

Agenda Item No: 7 **Report No:** 184/14
Report Title: Devolution of Open Spaces to Town and Parish Councils
Report To: Devolution Committee **Date:** 9 December 2014
Cabinet Member: Councillor Andy Smith
Ward(s) Affected: All
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Purpose of Report:

To update the Committee on progress of Devolution requests from Town and Parish Councils and an outline timetable to complete the Devolution process.

Officers Recommendation(s):

- 1 That the Devolution Committee notes the progress on Devolution, since the introduction of Special Expenses.
 - 2 That the Devolution Committee recommends to Cabinet the devolution of Landport Bottom and Malling Recreation Ground to Lewes Town Council during 2014/2015.
 - 3 That the Devolution Committee recommends to Cabinet the devolution of the Forges site at Ringmer to Ringmer Parish Council during 2014/2015.
 - 4 That the Devolution Committee recommends to Cabinet that no Special Expenses should apply in 2015/2016 in respect of Landport Bottom, Malling Recreation Ground and the Forges at Ringmer.
 - 5 That the Devolution Committee meets in April 2015 and quarterly thereafter to oversee the progress of remaining sites in the devolution process.
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Reasons for Recommendations

- 1 Cabinet has in place a policy of seeking to devolve open spaces and outdoor facilities to local town and parish councils. The introduction of Special Expenses from April 2014 has generated impetus for this policy initiative.

- 2** All eight Town and Parish Councils where Special Expense charges apply have expressed an interest in the potential transfer of sites within their area.

3 Information

- 3.1** The national policy background (see appendix A) and the 2011 NALC report on Managing Double Taxation identified a growing opportunity for Town and Parish Councils to provide local services. Against this background Cabinet implemented a policy of Special Expense charging from the 2014/2015 financial year as a precursor to encouraging more devolution of its assets to Town and Parish Councils.
- 3.2** Special Expense charges for open spaces and recreation areas have been a key driver generating discussions on devolution of open space assets with Town and Parish Councils.
- 3.3** When a Town/Parish Council takes on devolved assets it will include the running and administrative costs within its local precept and Lewes District Council will cease making a Special Expense charge.
- 3.4** Where Special Expensed open spaces are not devolved to Towns and Parishes the costs will continue to be recovered through a Special Expenses charge in future years.
- 3.5** Contact has been made with all eight Towns and Parishes where Special Expenses applied and all have expressed an interest in taking on the open space assets.

4 Timetable for the Devolution Process

- 4.1** The annual budget and precept setting cycle significantly influences the timing of the transfers.
- 4.2** The work required to devolve assets for both parties includes due diligence, obtaining necessary Council approvals and finally the legal freehold completion. These activities need to complement the budget timetables for the Town and Parish precept meetings and the District Council's council tax setting process. Ideally the annual cut off date for transferring freehold ownership needs to be the end of November otherwise there will be uncertainty for both the District and Town/Parish Council. The reasons for the uncertainty are:
- (a)** Towns/Parishes would not want to include budget provision in their precept if they could not be sure of asset ownership in the coming year.
 - (b)** The District would not want to omit items from its Special Expense budget if it later transpired there were reasons why a proposed transfer did not proceed.
- 4.3** A proposed solution was explored to provide certainty by the end of November. The idea was to issue a licence or lease for the open space sites before the start of the budget and precept meetings. However, discussions with the council's legal team soon identified that more work

is required to complete a licence or a lease than is needed to progress a freehold transfer. This approach would still need due diligence and council approvals to be provided by both parties. That being the case, officers have channelled available resources into progressing freehold transfers on a timescale that will extend through to November 2015 and possibly for one further year beyond.

4.4 Cabinet has already authorised resources to fund the production of reports on title and to provide copies without charge to Town/Parish Councils. The information produced by this exercise will be beneficial to the District Council whether or not devolution proceeds.

4.5 The reports will be prepared for all sites subject to Special Expenses in order to minimise delays in the devolution process.

4.6 The first phase of the legal work has been contracted to Brighton and Hove City Council. The work is being carried out in phases and the reports will be delivered as they are completed.

4.7 The reports on title include:

- Obtaining Land Registry official copies of the title register for all registered titles.
- Checking contents of official copies of the title register.
- Examination of deed packets to extract documents that are still of relevance to the title and checking contents of extracted documents.
- Producing a written report on title.
- Annex copies of the following to the report:
- Land Registry official copies for the site relevant plans documents or extracts from documents if appropriate.

4.8 The reports will not include copies of pre-exchange searches, such as:

- local land charges search
- local authority search
- drainage and water authority enquiries
- environmental data search
- flood search.

These searches will need to be undertaken by the solicitors to the Town/Parish Councils at the expense of the Town/Parish.

4.9 Copies of the reports on title will be provided to Town/Parish clerks to help them assess the implications for their councils.

- 4.10** It is expected that the majority of Town and Parish Councils will have made their assessment of devolution proposals by 31 March 2015 and will be in a position to confirm their Council's decision.

5 Impact of Devolution for Town and Parish Councils

- 5.1** The Clerks of each Town and Parish will advise their Councils on the implications of Devolution. Clerks have access to advice from the Sussex Association of Local Councils, should they require assistance.
- 5.2** Whilst District Council Officers are not in a position to advise Clerks, they have provided a guidance note and template to help Town/Parish Clerks assess the implications of Devolution for their Councils. These are attached at Appendix B.

