

HAILSHAM TOWN COUNCIL

NOTICE IS HEREBY GIVEN OF a meeting of the HAILSHAM TOWN COUNCIL to be held in the FLEUR-DE-LYS MEETING ROOM, MARKET STREET, HAILSHAM, BN27 2AE, on

Wednesday, 29th January 2020 at 7.30 p.m.

1. **PUBLIC FORUM:** 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 of the Council, at the discretion of the Chairman.
2. **APOLOGIES FOR ABSENCE:** To receive apologies for absence of council members
3. **DECLARATIONS OF INTEREST:** To receive declarations of disclosable pecuniary interests and any personal and prejudicial interest in respect of items on this agenda.
4. **CHAIRMAN'S UPDATE**
To receive a verbal update from the Chairman of Hailsham Town Council
5. **CONFIRMATION OF MINUTES**
To resolve that the Minutes of the Meetings of Hailsham Town Council held on 20th November and 27th November 2019 may be confirmed as correct records and signed by the Chairman
6. **NEIGHBOURHOOD PLAN COMMITTEE**
 - 6.1 To receive an update on the Hailsham Neighbourhood Plan
 - 6.2 To approve the Neighbourhood Plan Committee's delegated authority up to the next Town Council meeting
7. **REPORT OF THE INDEPENDENT WEALDEN PARISH REMUNERATION PANEL 2020/21**
To consider the recent report and recommendations of the Wealden Parish Remuneration panel and their implications for Hailsham Town Council
8. **WESTERN ROAD RECREATION GROUND – ALL-WEATHER PERIMETER PATH**
To consider a draft specification for the project to build an all-weather perimeter path at Western Road Recreation ground.
9. **PRECEPT 2020-2021**
 - 9.1 To consider the recommendations of the Finance, Budget, Resources and Staffing Committee (8th January 2020) and any additional resolutions or budget pressures that will affect the budget for 2020-2021.
 - 9.2 To resolve the precept for the financial year April 2020 to March 2021 to be requisitioned from Wealden District Council

10. MEMBERS' CODE OF CONDUCT

To consider adopting the amended Code of Conduct in line with East Sussex County Council and Wealden District Council.

11. WEALDEN DISTRICT COUNCIL LOCAL PLAN

To consider any formal response from the Town Council regarding the recent developments with the Wealden Local Plan.

12. ANNUAL TOWN MEETING

To consider the format and of the Annual Town Meeting on 1st April 2020.

13. MOTION 173 – NAME BADGES

To consider a motion submitted to the Town Clerk by Cllr Tasane, seconded by Cllr Ricketts

14. CONFIDENTIAL BUSINESS

To resolve that the press and public are excluded during the discussion on the next item of the agenda **(15)** as it concerns the terms of tenders and proposals and counter proposals in negotiation for contracts

(In accordance with the Council's Standing Orders No. 1E).

15,. HAILSHAM ASPIRES - CONFIDENTIAL

To receive an update on the Hailsham Aspires Project.



JOHN HARRISON
Town Clerk

Report to: Hailsham Town Council

Date: 29th January 2020

By: John Harrison, Town Clerk/Michelle Hagger, Finance Officer

Title of report: REPORT OF THE INDEPENDENT WEALDEN PARISH
REMUNERATION PANEL 2020-21

PURPOSE:

To consider the recent report and recommendations of the Wealden Parish Remuneration panel and their implications for Hailsham Town Council

BACKGROUND.

The Report of the Independent Wealden Parish Remuneration Panel 2020-21 was received by the Council on 9th December 2019. The report is attached as an appendix to this report below

KEY POINTS MADE IN THE REPORT

The Panel recommends:

- Allowances should be paid in accordance with three bands, Levels 1 to 3.
- Hailsham Town Council remains assigned to Level 3.
- There be a 2.5% increase to all Basic and Chairman's Allowances from that previous recommended for 2019-2020 by banding as follows;

2020/21	LEVEL1	LEVEL2	LEVEL 3
Basic Allowance	£167	£413	£1318
Chairman's Allowance	£288	£649	£1820

- The policy to fix Travelling Allowances in line with HM Revenue & Customs 'Approved Mileage Allowance Payment' rates be re-affirmed.
- That the Subsistence Allowances remain unchanged from last year;
- That the recommendations set out above are all proposed for implementation at the commencement of the financial year 2020/2021. However, Town and Parish Councils can choose what level of allowances to implement; and
- The Panel notes with regret that it is still not possible under the current legislation to recommend a Carers' Allowance for Parish/ Town Councillors, but would wish for all Parish and Town Councils to consider adopting a basic allowance to enable Parish/Town Councillors to use this to cover care costs where need be to attend meetings.

FINANCIAL IMPLICATIONS

Previous recommendation and resolution:

The table below shows the IRP recommendations, whether council resolved to accept them, and the allowances paid, for financial years from 2015-2016 to the current.

Councillors' Allowances

£ Year	IRP Recommendation			Meeting	Accepted	Allowance Paid by HTC	
	Basic	Chairman	Increase				
2020-21	£1,318	£1,820	2.5%	30.01.2020			
2019-20	£1,286	£1,776	2.0%	29.01.2019	Y	£1,286	£1,776
2018-19	£1,261	£1,741	2.0%	24.01.2018	Y	£1,261	£1,741
2017-18	£1,236	£1,706	1.0%	25.01.2017	Y	£1,236	£1,706
2016-17	£1,224	£1,689	1.0%	30.03.2016	N	£1,200	£1,655
2015-16	£1,212	£1,672	1.0%	12.08.2015	N	£1,200	£1,655

HTC has usually awarded the Basic Allowance to each eligible member, plus the Chairman's Allowance to form the total budget amounts. From May 2019 these amounts were reduced to 17 X the Basic Allowance and the Chairman's Allowance as a result of the Community Governance review agreeing to reduce the number of members of Hailsham Town Council from 24 to 18.

For 2019-2020 the recommended levels were accepted, with one member choosing to opt out of receiving the allowance and therefore the total budget was £22,352
 (16 X £1286 = £20,576 + £1776.00 = £22,352.00).

For 2020-2021 the recommended levels, if accepted, would result in this total being £24,226 (17 X £1318 = £22,406 + £1820 = £24,226.00, assuming all members claim their allowance).

CONSIDERATIONS.

Council is asked whether to accept the recommendations of the report – that is whether to accept the full rise as recommended in the report, a variation of the recommendation or no rise at all.

Report of the Wealden Parish Independent Remuneration Panel on Town and Parish Councillor Allowances for 2020/2021

Introduction

This is the report of the Parish Independent Remuneration Panel for 2020/21. The Panel is established by Wealden District Council under Regulation 27 of the Local Authorities (Members' Allowances) (England) Regulations 2003, for the Town and Parish Councils in its area (full list of Town and Parish Councils to which the report applies is attached at Appendix A).

Summary

The Panel recommends:

That allowances should be paid in accordance with three bands, Levels 1 to 3 as defined in Appendix A;

That there be a 2.5% increase to all Basic and Chairman's Allowances rounded to the nearest pound.

2020/21	LEVEL 1	LEVEL 2	LEVEL 3
Basic Allowance	£167	£413	£1,318
Chairman's Allowance	£288	£649	£1,820

That
the
policy
to fix

Travelling Allowances in line with HM Revenue & Customs 'Approved Mileage Allowance Payment' rates be re-affirmed;

That the Subsistence Allowances remain unchanged from last year;

That the recommendations set out above are all proposed for implementation at the commencement of the financial year 2020/21. However, Town and Parish Councils can choose the extent to which they wish to implement these allowances; and

The Panel notes with regret that it is still not possible under the current legislation to recommend a Carers' Allowance for Parish/ Town Councillors, but would wish for all Parish and Town Councils to consider adopting a basic allowance to enable Parish/Town Councillors to use this to cover care costs where need be to attend meetings.

Membership of Panel and Meetings

The Panel consists of three members – Mr Edward Stone (Chairman), Mr Stephen Hallam and Mr Clive Mills.

The Panel met on Monday 4 November 2019. The Panel subsequently dealt with the preparation of this report through discussion and advice from officers by email.

Panel Remit

The Panel produces a report in relation to the members of the town and parish councils for which the Wealden District Council is the responsible authority and in respect of which it is established, making recommendations, in accordance with the provisions of regulation 29 of the Local Authorities (Members' Allowances) (England) Regulations 2003 as to:

- a) the amount of parish basic allowance payable to members of such town and parish councils;

- b) the amount of travelling and subsistence allowance payable to members of such town and parish councils;
- c) whether parish basic allowance should be payable only to the Mayor or Chairman of any such town and parish council or to all of its members;
- d) whether, if parish basic allowance should be payable to both the Mayor or Chairman and the other members of any such town and parish council, the allowance payable to the Mayor or Chairman should be set at a level higher than that payable to the other members, and, if so, the higher amount so payable (Chairman's Allowance); and
- e) the responsibilities or duties in respect of which members should receive parish travelling and subsistence allowance.

Parish Basic and Chairman's Allowances

As in previous years, the Panel has examined available data in order to assist in determination of a recommendation on parish/town council basic allowance and whether it should be payable to both the Mayor or Chairman and the other elected members of a town or parish council.

The Panel has considered last year's report to Town and Parish Councils recommending allowances for 2019/20. The Panel had carried out a review of the level of allowances last year and had recommended a 2% increase.

The Clerk to the Panel had invited all Town and Parish Clerks to provide any comments on the allowance scheme. Six Parish/Town Councillors had responded and a summary is set out below:

- The Parish Council does not operate a remuneration scheme
- The allowance is sufficient.
- The Basic Allowance is not sufficient to attract a wide range of people to become Councillors, particularly if they need child care or care for a relative to attend meetings. The allowance could be set higher - with a reminder that members can take just PART of the allowance if wanted. The current Chairman's Allowance seems to work ok; however, the Travelling and Subsistence Allowances do not seem to have gone up for ages. Perhaps it could be made clearer at election time and when co-options are made that there IS an allowance. Our council seems to accept the recommendation each time and some members scorn the allowance as they think of it as a payment rather than defraying expenses.
- At the events held prior to the elections to encourage more people to stand as councillors, nobody asked about the money. Indeed, when I became a councillor, I was not even aware that an allowance was available. I am against any increase in allowances as my view is that no allowance should be paid, I think it immoral, but councillors should be reimbursed for out of pocket expenses, excluding travel between home and council meetings, home printing, etc.
- I believe that it is quite common for allowances to be waived en masse – generally as a result of an open meeting request from the chair for confirmation that no one wants to receive one; those less fortunate could be embarrassed by having to publicly declare that they would like to take the allowance and for that reason discouraged from continuing in a councillor role because of the cost. Perhaps the acceptance of allowances should be

for the clerk to communicate directly with individual councillors so that the decision is an individual rather than a group one?

- As the cost of fuel and travel costs have increased dramatically and the allowance has not increased, I understand perhaps a small increase again would not go amiss.

The Panel notes that the last full election for all Town and Parish Councils was May 2019. The Panel is aware that it is common practice to co-opt Parish Councillors to vacancies. It noted the request that allowances should be given to co-opted members, but confirmed that this was not allowed under the Regulations.

However, the Panel emphasised that it is keen to see all Parish and Town Councils adopt a scheme of some sort, even if it is normal practice not to claim. This is to ensure that no potential candidate should be put off standing due to the costs of working as a local councillor, and to ensure that Parish and Town Councillors could choose to claim an allowance should they need to do so. The Panel expressed some concern regarding comments received from Councillors over what appeared to be a “bullying culture” when it came to decision making on the issue of claiming allowances.

Given the rise in the cost of living, it was agreed that a recommended 2.5% increase in all the basic allowances for levels 1-3 is appropriate, rounded to the nearest £1. This is in line with the Panel’s recommendations for Wealden District Council.

Regulation 29(2) requires that recommendations be expressed not only in cash terms but also as a percentage of the amount recommended by the Independent Remuneration Panel as the Basic Allowance for Wealden District Councillors. The Panel is recommending that the allowance is increased for District Councillors to £4,728 per annum for the financial year 2020/21. Based on that figure, the percentages have been incorporated into the attached Appendix A.

Chairman’s Allowance

As indicated in previous reports, individual Town and Parish Councils are free to decide whether an allowance should be payable only to the Mayor or Chairman and/or to all of its members. The Chairman’s Allowance as recommended by this report is intended to be paid as a substitute for the Basic Allowance rather than in addition to it, but this is at the discretion of each Town and Parish Council.

Town and Parish Councils are reminded that the Chairman’s Allowance (again detailed in the attached Appendix A) is an allowance personal to the Parish/Town Councillor elected Mayor or Chairman. It is entirely separate to the allowance under the Local Government Act 1972, Sections 15(5) and 35(5), which is payable as the Parish/Town Council thinks fit to reasonably meet the expenses of the office of Mayor or Chairman.

The Panel **recommends** an increase to all Chairman’s Allowances in Levels 1 to 3 on the same basis as increases to Parish/Town Council Basic Allowances, as detailed in Appendix A attached.

Travelling Allowance

The Panel wanted to clarify that under Regulation 26, Town and Parish Councils may pay travelling and subsistence allowances, including an allowance in respect of travel by bicycle or by any other non-motorised form of transport, undertaken or incurred in connection with the performance of any duty within one or more of the categories set out in that Regulation.

Councillors can receive up to a tax-free approved amount when using their own vehicles in carrying out their duties. These payments are known as Approved Mileage Allowance Payments (**AMAP**), and as from 6 April 2011 the following rules apply:

Car or Van – 45p per mile for the first 10,000 miles and 25p per mile thereafter;

Motor Cycle – 24p per mile (all miles);

Cycle – 20p per mile (all miles); and

A 5 pence per mile per passenger supplement for up to four passengers.

Travelling Allowance

The Panel recommends that travelling allowances continue to be paid in line with the HM Revenue & Customs ‘Approved Mileage Allowances Payments’ (AMAP). The Panel observed that there was no mention of claims for other travel costs within the Allowance Scheme, such as public transport and taxis. It was suggested that this category be included and reimbursed in full, subject to the Leader’s approval.

The Panel **recommends** that the policy to fix Travelling Allowances in line with AMAP be re-affirmed.

Subsistence Allowance

The Panel **recommends** that the current level of subsistence rates remain for 2020/21, as follows:

Breakfast	£6.50	When away from home on approved Parish/ Town Council business before 8 am.
Lunch	£8.50	When away from home on approved Parish/ Town Council business between 12 noon and 2 pm.
Tea	£4.50	When away from home on approved Parish/ Town Council business between 5 pm and 7 pm.
Evening Meal	£10.50	When away from home on approved Parish/ Town Council after 7 pm.

In addition, subsistence for overnight absence other than London or specified conferences should remain at £85, and for London or specified conferences should be £95.00.

It was confirmed that payment should still be subject to Parish/ Town Councillors certifying that they had actually and necessarily incurred the amount being claimed.

Co-opted Members

As set out above under the relevant legislation, co-opted members of Town and Parish Councils are not eligible to be paid Parish/Town Council Basic Allowances nor Chairman’s Allowances, but may claim Travelling and Subsistence Allowances. It is not in the Panel’s remit to make any recommendations that this change.

Communication of Allowances

On receipt of this report, Town and Parish Councils must advertise receipt of the report in line with Regulation 30 (2003 Regulations).

In setting the levels of allowances, Town and Parish Councils must show they have regard to the IRP's recommendations, but it is entirely up to each Town and Parish Council what scheme of allowances is adopted. The Panel has expressed its preference that an allowance scheme is adopted by all Councils, even if not claimed by individual Councillors. When adopting a scheme, Parish and Town Councils must under the Regulations publish its scheme by public notice.

The Panel expressed concern that several councillors had responded to advise that they were unaware of the existence of an Allowance Scheme when they stood for election. The Panel, therefore, felt it important that the Parish and Town Clerks should ensure that all Parish/Town Councillors are made aware of what level of allowance is available and what other expenses can be claimed.

Other Business

The Panel did not consider that it was appropriate to make a recommendation for more than one year.

The Panel would like to express its thanks to the Parish and Town Councils and Officers who had assisted it in its work and the preparation of this report.

