



Meeting of the Council

Minutes of the Meeting of the Council held in The Council Chamber, County Hall, St Annes Crescent, Lewes on Thursday, 16 July 2015 at 2.30pm

Present:

Councillor R O’Keeffe (Chair)

Councillors S Adeniji, S Barnes, R Blackman, W Botting, B Bovington, J Carr, J Carter, M Chartier, D Cooper, S Davy, N Enever, P Franklin, P Gander, S Gauntlett, J Harrison-Hicks, O Honeyman, V Ient, T Jones, A Lambert, I Linington, A Loraine, R Maskell, E Merry, S Murray, D Neave, T Nicholson, S Osborne, J Peterson, R Robertson, T Rowell, S Saunders, J Sheppard, A Smith, R Turner and L Wallraven.

Apologies received:

Councillors G Amy, S Catlin, P Gardiner, B Giles and C Sugarman

Minutes

11 Minutes

The Minutes of the Annual Meeting of Council held on 20 May 2015 were approved as a correct record 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) Urgent Items

The Chair had agreed, in accordance with Section 100B(4)(b) of the Local Government Act 1972, that the Recommendations of the Cabinet at its meeting held on 6 July 2015, as set out in Minute No’s 5, 7, 8 and 13

Action

relating to the Finance Update, Lewes District Local Plan – Part 1 (Joint Core Strategy): Publication of Main Modifications for Consultation, Adoption 'Making' of the Newick Neighbourhood Plan and the Electoral Review: Council Size, which had been circulated to all members of the Council on 10 July 2015 under cover of Council Document C, be considered as matters of urgency under Agenda Item 11, in order that the Council could make its decisions based on the most recent information which was available.

(ii) Co-opted Councillors to the Audit and Standards Committee for Standards matters only

The Chair of the Council reported that, since the preparation of the Agenda papers for this Council Meeting, the Lewes District Association of Local Councils had advised the Council of its appointments to serve as co-opted, non-voting members of the Audit and Standards Committee in respect of standards matters only. The Chair invited the Council to note those appointments which were;

Councillor Nick Berryman – Newick Parish Council

Councillor Johnny Denis – Glynde and Beddingham Parish Council

Councillor Don McBeth – Ditchling Parish Council.

Resolved:

- 12.1** That the appointments of Councillors N Berryman, J Denis and D McBeth by the Lewes District Association of Local Councils to serve as co-opted, non-voting members of the Council's Audit and Standards Committee in respect of Standards matters only, be noted.

(iii) 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 20 May 2015.

13 Questions from Members of the Public

Written questions were asked of the Cabinet Member for Planning, Councillor Jones, by Kevin Claxton on the following subjects, copies of which were 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). Mr Claxton also asked a supplementary question which related to his original questions. Oral replies to the questions were given at the meeting by Councillor Jones.

QuestionerQuestion Concerning

Kevin Claxton

How would the Council engage with the community in Telscombe Cliffs regarding the large blue commercial garage premises that had recently been erected and which was impacting on the local area and the South Downs National Park?

Kevin Claxton

With regard to the Council's planning process whereby it currently consulted with immediate neighbours in respect of planning applications and placed associated public notices in the street, would the Council consider the introduction of an alternative larger consultation process for such applications which were likely to impact on the broader community, rather than just the immediate neighbours?

14 Petitions

The Chair of the Council received a petition from Sylvia Dunn, a resident of Seaford, and Councillor Wallraven, Ward Member for Seaford West which contained 2054 signatures gathered from both online and paper based petitions. It requested that the Council reject the proposed redevelopment of the Buckle Car Park as it was a community asset, and that its loss would have a detrimental effect on regeneration in Seaford.

Ms Dunn and Councillor Wallraven addressed the Council on the subject matter of the petition and the number of signatures and thanked those who had brought the matter to the Council's attention.

As the petition contained 1500 or more signatures, in accordance with the Council's Petitions Scheme, as set out in Part 6 of the Constitution, it would be debated by the Council at a future meeting as an individual Agenda Item.

The Chair then received a petition from Councillors Saunders and Carr which contained 1562 signatures gathered from both online and paper based petitions. It requested that the Council reject the proposed development on Meeching Down, known locally as "The Union", as it was a popular community area used by local residents and visitors.

Councillor Saunders addressed the Council on the subject matter of the

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petition and the number of signatures.