6 How Grounds Maintenance Arrangements integrate with Devolution

- 6.1** Town Clerks have received regular updates on the grounds maintenance contract retendering process.
- 6.2** All Town and Parish Clerks have indicated the preference of their councils to remain within or to cease association with future service provision through the District Council.
- 6.3** Town Clerks have been advised that the contract retendering process provides for sites to be removed from the contract on notice of six months being given to the contractor. This is to enable sites to be taken out of the contract following devolution. Towns and Parishes will need to cover the District Council's costs due under the contract during the notice period so that the District is not out of pocket. Alternatively, sites can remain within the contract following devolution if this is what the Towns and Parishes wish. Where devolved sites remain within the contract there is provision for the services to be varied. However, the District will not have complete control over variations and there is the potential for the contractor to challenge proposed variations where, for example, the variation would materially and adversely change the nature of the contract.

7 The Council's Devolution Assessment Criteria

- 7.1** Appendix C sets out the criteria against which requests for Devolution are assessed. The following commentary in italics indicates the type of issues that have been considered in previous phases of devolution.

A **Can the function be effectively exercised within the Town/Parish area?**

A general presumption has previously been adopted that an award of NALC "Quality Status" is a good indication to satisfy this criteria.

Other relevant factors may be the range of projects and volume of projects that a Town/Parish currently has underway, or any relevant observations in annual audit reports to the accounts.

B Will the District Council's economy of scale in providing other services be lost if the Town/Parish Council exercises this function?

The District Council is constantly responding to the impact of national funding cuts and is able to resize its operations accordingly. Changes arising from Devolution can be accommodated likewise.

The District Council has aggregated the requirements of Town and Parish Councils into its latest grounds maintenance retendering exercise in order to maintain economies of scale.

C Will there be advantages in quality of service or accountability from local management?

The presumption from Government policy is that moving services to the lowest tier / community groups will deliver improved accountability.

D How would the budget position of the District Council be affected?

The District Council's policy is that it will reduce its aggregate budget requirement by the amount no longer required to be met by Special Expenses.

E If the function is specific to a building or area of land will there be local support for the local management of the facility?

This is a consideration for the Town/Parish Council taking on devolved assets. Neighbourhood Plans can provide an indication of support.

Local community groups and locally run campaigns are also another indicator of support.

F Has the Town/Parish Council the financial resources and staffing to be able to manage the function?

The guidance notes provided to Town Clerks have highlighted the need for this to be considered as part of their due diligence process. A significant growth in local activity will have an impact and this can be ameliorated where Towns/Parishes decide to buy in services from the District Council such as the wildlife ranger service and, buying into the district council's grounds maintenance services.

Relevant observations in annual audit reports to the accounts might provide background information against which to assess this criteria.

8 Progress Report on Devolution

8.1 Appendix D provides a commentary on the latest position.

9 First phase of devolution proposals for consideration

9.1 Reports on title for two of Lewes Town Council's Sites (Landport Bottom and Malling Recreation Ground) have been completed and the Ringmer Parish Council Forges site is in the first phase of reports to be produced.

9.2 Lewes Town Council and Ringmer Parish Council have indicated they would like these sites devolved before the end of March 2015 and they intend to budget for the net running costs in their 2015/2016 precepts.

10 Financial Appraisal

10.1 Cabinet has already indicated a council tax freeze for next year 2015/2016. The Lewes District Council "general expenses" band D tax will be the base for the tax freeze, rather than the aggregate of the "general expenses" plus the "special expenses" band D tax. The overall aggregate is the level monitored by the Government.

10.2 The approach in 10.1 will ensure that any savings in the retendered grounds maintenance contract driven out by the special expenses regime will benefit each of the Town/Parish council areas where special expenses apply.

10.3 In the unlikely event of an increase in the grounds maintenance contract, the tax freeze would apply to the aggregate of the general and special expenses combined band D taxes.

10.4 The District Valuer has been instructed to provide a commentary on the proposal to transfer assets at a nil value. The response will be provided to Cabinet when it makes a decision on devolution of assets, following comments from this Committee. A list of the "Special Expense" sites are shown at Appendix E.

11 Legal Implications

11.1 Reports on title will be prepared for all sites covered by special expenses, should Towns and Parishes wish to accept devolution. The first phase of this work covers sites in Lewes, Newhaven, Ringmer and Hamsey. The reports will enable Town and Parishes to understand details of the legal title being transferred, and assist with the legal procedures for transferring sites authorisation is given to proceed to completion."

Sustainability Implications

I have completed the Sustainability Implications Questionnaire and there are no significant effects as a result of these recommendations.

12 Risk Management Implications

Risk

The Town Councils have a valid concern that by taking on devolution and increasing their precepts, they will be caught by the excessive council tax rise criteria, determined each year by the Secretary of State. They have asked for a solution to be found in the event this happens.

Mitigation

Any Council caught by the criteria can appeal to the Secretary of State. If there is a straight transfer of tax raising from one tier of council to another, this might be accepted as a valid reason for exemption from the excessiveness criteria.

The District Council can make a submission to the Local Government Finance Commission suggesting that Devolution between tiers of Councils is exempted from Government council tax setting controls where there is a straight transfer of tax raising powers and where the aggregate remains constant.

