



Council Meeting

Minutes of a Meeting of the Council held in The Chamber, Pelham House, St Andrew's Lane, Lewes on Wednesday, 28 September 2011 at 2.30pm

Present:

Councillor E E J Russell (Chair)

Councillors S Adeniji, R E Allen, C A Bowers, C J Butler, M P Chartier, M A Cutress, S B Davy, A Dean, D R Edmunds, I Eiloart, P L Franklin, P F Gardiner, S J Gauntlett, D M Gray, B W Groves, J V Harris, J M Harrison-Hicks, P A Howson, A T Jones, C S Lambert, J N MacCleary, R Main, R K Maskell, I A Nicholson, C R O'Keeffe, S J Osborne, J V S Page, R Robertson, S Saunders, H J F Sheppard, A X Smith, B M Warren and I J White.

Apologies received:

Councillors R Blackman, J L Carr, P Gander, E C Merry, J Stockdale and C Sugarman.

The meeting was preceded by a presentation to Councillors by representatives of 3VA which supported voluntary action across the District as well as in Eastbourne and Wealden.

	Minutes	Action
59	Minutes The Minutes of the Meeting of the Council held on 20 July 2011 were approved as a correct record and signed by the Chair.	
60	Declarations of Interest Councillor O'Keeffe declared her non-prejudicial interest in Agenda Item 4 (Announcements).	

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

(i) 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 20 July 2011. Furthermore, the Council received and noted a Report relating to the 69th Anniversary of the Raid on Dieppe Commemoration which had been held on 18 and 19 August 2011 and attended by the Chair of the Council and the Chief Executive.

(ii) Future Membership of the Cabinet

The Leader of the Council reported that, in light of the exciting and challenging targets that were set out in Part 2 of the Council Plan (Agenda Item No 10 "Recommendations from Cabinet" refers), he was keen to ensure that Cabinet had the capacity to succeed with the projects and achieve significant service improvements. He had, therefore, decided to make some changes to the Cabinet membership namely that:

- (a) Councillors Edmunds and Davy would step down;
- (b) Responsibility for the Communications and Community Engagement portfolio would be shared between Councillors Nicholson and Page, with Councillor Page taking particular responsibility for Communications; and
- (c) Councillors Blackman, Franklin and Robertson would join the Cabinet as members without portfolio.

The changes to membership of the Cabinet would take immediate effect and would affect the membership of some non-executive committees, the changes to which would need to be approved by the Council and would be reported to the next Council meeting in December 2011.

CHLDS (J
Gavigan)

(iii) Seaford in Bloom Award

The Chair of the Council reported that the Council had recently been presented with an award for the best Environmental contribution in the 2011 Seaford in Bloom competition which was made in recognition of the Micklefield Park project that had been developed in 2009 on the site of the former Micklefield School.

The Vice Chair of the Council, Councillor Gander, had attended the awards ceremony at which he had received the award from the Mayor of Seaford, Councillor Wallraven.

The Council then thanked the Parks Team and local residents who

had helped to design the wonderful open space. The Chair introduced to the meeting, Chris Bibb, the Team's Projects Coordinator, who received the award on behalf of District Services.

(iv) Green Flag Awards

The Chair further reported that Lewes Railway Land and Castle Hill Newhaven local nature reserves had recently received Green Flag awards which indicated to visitors that they were among the best in the country, were well maintained and well managed, that they had excellent facilities and were vital to communities.

It was the third time that the Lewes Railway Land site has been given the Award and the second time that the Castle Hill site has received it.

The Chair, on behalf of the Council, thanked local residents and the Council's Officers who had helped with the work at both of the nature reserves and who had helped to secure the awards. She introduced to the meeting, Dan Ross, the Council's Community Ranger, who received the Council's congratulations on behalf of District Services.

(v) Long Service Award to an Officer

The Chair, on behalf of the Council, made a Long Service Award presentation to Steven Andrews, Electoral Services Manager, who had begun working as a Youth Trainee in the former Environmental Health Department, in recognition of him having completed 25 years service to the Council.

