



## Meeting of the Council

**Minutes of the Meeting of the Council held in The Council Chamber, County Hall, St Annes Crescent, Lewes on Thursday, 17 July 2014 at 2.30pm**

### Present:

Councillor I A Nicholson (Chair)

Councillors R E Allen, R Blackman, C A Bowers, J L Carr, M P Chartier, M A Cutress, S B Davy, A Dean, I Eiloart, P L Franklin, P Gander, P F Gardiner, S J Gauntlett, B W Groves, J V Harris, J M Harrison-Hicks, P A Howson, A T Jones, C S Lambert, R Main, R K Maskell, E C Merry, C R O'Keeffe, S J Osborne, E E J Russell, H J F Sheppard, A X Smith, J Stockdale, B M Warren and I J White.

### Apologies received:

Councillors S Adeniji, G R Amy, C J Butler, D R Edmunds, D M Gray, J N MacCleary, J V S Page, R Robertson, S Saunders and C Sugarman.

## Minutes

### 11 Minutes

The Minutes of the Extraordinary Meeting of the Council and the Annual Meeting of the Council held on 7 May 2014 were approved as correct records and signed by the Chair.

### 12 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 Annual Meeting of the Council held on

## Action

7 May 2014.

(ii) Fire Brigade Strike and Industrial Action

The Cabinet Member for Stakeholder Improvement, Councillor Howson, reported details of the forthcoming strikes and industrial action which was being taken by the East Sussex Fire and Rescue Service

(iii) Novel - "The Making of Mr Bolsover" by Cornelius Medvei

The Chair of the Council reported that a novel had recently been published entitled "The Making of Mr Bolsover" by Cornelius Medvei which referred, in part, to Lewes Borough Council.

(iv) Rampion Off-shore Wind Farm

The Leader of the Council, Councillor Blackman, reported that the Secretary of State for Energy and Climate Change had given consent for the construction of the Rampion Off-shore Wind Farm.

### 13 Petitions

The Chair received a petition from Councillor O'Keeffe which contained 763 signatures from both on-line and paper based petitions. It requested the Council to re-open Thebes as a small gallery. Thebes was a building that was located behind Lewes House just off the High Street in Lewes.

Councillor O'Keeffe addressed the Council on the subject matter of the petition and the number of signatures.

As the petition contained between 750 and 1499 signatures, in accordance with the Council's Petitions Scheme, as set out in Part 6 of its Constitution, the relevant senior officer of the Council would give evidence at a public meeting of the Council's Scrutiny Committee in respect of the petition.

DCS/  
Scrutiny  
& Cttee  
Officer

### 14 Car Parking Petition Response

At its meeting on 4 December 2013, the Council had received a petition jointly from Councillor Catlin of Lewes Town Council and Councillor O'Keeffe which contained in excess of 2000 signatures. It called for the Council and East Sussex County Council to immediately change parking policy so that it included free parking for up to 30 minutes on School Hill, Lewes, from Monday through to Friday, in addition to free on and off-road parking on Saturdays in Central Lewes where practicable.

In view of the number of signatures to the petition, and in accordance with the Council's Petitions Scheme, as set out in Part 6 of its Constitution, it was debated by the Council at this meeting.

Councillor Catlin addressed the subject matter of the petition and the number of signatures following which the Council was invited to

debate the petition.

Councillor Howson moved, and Councillor Gander seconded, the motion that the Recommendations set out in Report No 101/14, be received and adopted.

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

Resolved:

**14.1** Accordingly.

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**15 (a) Petition – Special Expenses – Paying for Open Spaces**

**(b) Notices of Motion**

**(a) Petition – Special Expenses – Paying for Open Spaces**

At its Annual Meeting on 7 May 2014, the Council had received a petition jointly from Mr Ian Linton and Councillor O’Keeffe relating to Special Expenses. In view of the number of signatures to the petition, and in accordance with the Council’s Petitions Scheme, as set out in Part 6 of its Constitution, it was debated by the Council at this meeting.

Mr Linton addressed the Council on the subject matter of the petition and the number of signatures.

The Chair of the Council moved the motion that the order of the Agenda be varied so as to move Agenda Item 14 relating to Notices of Motion to this point in the proceedings as the content of Councillor O’Keeffe’s Notice of Motion was very similar to the content of the petition and that the debate relating to the petition takes place after the Council had considered Councillor Eiloart’s Notice of Motion. Following consideration of Councillor Eiloart’s Notice of Motion, the Council could then debate the petition and Councillor O’Keeffe’s Notice of Motion at the same time.