13 Equality Screening

An equality screening analysis has been conducted on this report. The proposals in this report have no impacts on equality.

14 Background Papers

None

15 Appendices

Appendix A: National Policy Background

Appendix B: Guidance note to Town and Parish Clerks

Appendix C: Lewes District Council's Devolution Framework

Appendix D: Devolution Update Report

Appendix E: List of sites included in Special Expenses

National Policy Background

1 National Drivers

1.1 A number of signposts have been provided by the Coalition Government in relation to localism and the growing role of Town and Parish Councils and Community Groups. Some of the references are shown below.

a) Eric Pickles (Secretary of State for Communities and Local Government) news item October 2003:

I think we could use parish and town councils as good basis to start urban regeneration. By getting the individual members of the community involved in the community we will help to develop a sense of ownership.

b) The 2011 Public Services White Paper Cm8145.

Foreword by the Prime Minister and the Deputy Prime Minister.

Centralisation is out.
Wherever possible, we will increase choice by giving people direct control over the services they use. And where it is not possible to give people direct control, elected representatives should also have more choice about who provides services and how. This is the first principle of open public services.
Power should be decentralised to the lowest appropriate level.
Services might be provided directly, such as a parish council taking responsibility for the community library; or they might be commissioned, such as a local council using its new public health powers to pay a social enterprise to help cut local obesity rates. In each case we believe that the closer this decision-making power is to the people affected, the better. So this is the second principle of open public services: power should be decentralised to the lowest appropriate level.
For communities – Our proposals will consider allowing any neighbourhood to take control of very local powers and services (such as street improvement, recreational services, parking and licensing of certain premises, other than for the provision of alcohol) via their parish, town or neighbourhood council. We will make it easier to set up a neighbourhood council where one does not exist.
We also want to do much more to reinvigorate the most local forms of government – parish, town and community councils – and allow them to take control of key local services, ensuring that these opportunities are available to everyone in the community. We would expect local authorities to work much more closely with these bodies to deliver services that are tailored to the needs of local residents.

Where services are provided collectively and for the benefit of the entire neighbourhood or community, rather than for an individual or a collection of individuals, we will look to neighbourhood councils (parish, town and community councils) to take over the running of a community service, as this offers democratic accountability at the most local level. This explicitly gives us a potential way to drive both choice and accountability.

It is already possible for principal local authorities to delegate functions to a neighbourhood council. **We will consult on the scope for enabling neighbourhood councils (i.e. parish, town and community councils) to take greater control over local services.** This will focus on the local public realm, leisure opportunities and community activity and could include: street improvements, parking and traffic restrictions; local libraries; local museums and arts; sports, local parks and leisure facilities; licensing of certain premises other than for the provision of alcohol; minor bye-laws and lower-level anti-social controls; and community grants.

2 Examples of how the above policy intentions have started to be implemented include :

- Neighbourhood Planning and the financial incentive to have an approved plan.
- The Community Right to Bid and the Community Right to Challenge.

3 The National Association of Local Councils (NALC) has long promoted a dialogue between principal authorities (Lewes District and the County Council in this part of East Sussex for example) and Town and Parish Councils. Eric Pickles addressed a NALC conference in 2012 and made the following points.

Selective extracts from Eric Pickles Speech to NALC in November 2012:

You are localism's magic wand. (Referring to Towns and Parishes)
Since the Local Government Act of 1894, you've been providing unrivalled help, to the smallest of villages, the largest of towns.
And the principles you embody are hardwired into the social DNA of every hometown, every village, in every era of our history.
And because you care about your areas, because you are rooted in the places you love, you are prepared to do something about it.
Now we all know parishes, have the credibility to lead their communities. So we've made sure you're calling the shots.
Councils can now do anything an individual can do unless it's specifically ruled out. These days you don't have to get things signed-off in triplicate, if you want to, for example, back community composting, or transform a village pub into a wi-fi hotspot.

4 NALC produced a best practice guide on double taxation in 2011 and one of the conclusions was that :

Government policy is to encourage the devolution of services and included within that is a wish to see local councils grow their role and better serve their communities.

Working out the cost of taking on devolved assets

This note is intended to help Town and Parish Clerks assess the cost of taking on assets from Lewes District Council.

It explains the format of the attached cost template which is headed “**Working out the cost of taking on devolved assets**”

You can extract costs of existing services from the spreadsheet provided last month.

The template has 4 steps A to D.

If you wish to join LDC’s procurement then Step A1 to A3 will form the minimum cost base.

We will provide background information to help you assess A3.

If you wish to make your own grounds maintenance arrangements you will need to make an estimate at A4 and ignore A1 and A2 which are based upon the current contract.

The current parks contract includes two wardens who carry out a range of inspection duties and safety functions. This is the cost at Step B1. The wardens will become part of the Parks Team when the next contract is awarded. If you wish to purchase this service from LDC the charge would be subject to your needs and it is by agreement.

Step B2 might apply if you wish to purchase a client monitoring function from LDC or you would like to purchase design services. The charge would be subject to your needs and it is by agreement.

Step B3 might apply if you are taking on nature reserve areas and you wish to buy in from LDC’s ranger service. The cost of the service will vary according to your needs.

Steps C1 to C8 are intended to pick up costs that fall outside of the grounds maintenance aspect of the transfer. You could seek advice from SALC on how best to make this assessment.