As the petition contained 1500 or more signatures, in accordance with the Council's Petitions Scheme, as set out in Part 6 of the Constitution, it would be debated by the Council at a future meeting as an individual Agenda Item.

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15 Questions to the Leader of the Council

<u>Questioner</u>	<u>Question/Response</u>
Councillor Murray	<p><u>Question:</u> The Council had committed to strive for 40% more affordable housing in the Local Plan. Currently there was no performance target against which that could be measured. Why was the Scrutiny Committee's recommendation that such a target be introduced rejected by the Cabinet at its meeting on 6 July 2015?</p> <p><u>Response (by Councillor Blackman, Leader of the Council):</u> Councillor Blackman highlighted what the Council had done in relation to creating more affordable housing, including the Property Regeneration Portfolio. The Core Strategy included the target of 40%, however there were unknown factors, such as flood defence mitigation or quality of the land which had made it too difficult to measure performance around those variations. Councillor Blackman noted that he was happy to provide a report on performance at a later date.</p>
Councillor Osborne	<p><u>Question</u> Last week, Councillor Franklin had confirmed on the radio that there had been a meeting and a discussion on why Councillor Blackman had refused Councillor Osborne's request last year to pay the Council's staff at least the Living Wage.</p> <p>Councillor Franklin had said "It came down to 3 or 4 members of staff - some of them had disabilities or were part-time or something" and had continued "We actually made these jobs for these people".</p> <p>On the same radio station last year, Councillor Blackman had defended his refusal to pay a living wage by saying that two of the staff had special needs.</p> <p>Could the Leader of the Council explain to the Council why it was important for the public to know that, according to him, the lowest paid members of staff had special needs and what relevance did that have to Councillor Osborne's request that all staff should be paid at least the Living Wage?</p> <p><u>Response (by Councillor Blackman, Leader of the Council)</u></p>

Councillor Blackman agreed to send a response in writing to Councillor Osborne in respect of the comments that he had made on the radio. However, he was not able to respond in respect of Councillor Franklin's comments as he had not heard the interview.

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Councillor
Gauntlett

Question

Did Councillor Blackman know something that other Councillors did not know given that one of the Cabinet Members had announced on the radio this week that the biggest budget cost to the Council was the paying out of benefits? Would the Leader of the Council please explain such comment?

Response (by Councillor Blackman, Leader of the Council)

Councillor Blackman informed the Council that he had not heard the interview, but he believed that the comment was meant to mean that the biggest budget that the Council administered on behalf of the Government was benefits which amounted to 35 million pounds.

Councillor
Saunders

Question

In the recent Forward Plan announced by the current Administration, a plan to implement fortnightly household waste collections had been introduced.

That latest decision to reduce collections would exacerbate problems that were currently faced in Newhaven, with seagulls, foxes and other animals causing terrible problems with waste left out overnight for the Council's waste collection service. Rubbish was often strewn across roads as bin bags were ripped apart and their contents scattered.

Would the Leader of the Council and/or his Cabinet Member for Waste and Recycling, be fully consulting with all residents before introducing the scheme, by way of a detailed survey delivered to all households, showing exactly how the scheme would work and showing what the costs for residents would be and showing what savings would be made for both the Council and, potentially, to people's Council Tax bills?

Response (by Councillor Blackman, Leader of the Council)

Councillor Blackman replied that he would be sending a written response to Councillor Saunders.

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Councillor
Davy

Question

Would Councillor Blackman agree that it was worth the Council investigating replacing the current Cabinet system of decision making with a streamlined Committee system? The Cabinet system had been implemented after the introduction of the Local Government Act 2000, and some Councillors felt that too few of them were responsible for making too many important decisions, thereby bypassing decisions which

should be brought to Council and discussed.

Would the Leader agree to a Councillor-led working group, representing all party affiliations, being created to investigate the possibility to adopting a new Committee system and then bring those findings back to Council for Councillors to comment, without going past Cabinet or Scrutiny?

Response (by Councillor Blackman, Leader of the Council)

Councillor Blackman stated that he appreciated that some Members held the same view as Councillor Davy, and that there was a democratic gap with the current system of decision making. Councillor Blackman agreed the issue needed investigation and informed the Council that, in relation to the question, further information would need to be obtained in order that options could be examined. He said that if it was found that starting a Cross Party Working Group was possible, Councillor Blackman was content with this as a way to proceed.