Mr Edward Stone
Chairman

Appendix A

	LEVEL1	LEVEL2	LEVEL3	
Basic Allowance	£167	£413	£1,318	
Chairman's Allowance	£ 288	£649	£ 1,820	
PARISH	No. of Councillors	Maximum Basic Allowance	Maximum Chairman's Allowance	% of Recommended District Basic Allowance
<u>Level 1</u>				
Alciston	n/a	n/a	n/a	n/a
Little Horsted	n/a	n/a	n/a	n/a
Selmeston	n/a	n/a	n/a	n/a
Cuckmere Valley	7	£167	£288	3.53%
Berwick	7	£167	£288	3.53%
Wartling	7	£167	£288	3.53%
Long Man	7	£167	£288	3.53%
Hooe	7	£167	£288	3.53%
Arlington	7	£167	£288	3.53%
Laughton	7	£167	£288	3.53%
Isfield	7	£167	£288	3.53%
Chiddingly	9	£167	£288	3.53%
Hellingly	15	£167	£288	3.53%
Hadlow Down	7	£167	£288	3.53%
Fletching	9	£167	£288	3.53%
Warbleton	11	£167	£288	3.53%
Frant	11	£167	£288	3.53%
Alfriston	7	£167	£288	3.53%
East Hoathly/Halland	9	£167	£288	3.53%
Chalvington/Ripe	7	£167	£288	3.53%
Horam	11	£167	£288	3.53%
East Dean/Friston	9	£167	£288	3.53%
Framfield	11	£167	£288	3.53%
Hartfield	13	£167	£288	3.53%
Ninfield	9	£167	£288	3.53%
Danehill	9	£167	£288	3.53%
Buxted	15	£167	£288	3.53%
Withyham	13	£167	£288	3.53%
Herstmonceux	11	£167	£288	3.53%
Mayfield/ Five Ashes	15	£167	£288	3.53%
Maresfield	14	£167	£288	3.53%
Rotherfield	13	£167	£288	3.53%
Westham	13	£167	£288	3.53%
Pevensey	13	£167	£288	3.53%
Wadhurst	15	£167	£288	3.53%
<u>Level 2</u>				
Forest Row	15	£413	£649	8.76%
Willingdon/Jevington	19	£413	£649	8.76%
Polegate	15	£413	£649	8.76%
Heathfield/Waldron	21	£413	£649	8.76%

<u>Level 3</u>				
Hailsham	24	£1,318	£1,820	27.88%
Uckfield	15	£1,318	£1,820	27.88%
Crowborough	16	£1,318	£1,820	27.88%

2003 No. 1021

LOCAL GOVERNMENT, ENGLAND

**The Local Authorities (Members' Allowances) (England)
Regulations 2003**

<i>Made - - - -</i>	<i>7th April 2003</i>
<i>Laid before Parliament</i>	<i>7th April 2003</i>
<i>Coming into force</i>	<i>1st May 2003</i>

ARRANGEMENT OF REGULATIONS

PART 1

General

1. Citation, commencement and application
2. Interpretation
3. Application of these Regulations

PART 2

Allowances

4. Basic allowance
5. Special responsibility allowance
6. Special responsibility allowance for members of the Association of London Government
7. Dependants' carers' allowance
8. Travelling and subsistence allowance
9. Co-optees' allowance

PART 3

Schemes

10. Requirements for schemes
11. Pensions
12. Transitional provisions for revocation of allowance schemes
13. Elections to forgo allowances
14. Claims and payments
15. Records of allowances
16. Publicity
17. Transitional provisions

PART 4

Independent remuneration panels

18. Application of this Part

19. Duty to have regard to recommendations
20. Independent remuneration panels
21. Recommendations of panels
22. Publicity for recommendations of panels
23. Transitional provisions for independent remuneration panels

PART 5

Parish councils

24. Application of this Part
25. Parish basic allowance
26. Parish travelling and subsistence allowance
27. Parish remuneration panels
28. Recommendations of parish remuneration panels
29. Levels of allowances
30. Publicity in respect of reports of parish remuneration panels
31. Records of parish allowances
32. Elections to forgo parish allowances

PART 6

Transitional provisions, revocation and disapplications

33. Revocation
34. Disapplication

The First Secretary of State in exercise of the powers conferred on him by sections 18 and 190(1) of the Local Government and Housing Act 1989^(a) and sections 100 and 105(2), (3) and (4) of the Local Government Act 2000^(b), and of all other powers enabling him in that behalf, and having carried out such consultation as is required by section 100(5) of the Local Government Act 2000, hereby makes the following Regulations—

PART 1

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authorities (Members' Allowances) (England) Regulations 2003 and shall come into force on 1st May 2003.

(2) These Regulations apply in England only^(c).

Interpretation

2. In these Regulations—

“the Association of London Government” means the body known by that name and established on 1st April 2000 as a joint committee by the London borough councils and the Corporation of the City of London;

“basic allowance” has the same meaning as in regulation 4 of these Regulations;

(a) 1989 c.42; section 18 is amended by paragraph 37 of Schedule 4 to the Police and Magistrates Court Act 1994 (c.29), paragraph 97 of Schedule 37 to the Education Act 1996 (c.56) and section 99 of the Local Government Act 2000 (c.22).

(b) 2000 c.22.

(c) The Secretary of State's functions under sections 18 and 190 of the Local Government and Housing Act 1989, so far as exercisable in relation to Wales are transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); *see* the entry in Schedule 1 for the Local Government and Housing Act 1989 and *see* section 106(3) of the Local Government Act 2000. *See* also section 100(7) of the Local Government Act 2000 for the power of the National Assembly for Wales to make regulations in relation to allowances. The Secretary of State's functions under the Local Government and Housing Act 1989, so far as exercisable in relation to Scotland, are now functions of the relevant Scottish minister by virtue of the Scotland Act 1998 (c.46).

- “co-optees’ allowance” has the same meaning as in regulation 9 of these Regulations;
- “dependants’ carers’ allowance” has the same meaning as in regulation 7 of these Regulations;
- “independent remuneration panel” means a panel or joint panel established under regulation 20 of these Regulations;
- “local government elector” means a person entitled to vote as an elector at a local government election in accordance with section 2 of the Representation of the People Act 1983**(a)**;
- “parish basic allowance” has the same meaning as in regulation 25 of these Regulations;
- “parish remuneration panel” means a panel or joint panel established under regulation 27 of these Regulations;
- “parish travelling and subsistence allowance” has the same meaning as in regulation 26 of these Regulations;
- “political group” means a group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990**(b)**;
- “proper officer” shall be construed in accordance with section 270(3) of the Local Government Act 1972**(c)**;
- “recommendation” means a recommendation made by a panel in accordance with regulations 21 and 28;
- “the scheme” means the scheme for the payment of allowances made in accordance with Parts 2 and 3 of these Regulations;
- “special responsibility allowance” has the same meaning as in regulation 5 of these Regulations;
- “travelling and subsistence allowance” has the same meaning as in regulation 8 of these Regulations;
- “unitary county council” means a county council for an area for which there is no district council; and
- “year” means—
- (a) the period beginning on the date of the coming into force of these Regulations and ending on 31st March 2004; and
 - (b) any period of 12 months ending on 31st March in any year after 2004.

Application of these Regulations

3.—(1) Any reference in this Part and Parts 2 and 3 of these Regulations to an authority shall, unless otherwise specified be construed as a reference to a body of one of the following descriptions—

- (a) a district council;
- (b) a county council;
- (c) a London borough council;
- (d) the Council of the Isles of Scilly;
- (e) a fire authority constituted by a combination scheme under the Fire Services Act 1947**(d)**;

(a) 1983 c.2; section 2 was substituted by section 1(1) of the Representation of the People Act 2000 (c.2).
(b) S.I. 1990/1553, amended by S.I. 1991/1398.
(c) 1972 c.70.
(d) 1947 c.41.

- (f) a joint authority established by Part IV of the Local Government Act 1985**(a)**;
 - (g) the London Fire and Emergency Planning Authority**(b)**;
 - (h) the Broads Authority**(c)**;
 - (i) a National Park authority**(d)**; and
 - (j) a conservation board of an area of outstanding natural beauty**(e)**;
- (2) For the purposes of section 18 of the Local Government and Housing Act 1989—
- (a) the bodies referred to at sub-paragraphs (h) and (j) of paragraph (1) are hereby designated as relevant authorities**(f)**; and
 - (b) any member of an authority listed in paragraph (1) shall be treated as if he were a councillor**(g)**.

PART 2 ALLOWANCES

Basic allowance

- 4.—(1) An authority shall—
- (a) make a scheme in accordance with these Regulations which shall provide for the payment of an allowance in respect of each year to each member of an authority, and the amount of such an allowance shall be the same for each such member (“basic allowance”); and
 - (b) pay basic allowance and any other allowance permitted by these Regulations only in accordance with such a scheme.
- (2) In relation to basic allowance, the scheme shall—
- (a) specify the amount of entitlement by way of basic allowance in respect of any year to which it relates; and
 - (b) provide that where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office as member subsists bears to the number of days in that year.
- (3) The scheme may specify that where a member is suspended or partially suspended**(h)** from his responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of basic allowance payable to him in respect of the period for which he is suspended or partially suspended may be withheld by the authority.

Special responsibility allowance

5.—(1) A scheme made under this Part may provide, in accordance with paragraph (2), for the payment for each year for which that scheme relates of an allowance (“special responsibility allowance”) to such members of the authority as have such special responsibilities in relation to the authority as are specified in the scheme and are within one or more of the following categories—

-
- (a) 1985 c.51.
 - (b) Established by Part VII of the Greater London Authority Act 1999 (c.29).
 - (c) Established by the Norfolk and Suffolk Broads Act 1988 (c.4).
 - (d) As established by the Environment Act 1995 (c.25). Under paragraph 11 of Schedule 7 to that Act, a National Park authority is a relevant authority for the purposes of section 18 of the Local Government and Housing Act 1989.
 - (e) *See* section 86 of and Schedule 13 to the Countryside and Rights of Way Act 2000 (c.37) for provisions as to the establishment of conservation boards.
 - (f) Section 18(5)(b) of the Local Government and Housing Act 1989 provides that Regulations made under section 18 may apply to a body on which any relevant authority within the meaning of that section is represented and which is designated a relevant authority.
 - (g) Section 18(6) of the Local Government and Housing Act 1989 provides that any reference to a councillor in that section includes a reference to a member of the authority concerned who, in accordance with regulations made under that section, is to be treated as if he were a councillor.
 - (h) *See* section 83(7) to (10) of the Local Government Act 2000.

- (a) acting as leader or deputy leader of a political group within the authority;
 - (b) acting as a member of an executive where the authority are operating executive arrangements within the meaning of Part II of the Local Government Act 2000;
 - (c) presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee;
 - (d) representing the authority at meetings of, or arranged by, any other body;
 - (e) acting as a member of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods;
 - (f) acting as the spokesman of a political group on a committee or sub-committee of the authority;
 - (g) acting as a member of an adoption panel within the meaning of the Adoption Agencies Regulations 1983(a);
 - (h) acting as a member of any committee or sub-committee that deals with any function arising under any enactment authorising the authority to license or control the carrying on of any activity;
 - (i) carrying out such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned in sub-paragraphs (a) to (h) (whether or not that activity is specified in the scheme).
- (2) Any scheme making such provision as is mentioned in paragraph (1) shall—
- (a) specify the amount of each special responsibility allowance, which need not be the same;
 - (b) provide that, where—
 - (i) members of an authority are divided into at least two political groups; and
 - (ii) a majority of members of the authority belong to the same political group (“the controlling group”),
 a special responsibility allowance shall be paid to at least one person who is not a member of the controlling group and has special responsibilities described in paragraph (1)(a) or (f); and
 - (c) provide that where a member does not have throughout the whole of a year any such special responsibilities as entitle him to a special responsibility allowance, his entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

(3) The scheme may specify that where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of special responsibility allowance payable to him in respect of the responsibility or duties from which he is suspended or partially suspended may be withheld by the authority.

Special responsibility allowance for members of the Association of London Government

- 6.—(1) For the purposes of regulation 5—
- (a) references to an authority shall include the Association of London Government(b), which is hereby designated for the purposes of section 18 of the Local Government and Housing Act 1989;
 - (b) references to members shall, in relation to that body, be references to its members who are also members of London borough councils; and

(a) S.I. 1983/1964, as amended by S.I. 1997/649 and 2001/2237.

(b) See section 18(5)(b) of the Local Government and Housing Act 1989 which provides that Regulations made under section 18 may apply to a body on which any relevant authority within the meaning of that section is represented and which is designated a relevant authority.

- (c) references in regulation 5 to a scheme made under this Part shall, in relation to the Association of London Government, be construed as references to a scheme established by the Association of London Government for the payment of special responsibility allowance only, in accordance with regulation 5 and the Association of London Government is hereby authorised to make such a scheme in accordance with these Regulations.
- (2) Where the Association of London Government pays special responsibility allowance to such members—
- (a) Part 3 of these Regulations shall apply to that body in respect of its payments of special responsibility allowance as it applies to an authority; and
 - (b) Part 4 of these Regulations shall apply to that body as it applies to an authority as regards an independent remuneration panel established by regulation 20(1)(c).

Dependants’ carers’ allowance

7.—(1) A scheme may provide for the payment to members of an authority of an allowance (“dependants’ carers’ allowance”) in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in—

- (a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- (b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that—
 - (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
 - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- (c) the attendance at a meeting of any association of authorities of which the authority is a member;
- (d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;
- (e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- (f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools)(a); and
- (h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.

(2) For the purposes of this regulation, “authority” means an authority of any description specified in sub-paragraphs (a) to (c) of regulation 3(1).

Travelling and subsistence allowance

8.—(1) A scheme may provide for the payment to members of an authority of an allowance in respect of travelling and subsistence (“travelling and subsistence allowance”), including an allowance in respect of travel by bicycle or by any other non-motorised form of transport,

(a) 1996 c.56; section 342 was substituted by paragraph 82 of Schedule 30 to the School Standards and Framework Act 1998 (c.31).

undertaken in connection with or relating to such duties as are specified in the scheme and are within one or more of the following categories—

- (a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- (b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that—
 - (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or
 - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- (c) the attendance at a meeting of any association of authorities of which the authority is a member;
- (d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;
- (e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- (f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 (approval of non-maintained special schools) of the Education Act 1996, and
- (h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.

(2) A scheme may specify that where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any travelling and subsistence allowance payable to him in respect of the responsibilities or duties from which he is suspended or partially suspended may be withheld by the authority.

(3) For the purposes of this regulation—

- (a) a member of a committee or sub-committee of an authority is to be treated as a member of an authority; and
- (b) an authority includes, in addition to those bodies referred to in regulation 3(1), the following bodies—
 - (i) an authority established under section 10 of the Local Government Act 1985 (waste disposal authorities)**(a)**; and
 - (ii) a joint board upon which a body referred to in regulation 3(1)(a) to (h) is represented.

Co-optees' allowance

9.—(1) The scheme may provide for the payment of an allowance for each year to a member in respect of attendance at conferences and meetings (“co-optees’ allowance”).

(a) 1985 c.51. Section 10 was amended by paragraph 26 of Schedule 15 to the Environmental Protection Act 1990 (c.43).

- (2) In relation to co-optees' allowance, the scheme shall—
- (a) specify the amount of entitlement by way of co-optees' allowance in respect of any year to which it relates; and
 - (b) provide that where the appointment of a member begins or ends otherwise than at the beginning or end of a year, his entitlement shall be to payment of such part of the co-optees' allowance as bears to the whole the same proportion as the number of days during which his term of office as member subsists bears to the number of days in that year.

(3) The scheme may specify that where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any co-optees' allowance payable to him in respect of the responsibilities or duties from which he is suspended or partially suspended may be withheld by the authority.

(4) The amount of co-optees' allowance payable to any member who presides at a meeting of an overview and scrutiny committee, where that committee's functions under section 21 of the Local Government Act 2000 relate wholly or partly to any education functions which are the responsibility of the authority's executive, shall not be less than the minimum amount of any special responsibility allowance payable under that authority's scheme to a person who presides at meetings of any other other authority's committees or sub-committees.