For C1 you might wish to survey the infrastructure and make your own independent assessment of how much needs to be set aside each year into a maintenance/renewals reserve.

C2 could be a general provision based upon how much LDC has spent over the last few years. We will provide an analysis for you.

C3, C5 and C6 will be based on your own assessment.

C4 can be provided by your insurer.

C7 is a general provision in the special expenses and needs refining for local requirements.

LDC will provide information for Step D1.

Step D2 will be your own assessment of the potential to generate additional income.

Step D3 is any lease rental or other income that would be passed over to you. (Leases would be assigned).

The net result of this process will produce a tailored cost for taking on a devolved service/asset base that replaces Special Expense Charges.

The process replaces many of the LDC costs with estimates of your own costs.

The process also enables you to agree a charge for using the Council’s Warden, Ranger and Parks Team services, according to your needs. The tailored cost could result in a higher or lower charge compared to Special Expenses because it will be based upon a specification of your requirements and it will include costs that fall outside of the Special Expenses calculations.

Working out the cost of taking on devolved assets				
The base data is in the spreadsheet "Special Expenses Summary for Town Councils"				
Step	Narrative	Spreadsheet column		£
A	Minimum Cost:			
A1	Direct cost of the Burley contract	D		
A2	Bedding plant costs	G		
A3	Site specific costs	H		
A4	Your estimated cost of dircetly procuring /running the contract			
			Sub total A	
B	Optional extra costs:			
B1	Warden service	E		
B2	LDC Parks Team service	TBA		
B3	LDC Ranger Service	TBA		
B4				
			Sub total B	
C	Due diligence:			
C1	Annual amount needed for asset/infrastructure maintenance	Your assessment		
C2	Annual provision for variation orders to cover ad-hoc works	Your assessment		
C3	Additional cost of the Town/Parish council client monitoring role	Your assessment		
C4	Any net change to insurance premiums	Your assessment		
C5	Any changes your Council would like to make to the specification	Your assessment		
C6	Any net change to the Town/Parish council back office costs	Your assessment		
C7	Play equipment costs - the special expenses is a general provision and needs refining to local needs	I		
C8	Costs of transfer (Legal, site surveys, possible new signage, notifying any sports clubs of the change, etc)	Your assessment		
			Sub total C	
D	Income:			
D1	Existing pitch hire and casual bookings	TBA		
D2	Growth potential for income generation	Your assessment		
D3	Lease rental income	TBA		
			Sub total D	
			Grand Total	

Lewes District Council's Devolution Framework

1 Devolution Framework

- 1.1** The Council has in place an agreed framework against which all devolution proposals are evaluated. This is to ensure that assets are protected in terms of economic sustainability by ensuring the appropriate Town or Parish Council has in place the necessary capacity to manage the asset and that the overall transfer is in the best interests of the local community.
- 1.2** Town and Parish Councils who have achieved "Quality" status have demonstrated by reaching this high standard that they are well placed to embark upon a process of receiving devolved assets and services from the District Council.
- 1.3** The framework is based upon the following 6 criteria:
- A) Can the function be effectively exercised within the Town/Parish area?
 - B) Will the District Council's economy of scale in providing other services be lost if the Town/Parish Council exercises this function?
 - C) Will there be advantages in quality of service or accountability from local management?
 - D) How would the budget position of the District Council be affected?
 - E) If the function is specific to a building or area of land will there be local support for the local management of the facility?
 - F) Has the Town/Parish Council the financial resources and staffing to be able to manage the function?

Devolution Update Report

November 2014

1. Background

- 1.1. The presumption is for devolution of assets at nil transfer values provided the existing use continues.
- 1.2. Following devolution of a site any net increase in income from investment by the Town/Parish Council in the site will be retained by it provided the existing planning use of the site remains the same.
- 1.3. All transfers will include standard overage clauses should there be a change in site use and an increase in site value.
- 1.4. Town/Parish Councils interested in Devolution will need to formally approve their intentions and to provide a copy of their minute outlining which assets they are interested in.

2. Current position.

2.1. General overview

- 2.1.1. All Town Clerks plus the Parish Clerks for Ringmer, Hamsey and Chailey have been provided with detailed information on the special expenses charges for 2014/2015, together with a financial template to help them assess and present information to their Councils.
- 2.1.2. Joint monthly meetings have been held with Town Clerks of Lewes, Newhaven, Peacehaven, Seaford and Telscombe to progress the renewal of the Parks Contract. A devolution progress update has been provided at each of these meetings. The latest meeting was on 18 November 2014 and the Parish Clerks of Ringmer, Chailey and Hamsey were also invited to attend because their local residents are paying for open spaces through special expenses and some have expressed an interest in devolution.

2.2. Lewes Town

- 2.2.1. A combination of Lewes District Council officers and the Leader and the Lead Councillor for Corporate Services met in October 2013 with the Town Clerk and Town Council representatives to review the sites in Lewes and the associated open space costs.
- 2.2.2. Minutes of the Lewes Town Council meeting on 7 November 2013 <http://www.lewes-tc.gov.uk/infopage.asp?infoid=1270> indicated a willingness

to consider devolution of all open spaces sites and several additional local assets.

2.2.3. These are the minutes:

FC2013/66.3 The report of the meeting to discuss devolution, between the Council's lead negotiating team and Lewes District Council, on 31st October 2013 be noted.

