



HAILSHAM TOWN COUNCIL

NOTICE IS HEREBY GIVEN of a meeting of the HAILSHAM TOWN COUNCIL to be held in the Fleur-de-Lys Council Chambers, Market Square, Hailsham on

Wednesday, 22nd July 2015 at 7.30 p.m.

1. JOHN BRITTON YOUTH AWARD

The Mayor and Chairman of the Town Council, Cllr Nigel Coltman will make a special presentation of the John Britton Youth Award

Prior to commencement of the remainder of the formal business of the meeting a period of not more than 15 minutes will be assigned for the purpose of permitting members of the Public to address the Council, or ask questions on matters relevant to responsibilities under the direction of this Council, at the discretion of the Chairman.

The order of formal business to be transacted will thereafter be as follows:

2. APOLOGIES FOR ABSENCE: To receive apologies for absence of council members.

3. DECLARATIONS OF INTEREST: To receive notice of declarations of personal and prejudicial interest in respect of items on this agenda.

4. HAILSHAM AND DISTRICT SPORTS ALLIANCE

To reconsider a request to offer the Town Council's formal support to a project to be implemented by the Hailsham and District Sports Alliance

5. CONFIRMATION OF MINUTES

To resolve that the Minutes of the **Annual Meeting of Hailsham Town Council** held on 20th May 2015 (Ref: HTC/AM15/100-127) as printed and circulated, may be taken as read, confirmed as a correct record, and signed by the Chairman.

5.1 Matters Arising

6. COMMITTEE MINUTES

6.1 To (a) note any reserved paragraphs of the Committee Minutes notified to the Town Clerk prior to the meeting, and
(b) receive request to reserve any additional paragraphs of the Committee Minutes

6.2 To receive "unreserved" paragraphs of the following Minutes of Committees and approve and adopt the recommendations contained therein.

A. Finance, Budget and Resources Committee Meetings (8th July and 15th July

2015)

B. Planning and Development Committee Meetings (2nd June, 23rd June and 14th July 2015)

C. Communities Committee Meetings (1st June and 6th July 2015)

D. Strategic Projects Committee Meeting (24th June 2015)

6.3 To proceed through the “reserved” paragraphs consecutively (or as decided) and to resolve action before proceeding to the next reserved item.

7. COMMITTEE MEMBERSHIP

To resolve to amend membership of some of the council’s committees

8. LEAD MEMBER FOR HAILSHAM FORWARD STAKEHOLDERS’ GROUP

To formally appoint the Town Council’s ‘lead member’ for the Hailsham Forward Stakeholders’ Group in accordance with the terms of reference of that group.

9. DELEGATION OF AUTHORITY TO SPEND PROJECT FUNDS

To consider the formal delegation of authority for the Communities Committee to spend council project funds for Revitalisation and Festivities and Events

10. PETITION ON TOWN CENTRE IMPROVEMENTS (MASHH) SCHEME

To note and discuss a petition received in opposition to the Town Centre Improvements (MASHH) scheme

11. GENERAL POWER OF COMPETENCE

To note that the Town Council continues to hold the ‘General Power of Competence’.

12. NEIGHBOURHOOD PLAN

To consider whether the Town Council wishes to write a Neighbourhood Plan

13. COUNCILLORS’ QUESTIONS/INFORMATION FORUM
(at the Chairman’s discretion).



JOHN HARRISON
Town Clerk

Report to: Hailsham Town Council

Date: 22nd July 2015

By: Mr Steve Wennington, Hailsham and District Sports Alliance

Title of Report: HAILSHAM AND DISTRICT SPORTS ALLIANCE

PURPOSE:

To reconsider a request to offer the Town Council's formal support to a project to be implemented by the Hailsham and District Sports Alliance

BACKGROUND

This issue was originally considered at the town council meeting held on 25th March 2015, at which the council resolved (Minute Ref HTC/14/7/220.1-220.4:)

Mr. S. Wennington from the Hailsham & District Sports Alliance introduced his report as circulated with the agenda and as Appendix HTC/14/7/220A to these minutes.

Mr Wennington said there was a severe lack of sporting facilities in Hailsham, and this was an area of the country with above national obesity levels.