(5) For the purposes of paragraphs (1) to (4) of this Regulation, "member" means a person who is not a member of the authority but who is a member of a committee or sub-committee of an authority.

PART 3

SCHEMES

Requirements for schemes

10.—(1) Before the beginning of each year, an authority shall make the scheme required by regulation 4(1)(a) for the payment of basic allowance for that year.

(2) The scheme shall also make provision for the following allowances if an authority intends to make such payments in respect of the year—

- (a) special responsibility allowance;
- (b) dependants' carers' allowance;
- (c) travelling and subsistence allowance; and
- (d) co-optees' allowance.

(3) Subject to regulation 12 the scheme may be amended at any time but may only be revoked with effect from the beginning of a year.

(4) A scheme may make provision for an annual adjustment of allowances by reference to such index as may be specified by the authority and where the only change made to a scheme in any year is that effected by such annual adjustment in accordance with such index the scheme shall be deemed not to have been amended.

(5) Where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the independent remuneration panel established in respect of that authority on the application of an index to its scheme.

(6) Where an amendment is to be made which affects an allowance payable for the year in which the amendment is made, the scheme may provide for the entitlement to such allowance as amended to apply with effect from the beginning of the year in which the amendment is made.

(7) A scheme may provide that where payment of any allowance has already been made in respect of any period during which the member concerned is

- (a) suspended or partially suspended from his responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
- (b) ceases to be a member of the authority; or
- (c) is in any other way not entitled to receive the allowance in respect of that period,

the authority may require that such part of the allowance as relates to any such period be repaid to the authority.

(8) Where the scheme is revoked in accordance with this regulation or regulation 12, an authority shall before the revocation takes effect make a further scheme for the period beginning with the date on which the revocation takes effect and ending at the end of the year in question.

(9) A scheme must make provision to ensure that where a member of an authority is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.

Pensions

11.—(1) A scheme made by a district council, county council or a London borough council shall set out—

- (a) which members of the authority are to be entitled to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972^(a); and
- (b) whether the basic allowance or the special responsibility allowance, or both, may be treated as amounts in respect of which such pensions are payable in accordance with a scheme made under section 7 of the Superannuation Act 1972.

(2) In making such provision an authority may only include someone who has first been recommended by the independent remuneration panel established in respect of that authority for such entitlement under regulation 21.

Transitional provisions for revocation of allowance schemes

12. Where an independent remuneration panel has produced a report in accordance with regulation 21, a district, county or London borough council may, notwithstanding regulation 10(3), revoke an allowance scheme at any time once that council has begun to operate—

- (a) executive arrangements, where they are being operated in place of existing alternative arrangements;
- (b) alternative arrangements, where they are being operated in place of existing executive arrangements; or
- (c) different executive arrangements which involve an executive which takes a different form.

Elections to forgo allowances

13. The scheme shall provide that a person may, by notice in writing given to the proper officer of the authority, elect to forgo his entitlement or any part of his entitlement to allowances.

Claims and payments

14.—(1) The scheme shall specify a time limit from the date on which an entitlement to each of the following allowances arises during which a claim for such allowances must be made by the person to whom they are payable—

- (a) dependants' carers' allowance;
- (b) travelling and subsistence allowance; and
- (c) co-optees' allowance.

(2) Nothing in paragraph (1) shall prevent an authority from making a payment where the allowance is not claimed within the period specified in the scheme.

^(a) 1972 c.11. See also the Local Government Pension Scheme Regulations 1997 (S.I. 1997/1612), as amended by S.I. 1997/1613, 1998/1238, 1998/2118, 1999/1212, 1999/3438, 2000/1005, 2000/1164, 2000/3025, 2001/770, 2001/1481, 2001/3401, 2002/206 and 2002/819.

(3) The scheme may provide for payments of allowances to be made at such times as may be specified in it, and different times may be specified for different allowances.

Records of allowances

15.—(1) An authority shall keep a record of the payments made by it in accordance with a scheme.

(2) Such a record shall—

- (a) specify the name of the recipient of the payment and the amount and nature of each payment;
- (b) be available, at all reasonable times, for inspection and at no charge—
 - (i) where it is kept by an authority specified in regulation 3(1)(a) to 3(1)(d), by any local government elector for the area of that authority; and
 - (ii) where it is kept by any other authority, by any local government elector of any authority specified in regulation 3(1)(a) to 3(1)(d) in whose area that other authority exercises functions; and
- (c) be supplied in copy to any person who requests such a copy and who pays to the authority such reasonable fee as it may determine.

(3) As soon as reasonably practicable after the end of a year to which the scheme relates, an authority shall make arrangements for the publication within the authority's area of the total sum paid by it in the year under the scheme to each recipient in respect of each of the following—

- (a) basic allowance;
- (b) special responsibility allowance;
- (c) dependants' carers' allowance;
- (d) travelling and subsistence allowance; and
- (e) co-optees' allowance.

Publicity

16.—(1) An authority shall, as soon as reasonably practicable after the making or amendment of a scheme, make arrangements for its publication by—

- (a) ensuring that copies of the scheme are available for inspection by members of the public at the principal office of the authority, at all reasonable hours; and
- (b) publishing in one or more newspapers circulating in its area, a notice which—
 - (i) states that the authority has made or amended a scheme and specifies the period of time for which the scheme has effect;
 - (ii) describes the main features of the scheme and specifies the amounts payable in respect of each allowance mentioned in the scheme;
 - (iii) describes any responsibilities or duties specified in the scheme in accordance with regulations 5(1) and 8(1) in relation to special responsibility allowance and travelling and subsistence allowance;
 - (iv) confirms that in making or amending the scheme, the authority complied with any duty arising under regulation 19 to have regard to the recommendations of an independent remuneration panel;
 - (v) describes the main features of that panel's recommendations and specifies the recommended amounts of each allowance mentioned in its report for that authority;
 - (vi) states that copies of the scheme and copies of a record kept in accordance with regulation 15(1) and (2) are available at the principal office of the authority for inspection by members of the public at such times as may be specified by the authority in the notice; and
 - (vii) specifies the address of the principal office of the authority at which such copies are made available.

(2) An authority shall ensure that a notice in the form required under sub-paragraph (b) is published in one or more newspapers circulating in its area as soon as possible after the expiration

of twelve months after the previous publication of such a notice, irrespective of whether the scheme has been amended during that twelve month period.

(3) An authority shall supply a copy of the scheme to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

Transitional provisions

17.—(1) Notwithstanding regulation 33, any scheme made by an authority in accordance with the Local Authorities (Members' Allowances) regulations 1991^(a) as amended shall continue in force up to and including 29th September 2003 or until a new scheme in accordance with these Regulations is made by the authority, if sooner.

(2) An authority shall make a scheme in accordance with these Regulations on or prior to 30th September 2003.

(3) Where an authority first makes a scheme in accordance with these Regulations it shall revoke any previous scheme for the payment of allowances and ensure that the scheme made in accordance with these Regulations takes effect on the date that the revocation of the previous scheme takes effect.

(4) Subject to paragraph (5), any scheme made by an authority in accordance with these Regulations between the coming into force of these Regulations and 30th September 2003 may make provision for any allowance payable in accordance with such a scheme to be payable as if the scheme had been in force with effect from 1st May 2003.

(5) Any provision made in accordance with paragraph (4) shall not permit a member to receive a greater amount in total under the provisions of that scheme and any previous scheme, in respect of any duty carried out between the coming into force of these Regulations and the making of a scheme in accordance with these Regulations, than he would have received had the scheme been in effect from the 1st May 2003.

PART 4

INDEPENDENT REMUNERATION PANELS

Application of this Part

18. Any reference in this Part to an authority, unless otherwise specified, shall be construed as a reference to a body of one of the following descriptions—

- (a) a district council;
- (b) a county council; and
- (c) a London borough council.

Duty to have regard to recommendations

19.—(1) Before an authority referred to in regulation 3(1)(a), (b), or (c) makes or amends a scheme, the authority shall have regard to the recommendations made in relation to it by an independent remuneration panel.

(2) Before an authority referred to in regulation 3(1)(e), (f), (g), (h), (i) or (j) makes or amends a scheme that authority shall have regard to the recommendations made by any independent remuneration panels in relation to any authority of a description referred to in regulations 3(1)(a), (b) or (c) by which any of its members are nominated.

Independent remuneration panels

20.—(1) An independent remuneration panel shall be established in respect of each authority by one of the following means—

- (a) by an authority in which case that panel shall exercise the functions specified in regulation 21 in respect of that authority;
- (b) jointly by any authorities in which case that panel shall exercise the functions specified in regulation 21 in respect of the authorities which established it; or

^(a) S.I. 1991/351, as amended by S.I. 1995/553, S.I. 1996/469, S.I. 2000/622, S.I. 2000/623 and S.I. 2001/1280.

(c) by the Association of London Government in which case that panel shall exercise the functions specified in regulation 21 in respect of any London borough councils, but there shall not be more than one panel which makes recommendations in respect of an authority.

(2) An independent remuneration panel shall consist of at least three members none of whom—

(a) is also a member of an authority in respect of which it makes recommendations or is a member of a committee or sub-committee of such an authority; or

(b) is disqualified^(a) from being or becoming a member of an authority.

(3) An authority may pay the expenses incurred by an independent remuneration panel established under paragraph (1)(a) or (1)(b) in carrying out its functions and may pay the members of the panel such allowances or expenses as the authority or authorities for which it makes recommendations may determine.

(4) The Association of London Government may pay the expenses incurred by an independent remuneration panel established under paragraph (1)(c) in carrying out its functions and may pay the members of the panel such allowances or expenses as it may determine.

Recommendations of panels

21.—(1) An independent remuneration panel shall produce a report in relation to the authority or authorities in respect of which it was established, making recommendations—

(a) as to the responsibilities or duties in respect of which the following should be available—

(i) special responsibility allowance;

(ii) travelling and subsistence allowance; and

(iii) co-optees' allowance;

(b) as to the amount of such allowances and as to the amount of basic allowance;

(c) as to whether dependants' carers' allowance should be payable to members of an authority, and as to the amount of such an allowance;

(d) as to whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated in accordance with regulation 10(6);

(e) as to whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years, before its application is reviewed;

(f) as to which members of an authority are to be entitled to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972; and

(g) as to treating basic allowance or special responsibility allowance, or both, as amounts in respect of which such pensions are payable in accordance with a scheme made under section 7 of the Superannuation Act 1972.

(2) A copy of a report made under paragraph (1) shall be sent to each authority in respect of which recommendations have been made.

(3) An independent remuneration panel may make different recommendations in relation to each of the authorities for which it exercises functions.

Publicity for recommendations of panels

22.—(1) Once an authority receives a copy of a report made to it by an independent remuneration panel in accordance with regulation 21, it shall, as soon as reasonably practicable—

(a) ensure that copies of that report are available for inspection by members of the public at the principal office of the authority, at all reasonable hours; and

^(a) See section 80 of the Local Government Act 1972 (c.70) and section 79 and 83(11) of the Local Government Act 2000.

- (b) publish in one or more newspapers circulating in its area, a notice which—
 - (i) states that it has received recommendations from an independent remuneration panel in respect of its scheme;
 - (ii) describes the main features of that panel’s recommendations and specifies the recommended amounts of each allowance mentioned in the report in respect of that authority;
 - (iii) states that copies of the panel’s report are available at the principal office of the authority for inspection by members of the public at such times as may be specified by the authority in the notice; and
 - (iv) specifies the address of the principal office of the authority at which such copies are made available.

(2) An authority shall supply a copy of a report made by an independent remuneration panel in accordance with regulation 21 to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

Transitional provisions for independent remuneration panels

23. Notwithstanding regulation 33(1)(f), any independent remuneration panel established under the Local Authorities (Members’ Allowances) (England) Regulations 2001^(a) shall continue in being and shall constitute an independent remuneration panel for the purposes of these Regulations as if it had been established under regulation 20, although where the composition of such a panel does not comply with these Regulations, the authority or authorities or other body by which it is established must ensure that the panel does so comply within four months of the date on which these Regulations come into force.

PART 5

PARISH COUNCILS

Application of this Part

24. Any reference in this Part—

- (a) to an authority is, unless otherwise specified, a reference to a parish council;
- (b) to a member is, unless otherwise specified, a reference to an elected member of a parish council;
- (c) to a responsible authority is, in relation to a parish council, a reference to the district council or unitary county council—
 - (i) where the parish council is the council for one parish, in whose area the parish council is situated; or
 - (ii) where the parish council is the council for a group of parishes^(b), in whose area all the parishes in the group are situated or, where that is not the case, in whose area the greatest number of local government electors for the parishes in the group is situated; and
- (d) to an establishing authority is, in relation to a parish remuneration panel, a reference to the responsible authority that established that parish remuneration panel.

Parish basic allowance

25.—(1) An authority may pay an allowance for each year (“parish basic allowance”)—

- (a) to its chairman^(c) only; or
- (b) to each of its members,

and the amount of that allowance payable to its chairman may differ from that payable to each other member of the authority, but otherwise that amount shall be the same for each such member.

^(a) S.I. 2001/1280.

^(b) See section 11 of the Local Government Act 1972 for the procedure by which parish councils may be grouped.

^(c) See section 15(1) of the Local Government Act 1972 for the duty to elect a chairman from among the councillors of a parish council.

(2) Where an authority proposes to pay parish basic allowance, whether to its chairman only or to each of its members, it must have regard, in setting the level or levels of such allowances, to the recommendations which have been made in respect of it by a parish remuneration panel in accordance with regulation 28.

(3) Subject to paragraph (4), where an authority proposes to pay parish basic allowance in any year to its members and the term of office of any member begins or ends otherwise than at the beginning or end of a year, that member's entitlement shall be to payment of such part of the parish basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

(4) Where an authority proposes to pay parish basic allowance in any year—

(a) to its chairman only; or

(b) to all its members but at a higher level to the chairman,

and the term of office of the chairman as chairman begins or ends otherwise than at the beginning or end of a year, his entitlement for the period during which he holds the office of chairman shall be to payment of such part of the parish basic allowance to which he is entitled as chairman as bears to the whole the same proportion as the number of days during which his term of office as chairman subsists bears to the number of days in that year.

(5) Where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of the parish basic allowance payable to him in respect of the period for which he is suspended or partially suspended may be withheld by the authority.

(6) An authority shall, as soon as reasonably practical after setting the levels at which any parish basic allowance is to be paid and to whom, arrange for the publication in a conspicuous place or places in the area of the authority, for a period of at least 14 days, of a notice or notices containing the following information—

(a) any recommendation in respect of parish basic allowance made by the parish remuneration panel;

(b) the level or levels at which the authority has decided to pay parish basic allowance and to which members it is to be paid; and

(c) a statement that in reaching the decision on the matters referred to in sub-paragraph (b) the authority has had regard to the recommendation of the parish remuneration panel.

(7) An authority shall ensure that it keeps a copy of the information referred to in paragraph (6) available for inspection by members of the public on reasonable notice.

(8) An authority may require that where payment of parish basic allowance has already been made in respect of any period during which the member concerned is—

(a) suspended or partially suspended from his responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;

(b) ceases to be a member of the authority; or

(c) is in any other way not entitled to receive the allowance in respect of that period,

such part of the allowance as relates to any such period shall be repaid to the authority.

(9) An authority may not make any payment, and a member is not entitled to receive any payment, under the provisions of this regulation in respect of any period prior to 30th September 2003 if payment is made, in respect of any duties carried out by the member during that same period, under any of the provisions referred to in regulation 34(1).

Parish travelling and subsistence allowance

26.—(1) An authority may pay to its members allowances in respect of travelling and subsistence ("parish travelling and subsistence allowance"), including an allowance in respect of travel by bicycle or by any other non-motorised form of transport, undertaken or incurred in connection with the performance of any duty within one or more of the following categories—

(a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;

- (b) the attendance at a meeting of any association of authorities of which the authority is a member;
- (c) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- (d) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises; and
- (e) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.

