

Devolution Committee 20 February 2020



Time and venue:

10.00 am in the Southover House, Lewes

Membership:

Councillor Roy Clay (Chair); Councillors Nancy Bikson, Phil Boorman, Julie Carr, Imogen Makepeace, Ron Maskell and Christine Robinson

Quorum: 4

Published: Wednesday, 12 February 2020

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 14 January 2019 (attached herewith).

2 Apologies for absence/declaration of substitute members

3 Declarations of interest

Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.

4 Written questions from councillors

To deal with written questions from councillors pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).

5 Devolution of Open Spaces to Town and Parish Councils (Pages 9 - 16)

Report of the Head of Property, Delivery and Compliance.

6 Date of next meeting

To note that the next meeting of the Devolution Committee will be called as necessary.

Information for the public

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Information for councillors

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In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

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A member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that committee or subcommittee.

A member must give notice of the question to the Head of Democratic Services in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

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Devolution Committee

Minutes of meeting held in Ditchling Room - Southover House, Lewes on 14 January 2019 at 10.00 am

Present:

Councillor Stephen Catlin (Chair),

Councillors Graham Amy, Liz Boorman, Jackie Harrison-Hicks, Tony Nicholson and Julie Carr (as the duly appointed substitute for Councillor Sarah Osborne)

Also in attendance:

Mark Langridge-Kemp, Interim Head of Property and Facilities
Kate Slattery, Lawyer
Emily Horne, Committee Officer
Jennifer Norman, Committee Officer
Sarah Lawrence, Senior Committee Officer

8 Minutes

The Minutes of the meeting held on 7 June 2018 were submitted and approved as a correct record and signed by the Chair.

9 Apologies for absence/declaration of substitute members

Apologies for absence had been received from Councillors V Lent and S Osborne. Councillor J Carr declared that he was acting as a substitute for Councillor S Osborne for the duration of the meeting.

10 Declarations of interest

Councillor G Amy declared a non-personal interest in agenda item 6, as he is the Chair of the Castle Hill Conservation Group.

11 Urgent items

There were none.

12 Written questions from councillors

There were none.

13 Devolution of Open Spaces to Town and Parish Councils

The Committee considered the report of the Interim Head of Property and Facilities Shared Service, which provided an update on progress of devolution requests from Town and Parish Councils within the district.

The Lawyer provided a progress update on the Newhaven sites listed under paragraph 2.1:

- East Side Recreation Ground - A form of wording for the transfer document had been agreed and was awaiting signature.
- Avis Road Recreation Ground – Legal are endeavouring to deal with third party issues
- Drove Park Recreation Ground – Legal are endeavouring to deal with third party issues .
- Valley Road Play Area – The transfer is awaiting signature.

The Lawyer confirmed that the terms were to be agreed by Lewes District Council (LDC) and Newhaven Town Council (NTC) solicitors to ensure the appropriate access rights would be in place.

The Committee noted that NTC had requested the devolution of Castle Hill and Meeching Down, take priority after the completion of the first “wave” of sites. Preliminary work on the transfer of these two sites had commenced.

Paragraph 2.3 of the report stated that there was currently no official management agreement in place for the Riverside Country Park. The Committee noted that East Sussex County Council (ESCC), who own the majority of the freehold of the site and LDC who own the rest of the site propose that an agreement is put in place to regularise the management of the whole site with NTC by way of a lease/management arrangement. NTC had declined to take freehold ownership of the site due to the level of liabilities associated with the former landfill site. The Committee agreed to recommend to Cabinet that the Council enters into a lease/management arrangement for Riverside Country Park on terms to be agreed, subject to clarification being given to Cabinet regarding the maintenance/special expenses liabilities. The Interim Head of Property and Facilities confirmed that he would seek clarification. If approved, confirmation of the lease/management arrangement terms would be reported back to Cabinet before completion of the lease/management agreement

NTC had requested that land known as Lewes Road Recreation Ground be devolved to the Town Council with a variation to the boundary to reflect the

boundary of the previous landfill site. A variation to the standard form of transfer document was proposed so that specific development, commensurate with the use of the site, could take place at that site. A caveat would be put in place to preserve primary use of the site as open space/ recreation ground.