Mr Wennington asked Hailsham Town Council to support a project for a new sports facility in Hailsham to be implemented by the Hailsham & District Sports Alliance.

RESOLVED to write a letter of support of the Hailsham & District Sports Alliance proposal to supply a new sports stadium in Hailsham.

The council is now asked to reconsider this issue in the light of the fact that the council membership is different following the May elections. The report as put to the council in march 2015 by Mr Wennington was as follows:

Is sport important to Hailsham?

Sport is regularly mentioned by the NHS, Government and indeed the police for its many benefits of fitness, discipline, teamwork and a healthier active community

Does anyone disagree?

Hailsham used to be a leader in providing sporting facilities back in the 1870's we had more sports area (by population) than is currently the recommended minimum from the Kit Campbell report commissioned by WDC about 10 years ago....

See Population of Hailsham and introduction of sports fields/facilities

Current playing issues

- a) Football – Hailsham Town – one pitch – 4 teams (1st, 2nd, under 17 & under 18) want to add a women's team – but actually don't have any spare capacity – pitch unplayable for 2 months last year- had to train at Uckfield

- b) Hailsham united – Maurice Thornton – dreadful changing facilities – poor pitches – had to play home games away (east Grinstead) as pitch unplayable for 4 months last year
- c) Hockey – 5 teams – have to use Hailsham School pitch – not looking to recruit as at capacity – no home guarantee – if Hailsham school upgrade pitch to 3g – Hockey cant be played
- d) Cricket – Hellingly 4 senior teams – 1 pitch – home games at Ninfield – Hailsham Cricket – 4 senior teams, 1 pitch (but due to add Roebuck park in future)
- e) Rugby – 2 teams plus juniors – pitch unplayable for 3 months – had to play home games at Brighton
- f) Archery – used to use land at Boship Hotel – new owners scrapped it – now use Heathfield Rugby club
- g) Hailsham Harriers – 150 members- no home – have to change at Summerheath hall – only place they can use toilets
- h) Expected in increase in year size for Hailsham School – 60 - 420 extra children in the next few years at senior level.
- i) See note from Hailsham College on use of sports hall – already at capacity

Current analysis – see doc Hailsham Outdoors Sports provision – and this only measures football, cricket and rugby – it does not take into account any other outdoor sport such as Hockey, tennis, athletics – and no indoor sports such as gymnastics, trampoline, basketball, karate/judo etc –

The report therefore highlights the minimum deficiency for the current population of Hailsham & Hellingly – it also does not take into account any of the surrounding villages, or the further increase in housing to be agreed in the next few years.

Why has this happened?

There is no legal requirement to provide sports facilities – it generally only happens when a local/district council work with the community to make it a priority.

As the sports community, we didn't understand this, we all assumed the government (local/ regional/national) would implement facilities in line with an increase of population/housing.

So what are our options?

1. We need everyone to be aware of the problem –
2. We need to work out a plan that best addresses the problem
3. We need to work as a committed team to make it happen
4. Perhaps most importantly – we need a suitable piece of land dedicated to sport for our town/community – 25 acres – as per report recommendation

The plan/concept

A multi-purpose sports park with a floodlight Astro turf pitch as a priority
To be run on a sports club basis (cost effective) – see example of Wallingford Sports Club

Using funding from FA/Sport England and local developers (e.g. Wates/Taylor Wimpey)

Dilemma for WDC planning

Agreement for funds to go off site towards a sport park project but need 2 things in place to make that a reality

- a) Agreement from Hailsham Town council for the money to go outside Hailsham (effectively nowhere in Hailsham for a sports park)
- b) To somehow purchase/lease the land required as funding from the FA/Sport England is for facilities, not land

Following on:-

- c) Current suggestion from WDC for us to investigate - Honey Pot Farm – various advantages, it has already had surveys carried out for ecology, transport and archaeology (cost 200k) – and it has been turned down for housing and industry, so land doesn't currently have high value (we hope) – but not part of Hailsham
- d) Alternative sites? –Boship, Park Farm, Broad Farm – all carry premium of costly application process and farmers requiring permission for homes on part of their land before offering us land at a reasonable price. Preference is to have a site within very close proximity to Hailsham, so it is seen as a town/community asset – but this requires agreement with local farmers/landowners – and a negotiation including housebuilding to make the proposition attractive
- e) Failure means for those wishing to participate in sport, a journey to Eastbourne/Lewes/Heathfield/Brighton – which has an environmental impact – and of course, Hailsham is a less desirable place to live/ bring up a family. (also, checked with Lewes leisure centre and asked for potential for 5 a side game. Only two available slots in next 7 days – 5pm Thursday and 5pm Friday – otherwise fully booked) – even towns with far more facilities than us are at capacity.