(2) Where a member is suspended or partially suspended from his responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any parish travelling and subsistence allowance payable to him in respect of the responsibilities or duties from which he is suspended or partially suspended may be withheld by the authority.

(3) An authority may require that where payment of travelling and subsistence allowance has already been made in respect of any period during which the member concerned is—

- (a) suspended or partially suspended from his responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
- (b) ceases to be a member of the authority; or
- (c) is in any other way not entitled to receive the allowance in respect of that period,

such part of the allowance as relates to any such period shall be repaid to the authority.

(4) An authority may not make any payment, and a member is not entitled to receive any payment, under the provisions of this regulation in respect of any period prior to 30th September 2003 if payment is made, in respect of any travelling and subsistence expenses incurred by the member during that same period, under any of the provisions referred to in regulation 34(1).

Parish remuneration panels

27.—(1) A parish remuneration panel may be established—

- (a) by a responsible authority and shall make recommendations in respect of the authorities for which the establishing authority is the responsible authority; or
- (b) jointly by any responsible authorities and shall make recommendations in respect of the authorities for which the establishing authorities are the responsible authorities.

(2) Subject to paragraph (3), a parish remuneration panel shall consist of those persons who are also members of the independent remuneration panel which exercises functions in respect of the establishing authority or authorities.

(3) A parish remuneration panel shall not include any member who is also a member of an authority in respect of which it makes recommendations or is a member of a committee or sub-committee of such an authority.

(4) The authorities in respect of which a parish remuneration panel established under paragraph (1) makes recommendations shall each pay to the parish remuneration panel an equal share of the amount of the expenses incurred by that panel in carrying out that panel's functions.

Recommendations of parish remuneration panels

28.—(1) A parish remuneration panel shall produce a report in relation to the members of the authorities in respect of which it was established, making recommendations, in accordance with the provisions of regulation 29, as to—

- (a) the amount of parish basic allowance payable to members of such authorities;
- (b) the amount of travelling and subsistence allowance payable to members of such authorities;

- (c) whether parish basic allowance should be payable only to the chairman of any such authority or to all of its members;
 - (d) whether, if parish basic allowance should be payable to both the chairman and the other members of any such authority, the allowance payable to the chairman should be set at a level higher than that payable to the other members and, if so, the higher amount so payable; and
 - (c) the responsibilities or duties in respect of which members should receive parish travelling and subsistence allowance.
- (2) A copy of a report made under paragraph (1) shall be sent to each authority in respect of which recommendations have been made.

Levels of allowances

29.—(1) A parish remuneration panel may, in making its recommendations in accordance with regulations 27 and 28, either—

- (a) apply the same recommended levels of parish basic allowance and parish travelling and subsistence allowance to all the authorities in respect of which it was established; or
- (b) make different recommendations for different authorities.

(2) A parish remuneration panel shall express its recommendation as to the level of parish basic allowance, in respect of a parish or parishes, as a percentage of the sum that an independent remuneration panel has recommended as the level of basic allowance for the establishing authority which is the responsible authority for that parish or parishes.

(3) The percentage referred to in paragraph (2) may be one hundred per cent.

(4) A parish remuneration panel shall also express its recommendation as to the level of parish basic allowance as a monetary sum being a monetary sum equivalent to the percentage expressed in accordance with paragraphs (2) and (3).

Publicity in respect of reports of parish remuneration panels

30.—(1) Once an authority receives a copy of a report made to it by a parish remuneration panel in accordance with regulation 28, it shall, as soon as reasonably practicable—

- (a) ensure that copies of that report are available for inspection by members of the public on reasonable notice; and
- (b) arrange for the publication in a conspicuous place or places in the area of the authority, for a period of at least 14 days, of a notice which—
 - (i) states that it has received recommendations from a parish remuneration panel in respect of allowances;
 - (ii) describes the main features of that panel's recommendations and specifies the recommended amounts of each allowance mentioned in the report in respect of that authority; and
 - (iii) states that copies of the panel's report are available for inspection on reasonable notice and gives details of the manner in which notice should be given of an intention to inspect the report.

(2) An authority shall supply a copy of a report made by a parish remuneration panel in accordance with regulation 28 to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

Records of parish allowances

31.—(1) An authority shall keep a record of the payments made by it in respect of—

- (a) parish basic allowance; and
- (b) parish travelling and subsistence allowance.

(2) Such a record shall—

- (a) specify the name of the recipient and the amount and nature of each payment;
- (b) be available for inspection on reasonable notice and at no charge, by any local government elector for the area of that authority; and

- (c) be supplied in copy to any person who is entitled to inspect a record under paragraph (b) and who requests a copy and pays to the authority such reasonable fee as it may determine.

(3) As soon as reasonably practicable after the end of a year, an authority shall arrange for the publication, for a period of at least 14 days, of a notice in a conspicuous place or places in the area of the authority stating the total sum paid by it in the year to each member in respect of each of the following—

- (a) parish basic allowance; and
- (b) parish travelling and subsistence allowance.

Elections to forgo parish allowances

32. A member may, by notice in writing given to the proper officer of the authority, elect to forgo his entitlement or any part of his entitlement to allowances.

PART 6

TRANSITIONAL PROVISIONS, REVOCATION AND DISAPPLICATIONS

Revocation

33.—(1) The following Regulations shall be revoked to the extent not already revoked—

- (a) the Local Authorities (Members' Allowances) Regulations 1991**(a)**;
- (b) the Local Authorities (Members' Allowances) (Amendment) Regulations 1995**(b)**;
- (c) the Local Authorities (Members' Allowances) (Amendment) Regulations 1996**(c)**;
- (d) the Local Authorities (Members' Allowances) (Amendment) (England) Regulations 2000**(d)**;
- (e) the Local Authorities (Members' Allowances) (Amendment) (England) (No. 2) Regulations 2000**(e)**; and
- (f) the Local Authorities (Members' Allowances) (England) Regulations 2001**(f)**.

(2) Paragraph 4 of the Schedule to the Greater London Authority Act 1999 (Consequential Amendments of Subordinate Legislation) (Fire etc. Authority) Order 2000**(g)** shall be revoked.

Disapplication

34.—(1) Subject to paragraphs (2) and (3), the following shall be disappplied as respects authorities—

- (a) sections 173 to 175 of the Local Government Act 1972**(h)**;
- (b) section 176(1)(a) and (2) of that Act; and
- (c) section 18(2)(b) of the Local Government and Housing Act 1989**(i)**,

for all purposes other than—

- (i) the payment of any allowance payable to members of an admissions appeal panel constituted in accordance with regulations made by the Secretary of State under the provisions of the School Standards and Framework Act 1998**(j)**; and

(a) S.I. 1991/351, as amended by S.I. 1995/553, S.I. 1996/469, S.I. 2000/622, S.I. 2000/623 and S.I. 2001/1280.

(b) S.I. 1995/553.

(c) S.I. 1996/469.

(d) S.I. 2000/622.

(e) S.I. 2000/623.

(f) S.I. 2001/1280.

(g) S.I. 2000/1553 which amended regulation 5 of S.I. 1991/351.

(h) 1972 c.70; section 173 is amended by section 24(1) of the Local Government, Planning and Land Act 1980 (c.65) and by section 194 of and Schedule 11 to the Local Government and Housing Act 1989 (c.42); section 173A was inserted by section 24 of the Local Government, Planning and Land Act 1980 (c.65) and is amended by section 7 of the Miscellaneous Financial Provisions Act 1983 (c.29) and by section 194 of and Schedule 11 to the Local Government and Housing Act 1989 (c.42); section 174 is amended by section 25 of the Local Government, Planning and Land Act 1980 (c.65); section 175 is amended by section 25 of the Local Government, Planning and Land Act 1980 (c.65), section 11 of and Schedule 5 to the Water Act 1983 (c.23), section 194 of and Schedule 11 to the Local Government and Housing Act 1989 (c.42) and section 328 of and Schedule 29 to the Greater London Authority Act 1999 (c.29).

(i) To which there are amendments not relevant to this provision.

(j) 1998 c.31. The Education (Admissions Appeals Arrangements) (England) Regulations 2002 (S.I. 2002/2899) have been made under the provisions of section 94 of the School Standards and Framework Act 1998.

- (ii) the payment of any allowance payable to members of an exclusions appeal panel constituted in accordance with regulations made by the Secretary of State under the provisions of the Education Act 2002**(a)**.

(2) As respects parish councils the provisions referred to in paragraph (1) shall be disapplied with effect from 30th September 2003.

(3) As respects any other authority the provisions referred to in paragraph (1) shall be disapplied with effect from the date upon which such authority makes a scheme in accordance with Parts 2 and 3 of these Regulations.

(4) In this regulation, the reference to “authorities” is a reference to the following bodies—

- (a) a district council;
- (b) a county council;
- (c) a London borough council;
- (d) the Council of the Isles of Scilly;
- (e) a fire authority constituted by a combination scheme under the Fire Services Act 1947**(b)**;
- (f) a joint authority established by Part IV of the Local Government Act 1985**(c)**;
- (g) the London Fire and Emergency Planning Authority**(d)**;
- (h) the Broads Authority**(e)**;
- (i) a National Park authority**(f)**;
- (j) a conservation board of an area of outstanding natural beauty**(g)**; and
- (k) a parish council.

Signed by authority of the First Secretary of State

7th April 2003

Nick Raynsford
Minister of State,
Office of the Deputy Prime Minister

(a) 2002 c.32. The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 (S.I. 2002/3178) and the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2002 (S.I. 2002/3179) have been made under the provisions of section 52 of the Education Act 2002.

(b) 1947 c.41.

(c) 1985 c.51.

(d) Established by Part VII of the Greater London Authority Act 1999 (c.29).

(e) Established by the Norfolk and Suffolk Broads Act 1988 (c.4).

(f) Established by the Environment Act 1995 (c.25).

(g) See section 86 of and Schedule 13 to the Countryside and Rights of Way Act 2000 (c.37) for provisions as to the establishment of conservation boards.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provisions about the payment of allowances to members of local authorities and certain related bodies.

Part 1 makes provision about the application of certain provisions of the Regulations and provides that certain bodies are to be considered as relevant bodies for the purposes of section 18 of the Local Government and Housing Act 1989.

Part 2 requires certain authorities to prepare schemes for the payment of allowances to their members. Authorities making schemes are required to make provision for the payment of basic allowance (regulation 4) and may also provide for the payment of special responsibility allowance (regulation 5), dependants' carers' allowance (regulation 7) travelling and subsistence allowance (regulation 8) and co-optees' allowance (regulation 9).

Part 3 makes provision in respect of the requirements and administration of such schemes. It also makes provision in respect of the records that must be kept of payments and in respect of the publicity that must be given to the features of a scheme and to the payments made thereunder. This Part also make provision concerning members' entitlement to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972 and concerning which allowances may be treated as amounts in respect of which pensions are payable.

Part 4 makes provision in respect of the establishment of independent remuneration panels whose function is to make recommendations concerning allowances.

Part 5 makes provision in respect of payment of allowances to members of parish councils. Parish councils may pay parish basic allowance (regulation 25) and parish travelling and subsistence allowance (regulation 26) to their members. In setting the levels of such allowances parishes must have regard to the recommendations of parish remuneration panels. This Part also makes provision in respect of the publicity that must be given to such recommendations. It also makes provision in respect of the records that must be kept of payments made and in respect of the publicity that must be given to such payments.

Part 6 revokes existing regulations relating to members' allowances and disapplies certain statutory provisions relating to allowances.

2003 No. 1021

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Members' Allowances) (England)
Regulations 2003

£3.50

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E0604 5/03 ON (MFK)

Report to: Hailsham Town Council

Date: 29th January 2020

By: John Harrison, Town Clerk

Title of report: WESTERN ROAD RECREATION GROUND – ALL-WEATHER PERIMETER PATH

PURPOSE:

To consider a draft specification for the Project to build an all-weather perimeter path at Western road Recreation Ground.

BACKGROUND:

Previous Resolution; Hailsham Town Council 21.11.2018

(Minute Ref HTC/3/18/183.1-183.2)

Committee Recommendations to Council - Strategic Projects Committee 17th October 2018 – Western Road Recreation Ground

Members were asked to further consider the proposed scheme of a network of cycling/walking/running paths at Western Road Recreation Ground

Members were reminded that at a meeting of the Town Council on 19th July 2017 the Council agreed to enter into a Deed of Dedication with Fields in Trust for the Western Road Recreation Ground and to work with Hailsham Active to apply for a £5,000 grant for a physical activity project.

If this was successful it was further agreed to work with Hailsham Active to secure a £25,000 capital grant to help create part of the proposed network of cycling/walking/running paths in Western Road Recreation Ground.

In 2017 the Council resolved in principle to support the paths and to fully or partly fund the scheme from Community Infrastructure Levy funding, pending the outcome of any discussions with Wealden District Council regarding Section 106 payments.

Unfortunately, the bid for £25,000 was unsuccessful.

The Town Clerk advised that the total cost of the project was in the region of £146,000 and the Town Council has received Community Infrastructure Levy payments of £329,502.43 to date.

So far Community Infrastructure Levy expenditure has been allocated for a wheel chair swing at Western Road Play Area, projects at Western Road Play Area and Maurice Thornton Playing Field, and facilities at Welbury Farm and the Town Centre.

Members were told that S. Wennington had stated that he was confident he could get some support from local businesses to help fund the maintenance of the paths.

Members asked for clarification on where the path will be placed in relation to the cricket score box. The Town Clerk advised he would look into this.

RESOLVED to fully support the design and layout of the proposed project for the Western Road Recreation Ground, with the caveat that the cricket score box situation is clarified by Mr S. Wennington; and this be funded from Section 106 monies if possible.

Councillor P Holbrook requested that his abstention from voting be recorded.

Section 106 Payments received:

S106 Payment	£264,268	S106 monies for 'leisure facilities in Hailsham'
HTC 21.11.2018	£146,000.00	Western Road Rec path and lighting*
HTC 30.01.2019	£125,000.00	Western Road Play Area
Total remaining	-£6732	<i>*agreed in principle subject to final costing</i>

This payment was made to Hailsham Town Council by Wealden District Council under the terms of an indemnity agreement.