The Committee acknowledged the ownership of Landport Bottom to Lewes Town Council (LTC) was completed on 19 June 2018.

It was noted that LTC had declined to proceed with acquiring Timberyard Play Area, The Paddock Play area (including WCs), and Bell Lane. However, LTC has expressed interest in assuming the Trusteeship of the Mountfield Pleasure Ground Trust (which included Convent Field), and including the off-street car park, and the trusteeship of the Stanley Turner Recreation Ground.

The Committee agreed to recommend to Cabinet devolution of land at Mountfield Road (that was not held in trust) and to lease the car park back to Lewes District Council. The Committee noted that subject to Cabinet agreement, officers will seek approval from the Charity Commission in relation to whether Lewes Town Council can be substituted as sole charitable trustee in place of Lewes District Council in respect of the area at Mountfield Pleasure Ground that is held in trust along with the Stanley Turner Recreation Ground.

The Committee agreed to progress devolution of land at Hollycroft Field to East Chiltington, subject to agreement that the whole of the site including grass verges will be transferred. This was subject to due diligence and any legal constraints highlighted as a result.

The Chair noted in particular the financial implications of the report, that there were no legal implications arising from the report, and the risk implications.

Resolved:

- 1) That the progress on Devolution be noted;
- 2) To recommend to Cabinet:
 - 1) That the lease/management arrangement for Riverside Country Park with Newhaven Town Council on terms to be agreed and to be reported to Cabinet before completion of that lease/management arrangement;
 - 2) Amending the existing boundary line at Lewes Road Recreation Ground, Newhaven to reflect the boundary of the previous landfill site to enable devolution of the Lewes Road Recreation Ground to Newhaven Town Council, in line with the Council's adopted usual

form of transfer subject to amendments referred to in paragraph 2.5 of the report;

- 3) That the variation of the standard form of overage provision to allow a specific development, commensurate with the use of the site, to take place at Lewes Road Recreation Ground, Newhaven as outlined at paragraph 2.5 of the report, be agreed;
- 4) Devolution to Lewes Town Council of that part of the land at Mountfield Road that is not held in trust and to lease the car park back to Lewes District Council; and
- 5) That the devolution of Hollycroft Field to East Chiltington Parish Council, be agreed on the basis that the whole of the site including grass verges will be transferred, subject to due diligence and associated matters and agreement on the future maintenance of the site.

Reasons for decisions:

To note the progress of the devolution of open spaces within the District and to agree the next steps for further progress.

14 Date of next meeting

Resolved:

That the date of the next meeting of the Devolution Committee be confirmed by the Committee Officer.

The meeting ended at 10.26 am

Councillor Stephen Catlin (Chair)

Report to:	Devolution Committee
Date:	20 February 2020
Title:	Devolution of Open Spaces to Town and Parish Councils
Report of:	Mark Langridge-Kemp, Head of Property, Delivery and Compliance
Chair of Committee:	Councillor Clay
Ward(s):	All
Purpose of report:	To update the Committee on progress of Devolution requests from Town and Parish Councils and to agree next steps in the devolution process.
Decision type:	Key
Officer recommendation(s):	That Devolution Committee notes the current position on Devolution and agrees to: <ol style="list-style-type: none">1) officers and/or members working with Town and Parish Councils to review sites for future possible devolution, including the removal of Castle Hill, Newhaven for the reasons outlined within this report;2) officers presenting the revised list to a future meeting of the Devolution Committee prior to further recommendation to Cabinet.
Reasons for recommendations:	To further the process of devolution to Town and Parish Councils.
Contact Officer(s):	Name: Mark Langridge-Kemp Post title: Head of Property, Delivery and Compliance E-mail: mark.langridge-kemp@lewes-eastbourne.gov.uk Telephone number: 01323 415876

1. Introduction

1.1 The Council has supported the devolution of open spaces to Town and Parish Councils since 2014. Last year Cabinet also agreed revisions to the Council's Transfer and Disposal Policy to include reference to devolution, confirming its commitment to the process.

