



Meeting of the Council

Minutes of the Meeting of the Council held in The Council Chamber, County Hall, St Annes Crescent, Lewes on Wednesday, 9 December 2015 at 2.30pm

Present:

Councillor R O'Keeffe (Chair)

Councillors G Amy; W Botting; J Carr; J Carter; S Catlin; M Chartier; D Cooper; S Davy; N Enever; P Franklin; P Gander; P Gardiner; J Harrison-Hicks; O Honeyman; V Ient; T Jones; I Linington; A Loraine; R Maskell; E Merry; S Murray; D Neave; T Nicholson; S Osborne; J Peterson; S Saunders; A Smith; C Sugarman; and L Wallraven.

Apologies received:

Councillors S Adeniji; S Barnes; R Blackman; S Gauntlett; B Giles; A Lambert; R Robertson; T Rowell; and R Turner.

Minutes

41 Minutes

The Minutes of the Extraordinary Meeting of the Council held on 9 November 2015 were approved as a correct record and signed by the Chair.

42 Declarations of Interest

Councillor Jones declared his personal interest in Agenda Item 8 (North Street Quarter Petition Response).

Action

Councillors Murray and Carter declared their personal, non-prejudicial interests in Agenda Item 8 (North Street Quarter Petition Response).

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

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 14 October 2015.

44 Questions from Members of the Public

Written questions were asked of the Leader of the Council, Councillor Smith, 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). Oral replies to the questions were given at the meeting:

Questioner

Question Concerning

Vivian Carrick

Details of the parameters and basis that the Council had given to its car park study consultants - The Project Centre - to carry out the 6 Peacehaven Car Park Study Job No.1000002514 Issue 01 that was dated 19 August 2015.

Jackie Bishop

The Council's proposals for providing alternative public toilet provision in the Western Road area of Lewes if the existing facility was closed for redevelopment.

An explanation as to why, in light of public petitioning and an expression of interest in taking over the site from Lewes Little Gardens which had listed it as a Community Asset, clause 18.1 of the contract recently made available on the Council's website, was not being activated to remove the toilets from the development list and let Lewes Little Gardens make their bid.

Colin Reynolds
Chairman/Trustee St Mary's
Social Centre, Lewes

The Trustees of St Mary's Social Centre were due to meet with the architects in respect of the Council's New Homes Project in order to discuss how the Centre could best be used. A leaflet relating to those Homes had been circulated which indicated that the Council

would work closely with the Trustees and would not pursue any development if they were not 'on board' with its proposals.

However, the Trustees had not yet met with the architects or received any proposals. Therefore, the Council was asked to confirm when the meeting would be held in order that the Trustees could confirm whether or not they were 'on board'. They also needed to see what form the proposals were going to take.

The above was necessary as anything less than outline plans and details of an affordable future rent, would not be satisfactory for the Trustees.

Eric Woodward

With regard to the proposed development of The Buckle car park in Seaford, would the 76 Iconic Apartments each have a parking space and, if so, where would they be located? Furthermore, where would the parking be for the cars that could not be parked on the Buckle due to the building?

45 Petitions

- (a) The Chair received a petition from Jo White and Councillor Osborne on behalf of East Chiltington Action Group which contained signatures from 75% of the population of East Chiltington Parish. It objected to the Council's proposal to build housing on Hollycroft Field, East Chiltington which, the petitioners felt, was not a sustainable location for new housing and that the proposals were against both local and national policy statements. The petition strongly urged the Council to abandon the plan in respect of Hollycroft Field.

Jo White and Councillor Osborne addressed the Council on the subject matter of the petition and the number of signatures.

As the petition contained signatures from at least 33% of the population of East Chiltington Parish, in accordance with the Council's Petitions Scheme, as set out in Part 6 of its Constitution, it would be debated by the Council at a future meeting as an individual Agenda Item.

DSD

- (b) The Chair received a petition from Councillor Brian Gosling of Tudor Rose Park, Peacehaven, which contained 55 signatures from residents of that Park. The petitioners objected most strongly to the

proposal of 63 dwellings being built on the land which was reserved for a recreation area for the residents of the Park, as had been stated by the site owner.

Councillor Gosling addressed the Council on the subject matter of the petition.

As the petition related to a Planning Application it would be considered as part of the Council's process associated with such Applications.