In agreeing to the terms of this agreement, the Town Council covenants to:

Use the off-site playing space sum solely for the agreement purposes pursuant to the provisions of the planning obligations and for no other purposes whatsoever; and

It will use the Youth and Adult Playing Space Commuted sum solely for the Agreement Purposes pursuant to the provisions of the remaining planning obligation and for no other purposes whatsoever. (Amongst other conditions)

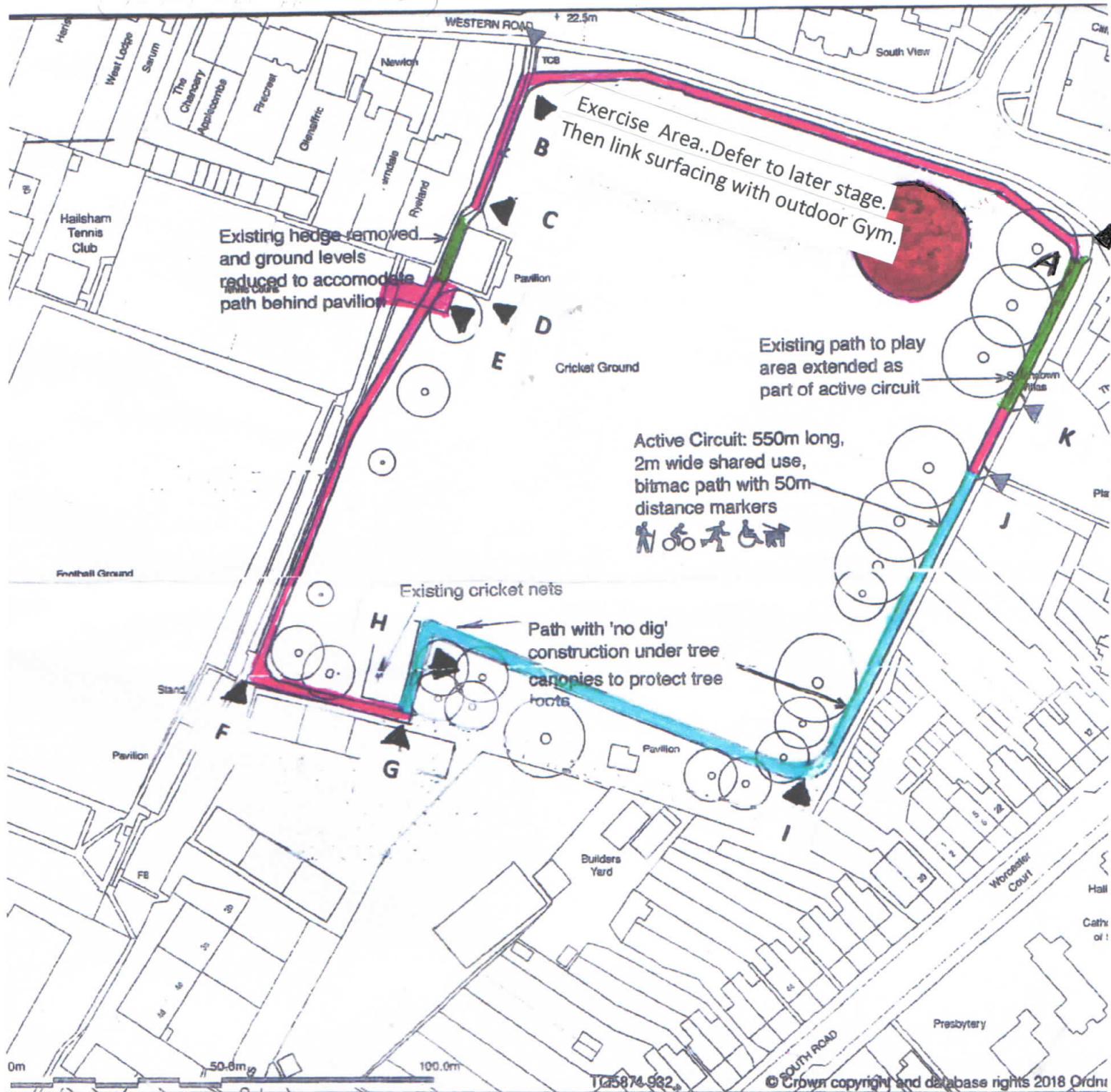
The indicative price for this part of the project (without the additional electrical lighting scheme or the hard-standing exercise area) is **£ 137,511**

Considerations

The Council is asked to consider allocating this amount of £137,511 to the scheme (from the paid S106 monies and either other capital receipts or CIL payments if required).

The Council will procure the contract for the work in line with current financial regulations including advertisement of the contract and specifications on the Government procurement gateway website.

The Town Council will need to adhere to all conditions of the Indemnity agreement with Wealden District Council in using these funds for this purpose.



KEY:

- Existing trees (approx. locations)
- Reference points @ change of construction.
- Proposed Active Circuit path

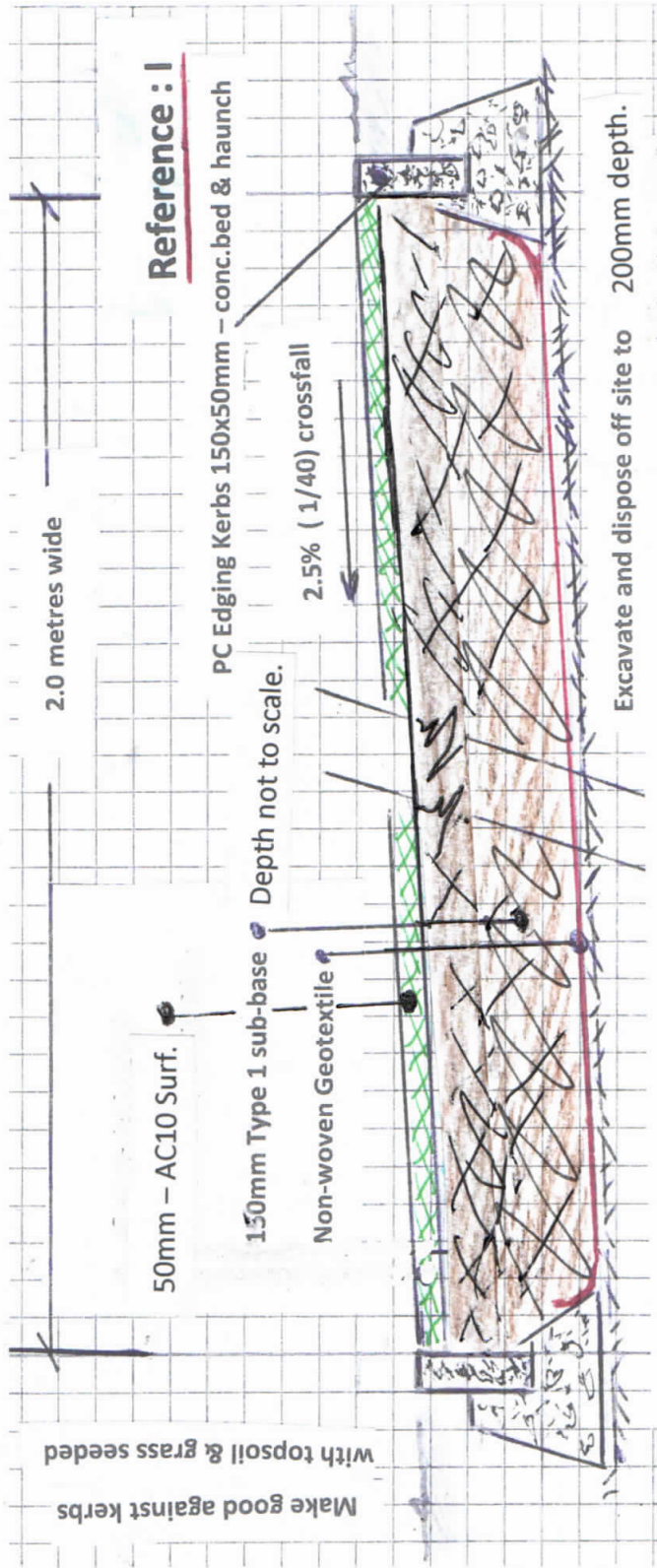
Colour Coding :

- Pink : Standard Specification (Ref : I)
- Blue : No-Dig Specification (Ref : II)
- Green : Widen existing path (Ref: III-a or III-b)



Pavement markings for distance and to encourage movement

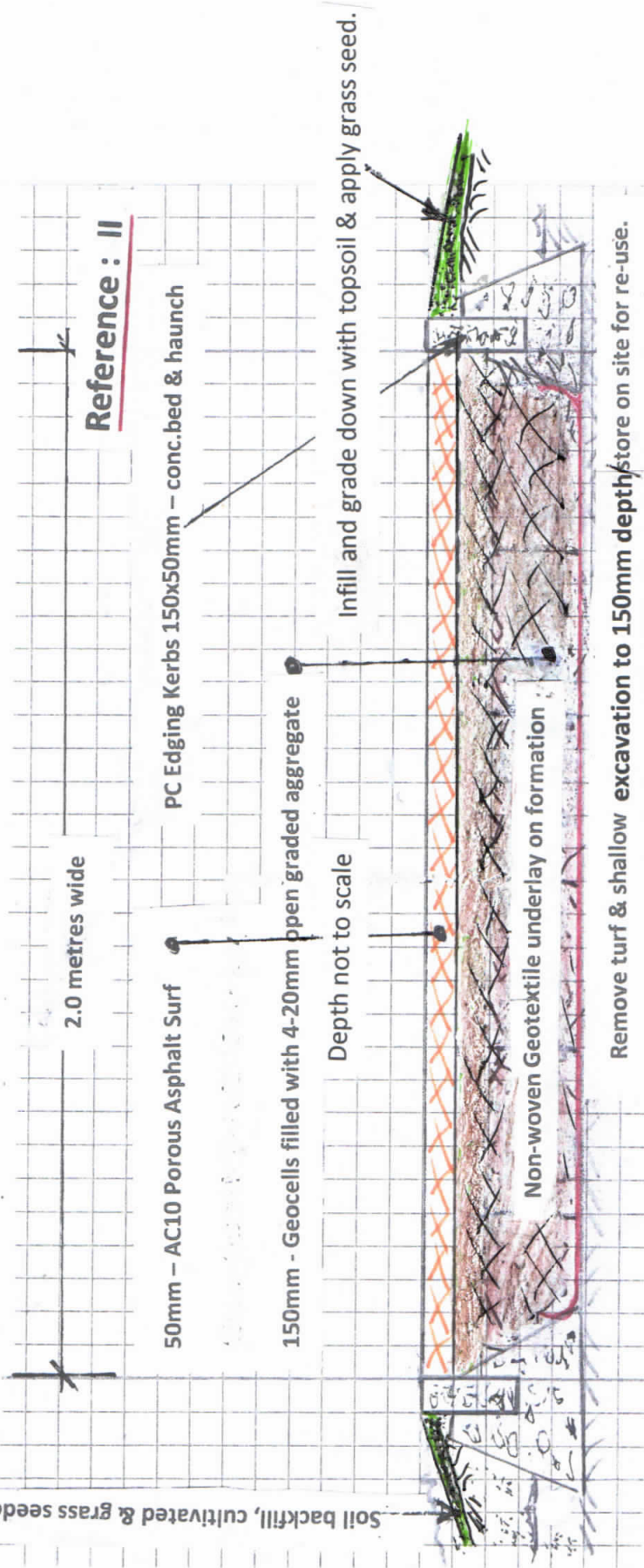
Signs to consider shared



Cross Section of Standard Construction - All-weather - shared path

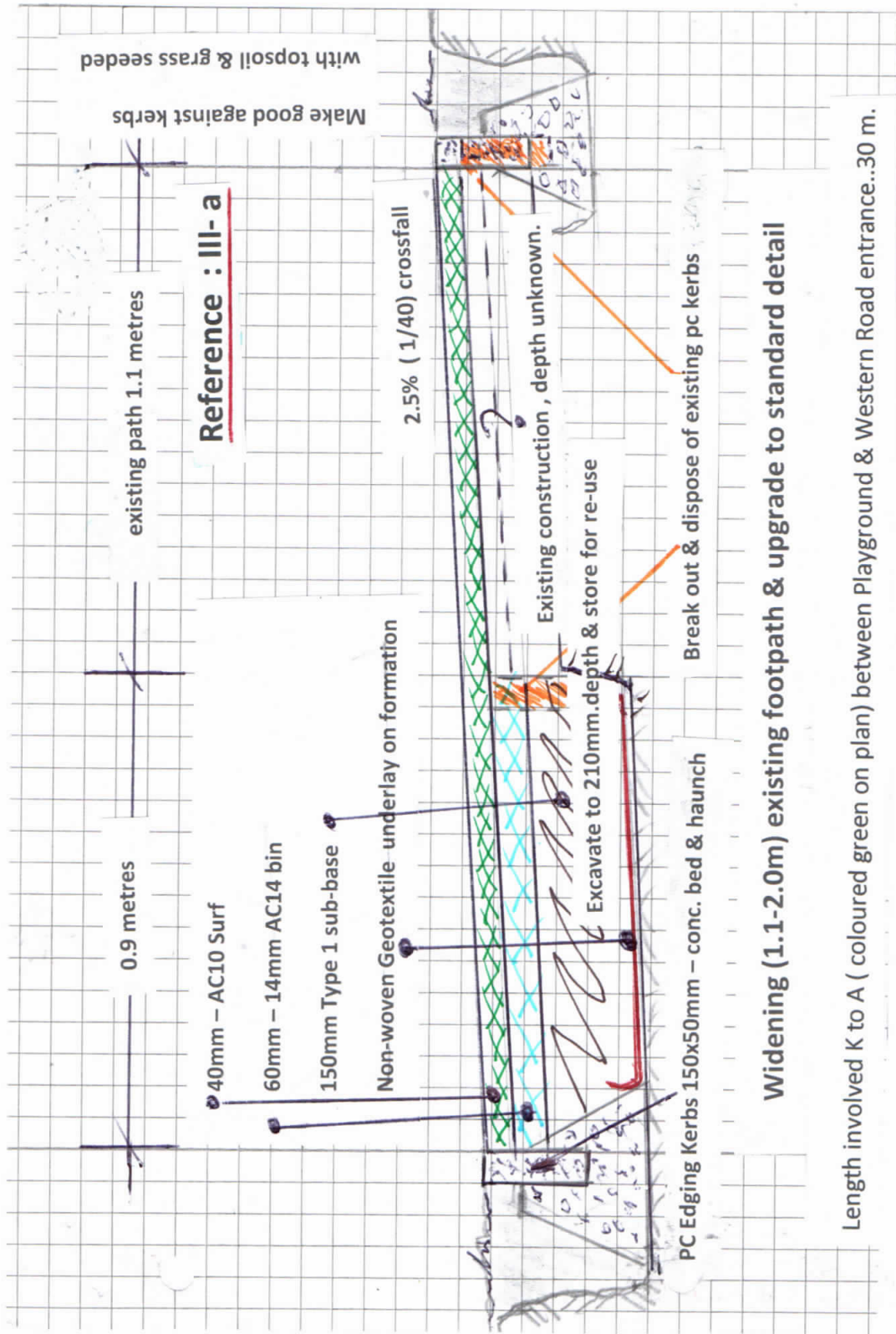
Total length involved..full width specification..(coloured pink on plan) : A-B-C, E-F-G, & J-K = 317 m

Soil backfill, cultivated & grass seeded

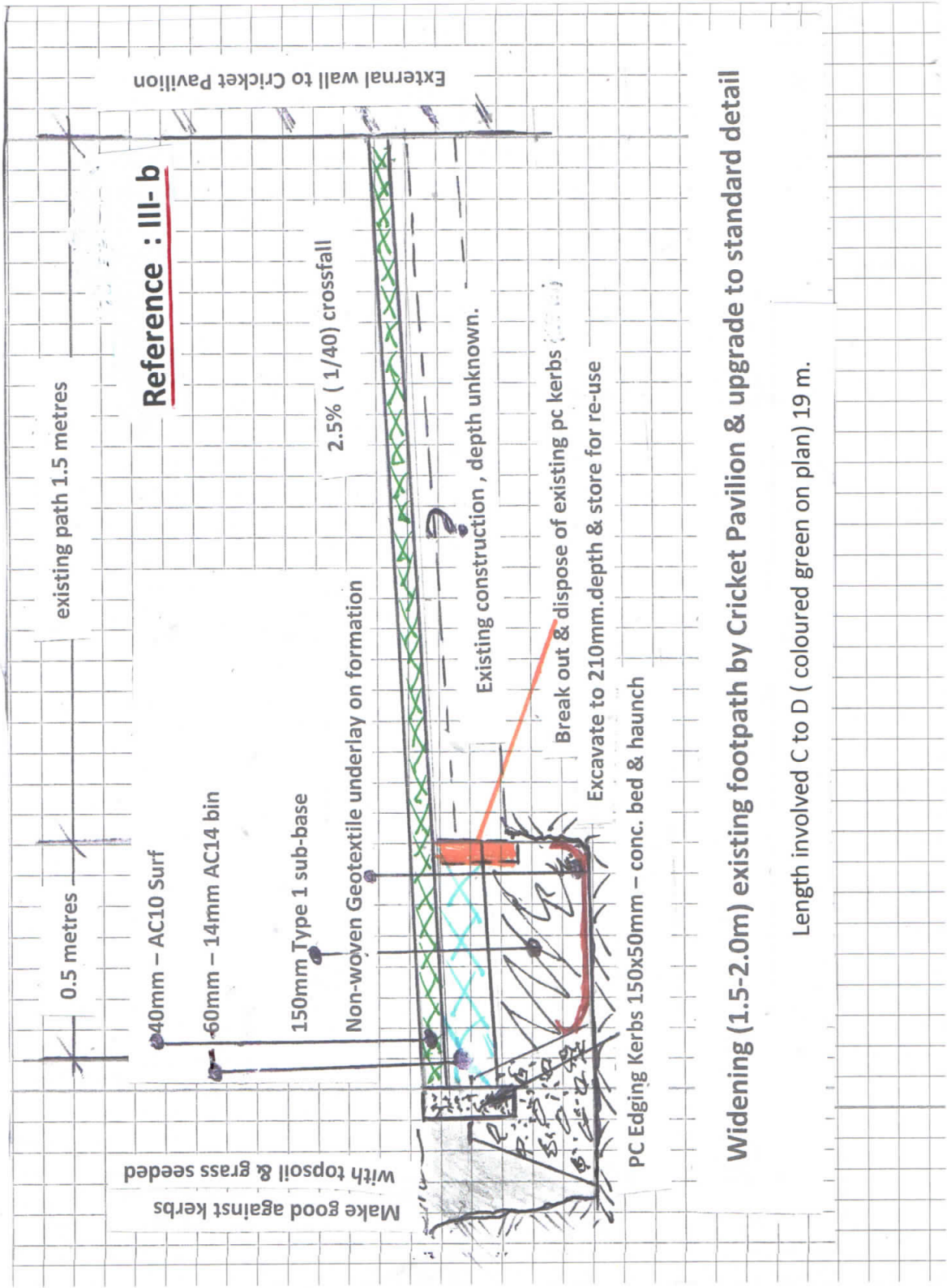


Cross Section of No Dig Construction - All weather shared path

Total length involved... (coloured blue on plan) G-H-I-J : 191 m

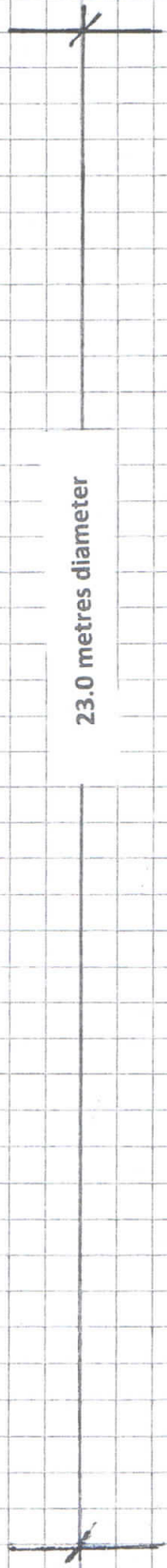


Length involved K to A (coloured green on plan) between Playground & Western Road entrance..30 m.