1.2 In 2015, a list of possible devolution sites was collated and officers have been working through these sites. Despite the Council's commitment to the process and the best endeavours of officers, it has been difficult to reach conclusion on a number of sites either because sites that have come forward are no longer

desired by Town or Parish Councils, or due to complex legal issues that have proved lengthy to resolve.

- 1.3 Devolution Committee last met in January 2019 and provided a number of recommendations that were then taken forward to Cabinet on 27 March 2019; this report provides a reminder of the Cabinet's decisions from that meeting and subsequent progress. This report also explores next steps for furthering the devolution process through a suggested review of the previously agreed devolution sites with Town and Parish Councils.

2.0 **Devolution Updates**

2.1 Devolution to Lewes Town Council (LTC)

Cabinet Decision:

To agree in principle the devolution to Lewes Town Council of Mountfield Road Pleasure Ground and Stanley Turner Recreation Ground, subject to:

- (i) exploring with the Charity Commission the substitution of Lewes Town Council as sole charitable trustee in place of Lewes District Council
- (ii) consideration of the future management arrangements of the car park at Mountfield Road.
- (iii) officers reporting back to Cabinet for final agreement on final terms of devolution.

2.1.1 Mountfield Pleasure Ground Trust and Stanley Turner Recreation Ground

LDC is the sole charitable trustee of Mountfield Pleasure Ground Trust and Stanley Turner Recreation Ground and grant funds the Trusts any shortfall between income and expenditure in order to achieve a break even position; in 2017/18 the Council grant funded Mountfield £60,181 and Stanley Turner £76,23.

LTC had approached the Council to consider terms upon which it might assume the Trusteeship of the Mountfield Pleasure Ground Trust (which includes Convent Field), including the off-street car park and to indicate that it may be interested to assume the Trusteeship of the Stanley Turner Trust in a future tranche of devolution. In December 2019, LTC formally agreed in-principle to proceed with a transfer of Trusteeship on both sites.

The Charity Commission has confirmed that it would not need to give consent to a change in Trusteeship to LTC and would simply require notification after the change. However, Full Council would need to formally approve any changes.

Additional matters regarding Lewes Football Club have recently been raised which now need to be resolved prior to any decisions being finalised regarding devolution of Mountfield Pleasure Ground.

Lewes Football Club is based at the Dripping Pan on Trust land which forms part of the Mountfield site. The Club has plans for a redevelopment of its site to provide improved grounds and additional community facilities and requires a long term interest in its site in order to secure funding. There are charity law issues relating to the land that need to be resolved in order to allow LDC to grant this long term interest. LDC is taking specialist legal advice regarding these matters but the likely scenario would be that LDC would grant a long lease to the Club (length to be agreed) and then devolve Mountfield to LTC subject to this lease.

Mountfield Road Car Park is part of the Trust land and there are restrictions imposed by the Trust in relation to income arising from the Trust land. Whilst it is for full Council, as charitable trustee, to determine the application of the income the practical reality is that as a charitable trust the property must be self-sustaining. The Car Park generates around £60k worth of income for the Trust and goes a significant way to reducing the grant-funding required from LDC for the Trust to reach a break even position. LDC would cease grant-funding both Mountfield and Stanley Turner Trusts on completion of devolution and therefore the Car Park is likely to form a necessary part of ensuring a successful transition of Trusteeship.

As matters regarding Mountfield may take time to resolve, LTC has been invited to initially proceed with the Trustee transfer of Stanley Turner.

The committee is asked to:

- note the position with regard to Lewes Football Club;
- note the delay to devolution of Mountfield Pleasure Ground Trust until resolution of issues relating to Lewes Football Club.