FC2013/66.4 Cllr Chartier is appointed as Chairman of the group leading negotiations with Lewes District Council on devolution of assets and services, and spokesperson for the Council on these matters, and;

FC2013/66.5 Lewes Town Council agrees the drafting of a Memorandum of Understanding with Lewes District Council on the basis of the recommendations described in the notes of the meeting of 31st October 2013, discussing devolution of assets and services, which were considered by Council on 7th November 2013.

2.2.4. The uncertainty surrounding potential "capping" of Town Council tax rises by the Government lead to the Town Council's decision to restrict its devolution ambitions when it met on 20 February 2014.

2.2.5. The minutes of the 20 February 2014 meeting approved a budget of £42,000 to cover the cost of devolution for Landport Bottom and Malling Recreation ground. <http://www.lewes-tc.gov.uk/infopage.asp?infoid=1297> These are the minutes:

FC2013/98.1 The budgets for service expenditure and income for the 2014/15 financial year, as presented to Council on 20th February 2014 (*copy in minute book*) be approved; representing a sum to be raised through precept on council tax of 708,466 when anticipated Council Tax Reduction Scheme Grant of £73,534 is accounted-for.

8 A further detailed debate ensued on the matter of the devolution of the two recommended sites. It was proposed that, to deal with the options 'D1' and 'D2', as described at 6 above, the question be put regarding application of the full amount to existing reserves identified for the transition costs of devolution, or to the Malling Community Centre reserve, to reduce the need for third-party funding. Should this motion be defeated; then application of the reduced sum would be voted-upon. A recorded vote was requested (*copy appended to these minutes*). Consequently, **it was resolved that:**

FC2013/98.2 The sum of £42,000 be raised through precept on council tax in respect of proposed devolution by Lewes District Council of Malling Recreation Ground and its half-share of land at Landport Bottom;

2.2.6. A working meeting was held with the Town Clerk and the Town Council negotiating representatives on 9 October 2014. The representatives were Councillors M.Chartier, I.Eiloart, M.Milner, R.Murray, S.Murray, R.O'Keeffe, M.Turner

- 2.2.7.** The meeting was very positive and Lewes Town Council expressed its aspirations for devolution of all open spaces but the key obstacle to a complete transfer in one phase is the threat of council tax capping being applied to Town and Parish Councils. Capping criteria is issued too late in the budget cycle (5th February last year) to inform decisions on the coming year's budget.
- 2.2.8.** Councillor Smith explained that innovative solutions to devolution are being considered to allay the uncertainty that capping brings. This includes (subject to legal advice) early transfer of asset ownership combined with continuing special expenses through a grant back arrangement to Towns and Parishes until the process is complete.
- 2.2.9.** There was a general and wide ranging discussion on solutions that could form part of an innovative solution. The outcome was a need to find such a solution, to treat this as a priority and to ensure that it was within the powers of the District Council.
- 2.2.10.** The Town Council already had approval for a first phase of devolution that could proceed next year without the need for an innovative solution.
- 2.2.11.** The Town Council asked for its interest to be noted in several sites that were not open spaces. These were, The Market Tower, 2 Fisher Street and Landport Youth Centre. Councillor Blackman explained that although Lewes District Council had a contract process in place on some sites in its property regeneration portfolio he would ensure that the Town Council's interest was made known.
- 2.2.12.** The Town Council asked if there was a timetable for the wider devolution agenda and Councillor Blackman explained this would not be until the devolution of open spaces had been completed for all Town/Parish Councils. This initial work focus would continue at least until late Spring 2015.
- 2.2.13.** Councillor Chartier explained that as the lead for the Town Council's appointed team there is authority to proceed and that he would be reporting back to the Town Council meeting on 6 November.
- 2.2.14.** Councillor Chartier confirmed the Town Council's desire for complete devolution of the open spaces, given the appropriate protections (and the non open spaces referred to above) and that he could ask the Town Clerk to organise a special Council meeting if the need arose to help the process move on.
- 2.2.15.** The Lewes Town Council meeting on 6 November received a report on the Devolution meeting and the recorded minutes follow:

It was resolved that:

FC2014/69.1 The minutes of the meeting of the Neighbourhood Plan Steering Group held on 7th October 2014 are noted (*copy in Minute Book*).

b) *Meeting with Lewes District Council (LDC) re Devolution of assets/services, 9th October 2014*: Members considered notes of this meeting. These (*copy in minute book*) were received and noted. LTC members had, the previous evening, considered the latest cost data for routine grounds maintenance provided by LDC, and reviewed projects and major repairs/improvements likely to arise in the foreseeable future. Notes on these had been provided by the Parks Dept. Having considered the implications of these plans with particular reference to Malling Recreation Ground, LTC members sustained their interest in ownership of that site and recommended this to the Town Council, although they suggested that the area of the redundant rail track and its associated bridge structures might deserve further consideration; perhaps to form a later tranche. With this in mind, Members agreed that the boundary of the site in that location should run to the line of existing post-and-rail fencing. With regard to buildings, it was accepted that LDC's property review was not complete and LTC representatives had simply reiterated their position, pending the conclusion of that process:

- LTC remains interested in a "first refusal" option on 2 Fisher Street, Lewes.
- LTC would be interested to discuss transfer of the Market Tower, as it had a vision for the building that had been developed as a legacy from the 2009 Tom Paine festival.