(Note: Councillor O'Keeffe declared her non-prejudicial interest in paragraph (iv) of this item as she was a Trustee of Lewes Railway Land Local Nature Reserve).

62 Questions from Members of the Public

A question was asked of the Cabinet Member for Planning, Councillor Jones, by a member of the public 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).

The questioner, Mr Matthew Kent, had been unable to attend the meeting and, therefore, in accordance with Council Procedure Rule 10.7, the question was asked on his behalf by the Chair of the Council who reported that a written reply thereto would be sent to Mr Kent.

DPES

<u>Questioner</u>	<u>Question Concerning</u>
Mr Matthew Kent	In recognition that the Brighton Mainline 2 (BML2) rail project would introduce new, alternative and additional rail services to Uckfield, and other parts of outer and inner London, from Lewes and beyond, did the Council support the aims of BML2, subject to the inclusion of the Hamsey Spur and connection to the Lewes to Uckfield alignment which, if implemented, would introduce new rail services to Uckfield, Tunbridge Wells and beyond from Lewes and the Eastern Coastway.

63 Written Questions from Councillors

Councillor Lambert asked questions of the Cabinet Member for Planning, Councillor Jones, relating to the recent decision by the Planning Inspectorate to approve McCarthy and Stone's application to construct a four and five storey building to provide 51 apartments, communal facilities and car parking, plus an additional four storey building accommodating 10 age restricted apartments for affordable housing with car parking on Seaford seafront. Oral replies to some of the questions were given at the meeting by Councillor Jones who reported that more detailed replies to the questions would be supplied to Councillors.

DPES

64 Ward Issues

Ward issues were raised by Councillors on the following subjects which would be reported to the next meeting of Cabinet:

<u>Councillor/Ward</u>	<u>Ward Issue Concerning</u>
Councillor Bowers – Ouse Valley and Ringmer Ward	Cllr Bowers explained that he had been contacted a couple of years ago by a resident who had alerted him to there being a waiting list for people who wished to be allocated an allotment in the area adjacent to Green Close, Ringmer, even though some of those allotments appeared to have not been tended for a considerable time.

A recent review of the allotments at the site had indicated that a resizing of the plots was necessary in order to create more plots from the available space. Following that review, the Council had erected concrete based marker posts in order to indicate the revised plots.

Some of the plot holders who had been affected by

<u>Councillor/Ward</u>	<u>Ward Issue Concerning</u>	
	<p>the Council's decision, had taken up their tenancies as recently as 1 July 2011 and had claimed that, at that time, they had been unaware of the revised plot boundaries. However, Cllr Bowers' communication with the District Services Department had indicated that the Council believed that the plot holders were aware of the new boundaries when they had taken up their tenancies.</p> <p>The plot holders were aggrieved at the way the Council had handled the situation which they regarded as being expensive, insensitive and bureaucratic.</p> <p><u>Suggested action to be taken by the Council:</u></p> <p>That the Council take a detailed look at the specifics of the case and engage in constructive dialogue with the plot holders in order to arrive at a sensitive solution to the problem which respected the need to encourage people to grow their own food.</p>	DPES
Councillor Butler – Newhaven Denton and Meeching Ward	<p>The proprietor of Pebbles Day Nursery, which operated from a church hall in Fort Road, Newhaven, was currently paying for the trade waste collection of the Nursery's rubbish. However, those collections were not being undertaken on a regular day each week.</p> <p><u>Suggested action to be taken by the Council:</u></p> <p>That the Council contact the proprietor of the Nursery in order to arrange for the collection of its waste on a regular day each week.</p>	DPES
Councillor Butler – Newhaven Denton and Meeching Ward	<p>Newhaven Football Club was keen to participate in a scheme in which suitable items of its waste could be recycled. However, it did not currently have receptacles into which such items could be placed whilst awaiting collection by the Council.</p> <p><u>Suggested action to be taken by the Council:</u></p> <p>That the Council contact the Club in order to arrange for the provision of receptacles into which</p>	DPES

Councillor/WardWard Issue Concerning

its recyclable waste could be placed and for the collection of such waste.