2.1.2 Other current sites

As previously reported to Devolution Committee LTC has declined to proceed with the devolution of Timberyard Play Area, The Paddock Play area (including WCs) and Bell Lane.

2.2 Devolution to Newhaven Town Council (NTC)

Cabinet Decision:

(1) To agree to enter into a lease/management arrangement for Riverside Country Park with Newhaven Town Council on terms to be agreed and to be reported to Cabinet before completion of that lease/management agreement.

(2) To agree to amend the existing boundary line at Lewes Road Recreation Ground, Newhaven to reflect the boundary of the previous landfill site to

enable devolution of the Lewes Road Recreation Ground to Newhaven Town Council

(3) To agree to vary the standard form of overage provision to allow a specific development, commensurate with the use of the site, to take place at Lewes Road Recreation Ground, Newhaven.

2.2.1 Lewes Road Rec.

NTC has requested broader overage clause wording to allow for future community uses of the site. As the uses suggested are in line with LDC's aspirations for the site, LDC has suggested to NTC's solicitor some revised wording and a response is awaited. NTC are also to approve an amended site boundary to remove contaminated area.

2.2.2 Riverside Park.

ESCC are providing draft Heads of Terms to NTC relating to a proposed lease of this area. The intention is that arrangements between LDC and NTC will broadly reflect the agreement between ESCC and NTC and therefore LDC will be able to move to complete once agreement is reached on terms.

2.2.3 Other sites

Eastside Recreation Ground and Valley Road have been transferred to NTC.

Meeching Down.

A draft transfer document and supporting information has been sent to NTC's solicitor and a response is awaited.

Avis Road Rec.

There is an outstanding issue regarding an access licence that is being dealt with.

Drove Park.

There is an outstanding issue regarding access that is being dealt with.

Castle Hill

Officers seek removal of this site from the list of possible devolution sites at this time. LDC is part of the Changing Chalk Partnership and an application has been submitted for Castle Hill as part of the LDC land holding associated with a Changing Chalk funding bid.

LDC has committed funding to this bid that could see an educational program delivered on the site and in the wider area. The Changing Chalk project is led by the National Trust and the funding application has just moved into the second stage. Changing Chalk is focused on the chalk grassland landscape of the Sussex Downs. The vision is to reverse the decline in chalk grassland and establish a long-term collaborative management plan which is sustainable because of the equal benefits it will provide for people in the form of health and

well-being, recreation, skills, employment and eco-system services.

The committee is asked to recommend:

- that Castle Hill is formally removed from any the devolution programme at this time in view of LDC's existing priorities for the site and this recommendation will be presented to Cabinet at a later date along with the revised programme.

2.3 East Chiltington Parish Council

Cabinet Decision

To agree to devolve Hollycroft Field site, including play space to East Chiltington Parish Council on the basis that the whole of the site including grass verges will be transferred, subject to due diligence and associated matters on the part of the Parish Council and agreement on the future maintenance of the site

Devolution is almost complete and final transfer documentation is with ECPC's solicitor.

2.4 Future Devolution Projects

Appendix 1 outlines the original list of possible devolution sites. It would seem prudent to now review remaining sites with Town and Parish Councils to identify if there is interest in the sites or whether there are additional sites that they would like to include in an updated schedule of future devolution.

The committee is asked to recommend:

- that officers explore with Town and Parish Councils devolution sites that they would like to progress; and
- that an updated schedule of future devolution sites is brought to a future meeting of the Devolution Committee.

3. **Financial appraisal**

- 3.1 This is an update on progress of Devolution requests and to agree next steps in the devolution process. Previous Committee reports in January 2019 and March 2019 have identified specific financial implications in terms of when an asset is devolved; the cost of ownership passes from LDC to the local Town or Parish Council and its value will be removed from the Balance Sheet. Under the local government accounting framework, this technical accounting 'asset disposal/write-off' will have no immediate impact on the Council's revenue budgets.