LTC representatives had also confirmed that they would be keen to engage with any proposals related to community centres such as St Mary's Social Centre in Christie Road or the Landport Youth Centre.

After discussion **it was resolved that:**

FC2014/69.2 The record of the meeting with Lewes District Council on 9th October 2014 *iro* devolution of assets/services is noted (*copy in Minutes Book*).

FC2014.69.3 Lewes Town Council agrees to pursue the transfer of the 50% interest in Landport Bottom currently owned by Lewes District Council, and also Malling Recreation Ground (with boundaries as agreed at the meeting [*copy in Minute book*]).

2.3. Newhaven Town

2.3.1. A combination of Lewes District Council officers and the Leader and the Lead Councillor for Corporate Services met in October 2013 with the Town Clerk and Town Council representatives to review the sites in Newhaven and the associated open space costs.

2.3.2. Progress had stalled within Lewes District Council since that meeting and this is referred to in the report to the Newhaven Town Council Environment and Open Space committee on 14 April 2014. The report is here:
<http://www.newhaventowncouncil.gov.uk/pdf/report/3353.pdf> and the minutes of that meeting are here
<http://www.newhaventowncouncil.gov.uk/pdf/minutes/3353.pdf>

2.3.3. An LDC/NTC meeting on 13 September 2014 confirmed that

- NTC is likely to have a special Council meeting in the 2nd half of September 2014 to obtain a minute on devolution priorities.

- In the long term NTC would like all open spaces assets but there is the issue of capacity to consider.
- A staged process would be preferred that would enable the local precept to be controlled.
- The immediate short term priorities are:
 - Lewes Road recreation Ground
 - Riverside Park
 - East Side Allotments
- NTC is already working with community groups who are interested in the future of these immediate priority areas.
- The Director explained that creative solutions would be sought whereby ownership might transfer for all sites from day 1 and an arrangement made to protect Towns and Parishes should capping be introduced for them.
- The Town Council noted this possibility and Councillor Blackman's proposal that the Lewes District Council Open spaces element of S106 payments could be handed over to local councils who took on the entirety of the open spaces covered by special expenses.
- For future developments the expectation would be for new areas of open space to be taken on by local councils and the Lewes District Council Open spaces element of S106 handed over for local use in accordance with the terms of the S106 agreement.
- The Director undertook to reply to the Clerk on questions raised regarding monitoring and responsibility of the former landfill site at Riverside.

2.3.4. The intention was to aim for an update to an October 2014 Devolution Committee meeting.

2.3.5. A number of exchanges of information were made since the 13 September meeting to assist the Town Clerk prepare a report for a Town Council meeting on 30 September 2014.

2.3.6. On 1 October 2014 the Town Clerk advised:

That Council decided that in principle it would like to go ahead and accept devolution of the outdoor spaces offered to it by LDC. Just so as we are all clear, these sites are:

- Avis Road Rec
- Drove Park
- Huggetts Green
- West Quay (south) open space

- Riverside Park and Lewes Road Rec
- Valley Road play and parkour area
- Denton Rec (Denton Cricket Club)
- East Side Rec – to include play area and allotments (I understand the latter to be a separate land packet)
- Fort Road Rec – to include outdoor gym, bowls green and clubhouse, cricket pavilion, children’s play area (north), skate park, BMX and ball games area, tennis courts, Shakespeare Hall, Newhaven Football Club, Scout Hut and the toilets
- Court Farm Road island

2.3.7. The minutes of the Town Council meeting are shown below:

“C432/14 DEVOLUTION

The Council considered the report from the Clerk and Head of Strategic Development together with the attached spreadsheets giving estimates of likely expenditure for the properties being offered for devolution.

During the discussion about Riverside Park, Councillors Pat Ost and Julie Carr declared that they had personal interests in this area due to their membership of the Riverside Park Group. It was agreed that their interests were not prejudicial.

Following a full and detailed discussion, it was

RESOLVED:

To authorise the Clerk to inform Lewes District Council that it wishes to take all the properties offered for 2015-16 and to continue negotiations regarding this.

A working group made up of Councillors Ann Giles, Julie Carr, Jane Scott and Judith Ost was set up to assist the Clerk during this process.”

2.3.8. Town Clerk advised of other points that would need consideration as follows:

Council has agreed to this on the understanding that should the Government decide to cap the town and parish sector, preventing us from putting up our Precept sufficiently to maintain these sites, LDC will pay the town council a grant which will cover the grounds maintenance contract for these sites. This grant would, of course, need to continue to be paid until the cap was removed or the town council had managed to raise its precept or other income sufficiently to cover the amount needed.

The Town Council would like to receive a condition survey of all the sites, to include a land contamination survey at Riverside Park and at East Side Rec. We would like to request that these be provided by LDC as the current owner of the sites. We would also like to discuss whether there are any other ways in which LDC can help to cushion the town council financially during the first few years of the change of ownership.

With regard to Riverside Park, the devolution of this site will be conditional on the town council being satisfied that it is protected against any future liability arising from the landfill and potential pollution, which could well be beyond the town council’s financial ability to address. This means that a satisfactory arrangement will need to be arrived at which leaves the liability with either LDC or ESCC.