Councillor Saunders –
Newhaven Valley
Ward

The Council no longer had a contract with Arrow Tyres in Newhaven for tyre and exhaust system repairs in respect of its vehicle fleet, an issue which was having a severe affect on that company and its employees. Instead, the Council had awarded the contract to a large national company.

Suggested action to be taken by the Council:

That the Council reconsider the decision to award the contract to a large national company against its published policy of supporting small local businesses with particular regard to its focus on the regeneration of Newhaven.

That the Council sign up to the Federation of Small Businesses' statement of support for local businesses which had already been signed by other local authorities.

DPES

65 Recommendations from Cabinet**Unreserved Item****Amendments to Constitution: New Executive Arrangements (Minute 55)**

The Chair of the Council, Councillor Russell, moved, and Councillor Howson seconded, the motion that the recommendations of Cabinet held on 7 September 2011 contained in Minute 55 relating to Amendments to Constitution: New Executive Arrangements, be received and adopted.

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

Resolved:

65.1 Accordingly.

CHLDS

Reserved Item**The Council Plan 2011/12 – Part 2 (Minute 47)**

The Chair of the Cabinet, Councillor Nicholson, moved, and Councillor Jones seconded, the motion that the recommendation of Cabinet held on 7 September 2011 contained in Minute 47 relating to The Council Plan 2011/12 – Part 2, be received and adopted subject to the revision of Cabinet portfolio holders in line with Councillor Nicholson's announcement of changed Cabinet responsibilities, as detailed in Minute No 61(ii) of this meeting entitled "Future Membership of the Cabinet".

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

Resolved:

65.2 Accordingly.

CMT

66 Notices of Motion

- (a) The Chair of the Council reported that a Notice of Motion had been submitted under Council Procedure Rule 13 by Councillor Butler relating to the recording of the Council's public meetings through the use of audio visual equipment and for such recordings to be made available online within 48 hours of those meetings having taken place. The Notice of Motion also related to the individual recording of the Council's public meetings provided that they were for personal or journalistic use.

In accordance with Council Procedure Rule 13, Councillor Butler moved, and Councillor Bowers seconded, the Notice of Motion as follows:

"This Council believes that:

1. Democracy and accountability are important concepts in order to gain public trust in the decision making in the Lewes District.
2. Residents should be able to refer to and view council meetings through the use of audio visual equipment. This would enable access to Council proceedings by residents who for various reasons did not attend the meeting.
3. Conduct of members of the council will be positively affected by the knowledge that footage is in the public domain.
4. Recordings of Council proceedings could assist for future reference in case of any subsequent requirement e.g. to

assist in the investigation of a complaint or other enquiry.

This Council resolves:

5. To investigate the possibility of video and audio recording public meetings and making them available online within 48 hours.
6. To allow its public meetings in public places to be recorded, provided that anyone wishing to record them complies with their obligations under the Data Protection Act 1998 to make recordings for personal or journalistic use and does not disrupt the effective discharge of the meeting.
7. For a Report to be made to Cabinet on costs, staffing resources and options of managing the system.

Conditional upon a favourable report on costings.

8. Request that the Head of Democratic Services and Corporate Head - Legal & Democratic Services produce a Public Meeting Filming Guidance Procedure to be included in the Council's Constitution for such matters, and that the Corporate Head - Legal & Democratic Services be authorised to amend the Constitution accordingly.
9. To request the Head of Democratic Services and Corporate Head - Legal & Democratic Services to make all necessary arrangements for the publication of signs, guidance for chairman, etc to ensure the Council can balance the interests of residents at meetings and those who are filming.”