Who supports the concept?

Charles Hendry (former) MP

Hailsham Academy (Phil Matthews)

Heads of all Primary Schools

All sports clubs in the town & surrounding areas

The Police

The NHS?

Hailsham Forward

Bedes

Whilst I hope and suspect there will now be a greater recognition to the size of the problem – how can we work together to secure the land that help build a better future for our children/community, and **make Hailsham a destination town – not a sports commuter town.**

Steve Wennington

Chairman

Hailsham and District Sports Alliance

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Appendix One

Population of Hailsham

| | |
|------------------------------|--|
| 1851 population 1,825 | 1854 – Western road recreation ground 1874 – hailsham Town FC & Cricket club (approx 5 acres sports fields) 1920? Hellingly hospital cricket & football pitch |
| 1951 population around 4,000 | 1952 – Horsebridge rec (Hellingly cricket) (Approx 5 acres sports fields) |
| 1961 population 5,362 | 1970? – Maurice Thornton playing field (approx 4 – 5 acres) |
| 1981 population 12,510 | Hellingly hospital close cricket and football Hailsham Leisure Centre – indoor sports hall |
| 1991 population 18,426 | Gleneagles estate – sports fields promised including New home for Hailsham town - no sports field |
| 2001 population 19,177 | Hailsham School Astroturf and sports hall Hailsham Lesiure centre shutdown sports hall |
| 2011 population 19,977 | |
| 2014 | Wellbury Farm – Promised 3 pitches plus sports hall |
| 2015 | Hellingly cricket pitch to re-open (Roebuck) |
| 2017 ? | Potentially one football pitch on new developments No changing, no floodlights, no drainage |

Report to: Hailsham Town Council
Date: 22nd July 2015
By: John Harrison, Town Clerk
Title of Report: COMMITTEE MEMBERSHIP

PURPOSE:

To resolve to amend membership of some of the council's committees

BACKGROUND

The council formally appointed its revised committee structure at the Annual Council Meeting on 20th May 2015.

Since then the Town Clerk has received requests to amend the membership of committees as follows:

Cllr Bridget Beckett replaces Cllr Nick Collinson on the Strategic Projects Committee

Cllr Nick Collinson replaces Cllr Annelie Triandafyllou on the Finance, Budget and Resources Committee

Cllr Annelie Triandafyllou replaces Cllr Nick Collinson on the Communities Committee.

Strategic Projects Committee – Membership

| |
|---|
| Bridget Beckett (replaces Nick Collinson) |
| Barbara Holbrook |
| Paul Holbrook |
| Lesley Collinson |
| Mary Laxton |
| Amanda O'Rawe (Vice-Chair) |
| Mark Pinkney |
| Paul Soane (Chairman) |
| Stella Van Der Geyten |

Finance, Budget and Resources Committee

| |
|---|
| Frank Berry |
| Nick Collinson (replaces Annelie Triandafyllou) |
| Nigel Coltman |
| Richard Grocock (Vice-Chair) |
| Mary Laxton |
| Mark Pinkney |
| John Puttick |
| Paul Soane |
| Chriss Triandafyllou (Chairman) |

Communities Committee

| |
|---|
| Sharon Cottingham |
| Charlotte Collinson-O'Toole |
| Amanda O'Rawe (Chairman) |
| John Puttick |
| Craig Tasane |
| Annelie Triandafyllou (replaces Nick Collinson) |
| Chriss Triandafyllou (Vice-Chair) |
| Jeanne Wells |
| Stella Henstock |

The council is asked to resolve to accept these changes to these three committees.

Report to: Hailsham Town Council
Date: 22nd July 2015
By: John Harrison, Town Clerk
Title of report: General Power of Competence

PURPOSE:

To note that the Town Council continues to hold the 'General power of Competence'

BACKGROUND

The Government included the 'general power of competence' in the Localism Act 2011.