2.3.9. When the Clerks met with Lewes District Council Officers on 18 November the Newhaven Town Clerk indicated that it would be preferable to continue the

current momentum and aim for devolution during 2015/2016 and inclusion of the transfer in the local precept from 2016/2017.

2.4. Peacehaven Town

2.4.1. A combination of Lewes District Council officers and the Leader and the Lead Councillor for Corporate Services met in October 2013 with the Town Clerk and Town Council representatives to review the sites in Peacehaven and the associated open space costs.

2.4.2. Had Peacehaven Town Council not pioneered local ownership of the Big Parks Site, this area would have been considered for future special expenses charges. The Town Council has taken ownership of this site and has been given the Developer Contribution Funding to build out the Big Park.

2.4.3. The main points of a meeting between Lewes District Council (Councillor Blackman and John Magness) and the Town Council (Councillors Livings, Sargent and the Town Clerk, on 14 August 2014 were as follows:

- The Town Council sought clarification on the special expense process.
- Councillor Smith explained that creative solutions would be sought whereby ownership might transfer for all sites from day 1 and an arrangement made to protect Towns and Parishes should capping be introduced for them.
- Councillor Blackman outlined the key principles relating to Localism and that local councils are best placed to make decisions and look after their localities. He went on to explain that Lewes District Council Open spaces element of S106 payments could be handed over to local councils who took on the entirety of the open spaces covered by special expenses. The Town Council was receptive to this possibility.
- For future developments he went on to outline the expectation that new areas of open space would be taken on by local councils and the Lewes District Council Open spaces element of S106 handed over for local use in accordance with the terms of the S106 agreement.
- Councillor Sargent sought clarification as to responsibility for replacing the clifftop fencing and the Director explained it would be the Town Council if the asset transferred. The Director undertook to confirm whose responsibility it would be to remove any debris at the base of the cliffs, in the event of a cliff fall.

- There was a wide ranging discussion on grounds maintenance options and the potential to reduce costs by varying maintenance specifications
- There was a positive indication for devolution and the Clerk would be making a report to the Town Council at the next opportunity.

2.4.4. On 24 September 2014 the Town Clerk advised that the Town Council's Leisure & Amenities Committee at its meeting on 2 September and the P&F committee meeting on 23 September agreed the following recommendation :

That the Town Council **AGREE** in principle to take over the ownership and management of the four open spaces areas detailed in table 1 of this report “

Table 1

Site	Contract costs £	On costs/Overheads £	Total costs £
Firle Road walkway	1,000	520	1,520
Lake Park	1,791	931	2,722
Meridian Park*	20,245	10,525	30,770
Peacehaven Cliffs**	6,074	3,158	9,232
Total	29,110	15,134	44,243

The Town Clerk advised that some matters needed clarification and that the decisions of these committee meetings have to be ratified at a Full Council meeting and the next Full Council meeting takes place on 28 October 2014.

2.5. Seaford Town

2.5.1. The Town Clerk has been provided with details of the open spaces forming the Special Expenses charge and will be reviewing the position with Seaford Town Councillors.

2.5.2. The Clerk included this paragraph in his report to the Seaford Town Council meeting on 21 August 2014:

1.11 Devolution of Grounds Maintenance from Lewes DC. Following recent meetings the tender for the Grounds Maintenance Contract for the whole District has been advertised. This is being managed by LDC. It is proposed to submit a report on possible alternatives for Seaford Town Council, new systems and also consideration of taking on additional open spaces to the next Full Council meeting.

2.5.3. Seaford Town Council is currently progressing a number of significant projects and this is likely to defer consideration of devolution until the other Town and parish requests have been taken forward.

2.6. Telscombe Town

2.6.1. A combination of Lewes District Council officers and the Leader and the Lead Councillor for Corporate Services met in October 2013 with the Town Clerk and Town Council representatives to review the sites in Telscombe and the associated open space costs.

2.6.2. The Town Council met on 18 September 2013 to review the progress on devolution and the Town Clerk subsequently requested further information. The information requested relates to income earning potential from each site.

2.6.3. The Town Council minutes record that a watching brief is kept on progress of Devolution discussions.

2.6.4. On 31 July The Mayor of Telscombe Town Council, Councillor Wayne Botting and the Town Clerk met with Councillors Blackman, Smith and the Director of Finance. The main points of the meeting were:

- The Town Clerk is planning to take a proposal to the Town Council's Policy and Resources Committee on 10 November 2014 and any decision would need to be ratified at the Town Council meeting on 19 November 2014.
- An update could be provided to the December Devolution Committee.
- Councillor Smith explained that creative solutions would be sought whereby ownership might transfer for all sites from day 1 and an arrangement made to protect Towns and Parishes should capping be introduced for them.
- Summarising a discussion on Section 106 developer contributions Councillor Blackman explained that the Lewes District Council Open spaces element of the contributions could be handed over to local councils who took on the entirety of the open spaces covered by special expenses.
- For future developments the expectation would be for new areas of open space to be taken on by local councils and the Lewes District Council Open spaces element of S106 handed over for local use in accordance with the terms of the S106 agreement.
- Subsequent to the meeting the Director confirmed to the Clerk that the Fairlight Avenue Site which has an area of the boundary

covered by the special expenses charges was included within a council property contract and was not available for devolution.

