

Devolution Committee

Minutes of a meeting of the **Devolution Committee** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Monday 26 October 2015** at 10.00am.

Present:

Councillors A Smith (Chair), J Carter, P Franklin and J M Harrison-Hicks

Also Present:

Councillor B Giles, Lead Member for Resources and Finance
M Frost, Committee Officer
B Lewis, Head of Property and Facilities

Minutes	Action
<p>1. Minutes</p> <p>The Minutes of the meeting held on 27 January 2015 were approved as a correct record and signed by the Chair.</p> <p>Councillor Smith, the Chair of the Committee, updated the newly elected Councillors on the current situation with regard to devolution. Councillor Smith clarified that in 2011, the National Association of Local Councils (NALC) issued a report called Managing Double Taxation, which identified a growing opportunity for Town and Parish Councils to provide local services. He advised that Cabinet had implemented a policy of Special Expense charging from the 2014/15 financial year as a precursor to encouraging more devolution of its assets to the Town and Parish Councils. Councillor Smith also advised that this approach meant that the cost Lewes District Council incurred in managing and maintaining each of its own spaces that it owned was paid for by only those council taxpayers in the local Town or Parish council area in which the open space was located.</p> <p>Councillor Smith also informed the Committee that Councillor Giles was now the Lead Member for Resources and Finance.</p>	
<p>2. Apologies for Absence</p> <p>Apologies for absence had been received from Councillors G Amy and D Cooper.</p>	

3. Declaration of Interests

It was noted that some members of the Committee were also members of Town Councils within the District.

4. 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 143/15 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.

5. Devolution of Open Spaces to Town and Parish Councils

The Committee considered Report No 143/15 which provided an update on the Project Plan for devolving a number of open space assets to Town and Parish Councils.

The Head of Property and Facilities advised the Committee that to enable the land transfers, there had been a considerable amount of background work involving Legal Services, Property, Finance and Parks which had to be finalised before the drafting of agreements between the parties.

The Head of Property and Facilities explained that it had been envisaged that the devolution of the three sites (Landport Bottom, Mallings Recreation Ground and The Forges) would be completed by March 2015, but that for the following reasons the timescale had not been achieved:

- i) Negotiations with Lewes Town Council (LTC) had taken longer than anticipated due to changes in personnel within Lewes District Council (LDC) and due to a failure in reaching an agreement on the purpose of the overage clauses and restrictive covenants that LDC wished to include in the deed of transfer;
- ii) The negotiations with LTC needed to have reached a mutually satisfactory stage before the negotiations with the other Town and Parish Councils could take place;
- iii) A phased approach to handing over the assets had been negotiated with Newhaven Town Council (NTC) and LTC would submit their suggested programme of transfers in due course, with the aim of completing three transfers every three months between October 2015 and April 2017.

The Head of Property and Facilities advised that the three assets mentioned (Landport Bottom, Mallings Recreation Ground and The Forges) were ready for transfer. All sites would be advertised publicly as required

under Section 123 of the Local Government Act 2000 as part of the transfer.

The Committee noted that for the land known as The Forges, Ringmer and Malling Recreation Ground, Lewes the agreement had been drafted on the basis that the transfer would be at nil value. An overage clause had been agreed so that Lewes District Council (LDC) could recoup any uplift in value if planning use changed. The land at Landport Bottom was owned jointly by LDC and LTC and was subject to a number of restrictive covenants and so it had been agreed that the land would be transferred without any overage provision.

The Head of Property and Facilities also advised the Committee that in respect of any contamination on the land, liability would pass to the Town or Parish Council. The Committee noted that each site would be examined on a site by site basis for contamination and clear title.

Appendix B of the Report showed the project activity sheet and a complete list of those sites which would eventually be devolved. The likelihood of any contamination was also highlighted.

The Committee noted that the next sites to be transferred would be The Malthouse play area, Cooksbridge; Eastside Recreation Ground and Allotments, Newhaven; Riverside Park & Lewes Road Rec, Newhaven and the Valley Road play area, Newhaven.

The Committee also noted that Councillor Smith was now Leader of the Council and so would no longer remain as a member of the Committee. It was Councillor Smith's intention that Councillor B Giles would replace him on the Committee.

Resolved:

- 5.1** That the Devolution Committee note Report No 143/15 and agree the Project Plan, timescales and next steps contained within the Report;
- 5.2** That the Devolution Committee recommends to the Lead Member for Finance and Resources the transfer of land at The Forges, Ringmer, Malling Recreation Ground, Lewes and Landport Bottom, Lewes to the respective Town and Parishes, as set out in Report No 143/15; and
- 5.3** That the Devolution Committee agrees to meet on a quarterly basis to review progress against the Project Plan set out in Report No 143/15.

6. Date of Next Meeting

Resolved:

6.1 That the next meeting of the Devolution Committee be held on Tuesday 2 February 2016 at 10:00 am, and that the Committee Officer be requested to inform the Committee of the venue for that meeting

A Smith
Chair