The intention was that local authorities would no longer have to identify a specific power in order to undertake activities

Previous to this, Parish and Town Councils could only undertake activity that they are allowed to do by statute. This means that before undertaking any activity, and in particular before spending money, members must be satisfied that the town council has the power under statute to do so

Parish and Town councils have many specific powers and there is also the general power in section 137 of the Local Government Act 1972 to spend up to a certain limit for 'purposes not otherwise authorised'. Since 2007 parish or town councils satisfying certain conditions have also had a 'power to promote wellbeing'. Despite the wide range of powers local authorities were always at risk of being challenged.

The general power of competence has replaced the power of well-being, which is no longer applicable to local authorities in England, including Town and Parish Councils.

CONSIDERATIONS

The General Power of Competence is the 'power to do anything that individuals generally may do'.

It is specifically stated that this includes things that are unlike anything else the local authority does, or unlike anything that other public bodies do. The authority can use the general power of competence inside or outside the parish and it need not show that the action benefits the authority or its area or its residents. There is no limit on expenditure under the general power of competence.

The general power cannot be used where the primary purpose of an activity is to raise money but it could be used to invest (subject to government guidance) in a company or a co-operative society where there may be an investment return.

Restrictions the council should consider before exercising the power are:

- *Relevant existing legislation* – (e.g. Employment and Health and Safety law).
- Restrictions applying to an overlapping power
- Existing procedural duties for regulating governance must be maintained (– for e.g. no delegation of authority to individual members)
- Existing statutory duties remain in place

Some examples of the sort of activities that might be undertaken under the general power could be:

- Running a community shop or post office
- Investing in a local co-operative society
- Setting up a company to provide a service such as a bus service
- Providing a grant to an individual, e.g. an Olympic athlete

The general power is available automatically to principal councils and only to 'eligible' parish councils. The conditions for eligibility are:

- The parish council must pass a resolution stating that it is eligible to use the general power
- When the council passes the resolution at least two thirds of the membership of the council must have been elected (i.e. not co-opted)
- The clerk must hold the Certificate in Local Council Administration (the recognised qualification for clerks) and must also pass the 2012 CiLCA module on the general power

There is no requirement for councillors to have been trained in the General Power of competence

It is a requirement for a council to note that it continues to hold the General Power of Competence annually as long as the requirements are still met.

Parish councils which are eligible to use the general power are no longer within the scope of section 137 so no separate record of section 137 expenditure need be kept.

Hailsham Town Council now satisfies all the conditions as:

- It has 23 out of 24 councillors elected
- The Town Clerk holds CiLCA
- The Town Clerk has passed the 2012 CiLCA module on the general power

The Council is asked to note that it remains eligible to use the General Power of Competence.

Report to: Hailsham Town Council

Date: 20th May 2015

By: John Harrison, Town Clerk (Karen Giddings,
Planning and Environment officer)

Title of Report: Neighbourhood Plan

PURPOSE:

To consider whether the Town Council wishes to write a Neighbourhood Plan

BACKGROUND:

Hailsham Town Council Meeting 24/04/2013:

The Issue of neighbourhood Planning and whether HTC should consider implementing the process in order to write a Neighbourhood Plan was originally considered at a meeting of the Town Council on 24th April 2013 (Minute Ref HTC/12/11/317.1-317.3):

Neighbourhood Plan

Councillor M Ryan introduced this item and referred members to the report circulated with the agenda and as appendix HTC/12/11/317A. He recommended that Hailsham Town Council does not undertake a neighbourhood plan for Hailsham.

Members who participated in the debate were in agreement with this but some wanted a neighbourhood plan for the town centre.

RESOLVED that Hailsham Town Council will not complete a neighbourhood plan for the whole of the parish but will refer the item to the Business Development Committee to look into completing a business, economy and town centre focussed Neighbourhood Development Plan working with the Planning and Development Committee and Hailsham Forward as appropriate.

To date no further steps have been taken to achieve this original aim.

THE REPORT CONSIDERED BY HAILSHAM TOWN COUNCIL AT THE MEETING ON 24/04/2014:

This report written by Cllr Michael Ryan (Chair of HTC Planning & Development Committee 2013-2014 and Karen Giddings, Planning and Environment Officer) as follows:

BACKGROUND:

The planning system has undergone significant reform recently and the Localism Act in 2011 introduced a new concept called “neighbourhood planning.”