2.7. Chailey Parish

2.7.1. The Head of Finance has supplied details of the one site owned by the Council and subject to Special Expenses, The Martlets in South Chailey to the Parish Clerk, and asked her to indicate if the Parish Council is interested in its devolution.

2.7.2. The Parish Council is yet to indicate its preference for this site. With no substantive progress made to date, it is unlikely that devolution, if it is the preferred option, can be achieved ahead of 2015/2016.

2.8. Hamsey Parish

2.8.1. The Head of Finance had a discussion with the Parish Clerk concerning the potential devolution of the one site owned by the Council and subject to Special Expenses, located at The Malthouse. The initial response was positive.

2.8.2. The Clerk attended the Lewes District Council officer update meeting on 18 November and indicated a preference for devolution during 2015/2016 and inclusion in the local precept from 2016/2017.

2.9. Ringmer Parish

2.9.1. The Parish Council had contacted the Council on 16 July 2014 noting that its members were minded to proceed with assuming responsibility for maintenance at The Forges, a site owned by LDC. The Parish Clerk asked for clarification of a number of matters, and this information was provided.

2.9.2. On 22 September 2014, the Clerk confirmed that the Parish Council would like to ensure they are in a position to take over the maintenance of The Forges in April 2015. Members would like to look at devolution matters in the future, after further information is available to them.

2.9.3. The Forges is the only LDC-owned site in Ringmer, and all Special Expenses relate to that site. The Parish Council's desire is to remove the special expenses charge by taking over the maintenance.

2.9.4. The Lead Councillor for Corporate Services and the Head of Finance met with the Parish Clerk, the Finance Officer to the Parish Council and a Parish Councillor on 4 November 2014. It was explained that LDC was willing to devolve ownership of the site, which would enable the Parish Council to maintain it in the way that it sees fit and would result in Special Expenses no longer being charged. The Parish Council representatives welcomed that position and reiterated that, if possible, the transfer should take place during 2014/2015.

- 2.9.5.** The Parish Council has queried the ownership and potential responsibility for the 'buffer zone' at the edge of the Forges development, away from the main site, and not maintained as part of the grounds maintenance contract. The Head of Finance has subsequently confirmed to the Parish Clerk that the buffer zone is owned by LDC and would be devolved along with the main site.
- 2.9.6.** The Parish Council has also indicated that it would be willing to take responsibility for Anchor Field, which is owned by LDC, but the Head of Finance clarified that this site is held within the Council's Housing Revenue Account and is outside the scope of the Devolution project.
- 2.9.7.** It has requested a further meeting with LDC representatives so that its Chairman can attend and that the devolution plans can be taken forward with a mutual understanding and agreement. Parish Councillors will be updated on progress at Committee meetings to be held in December 2014.
- 2.9.8.** A priority instruction has been issued for the report on title so that the due diligence and freehold transfer of this site can be achieved before 31 March 2015.

APPENDIX E

List of sites included in Special Expenses

	£	£
Lewes		
Barons Down	49	
Bell Lane	6,095	
Castle Banks	254	
Grange Road	39	
Jubilee Gardens	782	
Landport Bottom, Lewes	5,723	
Landsdown Place	95	
Lewes Library Site	917	
Lewes Railway Land LNR	39,459	
Malling Railway Cutting	1,327	
Malling Street	5,499	
Phoenix Causeway / Little East Street	9,412	
Southover Grange Gardens	74,974	
The Gallops	2,208	
Timberyard Lane	998	
Valence Road	188	
Waite Close	564	
Watergate Lane	53	
Lewes Skate Park	1,223	
Malling Rec	43,233	
Stanley Turner	96,159	
Convent Field	100,999	
Sub-total		390,250
Newhaven		
Avis Road Rec	4,597	
Castle Hill, Newhaven	2,205	
Court Farm Road Island	233	
Denton Island	13,664	
Drove Park	2,840	
Huggets Green (West Quay)	5,007	
Meeching Down Open Space	5,253	
Newhaven Town Centre	3,252	
Riverside Park	692	
Valley Road / Parkour	5,916	
West Quay (South) Open Space	503	
Denton Rec	3,531	
Eastside Rec	27,901	
Fort Road Outdoor Gym	154	
Fort Road Rec	79,867	
Fort Road Skate Park	3,065	
Sub-total		158,680

Telscombe

Fairlight Avenue	56	
Telscombe Cliff tops	16,351	
Telscombe Playing Fields	42,123	
Sub-total		58,530

Seaford

Alfriston Road OS	1,115	
Anthony's Close	206	
Aquila Park	2,541	
Bowden Rise	834	
Brickfields, Seaford	2,931	
Chalvington Close Verge	354	
Chalvington Field	8,646	
Foster Close OS	1,033	
Hurdis Road	640	
Katherine Way Open Space	1,027	
Micklesfield OS	3,731	
Normansal Park OS	935	
Rookery Way	421	
Seaford Close	484	
St. Crispian's	5,772	
Valley Dip Play Area	5,444	
Downs Rec	13,166	
Sub-total		49,280

Peacehaven

Firle Road Walkway	1,520	
Lake Park	2,722	
Meridian Park	30,766	
Peacehaven Cliff Tops	9,232	
Sub-total		44,240

Chailey

The Martlets, South Chailey		1,150
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Ringmer

The Forges		3,820
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Hamsey

The Malthouse, Cooksbridge		300
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TOTAL

706,250