16 Ward Issues

Ward issues were raised by Councillors on the following subjects:

<u>Councillor/Ward</u>	<u>Ward Issue Concerning</u>
Councillor Gander – Ouse Valley and Ringmer Ward	<p>There had been some concern over the closure of Barclays Bank in Ringmer, which offered facilities to those in more rural areas. Councillor Gander informed the Council that thousands of people had a Barclays account because of the locality of the branch.</p> <p><u>Suggested Action to be taken by the Council</u> That the Council wrote a strongly worded letter to Barclays Bank imploring it not to close the branch.</p>

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<p>Councillor Rowell - Lewes Priory Ward</p>	<p>At the Annual Meeting of the Council on 20 May 2015, concerns were raised over the future of Saxonbury in Juggs Road, to which the Director of Service Delivery had responded at the Cabinet meeting on 6 July 2015 stating "It is too early to say what plans might be for Saxonbury, but Councillors and residents will have the opportunity to be involved once we reach that part of the consultation process".</p> <p>Prior to that on 26 June 2015, a spokesperson for the Council had informed the Sussex Express that "Our intention is also to refurbish the existing run down building into high quality, innovatively designed flats".</p> <p><u>Suggested Action to be taken by the Council</u> That official clarification be provided as to which of the above statements was correct, and that the plans for Saxonbury be provided.</p>	<p>DSD</p>
<p>Councillor Chartier - Lewes Castle Ward</p>	<p>At Offham Road between the Avenue and Prince Edwards Road, there was vegetation which had overgrown, forcing traffic into the middle of the road.</p> <p>There were also brambles growing on the footpath opposite Prince Edwards Road which was used regularly to gain access to Pells School and Lewes Youth Centre.</p> <p><u>Suggested Action to be taken by the Council</u> That the Officers be requested to determine who was responsible for clearing the roads, and then request the relevant organisation/person to arrange for the vegetation to be cut back and cleared.</p>	<p>DSD</p>
<p>Councillor Murray – Lewes Castle Ward</p>	<p>St Mary's Social Centre was within Lewes Castle Ward, and the Trustees and users of the Social Centre were concerned about the future of the facilities, following the announcement of the 49 sites proposed for redevelopment.</p> <p><u>Suggested Action to be taken by the Council</u> That assurance is given and that proper consultation be undertaken when deciding the future of St Mary's Social Centre.</p>	<p>DSD</p>

<p>Councillor Adeniji - Seaford South Ward</p>	<p>A few years ago, the Council had earmarked some areas as proposed sites for Traveller settlements. Councillor Adeniji believed that one of these sites was in Alfriston Road, Seaford, which had also been named as a proposed site for housing redevelopment in May 2015.</p> <p>There was confusion amongst some residents that the proposed site for the Council's new homes would, instead, be used for a Traveller settlement.</p> <p><u>Suggested Action to be taken by the Council</u> That clarification be provided in respect of the confusion which existed in respect of the proposed development of the land at Alfriston Road, Seaford.</p>	<p>DSD</p>
<p>Councillor Saunders Newhaven Valley Ward</p>	<p>It was a well known issue that the air quality in Newhaven was a concern. After consulting East Sussex County Council (ESCC) Highways via the Strengthening Local Relationships meeting about the possibility of installing signage informing drivers to turn their engines off when they were stationary, ESCC Highways had said it would not be feasible to implement that idea.</p> <p><u>Suggested Action to be taken by the Council</u> That the Council write to ESCC Highways in order to find out if the above was a feasible suggestion and that, in the event that it was not considered to be feasible, that ESCC Highways be requested to provide the reason therefore.</p>	<p>DSD</p>

17 Recommendations from Cabinet

Unreserved Item

The Chair of the Council moved, and Councillor Robertson seconded, the motion that the recommendations of Cabinet held on 6 July 2015 contained in Minute 5 relating to the Finance Update,

be received and adopted.

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

Resolved:

17.1 Accordingly.

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Reserved Items

(i) The Leader of the Council moved, and Councillor Gander seconded, the motion that the recommendations of Cabinet held on 6 July 2015 contained in Minute 7 relating to Lewes District Local Plan – Part 1 (Joint Core Strategy): Publication of Main Modifications for Consultation

Councillor Jones moved, and Councillor *Gander* seconded an amendment as follows:

To authorise the Director of Business Strategy and Development, in consultation with the Lead Member for Planning and the South Downs National Park Authority, to agree any necessary further modifications to Core Policy 10 and the accompanying Sustainability Appraisal incorporating Strategic Environmental Assessment prior to public consultation, following the 9 July 2015 Court of Appeal Judgement relating to the Ashdown Forest 7km zone.”