Widening (1.5-2.0m) existing footpath by Cricket Pavilion & upgrade to standard detail

Length involved C to D (coloured green on plan) 19 m.



23.0 metres diameter

PC Edging Kerbs 150x50mm – conc. bed & haunch

Perimeter : 73 metres- 450mm kerb lengths ?

50mm – AC10 Surf.

150mm Type 1 sub-base

Non-woven Geotextile underlay on formation

Crossfall (north to south), as per existing ground profile.

Make good against kerbs
with topsoil & grass seeded

Excavate and dispose off site to . 200mm depth.

Section through Circular, All Weather Exercise Area (Standard Construction : 11.5 m. radius)

Proposed for a later phase..funds permitting. Ideally linked with outdoor Gym to facilitate all-weather access

Schedule of Site Works & Construction of an All-weather Path, 2 metres wide, around Western Road Recreation Ground, Hailsham.

Section Ref:	Length . m	Site Works	Construction	Notes
A to B	136	Alignment to be agreed with HTC....behind existing seats? Excavate grassed surface avge. 250mm deep , load & dispose of arisings off site estimated 85 cu.m	150x50mm Pc concrete edgings Non-woven Geotextile underlay 150mm Type 1 sub-base material 50mm - AC10 Surf.	Cross section of standard construction, Ref: I
Gate to B	<i>12 Excl. from overall total of perimeter path</i>	Break up pc edgings, both sides & dispose of arisings. Excavate to progressively widen the entrance path (between new edgings) from 1.1 to 2.0 metres over the 12 metre length.	Install new pc edgings (150 x 50mm,) , allowing for 40mm new oversurfacing . Infill the widening with 100/125mm of 12 :1 leanmix concrete compacted and finished flush with existing path construction Apply tack coat and oversurface with 40mm AC 10 Surf, finished flush with tops of new edgings.	Widening the access path from Western Road to join with new 2 metre path towards the Cricket Pavilion
B to C	27	Break up and cart away existing concrete path 1.1 m wide x say 100mm thick with 40mm bitmac surfacing & pc edgings both sides.	Standard Construction, as A-B, on new formation after removal of existing concrete. Depth of excavation say 150 mm & set aside for re-use on site.	Cross section of standard construction, Ref: I
C + 4 metres	4	Splay leading to Pavilion...leave as existing, tying in new surfacing levels	No new construction needed for this short section..in good condition & alignment	Leave as existing
C to D	19	Break out & dispose of existing concrete edgings & foundation/backing. Excavate 210mm deep in verge area to widen path adjoining Pavillion 1.5 to 2.0 metres, & set aside soil for re-use on site.	Construction all as shown on cross section III-b, including new 40mm new surfacing & tack coat. Break out & dispose of existing surfacing if needed to control level against building ...(damp course?)	Cross section III-b refers
D to E	4	Break out existing concrete hardstanding say 100mm thick and cart away . Area : $8.5 \times 5.8 + 4.25 \times 6.4 = \underline{78 \text{ sq. m.}}$ Reconstruct to same outline to detail as Ref: I	Excavate average depth 100-mm & store for re-use on site. Install new PC edgings to agreed perimeter of hardstanding , approx. length 22 metres, as standard detail (Ref: I)	In-depth construction generally as section Ref: I @ 78 sq.m

E to F	98	Break up and cart away existing concrete path (including 32 metres of pc slabs 900x600mm) & in-situ 900 m wide x say 100mm thick. Excavate average 100m deep to formation, load and dispose of off site..estimated 25 cu.m	150x50mm pc concrete edgings Non-woven Geotextile underlay 150mm Type 1 sub-base material 50mm - AC10 Surf..	Cross section of standard construction, Ref: I : with 100mm less depth excavation
F to G	34	New construction as Standard, 2 metres wide.	150x50mm pc concrete edgings Non-woven Geotextile underlay 150mm Type 1 sub-base material 50mm - AC10 Surf.	Cross section of standard construction, Ref: I
G to H	11	New construction as No-Dig , 2 metres wide...excavate 200mm deep @ G & lessen to 150mm @H... <i>transition of levels past cricket nets</i> , raising path surface to 50 mm above existing ground level...need to avoid shallow tree roots.	150x50mm pc concrete edgings Non-woven Geotextile underlay 150mm of 4-20mm open graded aggregate for drainage 50mm AC10 porous Asphalt Surfacing	Cross section of No-Dig construction, Generally as Ref: II
H to I	90	Ditto , all as above (G-H)	Ditto , all as above (G-H)	Cross section of No-Dig construction, Ref: II
I to J	90 (approx.)	Ditto , all as above (G-H)	Ditto , all as above (G-H). Path alignment between the trees and hedge on eastern side...to be agreed with HTC	Cross section of No-Dig const'n, Ref : II
J to K	22	New construction as Standard, 2 metres wide. Transition between No-Dig @ (OGL +50mm) to meet surface level of entrance path to fenced Playground.	150x50mm pc concrete edgings Non-woven Geotextile underlay 150mm Type 1 sub-base material 50mm - AC10 Surf.	Cross section of standard construction, Ref: I

K to A	30	Break out & dispose of existing pc edgings concrete backing & foundations on both sides of existing path..existing width 1.1 metres	Provide and install new 150x50mm pc edgings raised, by 40mm on western side as per existing alignment, and allow for 2.5% crossfall to top of pc edgings on the hedge side. Excavate on eastern (hedge) side average 1.1 metres wide and 210mm deep & set aside clay/soil for re-use on site. Oversurface resulting 2 metre path with AC10 Surf. finished flush with tops of pc edgings	Construct widening to path to standard detail Ref : III -a
Total Perimeter	565	Subject to actual alignments and re-measured on site, on completion.		

Refer also to accompanying Check List for pricing, site Site Plan and various sketches, detailing cross sections:

Check List of proposed work..itemised details with estimated quantities @ indicative Costings

Item No:	Description For All-in Rate	Estimated Quantity	Indicative Unit Rate £	Total £	NOTES
0	Contractor's Preliminaries Eg: Compound, Security & Safety of Site	ITEM	3000	5,000	Enabling units of work to be costed without an addition for this .
1	Cross Section of Standard Construction .Concrete Edgings A-B-C,E-F-G & J-K	317 m	170 /metre run	53890	Sketch I refers
2	Cross Section of No Dig Construction G-H-I-J	191 m	190 /metre run	36290	Sketch II refers
3	Circular Exercise Area Excavate & dispose of arisings off site Inclusive of all work	416 sq.m	75 Sum Per item 3	31200	<i>Proposed to defer to later Phase, & link with outdoor Gym Sketch refers 11.5 m radius</i>
4	Cross Section of Widening Existing Path : 1.1 to 2.0 m Standard Inclusive of all work: K-A	30m	9600 Sum Per item 4	9600	Sketch III-a refers with 40mm AC 10 Surf oversurfacing
5	Cross Section of Widening Existing Path : 1.5 to 2.0 m Standard Inclusive of all work: C-D	19 m	4560 Sum Per item 5	4560	Sketch III-b refers with 40mm AC 10 Surf oversurfacing
6	Widening of existing pedestrian access from gate, as detailed in Schedule @ Gate to B	12m	2580 Sum Per item 6	2580	Inclusive of all work & oversurface with 40mm AC 10 Surf.

Item No:	Description for all-in Rate	Total Quantity	Indicative Unit Rate £	Total £	NOTES
7	Section B-C : Preparatory Work Break up and cart away existing concrete path 1.1 m wide x say 100mm thick with 40mm bitmac surfacing & pc edgings both sides.	27 m	55.00 /metre run	1485	Add this metre rate to that for construction of the Standard path, allowing a reduction for 100mm less excavation depth
8	Section D – E Reconstruction of hardstanding All as detailed in the accompanying Schedule	Area 78 sq.m & Perimeter 22 metres	9150 Sum as per item 8	9150 Saving	Construction depth and details all as Sketch Ref: I 24.1 Hardstanding can now remain as is, agreed with Cricket Club
9	Section E-F: Preparatory work: Break up and cart away existing concrete path (including 32 metres of pc slabs 900x 600mm) & in-situ 900 m wide x say 100mm thick.	98 m	30.00 /metre run	2940	Add this metre rate to that for construction of the Standard path, allowing a reduction for 100mm less excavation depth
10	Import topsoil to make good against new construction	Say 50 cu .m	55.00 / cu.m	2750	Additional free from shallow excavation for the No-Dig sections

Report to: Hailsham Town Council

Date: 29th January 2021

By: Michelle Hagger, Finance Officer

Title of report: Precept and Budget 2020-2021

1. PURPOSE:

- To consider the recommendations of the Finance, Budget, Resource & Staffing Committee (8th January 2020) and any additional resolutions or budget pressures that will affect the budget for 2020-2021
- To resolve the precept for the financial year April 2020 to March 2021 to be requisitioned from Wealden District Council

2. BACKGROUND

2.1 FBRSC Meeting 08.01.2020

The Finance, Budget, Resource & Staffing Committee last met on 8th January 2020 to agree the final budget and the precept to be requisitioned from Wealden District Council.

This involved discussions around changes to the Hailsham Tax Base and the Council Tax Support Grant passed onto the parishes by Wealden District Council.

The key changes and points of note were:

- That the Council tax Support Grant has come to an end. (£11,880.00 decrease).
- Hailsham's Tax Base has fallen by 172.9 exactly from 7649.3 for 2019-2020 to 7476.4 for 2020-2021

2.2 WDC Error in calculating Tax Base for previous financial year (2019-2020)

The Finance, Budget, Resource & Staffing Committee has been advised that an error occurred in the tax base calculation in 2019-2020, a meeting took place between the Senior Officers of the council met with the Senior Finance Officers of WDC to discuss how this error came about and whether there was any resolution to the budget effect on Hailsham Town Council. WDC advised that legally there is no possibility of covering the additional losses to Hailsham Town Council. Hailsham Town Council contacted SSALC's legal advisor to explain the situation and their advice was there is no legal ground to look for compensation from WDC.

Email correspondence between HTC and WDC is attached as an appendix below.

As a result of the points detailed above, the FBSRC had to look at possible savings and changes to the budget, these changes have been fed into the overall recommended budget for the year as now recommended by the Finance, Budget, Resource and Staffing committee.

2.3 FBRSC Meeting 04/12/2019

The adjustments that had been recommended from the FBRSC budget meeting of 4th December 2019 have been implemented in these budget papers, the adjustments were as follows

- Go through line by line and work out which don't need the blanket 3% increase.
(Saving £724.00)
- Not to add additional £5K to Neighbourhood Plan budget.
- To take out additional money for Festive Lighting £5K (& therefore keep budget at £11K)
- To recommend the reduction of the Grants Allocation by £5K (as was underspent by this amount this year)
- To Take out additional money to Wealden Works (£6K)
- To recommend deferring installation of the changing spaces pod by six months or more in order to reduce/remove the costs of maintenance and cleaning (£13K) = **(£6,500 saving)**

2.4 Saving from Post office Funding

As per the Finance Officer's report an additional saving to the Post Office funding had been implemented as detailed;

Carry forward from 2019/2020 of £48,000

Bank balance of £25,000 as at 31.01.2020

On reflection of this large carry forward have reduced the budget from £45,000 to £20,000
(saving of £25,000)

2.5 Wealden District Council Review of Changing Spaces Provision

Wealden District Council have advised HTC that they are undertaking a District Wide review of Changing Spaces facilities, including what if any funding could be put towards such facilities. It is expected that the outcome of this review will be known.

Email from WDC Chief Exec is attached as an appendix below.

2.6 Council's Reserves:

Council's reserves as at 31.12.19 are as below:

Commuted Sums

a	Balance	694,007.57	
b	CIL	<u>319,144.22</u>	
c	Capital only sums (Ripley)	<u>41,355.00</u>	
d	Public Open Space only commuted sum	<u>23,790.28</u>	
e	Street Lighting Only	<u>6,000.00</u>	
f	Accessible commuted sums	<u>39,450.00</u>	(Balance less committed)

Community Contingency Fund

d	Balance	114,017.00	
e	6% to remain in reserve	65,659.62	(6% of budget £1,094,327)
f	Available balance (d-e)	<u>48,357.38</u>	
g	Total available reserves (d+f)	<u>87,807.38</u>	
h	S106 payment for 'leisure facilities in Hailsham'	<u>264,268.07</u>	

3. Recommendations of the Finance, Budget, Resource & Staffing Committee (8th January 2020)

1. Council is recommended to ringfence any underspend from 2019/2020 for replacement of solo dog bins for litter bins, all bins to be labelled for dual use of general waste and dog waste and marketing to start educating the public on dog waste disposal.

2. Council is recommended to defer the Changing spaces pod to financial year 2021/2022, considering the district wide review to be undertaken by Wealden District Council and the required revenue costs for cleaning and maintenance.

3. Council is recommended that there is a moratorium on additional projects to be undertaken in 2020/2021, other than the projects the council has resolved to undertake.

4. Council is recommended to agree a workshop for all councillors to attend to cover full understanding of the budget and its constraints. 1 x day meeting and 1 x night meeting. Date to be arranged after the 29th January 2020.

4. Precept for the financial year April 2020 to March 2021 to be requisitioned from Wealden District Council

4.1 Budget for 2020-2021

The budget recommendation for 2020-2021 that has been developed by the Finance, Budget Resource & Staffing Committee totals £1,094,327 summarised as follows:

Corporate Resources & Services	£870,451.00
Environment and Leisure	£152,100.00
Corporate Assets and Cemetery	£71,776.00
Total Budget	<u>£1,094,327.00</u>

The detailed reports on the individual areas of proposed budget are included as appendices to this report.

The budget for 2019-2020 was £1,072,565.00. This therefore represents an overall increase of £21,762 (2.03%).

