the future use of the Turkish Baths building, Friars Walk, Lewes. Such options should include exploring the potential for a creative hub and other uses not relying on full refurbishment prior to use and ways to ensure that the public building remained accessible and used by a wide section of the local community.

Councillor Carter and Mr Thomson addressed the Council on the subject matter of the petition and the number of signatures.

As the petition contained 1500 signatures or more it would be debated by Councillors as an Agenda item at a full Council Meeting. Councillor Carter and Mr Thomson would be advised of the date of that Meeting.

DRP

(ii) The Chair received a petition from Councillor Carter and Mr Stone Adams which contained in excess of 1500 signatures. The petitioners called upon the Council to stop spraying all toxic pesticides in Lewes District streets, parks, schools and public spaces.

Councillor Carter and Mr Adams addressed the Council on the subject matter of the petition and the number of signatures.

As the petition contained 1500 signatures or more it would be debated by Councillors as an Agenda item at a full Council Meeting. Councillor Carter and Mr Adams would be advised of the date of that Meeting.

DSD

42 Questions to the Leader of the Council

Questioner

Question/Response

Councillor Sheppard

Question:

With regard to the recent overturning, on appeal, by Sajid Javid MP, Secretary of State for Communities and Local Government, of the Planning Applications Committee's refusal in respect of proposed residential development at Mitchelswood Farm, Newick, what was the Lead Member for Planning and the Council doing to challenge the MP's decision which, in effect, overturned the Newick

QuestionerQuestion/Response

Neighbourhood Plan. The Plan had been presented to the residents of Newick after almost three years work by the Parish Council and others. It was voted on and agreed, by over 80% of the residents who had voted, to adopt the Plan as presented. If the MP's decision remained it made a mockery of Localism. What was the point of any town or parish working on, and presenting, a Neighbourhood Plan if it could be overruled on the whim of a misinformed Minister who stated that the Council did not have a five year supply of land for housing – which was incorrect.

I expect the Council to appeal against the MP's decision as soon as possible.

Response (by Councillor Smith, Leader of the Council):

The Council could not overstate the disappointment that it had felt upon learning of the overturning of the Planning Applications Committee's decision. Part of the purpose of Neighbourhood Plans was to engage local communities in understanding that there was a need to build houses in some areas and the Newick Plan had been one of the first such Plans that the Council had adopted as part of the statutory development plan for the District. The Plan had identified several hectares of land for development but none of it had been the subject of the appeal decision.

The production of such Plans had involved the local councillors and had been time consuming and expensive. It had been endorsed by the Planning Inspector and the Council had adopted it. When the planning application for the Mitchelswood Farm site was considered by the Planning Applications Committee it had been refused as it did not conform with the core strategy.

Maria Caulfield MP had asked why the decision had been overturned and had been told that the Plan contained insufficient land supply for housing, however, such reason was not included in the Inspector's report.

Despite the decision by the Secretary of State, the Leader of the Council continued to encourage the preparation of Neighbourhood Plans and he was asking the Council's Solicitor to investigate what action the Council could take in order to oppose the Secretary of State's decision.

ADLDS

Councillor Ient

Question:

The recent overturning, by Sajid Javid MP, of the

QuestionerQuestion/Response

Planning Applications Committee's refusal in respect of proposed residential development at Mitchelswood Farm, Newick, seemed to be detrimental to the principles of having Neighbourhood Plans and the Localism Act.

What was the Leader of the Council going to do in order to help parishes and groups develop their Plans so as to avoid the 'loop-hole' which allowed the above decision to approve the proposed development which was against the intentions of the National Park and the principles of local public participation and consultation.

Response (by Councillor Smith, Leader of the Council):

The Leader of the Council reported that when his local Town Council had begun preparing its' Neighbourhood Plan, he had indicated that the Newick Plan was an exemplar of such Plans and he reaffirmed that, despite the above setback, the Council continued to encourage communities in the preparation of Neighbourhood Plans.

The Planning Application in respect of Mitchelswood Farm had been refused by the Planning Applications Committee as such decision was supported by the Newick Plan.

The Council would investigate what action it could take in order to get the appeal decision overturned.

ADLDS

43 Urgent Decisions taken by the Cabinet or Cabinet Members

The Solicitor Reported that, in accordance with paragraph 17 of the Scrutiny Procedure Rules, Cabinet had agreed, at its meeting held on 16 November 2016, that Resolution 44.1 which related to the Council's purchase of the freehold interest of 2 to 5 The Friars, Lewes, was urgent in order that the Council could confirm immediately that it was in a position to proceed with the sale and, therefore, was not subject to the call-in procedure. All Members of the Council were advised of such urgency at the time of the Cabinet meeting.

44 Recommendations from Cabinet**Unreserved Item**

The Chair of the Council moved, and Councillor Gander seconded, the motion that the recommendation of Cabinet held on 16 November 2016 in respect of Minute 34 relating to the Finance Update – Performance Quarter 2 - 2016/2017, be received and adopted.

The motion was put to the meeting, Declared Carried, and it was

Resolved:

44.1 Accordingly.

DCE

Reserved Item

The Leader of the Council moved, and Councillor Giles seconded, the motion that the recommendation of Cabinet held on 16 November 2016 in respect of Minute 37 relating to the Adoption 'Making' of the Wivelsfield Neighbourhood Plan, be received and adopted.

The motion was put to the meeting, Declared Carried, and it was

Resolved:

44.2 Accordingly.

DRP

45 Review of Polling Districts and Polling Places 2016

Councillor Smith moved, and Councillor Gander seconded, the motion that the recommendations set out in Report No 160/16 relating to the review of polling districts and polling places 2016, be received and adopted.

During the ensuing debate it was noted that, with regard to paragraph 15.6 of the Report, the proposed boundary line between the Parish wards of Lewes Castle and Lewes Central would follow the route of the railway line, and not run down the River Ouse as indicated therein.

The motion was put to the meeting, Declared Carried, and it was

Resolved:

45.1 Accordingly.

ADLDS
(HDS)

(Note: Councillor Giles declared his personal, non-prejudicial interest in this item as he was a fundraiser, volunteer instructor and putative chairman of the Squadron support committee at the Air Training Corps in Newhaven that used the Air Cadet Hut, Transit Road, Newhaven, which, the Report proposed, be used as the new polling place for polling district LJB. However, Councillor Giles was able to take part in the consideration, discussion and voting thereon).

46 Appointment of External Auditor

Councillor Giles moved, and Councillor Gander seconded, the motion that the recommendation set out in Report No 161/16 relating to the

appointment of external auditor, be received and adopted.

The motion was put to the meeting, Declared Carried, and it was

Resolved:

46.1 Accordingly.

DCE

47 Local Council Tax Reduction Scheme 2017/18

Councillor Giles moved, and Councillor Bovington seconded, the motion that the recommendations set out in Report No 164/16 relating to the Local Council Tax Reduction Scheme 2017/18, be received and adopted.

The motion was put to the meeting, Declared Carried, and it was

Resolved:

47.1 Accordingly.

DSD

The meeting ended at 6.56pm.

N Enever
Chair