DSD

46 North Street Quarter Petition Response

At its Meeting on 14 October 2015, the Council had received a petition which stated:

"We call on Lewes District Council to rethink development plans for the Phoenix / North Street Estate to better meet the needs of Lewes

We the undersigned are deeply concerned that the proposed development from Lewes District Council & Santon for the Phoenix / North Street Estate in Lewes will:

destroy the unique economic hub of creative businesses, start-ups, light manufacturing, social and cultural enterprises

lead to the loss of existing local employment and the last affordable work and venue space in the town, including the reusable heritage buildings of the Phoenix Ironworks

whilst not providing the truly affordable housing at social rent levels that Lewes desperately needs.

We urge Lewes District Council and Santon to work together with Lewes Phoenix Rising to get a better development that meets the needs of the community."

In light of the number of signatures and in accordance with the Council's Petitions Scheme, the petition would be debated by the Council as an individual Agenda Item at this meeting.

The Solicitor reminded the Council that Paragraph 6.4 of the Council's Petitions Scheme stated that "Where the issue is one on which the Council's Cabinet are required to make the final decision, the Council will decide whether to make recommendation to inform that decision". None of the courses of action that were recommended by Officers in the Report affected any decisions already made by Cabinet and so Councillors may accept or reject those recommendations as they chose. However, in the event that Councillors wanted to make a decision which would affect any decision already made by Cabinet then they would need to make a

recommendation to that effect. Cabinet would have the final decision.

The Leader of the Council moved, and Councillor Gardiner seconded, the motion that the Council approve the recommendation contained in Report No 177/15 relating to the North Street Quarter Petition Response.

During the ensuing debate, the Council agreed to grant extensions of time to Councillors Carter, lent and Gardiner in respect of their speeches.

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

Resolved:

46.1 Accordingly.

(Note: Councillor Jones declared his personal interest in this item as he was the Council's appointed representative to serve on the South Downs National Park Authority and was a Member of its Planning Committee which was scheduled to consider a Planning Application in respect of the North Street Quarter site at its meeting on Thursday, 10 December 2015. Therefore, he left the Council Chamber and took no part in the consideration, discussion and voting thereon.

Councillor Murray declared her personal, non-prejudicial interest in this item as she was a subscriber to the Phoenix Rising organisation which had worked-up an alternative proposal in respect of the North Street Quarter site. Therefore, she took part in the consideration, discussion and voting thereon.

Councillor Carter declared her personal, non-prejudicial interest in this item as she was a supporter of the Phoenix Rising organisation which had worked-up an alternative proposal in respect of the North Street Quarter site. Therefore, she took part in the consideration, discussion and voting thereon).

47 Response to Petition – New Homes

At its Meeting on 14 October 2015, the Council had received a petition which stated:

“We the undersigned call upon Lewes District Council to halt the scheme which has recently come into the public domain to build on a number of community asset sites, and to look again at how to assist in the building of social and affordable housing in Lewes District in order to achieve this without depriving the community of many irreplaceable facilities (for instance car parks, a social centre, open spaces, toilets and a household waste site) and fully including both local residents and ward councillors from across the whole district from the very start and in any and every new proposal”

In light of the number of signatures and in accordance with the Council's

DBSD

Petitions Scheme, the petition would be debated by the Council as an individual Agenda Item at this meeting.

The Solicitor reminded the Council that Paragraph 6.4 of the Council's Petitions Scheme stated that "Where the issue is one on which the Council's Cabinet are required to make the final decision, the Council will decide whether to make recommendation to inform that decision". None of the courses of action that were recommended by Officers in the Report affected any decisions already made by Cabinet and so Councillors may accept or reject those recommendations as they chose. However, in the event that Councillors wanted to make a decision which would affect any decision already made by Cabinet then they would need to make a recommendation to that effect. Cabinet would have the final decision.

The Cabinet Member for Housing, Councillor Maskell, moved, and Councillor Nicholson seconded, the motion that the Council approve the recommendations contained in Report No 178/15 relating to the Response to the Petition in respect of New Homes.

Councillor Botting moved, and Councillor Osborne seconded, an amendment to the text of recommendation 2 as set out in Report No 178/15 so that it read as follows:

".....groups and stakeholders and delay the development of planning applications for the sites until the Council can find solutions to the concerns of its communities."

The amendment was put to the meeting, Declared Carried.

Councillor Enever moved, and Councillor Murray seconded, an amendment that the following text be included as an additional recommendation to those contained in Report No 178/15 as follows:

"That this Council form an all-party Working Party to look into the way that negotiations were conducted with regard to the conditional contract and profit share agreement involving Lewes District Council, Karis Developments Limited, Southern Housing Group Limited, Karis Southern Housing Projects Limited and Southern Housing Group Limited and further that this Working Party oversee future decisions made under these agreements and report periodically to Members."

The amendment was put to the meeting, Declared Carried.

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

Resolved:

47.1 Accordingly.

The Meeting was adjourned for approximately ten minutes at this point.