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

Resolved:

**15.1** Accordingly.

*(Notes: The resolution in respect of the above petition can be found below following the Council’s consideration of Councillor O’Keeffe’s Notice of Motion.*

*In presenting his petition Mr Linton made a number of allegations of unlawfulness on the part of the Council. The Council refutes these. A note of Mr Linton’s allegations and the Council’s response can be viewed here: <http://cmispublic.lewes.gov.uk/Agenda/Item.aspx?Document=7138> ).*

**(b) Notices of Motion**

- (a) The Chair reported that a Notice of Motion had been submitted under Council Procedure Rule 13 by Councillor Eiloart relating to Special Expenses and Devolution.

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

“Special Expenses and Devolution  
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\*\* This Council notes:

- A. A petition of over 1900 signatures, opposing Special Expenses, has been presented to Lewes District Council,
- B. The project proposal around Special Expenses tied them to devolution talks,
- C. Special Expenses have been charged, but devolution talks appear to have stalled,
- D. Special Expenses have raised the council tax for Lewes and Newhaven, giving the impression that other areas have been rewarded for voting the current administration.
- E. “Negative” Special Expenses cannot be applied where Lewes District Council has revenue generating assets in some parishes but not others.
- F. Nevertheless, revenue generating assets could be devolved to parishes, thus offsetting part or all of the cost of Special Expenses.

\*\* This council believes:

- i) Ownership and management of all public land assets should be regularly reviewed, in order that the assets can be best applied for public benefit, and
- ii) Where land management charges are applied locally, then surplus generating service income should be applied locally.

\*\* This Council therefore resolves to:

- 1. Accelerate discussions of devolution with Parish Councils,
- 2. Produce brief monthly reports on progress in those discussions,
- 3. Identify surplus generating assets to be included in devolution packages, in order to offset part or all of the operating costs of assets currently included in the devolution package,

4. Establish a two way process, by which assets might be exchanged by agreement between Lewes District Council and parish councils, in either direction, according to prevailing circumstances, and

5. Cease charging Special Expenses in 2015-2016.”

With the agreement of Council and of his seconder, Councillor Eiloart agreed to the revision of paragraph 3 of his Notice of Motion to read ”3. Identify surplus generating assets which might be included.....”.

Councillor Smith moved, and Councillor Blackman seconded, an amendment that paragraph 5 of the Notice of Motion be deleted.

The amendment was put to the meeting, Declared Carried.

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

Resolved:

**15.2** Accordingly.

(b) The Chair reported that a Notice of Motion had been submitted under Council Procedure Rule 13 by Councillor O’Keeffe relating to the process associated with the introduction of Special Expenses.

In accordance with Council Procedure Rule 13, Councillor O’Keeffe moved, and Councillor Howson seconded, the Notice of Motion as follows:

“This council undertakes to scrutinise the process by which Special Expenses have been brought in as a Council Tax item for Lewes District residents, including the following:

- (a) whether the tax keeps overall taxation for open spaces at the same level it was under the previous arrangements
- (b) whether some open spaces currently subject to Special Expenses rules are in fact whole District amenities rather than amenities which a single parish or town should pay for alone
- (c) a thorough investigation of all the details of charges making up the current Special Expenses budget for open spaces in the District, made available to the town and parish councils whose residents are paying these charges

and further to investigate the often related process of devolution of assets and its effect on the precepts of towns and parishes including the following:

- (d) how a town or parish wishing to take on an open space that their residents are paying the entire upkeep for can budget for the expense without falling foul of government capping rules, in practical rather than theoretical terms”

Councillor Osborne moved, and Councillor Gardiner seconded, a motion that the Council do resolve itself into Committee at this point in the proceedings in order to receive clarification of issues associated with the introduction of Special Expenses from the Director of Finance.

The motion was put to the meeting, Declared not Carried.

Councillor Eiloart moved, and Councillor Osborne seconded, an amendment that the issues set out in paragraph (b) of the Notice of Motion be referred to the Scrutiny Committee.

The amendment to paragraph (b) was put to the meeting, Declared not Carried.

The motion in respect of paragraph (b) was put to the meeting, Declared not Carried.

With the agreement of Council and of her seconder, Councillor O’Keeffe agreed to the revision of paragraph (c) of her Notice of Motion to read ”..... councils whose residents are paying these charges including the allocation of overheads”.