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The amendment was put to the meeting and Declared Carried.

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

17.2 Accordingly.

(Note: In proposing the above amendment, the Council agreed to granting Councillor Jones an extension to the length of his speech in support thereof).

(ii) The Leader of the Council moved, and Councillor Gander seconded, the motion that the recommendation of Cabinet held on 6 July 2015 contained in Minute 8 relating to the Adoption ‘Making’ of the Newick Neighbourhood Plan be received and adopted.

DBSD

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

Resolved:

17.3 Accordingly.

(iii) The Leader of the Council moved, and Councillor Gander seconded, the motion that the recommendations of Cabinet held on 6 July 2015 contained in Minute 13, relating to the Electoral Review: Council Size be received and adopted.

Councillor Osborne moved, and Councillor Saunders seconded, an amendment as follows:

“That, with regard to Minute 13.5, the size of the Council be reduced to 35 Councillors”.

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

Councillor Robertson moved and Councillor Rowell seconded an amendment as follows:

“That, with regard to Minute 13.5, the Council size remains at 41 Councillors”.

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The amendment was put to the meeting, Declared Carried.

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

17.4 Accordingly.

18 Notices of Motion

(a) The Chair reported that a Notice of Motion had been submitted under Council Procedure Rule 13 by Councillor Osborne relating to the Petitions Scheme.

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

With the agreement of Council, Councillor Osborne moved a revised version of her Notice of Motion to that which was set out on the Agenda papers, as follows:

“To change the thresholds for petitions to trigger referral to Scrutiny and Full Council

Council notes that a petition must contain at least 750 signatures to require the relevant senior officer to give evidence at a public meeting of the Council's Scrutiny Committee.

And a petition must contain at least 1,500 signatures or more for it to be debated by all our Councillors as an agenda item at a full Council meeting.

We believe that this somewhat arbitrary threshold discriminates against small rural communities with populations below 750 signatures (or 1500). For example East Chiltington and St John Without combined only has approximately 470 people. Even if 100% of the residents of both parishes felt strongly enough to sign a petition, they could not have their concerns debated at a public meeting. By contrast Seaford will only need to gain the signatures of approximately 3 % or 6% respectively of the population to be afforded the attention of Councillors and officers at LDC.

Therefore we suggest that the constitution be changed to read as follows:

A petition must contain at least 750 signatures (or 30% of the population of a parish, if on a localised issue) whichever is the lower figure, to require the relevant senior officer to give evidence at a public meeting of the Council's Scrutiny Committee. A petition must contain at least 1,500 signatures (or 30% of the population of a parish, if on a localised issue) whichever is the lower

figure, for it to be debated by all Councillors as an agenda item at a full Council meeting.

If there is any doubt as to whether the subject of the petition is a localised as opposed to a district wide issue, this will be determined by the relevant service Director in consultation with the Chief Executive”

The above revised version of Councillor Osborne’s Notice of Motion was seconded by Councillor Saunders.

With the agreement of Council and of her seconder, Councillor Osborne agreed to the alteration of the revised version of her Notice of Motion as follows:

“.....at least 750 signatures (or 33% of the population of a.....at least 1,500 signatures (or 33% of the population of a.....”

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

Resolved:

18.1 Accordingly.

(b) The Chair reported that a Notice of Motion had been submitted under Council Procedure Rule 13 by Councillor Osborne relating to the starting time of Meetings of the Council.

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

“Timing of Council Meetings

The Council notes the following:

The District Council has historically met for Full Council Meetings at 2.30pm.

We believe Public meetings should be held at a time convenient for the majority of the public, whenever possible.

For most of the public, scheduling a public meeting for a weekday afternoon is somewhat inconvenient unless they’re retired, unemployed, work nights or have very flexible working hours. Having meetings in the evening may not draw a crowd, but having them scheduled during the day almost ensures plenty of empty seats.

Beyond that, day meetings send residents a signal that their participation is neither encouraged nor desired. That’s exactly the wrong signal to be sending those who pay the bills, elect the council and play a big role in shaping Lewes District.