This budget would be achieved as follows:

Total Budget	1,094,327.00	%
Breakdown		
Precept (Tax base X Band D rate)	1,092,827	98.81
Grant from WDC	0.00	
Total combined precept + grant	1,092,827	
Drawn from Surplus/Reserves	1499.8	N/A
Tax Base 2020/21	7476.4	
Band D Council tax Rate	146.17	5.5% increase as per FBR

The budget for 2020-2021 at the time of Finance, Budget, Resource and Staffing committee meeting included £1,499.80 to be drawn from councils' reserves.

4.2 Band D Tax Rate

Council is asked to consider the level at which to set the band D tax rate, and thus the amount of the precept for 2020-2021, taking into account the following:

- The Decrease in the tax base for 2020-21 (from 7649.3 to 7476.4)

- Decrease in Council Tax Grant from Wealden District Council (from £11,880.00 to 0.00).

In appendix to this section of the report is a detailed sheet showing variations of precept calculations taking into account the Band D Tax increases and also the increase in the Tax Base which was not confirmed at the time of the FBRSC recommendations .

These show increases of 0%, 5.5%, and 6.0% increases to the Band D rate and the increase necessary to have a nil drawn from reserves.

4.3 Recommendations of Finance, Budget Resource and Staffing Committee with regard to budget, precept and Band D Rate (to be taken as one resolution)

(Recommendations 5 and 6 from the minutes of FBRSC 08.01.2019)

1. The total budget for 2020-2021 is £1,094,327.00
2. The amount of precept to be requisitioned from Wealden District Council is £1,092,827
3. The Band D tax rate is £146.17 (a 5.5% increase)
4. The shortfall in the budget of £1499.80 is drawn from the council's reserves.

APPENDICES TO THIS REPORT

1. Email correspondence between HTC and WDC regarding the Tax Base calculation.
2. Email from WDC Chief Executive regarding review of Changing Spaces Provision.
3. Detailed reports on the individual areas of proposed budget
4. Detailed sheet showing variations of precept calculations taking into account the Band D Tax increases and also the increase in the Tax Base which was not confirmed at the time of the FBRSC recommendations

Appendix 1 Email correspondence between HTC and WDC regarding the Tax Base calculation

WDC: *In last year's calculation there were a combination of factors which meant Hailsham's tax base was higher than it should have been, there is, however, no need for retrospective adjustments and your precept has not been impacted.*

Hailsham's Tax Base for 2020-2021 is the 'corrected' figure of 7476.4. This is a 'decrease' of 172.9 from the figure of 7649.3 for 2019-2020 that HTC was given in error.

WDC: *It would appear to be an error in a spreadsheet where the figure for council tax benefits was not being pulled through into the main calculation. I ... picked up the error when working on the 2020/21 tax base calculations last week.*

Firstly can I reassure you that the full precept for your Parish for 2019/10 of £1,059,811 has been paid in full. The unfortunate change in the base number does not actually affect the payment of this precept in any way so again, I trust this will assure you.

I would also kindly advise that Council Tax base estimates are best estimates only and whilst every effort is made to set a correct base at budget time, the base itself for the Parish or District will always move as we go through the financial year, the base is affected by constant adjustments for any dwellings that may receive discounts on Council Tax or for any payers who receive Council Tax support, or increase for any additional properties that become chargeable.

Your tax base for 2019/20 should have actually been 7,425.5, and therefore was slightly overstated by circa 3%. The corrected figure would take the base for 2020/21 to 7,476.4 which would have been an increase of 50.9 dwellings. Again, we will ensure this is corrected for 2020/21 which will resolve the situation.

In terms of next year's precept for 2020/21, the corrected change in tax base will lead to a percentage change in terms of your council tax figure (as for most Parishes) but in monetary terms you will still receive the full amount of precept payment. A percentage change is regularly seen across Parishes and last year many parishes had changes over 10%.

In terms of the collection fund (where all council tax money is accounted for), we always prudently assume an overall variation of collection of 1.5%, (£1m overall), and therefore any impact of these tax base changes for your parish will be contained within this allowance. I can confirm that there will be no loss of revenue as such.

HTC:

The council goes through a lengthy and full budget setting process each year and is aware that percentage changes in precept happen often. However, naturally basing our budget on the assumption that last year's tax base was accurate, plus then factoring in the necessary inflationary increases, plus some additional costs related to council resolutions, the town council was looking at an increase in budget, precept and thus an increase in Band D rate entirely dependent on the tax base, but assuming at least a modest increase in that, as has been the case for the past six years. This has expanded every year as we're in a growth town. Now we are facing a significant short fall.

I would like to suggest that, because the implications of this sudden and unexpected shortfall will be potentially disastrous for HTC and because this error was entirely WDC's, that WDC should meet the shortfall in our budget until the tax base catches up with or exceeds the previous (apparently incorrect) level.

WDC: In terms of the collection fund position, the point we were making was that there will be no loss of income for 2019/20 as we make an allowance for losses of collection. Under the collection fund accounting rules, these do not allow for the return of any money to your parish as you have had been paid the precept in full notwithstanding this change in tax base.

HTC: just to clarify the situation with regards to HTC's budget. It is not this year's (19/20) that is causing me concern, It is the knock-on effect of this on next years and subsequent year's budgets that are causing me grave concerns and I think actually, will have serious consequences for the town council's financial situation for several years.

As previously stated, the town council's budget setting process is based on assessing our current levels of service and costs, factoring in unavoidable increases in those costs (inflationary, increases in our salary bill depending on what settlements are reached, incremental salary increases etc – in fact approx. 60-70% of our budget is made up of salaries) and then factoring in additional costs as/if the council has resolved to add to services.

We then take the current year's tax base and the current year's Band D rate as a baseline. Then based on the extent of any modest uplift in the tax base, work out whether or by how much we might need to increase the band d rate. And thus that our determines our precept.

This whole process is based on the foundation that the present year's tax base is accurate. Then the assumption that there may be a modest increase in the tax base.

The council's budget, precept and Tax Base have all steadily increased over the past years, the only noticeable exception being when Council tax benefit was introduced, which saw our tax base drop but even then the shortfall was met by the CTS Grant.

Had HTC been given the accurate Tax base for this financial year HTC would have determined its budget and Band D rate accordingly and we would probably have seen a modest increase in the Band D rate to meet shortfalls related to inevitable inflationary increases in our costs. Instead because the tax base we were informed of indicated a not insignificant increase (of 340; from 7309 in 18/19 to 7649 in 19/20), the town council was able to meet its increased costs while not increasing the Band D rate at all.

What this situation now presents us with is an unprecedented 'reduction' in our tax base owing to a mistake in WDC's calculation. This means that the town council will have the 'morton's fork' choice of either significantly increasing its Band D rate or somehow significantly reducing its budget, which at this point could only really be a cut in funds or services. Either of these options will have detrimental effect on the town council and the town's parishioners. Unless

WDC can find a way of meeting that shortfall until the 'real' Tax base meets that we were previously given in error?

1. Meeting held with WDC Finance Officers (Financial Services Manager and Chief Finance Officer) and HTC Officers (Finance Officer, Deputy Town Clerk and Town Clerk) on 20th December 2019.

WDC have contacted CIPFA to ask for their professional opinion regarding whether there is any additional support they can offer to Hailsham Town Council and it has been confirmed they cannot. WDC's audit and accountability regulations state that WDC must use the most accurate estimation of the CT base it has and therefore cannot somehow compensate HTC for the shortfall/reduction in the CT base this year.

2. Statement received from SSALC on this issue (03.01.2020).

The council tax base is that which is communicated by the billing authority to the precepting authorities in accordance with the 1992 Act and regulations ([Local Authorities \(Calculation of Council Tax Base\) \(England\) Regulations 2012 \(SI 2012/2914\)](#)).

Coincidentally I have this morning received a lengthy note on the calculation of the council tax base: https://www.gov.uk/government/publications/council-tax-base-calculation?utm_source=18cb29ca-c3a3-4476-8810-f4406144cd49&utm_medium=email&utm_campaign=govuk-notifications&utm_content=daily .

It is always possible for the council tax base to go down as well as rise - leaving aside any errors. This might result from the loss or addition to the number of dwellings or changes to the number of benefit claimants or the number of exempt dwellings. From what has been said, it seems that the base was higher for last year and therefore Hailsham's tax yield was higher or its council tax band D equivalent lower than it would otherwise have been. I do not think that it is open to WDC to "compensate" HTC for an error in the calculation. It is of course open to the HTC to recalculate its budget and council tax requirement for 2020/21 as the time for submitting the council tax requirement has not yet passed. I do assume that the "loss" amounts to some £23,000.

Appendix 2 Email from WDC Chief Executive regarding review of Changing Spaces Provision

Having been presented with an initial request for a facility to be installed in Hailsham at our leisure centre, we decided to commission a District wide review about the need for these facilities and where and how best they can be delivered (assuming there is demand). To that end, our team have been contacting other town and parish councils to see if they have similar needs to Hailsham to deliver one of these facilities and what ambitions the respective town and parish councils have in facilitating their delivery.

As we need to be fair to residents across the District, we won't be in a position to consider what, if any, funding we could put towards any facilities until that review has been completed. Due to the breadth of that review, I understand that we won't have any outcomes for a few months. (19/12/2019)

				2020 - 2021 Estimates					
				Expenditure	Income	Nett	2019/20	Actual	
						Total	Estimate	2018/19	
NEW		(approved by sub-committee)							
Amended									
		A	B	C	D	E			
		301 STAFFING COSTS							
301	4001	Wages (Manual)	162664			162664	161312	126466	
301	4000	Salaries (Admin.)	275647			275647	266230	278450	
301	4005	NHI (Wages & salaries)	58867			58867	57381	102018	
301	4005	Pension (wages & salaries)	82412			82412	75834	0	
301	4002	Youth Café & infopoint	105771			105771	97918	99630	
301	4002	NHI Youth Café & infopoint	9663			9663	7164		
301	4002	Pension Youth Café & infopoint	12744			12744	9033		
301	4545	Honorarias (Bailiffs/Tree Warden/Town Crier)	2000			2000	2000	1337	
301	4510	Members Allowances	24228			24228	23800	29230	
				733996	0	733996	700672	637131	
		302 ADMINISTRATION EXPENSES							
302	4491	Office equip/etc/computer consultancy	2300			2300	2300	1156	
302	4431	Newsletter	9000			9000	9000	6491	
302	4429	Annual Town Meeting	600			600	600	477	
302	4440	Telephone & mobiles	3000			3000	2700	1962	
302	4155	Contract Cleaning	4841			4841	4700	4627	
302	4120	Rates	7002			7002	7000	6840	
302	4120	Water/Sewerage/Gas/Electricity	4700			4700	4700	5494	
302	4177	Annual Electrical Test of Equipment	318			318	309	302	
302	4130	Insurance	13000	400		12600	8800	11086	
302	4455	Franking machine/postage	1600			1600	1600	1170	
302	4570	Audit fees	2864			2864	2781	2454	
302	4030	Travelling, Training & seminar costs	3090			3090	3000	3983	
302	4410	Photocopier lease & Monthly Use Charges	3708			3708	3600	3072	
		Room Hire Expenses	600			600	600	430	
302	4480	Computer Software/anti virus software/Web licences	1648			1648	1600	1907	
		New Software/Website - running costs (up to £2500)	3090			3090	3000	2798	
302	4460	Subscriptions & Publications	3914			3914	3914	4178	
302	4585	Professional fees	3713			3713	3605	4413	
302	4571	Election	0			0	0	0	
302	4430	Advertising / Publicity	515			515	500	456	
302	4176	Annual extinguisher etc., inspection & servicing	424			424	412	448	
302	4400	Stationery & miscellaneous equipment	4000			4000	4000	3182	
302	4150	Commercial Rubbish Disposal	2650			2650	1834	5966	
		Civic regalia	258			258	250	0	
302		Hailsham Neighbourhood Plan	0			0	0	11955	
				76835	400	76435	70805	84847	
		303 CHAIRMANS ALLOWANCE							
303	4500	Chairmans allowance	1500			1500	1500	339	
		Carried over from previous year							
			1500	0		1500	1500	339	
		304 MACHINERY/TOOLS/PROTECTIVE CLOTHING							
310	4070/4071	Tools & Protective Clothing	1963			1963	1906	1825	
			1963	0		1963	1906	1825	
		305 VEHICLE FLEET							
311	4310	Leasing costs	10000			10000	9000	9058	
311	4330	Vehicle Overheads - fuel	4500			4500	4500	2810	
311	4301/4340	Vehicle Overheads - service & RFL (5)	0			0	0	426	
311	4130	Vehicle Overheads - Insurance	4120			4120	4000	3810	
				18620	0	18620	17500	16104	
		306 TWINNING							
320	4800	Civic Events	400			400	400	0	
				400	0	400	400	0	

				2020 - 2021 Estimates						
				Expenditure	Income		Nett	2019/20	Actual	
							Total	Estimate	2018/19	
NEW	(approved by sub-committee)									
Amended										
		A	B		C	D	E			
		307 MISC.PROVISIONS								
330	4801	Annual Grants	4213			4213	6213	850	ADJUSTED AS PER FBSRC 4.12.19	
			4213		0	4213	6213	850		
		308 SECTION 137 (FREE RESOURCE)						0		
331	4850	Grants to Voluntary bodies (transfer from 307)	5000			5000	5000	9100		
331	4851	Miscellaneous	400			400	400	55		
			5400			5400	5400	9155		
		309 PROJECTS (Add to Cap.Funds)								
350	4970	No 03 - Community Build Project (unallocated £4316)	0			0	3000	0	ADJUSTED AS PER FBSRC 4.12.19	
350	4980	No 11 - Town youth Facilities (unallocated £327)				0	0	0		
350	4972	No 14 - Contingency Fund (unallocated £35862)				0	0	25659		
350	4973/1705	No 16 - Youth Project	18000	1000		17000	14000	15514	Security Fencing £3K	
350	4974	No 21 - Criminal Damage (unallocated £1528)				0	0	0		
		No 14 - Bus Concessions	8000			8000	8000	7657	No increase as within current budget	
			26000	1000		25000	25000	48830		
		311 FUNDED SERVICES								
352	4910	Hellingly P.C. subsidy (as provided by Hellingly PC)	27810			27810	27810	26033		
		Hailsham Revitalization Fund	5150			5150	5150	21947	No increase 13.12.19 as carry forward £16,753	
		Hailsham Forward	0			0	0	1665		
352	4912	CCTV - Camera costs	7957			7957	7725	7292		
			0			0	0	0		
		Post Office Operation costs	20000			20000	45000	3449	REDUCED AS £48k CARRY FORWARD AVAILABLE	
			60917	0		60917	85685	60386		
		312 ACCOUNT INTEREST & COMMUTED SUMS								
360	1880	Interest on accounts		530		-530	-515	-2172		
		Bank charges	637	0		637	618	775		
			637	530		107	103	-1397		
		313 RENTS, LETTINGS & HIRE FEES								
365	1031	Kemer Kebab		10500		-10500	-10500	-10500		
365	1032	4 Market Square	0	6500		-6500	-6500	-4312	EMPTY AT THE MOMENT	
365	1000	Meeting Room Lets/J West		33000		-33000	-3000	-22222	£30K J West . £3K FDL	
365	1001	Pavilion Lets		1200		-1200	-1200	-803		
365	1033	Cemetery Rent		6900		-6900	-6900	-7140		
		Miscellaneous rents				0	0	-1		
			0	58100		-58100	-28100	-44978		
		Vat refund (income)								
		Total expenditure	930481							
		Total income		60030						
		Nett total				870451	887084	813092		
		Total				870451	-1.88			
		Last year Precept								
		Total Precept				1094327				
		NEW								
		Amended								