The District Council is finalising the special expenses details for 2020/21 and will publish the individual parish special expenses in the budget report at Full Council.

4. Legal implications

4.1 There are no additional legal implications arising as a result of this report

5. Risk management implications

5.1 There are no specific risks associated with the matters identified in this report. Due diligence is undertaken on all devolution matters that are being progressed with the overage clauses included in land transfers

6. Equality Analysis

6.1 There are no equality impacts as a result of matters contained within this report.

7. Appendices

7.1

- Appendix 1 – Devolution sites list

8. Background papers

8.1

- Devolution Committee 14 January 2019
<https://democracy.lewes-eastbourne.gov.uk/ieListDocuments.aspx?CIId=425&MIId=2912&Ver=4>
- Cabinet 27 March 2019
<https://democracy.lewes-eastbourne.gov.uk/ieListDocuments.aspx?CIId=417&MIId=1657&Ver=4>

Appendix 1

List as per minutes of Devolution Committee of 27 January 2015 (along with comments contained in that list)

Lewes

- Barons Down. Suitable for negotiation
- Bell Lane Recreation Ground and tree band, Lewes and Bell Lane Play Area. Suitable for negotiation;
- Jubilee Gardens. Suitable for negotiation;
- Lewes Library. Suitable for negotiation, subject to clarification by the Director of Finance that the site is part of the Grounds Maintenance contract 'Special Expenses';
- Landport Bottom. Suitable for negotiation;
- Lewes Railway Land. Suitable for negotiation;
- Malling Railway Cutting. Suitable for negotiation;
- Southover Gardens (excluding depot). Suitable for negotiation;
- Southover Gardens (including depot). Not suitable for negotiation, due to operational purposes relating to the use of the depot;
- The Gallops. Suitable for negotiation. (The Head of Legal undertook to try and determine the connectivity issues with the highlighted boundary to the left of the identified site with the land at Landport Bottom);
- Timber Yard Lane Play Area. Suitable for negotiation;
- Valence Road. Suitable for negotiation;
- Waite Close. Suitable for negotiation;
- Stanley Turner Recreation Ground. Suitable for negotiation, but requires land ownership clarification on whether the Trust owns all of the site identified for devolution or if Lewes District Council owns any part thereof;
- Convent Field. Suitable for negotiation, subject to the extension of the site boundary to include the Dripping Pan (football ground) area;
- The Paddock Play Area. Suitable for negotiation;

Newhaven

- Avis Road Recreation Ground/Drove Park/Denton Recreation Ground. Suitable for negotiation;
- Castle Hill. Suitable for negotiation;
- Court Farm Road. Suitable for negotiation;
- West Quay. Suitable for negotiation;
- West Quay (North) Open Space (as set out under the updated Appendix A, a copy of which is contained in the Minute Book and appended to these Minutes). Suitable for negotiation;
- Riverside Park. Suitable for negotiation;
- Valley Road/Parkour Play Area. Suitable for negotiation;
- Eastside Recreation Ground. Suitable for negotiation;
- Fort Road Recreation Ground. Suitable for negotiation;

Telscombe

- Telscombe Cliff Tops. Suitable for negotiation;

- Telscombe Playing Fields. Suitable for negotiation;

Seaford

- Aquila Park. Suitable for negotiation;

Peacehaven

- Firlie Road Walkway. (Clarification to be sought by the Head of Legal that the square section north of Pelham Rise on the site map is not owned by Lewes District Council);

- Lake Park. Suitable for negotiation. (Subject to confirmation that the site is part of the General Fund and not the Housing Revenue Account Fund);

- Meridian Park. Suitable for negotiation;

- Peacehaven Cliff Tops. Suitable for negotiation;

Chailey

- The Martlets, South Chailey Play Area. Suitable for negotiation;

Ringmer

- The Forges. Suitable for negotiation;

Hamsey

- The Malthouse, Cooksbridge Play Area. Suitable for negotiation;