The motion was put to the meeting, Declared not Carried, and it was

Resolved:

66.1 Accordingly.

- (b) The Chair of the Council reported that a Notice of Motion had been submitted under Council Procedure Rule 13 by Councillor Gardiner relating to use of the New Homes Bonus.

In accordance with Council Procedure Rule 13, Councillor Gardiner moved, and Councillor Saunders seconded, the Notice of Motion as follows:

CHLDS
(to note)

“This Council agrees:

- i) to set aside a tenth of its income from the New Homes Bonus and for this to be available to the appropriate Parish and Town Councils in which each new home is built with the expectation that this money would be spent as determined by the appropriate Town or Parish Council
 - a) within the Town or Parish in which the New Homes Bonus accrues, and
 - b) within the period over which the New Homes Bonus accrues (currently six years)

unless some special arrangement has been agreed with LDC Finance Officers to meet special or specific needs;

- ii) to set up procedures and systems for this to happen to funds beginning with new housing built in 2009/2010 for which a New Homes Bonus exists;
- iii) to allow this money to be used only

to implement items in a Town or Village Plan

or

to enhance community infrastructure,

or

To allow a Town or Parish to undertake a referendum under a Neighbourhood Planning scheme.”

With the agreement of his seconder and with the consent of Council, Councillor Gardiner agreed to the amendment of his Notice of Motion by the deletion of the text set out in iii) above.

The substantive motion was put to the meeting, Declared not Carried, and the vote thereon was recorded in accordance with Council Procedure Rule 17 as follows:

For the Motion:

Councillors R E Allen, C A Bowers, C J Butler, M P Chartier, M A Cutress, A Dean, I Eiloart, P F Gardiner, S J Gauntlett, D M Gray, C S Lambert, J N MacCleary, R Main, C R O’Keeffe, S J Osborne, S Saunders (16).

Against the Motion:

Councillors S Adeniji, S B Davy, D R Edmunds, P L Franklin, B W Groves, J V Harris, J M Harrison-Hicks, P A Howson,

A T Jones, R K Maskell, I A Nicholson, J V S Page, R Robertson, E E J Russell; H J F Sheppard, A X Smith, B M Warren and I J White (18).

Resolved:

66.2 Accordingly.

DPES (to
note)

- (c) The Chair of the Council reported that a Notice of Motion had been submitted under Council Procedure Rule 13 by Councillor Osborne relating to cuts to school transport for children.

In accordance with Council Procedure Rule 13, Councillor Osborne moved, and Councillor Saunders seconded, the Notice of Motion as follows:

“Cuts to school transport for children

Council notes:

1. Plans by county councils and other local education authorities across Britain to scrap free school transport for children and reduce provision to the very minimum required by statute.
2. The current statutory minimum means that councils can deny school transport to children living up to 3 miles (or 2 miles if the child is under 8 or receiving free school meals) from their “nearest appropriate school” even if:
 - a) The route involves walking on roads that many people would not consider safe to walk such as those that are unlit with no pavements or step offs, with 60mph speed limits and used by heavy commercial traffic.
 - b) The “nearest appropriate” school in fact has no place for that child; or
 - c) The child has chosen to attend a different school for a good reason.
3. These cuts will be devastating to many families and cause special difficulty for families with low incomes, families in rural areas, and families where both parents work, families with children who attend different schools, single parents and families where parents or guardians of children are older people.
4. Removal of free school transport, provided in many counties

and boroughs in the form of free school buses, is likely to lead to more cars on the road and congestion, which is bad for the environment and bad for local businesses.