The substantive motion (in respect of the Notice of Motion) was put to the meeting, Declared Carried, and it was

Resolved:

**15.3** Accordingly.

For clarification, the text of the agreed Notice of Motion was as follows:

“This council undertakes to scrutinise the process by which Special Expenses have been brought in as a Council Tax item for Lewes District residents, including the following:

- (a) whether the tax keeps overall taxation for open spaces at the same level it was under the previous arrangements;
- (b) a thorough investigation of all the details of charges making up the current Special Expenses budget for open spaces in the District, made available to the town and parish councils whose residents are paying these charges including the allocation of overheads; and further
- (c) to investigate the often related process of devolution of assets and its effect on the precepts of towns and parishes including

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the following:

how a town or parish wishing to take on an open space that their residents are paying the entire upkeep for can budget for the expense without falling foul of government capping rules, in practical rather than theoretical terms”.

**(a) Petition – Special Expenses – Paying for Open Spaces**

Resolved:

- 15.4** That the Petition relating to Special Expenses – Paying for Open Spaces be responded to along the lines of the agreed version of Councillor O’Keeffe’s Notice of Motion as set out above (ie in the text following the words “For clarification, the text of the agreed Notice of Motion was as follows:”

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**With the agreement of Council, the meeting was adjourned for approximately eight minutes at this point.**

**16 Written Questions from Councillors**

Councillor Dean asked questions of the Cabinet Member for Strategy and Development, Councillor Jones, and the Cabinet Member for Stakeholder Improvement, Councillor Howson, relating to the cost of renting either a flat or house in Lewes under the affordable house scheme, whether someone on a 'Living Wage' could afford to rent or buy an 'Affordable Property' in Lewes, and car parking matters, with particular regard to parking in Lewes.

As the questions and answers were rather detailed, copies thereof had been circulated to Councillors at the meeting in order to give them time to digest the content. Copies of those documents were also made available to those attending the meeting (copies of which are contained in the Minute Book).

Councillor Dean asked, orally, the questions relating to the cost of renting either a flat or house in Lewes under the affordable house scheme and whether someone on a 'Living Wage' could afford to rent or buy an 'Affordable Property' in Lewes, replies to which were given at the meeting by Councillor Jones.

Councillor Dean then directed Councillors to the documents that had been circulated at the meeting which set out details of her remaining questions and the answers thereto.

## 17 Questions to the Leader of the Council

<u>Questioner</u>	<u>Question/Response</u>
Councillor Osborne	<p><u>Question:</u> Councillor Blackman had established a two tier Cabinet the first of which comprised Councillors Smith, Jones and Franklin who each received the full Special Responsibilities Allowance (SRA) for Cabinet Members of £5574 per year. The second tier comprised Councillors Merry, Maskell and Howson who each received half of the above SRA.</p> <p>Were the second tier Councillors subordinate to those in the first tier, if so did their votes at Cabinet only count as half each; did they do only half the amount of work; or were their portfolios only half as important as those of the Leader of the Council and the first tier Cabinet Councillors?</p> <p>Would the Leader of the Council please explain how the two tier Cabinet system worked?</p> <p><u>Response (by Councillor Blackman, Leader of the Council):</u> The recent change to the composition of Cabinet was designed to enable the first tier Councillors to have policy making responsibilities and some service delivery responsibilities which reflected the Council's new structure of Directors with Councillors in the second tier being responsible for service delivery. All Cabinet Councillors had equal votes at Cabinet meetings.</p> <p>The new structure was more flexible and enabled some Councillors to obtain experience without them having policy related responsibilities. Further details would be announced over time.</p>
Councillor Gardiner	<p><u>Question:</u> Councillor Gardiner highlighted the importance of bus service provision which, among other issues, provided people with the opportunity to travel to work, particularly those who lived in villages. Therefore, what action did the Leader of the Council intend to take to represent the views of the residents of the District with regard to East Sussex County Council's drastic cuts to bus services in light of the Council's aim of helping people get back to work?</p> <p>Would the Leader please also give his opinion on how he thought that people would be able to get to work on the three days each week when there was no bus service at all?</p>



<u>Questioner</u>	<u>Question/Response</u>
	<p><u>Response (by Councillor Blackman, Leader of the Council):</u> The questions asked by Councillor Gardiner related to a matter for which East Sussex County Council was responsible. That Council was under financial constraints however, the overall bus budget was still quite large.</p> <p>Councillor Blackman met regularly with Councillor Glazier of East Sussex County Council and he would discuss the matter with him and would report back accordingly thereon.</p> <p><u>At the invitation of the Leader of the Council, the following additional response was provided by Councillor Sheppard who, in addition to being a Lewes District Councillor, was also an East Sussex County Councillor:</u> Some people wanted bus services to be similar to taxi services whereby customers received a door to door service at times that were convenient to them which, clearly, bus operators were not able to provide. Some bus services to and from rural communities were not used as much as some people thought and, therefore, those services ran at a loss which East Sussex County Council was unable to maintain.</p>

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## 18 Ward Issues

Ward issues were raised by Councillors on the following subjects:

<u>Councillor/Ward</u>	<u>Ward Issue Concerning</u>	
Councillor O'Keeffe – Lewes Priory Ward	<p>The impact of banners which were displayed around Lewes relating to the Battle of Lewes had been reduced because of the failure to obtain permission for them to be displayed on some nominated listed buildings. Futhermore, the costs associated with obtaining such permission was considered to be relatively high as they were the same as those for a commercial advertising display.</p> <p>There were opportunities to use the banners in future years to help enhance the visitor experience to the town.</p> <p><u>Suggested action to be taken by the Council:</u> That, in order to obtain the desired impact and concentration of the banners and to reduce the lengthy and costly planning process, some sort of prior approval be put in hand at an early stage in order that permission to display the banners on</p>	DSD

<u>Councillor/Ward</u>	<u>Ward Issue Concerning</u>	
	nominated listed buildings could be granted in advance of the proposal to display them in 2015 and in future years?	
Councillor Dean – Lewes Priory Ward	<p>Despite the County Highways Department being under financial pressure, there was a proliferation of speed signs, and other traffic signs, around Lewes. However, it was necessary to provide more clear signage to car parks</p> <p><u>Suggested action to be taken by the Council:</u> That the Council work with East Sussex County Council in order to rationalize the provision of traffic related signs across Lewes including the provision of additional suitable signs to car parks.</p>	DSD
Councillor Eiloart – Lewes Priory Ward	<p>A resident of Lewes Priory ward had recently been locked inside Southover Grange Gardens when they were locked at night which, Councillor Eiloart believed, had also happened to other visitors in the past. However, the resident was aware of some suitable contact telephone numbers and, therefore, they had been able to summon help.</p> <p><u>Suggested action to be taken by the Council:</u> That signs be displayed at the gates of Southover Grange Gardens which provided details of emergency contact telephone numbers for use by those who became locked in the Gardens.</p> <p>That consideration be given to the provision of 'exit only' barriers at the Gardens and whether such provision would be of benefit at other Council premises.</p>	DSD  DSD

## 19 Recommendations from Cabinet

### Unreserved Items

The Chair of the Council moved, and Councillor Jones seconded, the motion that the recommendations of Cabinet held on 2 June 2014 and 7 July 2014 contained in Minutes 6 and 15 relating to the Finance Update, be received and adopted.

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

Resolved:

**19.1** Accordingly.

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**20 Changes to Committee Memberships and Outside Body & Joint Representatives**

Councillor Blackman moved, and Councillor Howson seconded, the motion that the recommendations contained in Report No 102/14, be received and adopted and that the Council confirm the appointment of Councillor O’Keeffe to fill the vacant Conservative seat on the Scrutiny Committee.

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

Resolved:

**20.1** Accordingly.

ADCS

**21 Running of Council Business During May 2015 Election Period**

The Chair of the Council moved, and Councillor Howson seconded, the motion that the recommendation contained in Report No 103/14, be received and adopted.

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

Resolved:

**21.1** Accordingly.

ADCS

**22 Review of Polling Districts and Polling Places**

The Chair of the Council moved, and Councillor Howson seconded, the motion that the recommendations contained in Report No 104/14, be received and adopted.

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

Resolved:

**22.1** Accordingly.

ADCS

**23 Update to Constitution: Recording and Filming Council Meetings**

The Chair of the Council moved, and Councillor Howson seconded, the motion that the recommendations contained in Report No 108/14, be received and adopted.

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

Resolved:

**23.1** Accordingly.

ADCS

## **24 Reporting Back on Meetings of Outside Bodies**

Councillor Jones provided feedback on meetings which he had attended as the Council's representatives on an outside body as follows:

Councillor

Outside Body

Councillor  
Jones

Coastal West Sussex and Greater Brighton Strategic  
Planning Board

Councillor Jones reported that the Council, together with its partner authorities on the Board, had been awarded the Royal Town Planning Institute Planning Excellence Award for innovative planning practice in plan making.

The Board had met on 3 July 2014 at which the member authorities had agreed to engage in dialogue with the Greater London Authority, on an on-going basis, regarding its housing need.

At that meeting, it was also agreed that Southern Water be invited to subsequent meetings of the Board in order to provide input.

Councillor Jones further reported that, over the next two weeks, he was scheduled to attend meetings with the East Sussex Lead Planners Membership Board and a newly formed board meeting with Mid-Sussex District Council in respect of the Duty to Co-operate.

Resolved:

**95.1** That the oral Report in respect of the Coastal West Sussex and Greater Brighton Strategic Planning Board, be received and noted.

The meeting ended at 5.12pm.