As all council meetings with the exception of the Planning Applications Committee meet during the day, many working Councillors are having to take a substantial amount of time off from their paid employment or own businesses to attend. Although it is assumed that legislation demands that employers give their employees reasonable time off to attend meetings and many do, this is not the case in law. Whether by choice or out of necessity many of my colleagues choose to take the time off as annual leave and therefore give up a large percentage of the holiday time they have available to spend with our families. This is one of the reasons that many members of the community are dissuaded from ever becoming Councillors in the first place and subsequently reduces the cross-section of the membership of the Council as a whole.

I would ask the Council to improve the present situation by adopting the following Notice of Motion:

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To enable greater engagement with members and the public:

The timing of the meetings of Full Council be changed from 2.30pm to 6 pm commencing with the meeting in July 2016 and thereafter.

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

Resolved:

18.2 Accordingly.

19 Outside Body & Joint Body Representatives and Cabinet Membership

The Leader of the Council moved, and Councillor Saunders seconded, the motion that the recommendations contained in Report No 92/15 be received and adopted.

ADCS

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

Resolved:

19.1 Accordingly.

20 Protocol on Member/Officer Relations

The Cabinet Member for People and Performance, Councillor Merry, moved, and Councillor Harrison-Hicks seconded, the motion that the recommendation contained in Report No 93/15 be received and adopted subject to the revision of paragraph 2.3 of the Report to read as follows:

1. "Through Cabinet and full Council, Members are responsible for the formulation and approval of the council's Budget & Policy Framework, a set of strategies that include the council's corporate plan. Once this strategic

framework is in place, it is the responsibility of officers to deliver these agreed plans and policies. In this context, “delivery” by officers includes assessing commercial opportunities consistent with the Policy Framework, negotiating with external parties, as appropriate, and, for those opportunities considered worthy of further progression, submitting detailed proposals at the appropriate time to the relevant Council decision-making forum for consideration and approval. This in no way prevents councillors from engaging with residents and businesses in their capacity as community representatives. It is part of a councillor’s role to listen to members of the public and to identify ideas and opportunities. It is a councillor’s responsibility to then bring those ideas and potential opportunities back in-house promptly so that officers can channel them into the council’s governance systems to ensure that decisions about them are properly made with the benefit of professional officer advice.”

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

Resolved:

20.1 Accordingly.

21 Officer Employment Procedure Rules Update

The Cabinet Member for People and Performance, Councillor Merry, moved, and Councillor Loraine seconded the motion, that the recommendation contained in Report No 94/15 be received and adopted.

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

Resolved:

21.1 Accordingly.

22 Pay Policy Statement

The Cabinet Member for Finance and Resources, Councillor Smith, moved, and Councillor Gander seconded the motion that, the recommendation contained in Report No 95/15 be received and adopted.

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

Resolved:

22.1 Accordingly.

23 Reporting Back on Meetings of Outside Bodies

(i) Councillor Jones reported on a meeting that he had attended as the Council’s representative on the Coastal West Sussex and Greater Brighton Strategic Planning Board which dealt with issues relating to planning across the South Coast. On 13

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July 2015, Horsham District Council had been invited to join the Board.

Resolved:

23.1 That the oral Report of Councillor Jones relating to a meeting of the Coastal West Sussex and Greater Brighton Strategic Planning Board, which he attended as the Council's representative, be received and noted;

(ii) Councillor Nicholson reported back that, at the meeting of the Sussex Police and Crime Panel held on 3 July 2015, the Annual Report of the Police Commissioner had been discussed. It was cited that cyber crime was the area the Police will be focusing on, and that Councillor Nicholson had raised queries in relation to terrorism, to which he hoped there would be a further report. Councillor Nicholson informed the Council that if any Members had anything they wished to be discussed at the meeting to inform him.

Resolved:

23.2 That the oral Report of Councillor Nicholson relating to a meeting of the Sussex Police and Crime Panel, which he attended as the Council's representative, be received and noted;

(iii) Councillor Adeniji reported back on the East Sussex County Council Health, Overview and Scrutiny Committee. The Quality Care Commission report on the East Sussex Health Care NHS Trust had been published and was very damning. The Chief Executive and Chairman of the Trust were interviewed and were called upon to retire. As of 15 July 2015, the Chief Executive had resigned.

Resolved:

23.3 That the oral Report of Councillor Adeniji relating to a meeting of the East Sussex County Council Health, Overview and Scrutiny Committee which he attended as the Council's representative, be received and noted.

The meeting ended at 4.40pm

R O'Keeffe
Chair