A neighbourhood plan will allow communities some freedom to make some decisions in relation to developments. The aim of a neighbourhood plan is to give a greater say in certain aspects of development. Some examples would be allowing communities to have an input in the design and size of dwellings proposed in a new development, although local evidence would need to back up any requests on design and not conflict with the Local Plan (Core Strategy/Strategic Sites).

A neighbourhood plan would also give the Council a community Infrastructure Levy (CIL) of 25%. CIL is a new locally set charge proposed by the Government to fund infrastructure and is in part replacing the Section 106 agreements. Without a neighbourhood plan in place the Council will be entitled to 15% CIL. There is a cap of £100 per council tax eligible dwelling on the 15% CIL but no cap with the 25% CIL. Either way, both CIL amounts are paid directly to the Town Council.

Allocation of CIL money is determined by Wealden District Council. The CIL money is pooled centrally to be spent on District wide priorities. These priorities are then published on what is known as the Regulation 123 list and determine what the CIL will be spent on. (The 15% or 25% however is top sliced and would come directly to the Town Council).

To receive the 25% CIL from a development, a neighbourhood plan must be in place at the time that the first planning permission (outline) is granted. Wealden District Council has advised that a Neighbourhood Plan may take 18 months to 2 years to put in place. Therefore to receive the 25% CIL contributions from any of the developments in the 1,300 houses agreed in the Core Strategy, a Neighbourhood plan would have needed to be in place before any outline planning permission was granted for these sites. A planning application has recently been submitted for the North Hailsham site.

A neighbourhood plan must be in line with the Local Core Strategy and National Planning Policy and it cannot reduce the amount of development allocated for an area. It can however allocate more development although does not need to include any provision for additional housing. It must also be in general conformity with strategic policies in the Core Strategy. A neighbourhood plan can be very simple or complicated – that is the choice of the Council. There are some formal procedures that need to be undertaken in order to have the Neighbourhood Plan adopted but there is no set ‘size’ or ‘complexity’ for the plan itself. It could for example contain a single policy as long as it conformed to the test of ‘soundness’.

The stages involved in producing a plan are:

- The neighbourhood area for the plan is defined, aided by Wealden District Council
- The content of the plan is prepared with the support of Wealden District Council who will advise whether the plan is in line with the Local Plan
- An independent examiner checks the plan to see that it meets the current basic standards to go through an examination. The examination report may contain requirements for modifications in the plan
- A public consultation takes place and takes a minimum of 6 weeks. The consultation needs to have involved a large section of the community so various groups would need to be approached.
- A referendum is organised and the community will have the final say as to whether they are in favour of a plan or not. If the majority of those who vote are in favour of the plan then it comes into force
- When a neighbourhood plan is approved it becomes a statutory document. Wealden District Council are still the decision maker but are obliged by law to take the plan into account when considering development in the neighbourhood

Councils can work with other Councils in writing a plan and if the Town Council agreed to undertake a plan Hellingly Council could be approached to see if they are willing to write a joint plan and contribute to the costs.

Council resolution – February 2012

The issue of the Hailsham Plan/Master Plan was considered at the meeting of Hailsham Town Council 15th February 2012. During which it was resolved:

*(Minute Ref. HTC 11/9/318.3) **RESOLVED** to delegate the formation of the Hailsham Plan to the Planning and Development Committee, and the Committee to consider the involvement of Hellingly Parish Council in the formation of the Hailsham Plan.*

This resolution was passed before the specific details of Neighbourhood Plans, what they encompass, their processes and implications, had become known. The announcement regarding the specifics of the 'meaningful proportion' of the CIL and its direct link to having an Neighbourhood Plan in place was made by the Government on 9th January 2013. The issue and the need for council to decide whether it wishes to proceed with a Neighbourhood Plan has therefore become more focussed.