48 Petition Response – Steyning Avenue

At its Meeting on 14 October 2015, the Council had received a petition which had called upon the Council:

“To halt the scheme to build on a number of community asset sites and to look again at how to assist in the building of social and affordable housing in the District in order to achieve such aim without depriving the community of “many irreplaceable facilities” particularly the Steyning Avenue car park in Peacehaven””.

The Council had received a number of other petitions, with slightly different wording, some of which also included Piddinghoe Avenue car park. While those petitions individually did not have enough signatures to warrant debate at Council, it was clear to the Officers that the nature of the petitions was the same and that both issues should be debated.

Therefore, in light of the number of signatures and in accordance with the Council’s Petitions Scheme, the petition would be debated by the Council as an individual Agenda Item at this meeting.

At the invitation of the Chair of the Council, Mr Vivian Carrick, who had presented the petition to the Council at its Meeting on 14 October 2015, addressed the Council on the subject matter of the petition and the number of signatures.

The Solicitor reminded the Council that Paragraph 6.4 of the Council’s Petitions Scheme stated that “Where the issue is one on which the Council’s Cabinet are required to make the final decision, the Council will decide whether to make recommendation to inform that decision”. None of the courses of action that were recommended by Officers in the Report affected any decisions already made by Cabinet and so Councillors may accept or reject those recommendations as they chose. However, in the event that Councillors wanted to make a decision which would affect any decision already made by Cabinet then they would need to make a recommendation to that effect. Cabinet would have the final decision.

The Cabinet Member for Customers and Partnerships, Councillor Nicholson, moved, and Councillor Smith seconded, the motion that the Council approve the recommendations contained in Report No 179/15 relating to the Petition Response in respect of Steyning Avenue car park subject to the amendment of recommendation 5 to read as follows:

“.....future meeting of the Council prior to any Planning Application being submitted.”

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

Resolved:

48.1 Accordingly.

DSD

49 Questions to the Leader of the Council

Questioner

Question/Response

Councillor
Cooper

Question:

Councillor Cooper reported details of an instance in which the Council, under Section 21 of the Town Police Clauses Act 1847, proposed to close public roads in the District for an event, in respect of which Councillors appeared to be consulted only as a courtesy.

How was it that the Council had powers under the Act to close public roads for such purposes yet Councillors who were elected to exercise and oversee such powers, appeared to be consulted only as a courtesy and, therefore, appeared to have no meaningful way in which to contribute to the decision making process? Would the Leader of the Council commit to review the above procedure and prepare suggested changes in order that Councillors were consulted properly and that in any new procedure, in instances when Councillors or the Council raised concerns in respect of public safety, the Council, as the decision-maker, insisted on having a satisfactory reply from Sussex Police, which was a consultee to the proposed closure (that was available for scrutiny by Councillors) before decisions were taken?

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

Councillor Smith indicated that Councillor Cooper's issue could be investigated further.

DSD

Councillor
Lorraine

Question:

Would the Leader of the Council update the Council on matters relating to the Enterprise Zone in Newhaven.

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

In the Autumn Statement, the Coast to Capital Local Enterprise Partnership had been granted Enterprise Zone Status. It provided businesses with great opportunities to undertake their business in Newhaven. The Department for Communities and Local Government had been pleased with the bid that had been submitted and the award marked the beginning of a great opportunity for Newhaven and the District.

<u>Questioner</u>	<u>Question/Response</u>	
Councillor Osborne	<p><u>Question:</u> This week the BBC had reported that the Council had the worst recycling rate in the south-east. Can the Leader of the Council explain what he was going to do to improve the Council's woeful rate?</p> <p><u>Response (by Councillor Smith, Leader of the Council; and Councillor Franklin, Cabinet Member for Waste and Recycling):</u> A written answer was to be provided to Councillor Osborne in response to her question however, Councillor Smith also reported that the Council had been performing well at the time when the European recycling targets had first been introduced. However, since that time, other Council's performance had improved significantly which meant that the Council had dropped down the league table for recycling performance.</p> <p>At the invitation of the Leader of the Council, the Cabinet Member for Waste and Recycling, Councillor Franklin, reported details of a new, good value, modernised scheme that the Council was to introduce that would result in improved collection rates for recyclable materials.</p>	DSD

50 Ward Issues

Ward issues were raised by Councillors on the following subjects:

<u>Councillor/Ward</u>	<u>Ward Issue Concerning</u>	
Councillor Saunders – Newhaven Valley Ward	<p>Some road improvements had recently been undertaken by East Sussex County Council at Valley Road, Newhaven which, Councillor Saunders had understood, were being performed in two phases, and in respect of which he had asked the Officer In-Charge if some passing places could be constructed on the south side of the road, adjacent to the ponds, as the grass verge was being damaged by cars as they converged on the narrow road (which was caused by parked cars on the north side).</p> <p><u>Suggested action to be taken by the Council:</u> That the Council write to the Highways Department at East Sussex County Council in order to support the construction of two or three passing bays during the completion of the improvement works in spring 2016.</p>	DSD

<u>Councillor/Ward</u>	<u>Ward Issue Concerning</u>	
Councillor Saunders – Newhaven Valley Ward	<p>Councillor Nicholson and the Council's Head of Property and Facilities had been helpful to residents and businesses in Newhaven with regard to car parking charges in that town. Councillor Saunders looked forward to working with them both in finding a long-term solution to the particular problems that were faced by the residents and businesses in Newhaven High Street.</p> <p><u>Suggested action to be taken by the Council:</u> That the Council and, in particular, Councillor Nicholson and the Council's Head of Property and Facilities, be thanked for their work as outlined above.</p>	DCS
Councillor Neave – Peacehaven West Ward	<p>The most recent traffic survey that had been undertaken in Peacehaven was performed some time ago since which the town had experienced a huge increase in housing and a huge increase in traffic which used the A259 road which resulted in unacceptable gridlock conditions.</p> <p><u>Suggested action to be taken by the Council:</u> That the Council write to the Highways Department at East Sussex County Council on behalf of its residents, in order to request that another traffic survey be undertaken as a matter of urgency and that it be carried out during school term time.</p>	DBSD
Councillor Gander – Ouse Valley and Ringmer Ward	<p>The footpath between Springett Avenue, Shelley Road and the main road in Ringmer required some maintenance as, according to some residents, significant repair work had not been performed since 1976.</p> <p><u>Suggested action to be taken by the Council:</u> In the event that the Council had adopted that footpath, could it arrange for the badly needed maintenance work to be undertaken?</p>	DSD
Councillor Loraine – Peacehaven North Ward	<p>Councillor Loraine was concerned at the impending closure of Foxhill Surgery in North Peacehaven.</p> <p><u>Suggested action to be taken by the Council:</u> That the Council write to East Sussex County Council and the appropriate Health Authority in order to determine the reasons for such closure.</p>	DBSD

51 Recommendations from Cabinet**Unreserved Items**

The Chair of the Council moved, and Councillor Chartier seconded, the motion that the recommendations of Cabinet held on 23 November 2015 contained in Minute 34 relating to the Finance Update and Minute 37 relating to the Lewes District Joint Core Strategy – Affordable Housing Policy, be received and adopted.

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

Resolved:

51.1 Accordingly.

DCS/
DBSD

Reserved Item

The Leader of the Council moved, and Councillor Harrison-Hicks seconded, the motion that the recommendations of Cabinet held on 23 November 2015 in respect of Minute 39 relating to the Local Council Tax Reduction Scheme 2016/17, be received and adopted.

Councillor Osborne moved, and Councillor Smith seconded, an amendment that, the text set out in Minute 39.2 be deleted and replaced with the following text:

“That a scheme be adopted which better reflects the Universal Credit approach to self-employed as follows:-

The Council will use the minimum income floor to calculate self-employed income. This means calculating the claim using the greater of either your income from their profit and loss accounts or 35 hours at minimum or national living wage as appropriate, subject to a notional reduction for National taxation and National Insurance contributions, with the following exceptions:-

- For self-employed claimants with caring responsibilities for a vulnerable person (excluding care for dependent children) there is discretion to reduce the assumed hours worked from 35 on an individual basis and dependent on the level of care and support provided.
- For a lone parent the claim will be calculated using the greater of either their income from their profit and loss accounts or 16 hours at minimum or national living wage as appropriate.
- For self-employed claimants also undertaking PAYE employment the Council has the discretion to use a number of hours of self-employment which, when combined with the PAYE employment, does not exceed 35 hours;”

The amendment was put to the meeting, Declared Carried.

Councillor Gardiner moved, and Councillor Murray seconded, an amendment that the text set out in Minute 39.1 read: “.....amount of Council Tax Reduction be limited to 90% of the claimant’s.....”

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

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

Resolved:

51.2 Accordingly.

DCS/
ADCS

52 Changes to Memberships

The Leader of the Council moved, and Councillor Maskell seconded, the motion that the recommendations contained in Report No 180/15 relating to Changes to Memberships, be received and adopted.

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

Resolved:

52.1 Accordingly.

ADCS

The meeting ended at 5.40pm.

R O’Keeffe
Chair