5. Many working parents depend on school transport and will not be able to work if they have to walk their children an hour to school and an hour home again before being available to work and do the same at school closing time.
6. Many working parents/carers with access to a car will still face the difficult choice between giving up their job or sending their children to walk alone, routes that are only assessed as 'safe when accompanied by a responsible adult' by the Council.
7. A local authority school bus transporting 50 children is typically much cheaper and safer than 50 children making journeys by car or foot.
8. Some Councils plan to retain free transport only for pupils on free school meals and this will advertise which pupils receive this support, which many schools currently try to be discreet about to avoid stigma.
9. In East Sussex County Council's new Local Transport Plan it outlines a list of specific objectives that include 'reduce congestion by improving the efficiency of the transport network and encouraging greater use of sustainable modes of transport', 'improve safety for vulnerable road users', and 'improve access to jobs, services and leisure'. ESCC's plans for school buses damage all of these objectives.
10. Rural villages, which in many ways offer a good place to raise children, will become practical no-go areas for some families if school transport is scrapped.
11. The campaign to stop these cuts has received widespread support from, community leaders, unions and charities including The National Union of Teachers, Child Poverty Action Group, Child Accident Prevention Trust, Gingerbread and The Grandparents Association.

Council resolves that:

1. Every child deserves to get to and from school safely.
2. A child's access to their school should not depend on whether their parents' economic circumstances permit it.

3. The proposed cut back in East Sussex would negatively affect the County Council's ability to meet many of its objectives in its new Local Transport Plan.
4. Councils' needs to make cuts should not be met by passing on greater costs to taxpayers, especially not to working parents.
5. Pupils on free school meals should be protected from stigma.

Council calls for:

1. East Sussex County Council to incorporate plans to retain such services into their new Local Transport Plan (LTP3) which is currently undergoing consultation. This would better enable them to achieve many of their specific objectives, as well as high level objectives like 'Improve accessibility and enhance social inclusion.'

With the agreement of her seconder and with the consent of Council, Councillor Osborne agreed to the amendment of her Notice of Motion by the deletion of paragraph 5 in the section entitled "Council resolves that:" and by the addition of the following text as an additional paragraph in the section entitled "Council calls for:":

- "2. East Sussex County Council to deal promptly with Members concerns that, due to recent budget cuts in school transport, some children are walking to school along unsafe routes in Lewes District.

We support East Sussex County Council's intention to reassess the roads around Chailey School. We also encourage East Sussex County Council to act on its Highways Engineer's recommendations to improve child safety by minimising or removing any identified risks.

If it transpires that a similar situation exists elsewhere in the District, it is recommended that this approach is also adopted by this Council with East Sussex County Council.

Child safety is this Council's paramount concern."

The meeting was adjourned at this point in order to enable the Officers the opportunity to discuss the proposed amendment.

The meeting was then reconvened following which the substantive motion was put to the meeting, Declared Carried, and it was

Resolved:

66.3 Accordingly.

DPES

67 Scrutiny Committee Annual Report 2010/11 and Work Programme 2011/12

The Chair of the Scrutiny Committee, Councillor Osborne, moved, and Councillor Saunders seconded, the motion that the recommendation contained in Report No 153/11 relating to the Scrutiny Committee Annual Report 2010/11 and Work Programme 2011/12, be received and adopted.

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

Resolved:

67.1 Accordingly.

CHLDS
(R Allan)

68 Timing of Full Council and Cabinet Meetings from 2012/2013

The Leader of the Council, Councillor Nicholson, moved, and Councillor Robertson seconded, the motion that recommendations 2 and 3 contained in Report No 154/11, be received and adopted, subject to the text of recommendation 2 being amended to read ".....meetings remain at 2.30pm from 2012/2013 and that such time be reviewed annually."

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

Resolved:

68.1 Accordingly.

CHLDS
(Z Downton)

69 Meeting of the Council – 20 February 2012

The Leader of the Council, Councillor Nicholson, moved, and Councillor Howson seconded, the motion that the meeting of the Council scheduled for Monday, 20 February 2012, be held in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 2.30pm.

With the agreement of his seconder and with the consent of Council, Councillor Nicholson moved an amendment as follows:

".....commencing at 2.30pm and that an audio/visual recording be made of the meeting and be placed on the Council's website for trial and evaluation purposes."

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

Resolved:

69.1 Accordingly.

CHLDS
(T Hayward)

The meeting ended at 4.45pm

E E J Russell
Chair