FINANCIAL IMPLICATIONS:

Below are examples of the differences in CIL payments for 15% and 25%

Without a Neighbourhood Plan

CIL payment of 15% with a cap of £100/Council Tax eligible dwelling on a development of 1,000 houses

- A development comprises 1,000 properties

- The volume of affordable housing within the development is 35% (average WDC figure)
- Therefore there are 650 houses that the developer must pay CIL to WDC in order to build. A 90m2 per dwelling (average m2 for new builds) at a CIL rate of £110/m2
- The CIL given to WDC by the developer is therefore $650 \times (110 \times 90) = £6,435,000$
- Without an NP, HTC would receive 15% of this i.e. £962,250 **BUT**, because there is a cap of £100 per Council Tax eligible dwelling that already exist in Hailsham, (approx 7,500 according to Office of National Statistics data) the actual amount given to HTC is $100 \times 7,500 = \text{£750,000}$

With a Neighbourhood Plan

CIL payment of 25% - no cap

- A development comprises 1,000 properties
- The volume of affordable housing within the development is 35% (average WDC figure)
- Therefore there are 650 houses that the developer must pay CIL to WDC in order to build. A 90m2 per dwelling (average m2 for new builds) at a CIL rate of £110/m2
- The CIL given to WDC by the developer is therefore $650 \times (110 \times 90) = £6,435,000$
- With an NP, HTC would receive 25% of this i.e. **£1,608,750**

The Town Council has £19,500 budget ring-fenced to undertake a “Town Plan”. To undertake a plan, the Council would have to employ a consultant from an experienced company to write the plan.

The exact cost for a plan is unclear at the moment however Action In Rural Sussex has advised that Herstmonceux Parish Council has recently submitted a plan and the cost of this was £25,000, and that therefore for a Town the size of Hailsham, with more complex issues the cost would be higher than this.

There is a grant of **up to** £7,000 available from the Government per neighbourhood area.

Once a neighbourhood area is designated, Wealden District Council can also apply for £5,000 from the Government on the Town Councils behalf. After that there is further additional funding of £20,000 once the plan a) gets to the examination stage and b) is adopted. David Philips from Wealden District Council has advised that at the moment the District Council has agreed to pass the initial £5,000 directly to Town and Parish Councils but with the latter stages of the neighbourhood plan process they will be using some of the other funding (£20,000) to cover the costs of holding the examinations and the hosting and arranging of the referendum.

CONCLUSION:

To receive the 25% CIL from a development, a neighbourhood plan must be in place at the time that the first planning permission (outline) is granted. One main benefit from having a neighbourhood plan would be to collect the 25% CIL from the 1,300 developments proposed in the Core Strategy in Hailsham. However a planning application has already been submitted for the North Hailsham site and it is likely a planning application will shortly be submitted for the East Hailsham site.

Without a plan, the Council will still receive 15% of CIL payments for any new development, but at a cap of £100 per council tax eligible dwelling.

Wealden District Council needs to fund infrastructure improvements from the CIL they receive from developers. If they give the Council 25% of that sum, they may argue that they need top-up payments or contributions from the Council to fund critical needs of the town. However, this does mean that additional CIL monies can be directed solely toward Hailsham as the Council would hold the funds and be in a position to contribute as it sees fit. This could include almost anything as CIL income can be spent on 'measures that mitigate the effects of a development' which is very broad brush terminology.

It is worth bearing in mind that an approved neighbourhood plan is a strategic document which Wealden District Council would have to adhere to in relation to the infrastructure improvements identified for the Town in the plan.

It is also important to remember that to be adopted; a neighbourhood plan must be in line with National Planning Policy and not conflict with the strategic policies of the Wealden Core Strategy Local Plan and any requests on the design/size of buildings/number of bedrooms must comply with strategic sites local plan and be backed up by local evidence.

Members must determine whether the time and cost of a neighbourhood plan justify the rewards.

APPENDICES:

1. *A Guide to neighbourhood Planning in Wealden* (Wealden District Council)
2. *Guidance on Neighbourhood Planning* (extracted from <http://planningguidance.planningportal.gov.uk>) Updated 09.02.2015
3. *Legal Topic Note 83: Neighbourhood Planning England* (National Association of Local Councils) June 2012
4. *Neighbourhood Planning – A Simple Guide for Councillors* (Local Government Association, Planning Advisory Service) December 2013

There are many resources available to support the Neighbourhood Planning Process, including websites and documents suggested at the end of each of the documents above.