		2020 - 2021 Estimates			2019/20	Actual	
		Expenditure	Income	Nett	Estimate	2018/19	
		A	B	C	D	E	
		(approved by committee)					
		A	B	C	D	E	
		101 ALLOTMENTS					
101	4115	Common Pond site - water supply	159		159	155	150
102	4115	Battle Road site - water supply x2	600		600	515	584
101/102	4201	General Maintenance/Waste Collection (include new site)	1500		1500	2781	2508
101/102	1080	Allotment Rent (53 plots @ £39.60 & 20+38 plots @ £23.10)		3542	-3542	-3542	-3135
102	4200	Soil Test (Identified in Risk Policy)	53		53	52	0
		Software licence	180		180	175	165
		Key deposit (Deposits held from previos years)			0	0	1965
			2492	3542	-1050	136	2237
		102 WESTERN ROAD RECREATION GROUND					
105	4115	Water & sewerage	500		500	129	501
105	4201	General maintenance (include Outdoor Gym)	955		955	927	1370
105	1040	Rent from Beaconsfield/Tennis Club/Pitch hire		1000	-1000	-1000	-838
		Drainage	2000		2000		
			3455	1000	2455	56	1033
		MAURICE THORNTON PLAYING FIELD					
106	4100	Annual rent	1000		1000	1000	
106	4248	Pitch marking paint	530		530	515	764
106	4115	Water	70		70	62	63
106	4201	General maintenance	711		711	690	221
		Skate Park Maintenance	515		515	515	250
		Drainage	2000		2000		
			4826	0	4826	2782	2298
		COMMON POND					
107	4201	General maintenance	721		721	721	13
			721	0	721	721	13
		ERSHAM ROAD COMMON					
108	4201	General Maintenance incl. fence repairs	53		53	52	0
			53	0	53	52	0
		Total Recreation Areas (code 102)					
			9055	1000	8055	3611	3344
		103 PLAY AREAS					
115	4230	All Sites - Insurance (engineers inspection)	1450		1450	1450	980
115	4239	All sites - Safety gates	1000		1000	1000	0
115	4201	All Sites - general maintenance	1273		1273	1236	346
		Total Play Areas (code 103)					
			3723	0	3723	3686	1326
		104 PUBLIC OPEN SPACES					
109	4201	Country Park - General maintenance	477		477	464	1045
109	1065	Fishing Permits		550	-550	-400	-847
110	4201	Orchard Park - General Repairs/ skip hire	743		743	721	367
111	4201	POS - General Maintenance	318		318	309	18
109	4275	Vermin control	515		515	515	474
		Plant & Skip Hire	4000		4000		
			6053	550	5503	1609	1057
		105 HORTICULTURAL & GROUND MAINTENANCE					
140	4240	Grass & Hedge Cutting	25000		25000	19570	15437
		Payment from Redrow (POS upgrade)			0	0	
140	4250	Tree Surgery - all sites	17611		17611	17098	16650
			42611	0	42611	36668	32087
		106 PROJECT FUNDS (Add to existing funds)					
150	4945	No 04 - Play Equipment (unallocated balance £.....)	0		0	0	7183
150	4941	No 05 - Play Area Surface Fund (fund balance £.....)	0		0	0	0
			0	0	0	0	7183
		107 ENVIRONMENT SERVICES					
160	4271	Dog Hygiene Bin Emptying (waste disposal/new bins etc)	19700		19700	6000	3201
160	4141	Urban Grass Cutting	10916		10916	10219	2729
			30616	0	30616	16219	3201
		111 TOURISM & LEISURE					
333	4812	Tourism & Leisure Grants	2500		2500	2500	2500
333	4821	Communities - Festivities	15914		15914	15825	19787
333	4820	Miscellaneous items	212		212	206	0
		Event advertising	530		530	515	400
		Bus Alliance	1000		1000	1000	365
			20156	0	20156	20046	23052
		FESTIVE LIGHTING					
235	292/1150	Christmas Festoons	11000	0	11000	11000	10601
					0		
			11000	0	11000	11000	10601

		2020 - 2021 Estimates			2019/20	Actual		
		Expenditure	Income	Nett	Estimate	2018/19		
(approved by committee)								
		A	B	C	D	E		
113 FUNDED PROJECTS								
351	4901	Church Yard CCTV Service contract	309		309	309	0	No increase 13.12.19
351	4902	War Memorial - All service costs	350		350	155	343	Increase due to increase in water costs
332	4810	CAB rent & grant	13287		13287	13287	13287	No increase as per 2018-19 agreed
		Wealden Works	0		0	0	0	REMOVED FUNDING OF £6K as per FBSRC 4.12.19
			13945.9	0	13946	13751	13630	
114 Cortlandt Stable Block								
		Cortlandt Stable Block Rent/Rates/Utilities	16480		16480	16000	15757	
		Maintenance - Cortlandt Stable Block	1060		1060	1060	0	No increase as £5K to carry forward
			17540		17540	17060	0	
		Total expenditure	157192			123786	50435	
		Total Income		5092				
		Nett total			152100			
						22.9		
		NEW						
		AMENDED						

		2020 - 2021 Estimates				2019/20	Actual	
		Expenditure		Income	Nett	Estimate	2018/19	
					Total			
		(approved by committee)						
		A		B	C	D	E	
	201	TOWN COUNCIL SITE						
201	4170	Internal Repairs/General Maintenance	212		212	206	401	
		Electronic Gates to car park/service/upgrade/repair	500		500	155	1011	Amended to £500.00 as very under budgeted in previous years
		Maintenance for 4 Market Square	1500		1500	1500	0	
201	4178	Gas Boiler - Annual Service	212		212	206	70	
201	4175	Intruder alarm & smoke alarm service	430		430	515	80	Reduced as new monthly payment plan
201	4171	External Repair/General maintenance	612		612	200	162	
		Total Town Council Site	3466		0	3466	2782	1724
	202	RECREATION BUILDINGS (incl UNION HALL)						
		<u>Maurice Thornton Pavilion</u>						
206	4120	Overheads (water,electric,cleaing etc)	1273		1273	1236	924	
206	4201	General Repairs	515		515	515	210	No increase 13.12.19
		<u>Storage Sheds (General)</u>						
210	4201	General Maintenece	250		250	100	56	Increase due to skip hire for clearance of rubbish
		MT hut and Grovelands barn energy	500		500	309	459	Increase due to increase in electric used by bonfire society/men in sheds
		Grovelands Barn rates	2971		2971	2800	2592	
		<u>Union Corner Hall</u>						
207	4201	Maintenance Grant	1000		1000	1000	0	No increase
					0			
		<u>Public Toilets - Stable Block</u>						
		Cleaning/maintenance	15000		15000	15000	11159	
		<u>Changing Pod</u>						
		Cleaning/maintenance	0		0	0	0	CHANGING POD MAINTENANCE DEFERRED FOR 12 MONTHS
		<u>Welbury Farm - Jim West Community Hall</u>						
208	4201	Maintenance/Running costs	10300		10300	10000	61126	
		Total Pavilions & Storage sheds	31809		0	31809	31560	81845
	203	CEMETERY BUILDING MAINTENANCE						
215	4201	General Maintenance of buildings	159		159	155	70	
215	4172	Cemetery Lodge Repairs	424		424	412	90	
			583		0	583	567	160
	204	PROJECT FUNDS						
					0			
230	4950	No18 - New Burial Ground (balance £17500)	0		0	0	0	
			0		0	0	0	
	205	CEMETERY SERVICES & OVERHEADS						
216	4120	Rates	2864		2864	2781	2698	
216	4120	Water & sewerage	446		446	433	400	
216	4120	Electricity	470		470	309	451	Increase due office now in use full time
216	4120	Gas	800		800	500	763	Increase due office now in use full time
216	4440	Telephone	600		600	600	566	
216	4201	Fire Extinguisher & boiler service	124		124	124	109	
216	4275	Pest Control	300		300	52	299	TO REVIEW as overspend the last 2 years! - Adjusted to £300.00 as per FBSRC
216	4201	General repairs & cleaning materials&Waste Collection	1963		1963	1906	2625	£873.60 is for waste collection
216	4190	Burial Record Computer system (annual licence)	339		339	330	285	
			7906		0	7906	7035	8196
	207	FUNERAL & GRAVES						
219	4280	Grave digging	14420		14420	14000	12650	

SUMMARY OF COMMITTEE'S ESTIMATES - 2019/2020		
		% of budget
Corporate Resources & Services	887084	
Environment and Leisure	123636	
Corporate Assets & Cemetery	61845	
Total Budget	1,072,565.00	
Drawn from surplus	-	-
TOTAL PRECEPT	1072565	
Breakdown		
Precept (tax base x £138.55 band D)	1059811	98.81
Grant from WDC	11880	1.11
Total combined precept/grant	1071691	
Drawn from surplus/Reserves	874	

parish rate 7649.3
decrease on this year

138.55

SUMMARY OF COMMITTEE'S ESTIMATES - 2020/2021 - 5.5% Increase		
		% of budget
Corporate Resources & Services	870451	
Environment and Leisure	152100	
Corporate Assets & Cemetery	71776	
Total Budget	1,094,327.00	
Drawn from surplus	-	-
TOTAL PRECEPT	1094327	
Breakdown		
Precept (tax base x £146.17 band D)	1092828	99.86
Grant from WDC	0	0.00
Total combined precept/grant	1092828	
Added to surplus/Reserves	1499	

£138.55 x 5.5% = £146.1703

SUMMARY OF COMMITTEE'S ESTIMATES - 2020/2021 - NO INCREASE IN PRECEPT		
		% of budget
Corporate Resources & Services	870451	
Environment and Leisure	152100	
Corporate Assets & Cemetery	71776	
Total Budget	1,094,327	
Drawn from surplus	-	-
TOTAL PRECEPT	1094327	
Breakdown		
Precept (tax base x £138.55 band D)* as per19/20	1035855	94.66
Grant from WDC	0	0.00
Total combined precept/grant	1035855	
Drawn from surplus/Reserves	58472	

parish rate 7476.4
decrease on this year

SUMMARY OF COMMITTEE'S ESTIMATES - 2020/2021 - 6.0% Increase		
		% of budget
Corporate Resources & Services	870451	
Environment and Leisure	152100	
Corporate Assets & Cemetery	71776	
Total Budget	1,094,327.00	
Drawn from surplus	-	-
TOTAL PRECEPT	1094327	
Breakdown		
Precept (tax base x £146.86 band D)	1097984	100.33
Grant from WDC	0	0.00
Total combined precept/grant	1097984	
added to surplus/Reserves	-3657	

£138.55 x 6.0% = £146.863

Report to: Hailsham Town Council

Date: 29th January 2020

By: John Harrison, Town Clerk

Title of report: MEMBERS' CODE OF CONDUCT

PURPOSE:

To consider adopting the Amended code of conduct in line with east Sussex County Council and Wealden District Council

BACKGROUND.

Email received from Democratic Services manager, Wealden District Council:

You may be aware that, at its Full Council meeting on 14 May 2019, East Sussex County Council (ESCC) agreed to amend its Code of Conduct, as recommended by the Committee on Standards in Public Life. ESCC recommended that all other councils within the County did the same to ensure consistency across East Sussex and reflect best practice.

Therefore, this Council considered and approved the amendments at our Full Council meeting last week (a copy of the full report can be found on this link: <http://council.wealden.gov.uk/ieListDocuments.aspx?CId=299&MId=4652&Ver=4>).

The amendments are also attached in word format (shown in red). I would strongly urge you to liaise with your chairmen and agree to consider this matter at your next Full Council meeting.

The recommended amendments to the Code of Conduct are shown in red below. These all additions to the existing code of conduct and therefore no other wording has been removed or altered.

RECOMMENDATION

The Town Council is recommended to adopt the amended code of conduct as set out below.

Hailsham Town Council Code of Conduct for Members

As a member or co-opted member of Hailsham Town Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

The Seven Principles of Public Life

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Integrity

2. Members should not place themselves in situations where integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. Members should show integrity by consistently treating other people with respect, regardless of their race, age, religion, gender, sexual orientation, disability or position, for example as an officer or employee of the authority.

Objectivity

3. Members should make decisions in accordance with the law and on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Honesty

6. Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour. Members should declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

7. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

On their election or co-option to the Hailsham Town Council, members are required to sign an undertaking to comply with the authority's Code of Conduct.

This Code of Conduct, adopted by the authority on 2nd July 2012, is set out below. It is made under Chapter 7 of the Localism Act 2011 and includes, as standing orders made under Chapter 7 of that Act and Schedule 12 of the Local Government Act 1972, provisions which require members to

leave meetings in appropriate circumstances, while matters in which they have a personal interest are being considered.

Part 1 – General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of the authority, when acting in that capacity.

(2) This Code is based upon seven principles fundamental to public service, which are set out above. You should have regard to these principles as they will help you to comply with the Code.

(3) If you need guidance on any matter under this Code you should seek it from the authority's monitoring officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.

(4) It is a criminal offence to fail to notify the authority's monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly to provide false or misleading information to the authority's monitoring officer.

(5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding -

(a) whether to take action in relation to you and

(b) what action to take.

(6) Councillors are required to comply with any request regarding the provision of information in relation to a complaint alleging a breach of the Code of Conduct and must comply with any formal standards investigation.

(7) Councillors should not seek to misuse the standards process, for example, by making trivial or malicious allegations against another councillor for the purposes of political gain.

(8) In this Code—

“authority” means Hailsham Town Council

“Code” means this Code of Conduct

“co-opted member” means a person who is not a member of the authority but who-

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member.

“register of members’ interests” means the authority's register of members' pecuniary and other interests established and maintained by the authority's monitoring officer under section 29 of the Localism Act 2011.

Scope

2. —(1) Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of its the equality duties (in particular as set out in the Equality Act 2010);

(b) bully or harass any person; **Note: Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating and individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.)**

For examples of conduct that constitute bullying or harassment see Annex A.

(c) intimidate or improperly influence, or attempt to intimidate or improperly influence any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(a) reasonable and in the public interest; and

(b) made in good faith and in compliance with the reasonable requirements of the authority;

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 – Interests

Personal interests

8. – (1) The interests described in paragraphs 8(3) and 8(5) are your personal interests and the interests in paragraph 8(5) are your pecuniary interests which are disclosable pecuniary interests as defined by section 30 of the Localism Act 2011.

(2) If you fail to observe Parts 2 and 3 of the Code in relation to your personal interests-

(a) the authority may deal with the matter as mentioned in paragraph 1(5) and

(b) if the failure relates to a disclosable pecuniary interest, you may also become subject to criminal proceedings as mentioned in paragraph 1(4).

(3) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(4) In sub-paragraph (3)(b), a relevant person is—

(a) a member of your family or a close associate; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (3)(a)(i) or (ii).

(5) Subject to sub-paragraphs (6) and (7), you have a personal interest which is also a disclosable pecuniary interest as defined by section 30 of the Localism Act 2011 in any business of your authority where (i) you or (ii) your partner- have any interest of a description specified as a disclosable pecuniary interest in Regulations made by the Secretary of State pursuant to section 30 of the Localism Act 2011.

(6) In sub-paragraph (5), your partner means—

(a) your spouse or civil partner,

(b) a person with whom you are living as husband and wife, or

(c) a person with whom you are living as if you were civil partners,

(7) In sub-paragraph (5), any interest which your partner may have is only treated as your interest if you are aware that that your partner has the interest.

Disclosure of personal interests (See also Part 3)

9. —(1) Subject to sub-paragraphs (2) to (6), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) If the personal interest is entered on the authority's register there is no requirement for you to disclose the interest to that meeting, but you should do so if you wish a disclosure to be recorded in the minutes of the meeting.

(3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(4) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to

the meeting that you have a personal interest and, if also applicable, that it is a disclosable pecuniary interest, but need not disclose the sensitive information to the meeting.

(5) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision on any matter in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(6) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where either-

(a) the interest is a disclosable pecuniary interest as described in paragraph 8(5), or

(b) the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) For the purposes of sub-paragraph (1)(b), you do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Interests arising in relation to overview and scrutiny committees

11. You also have a personal interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2) and (3), where you have a prejudicial interest in any matter in relation to the business of your authority—

(a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, or further vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held—

- (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
- (ii) in any other case, whenever it becomes apparent that the matter is being considered at that meeting;

unless you have obtained a dispensation from your authority's monitoring officer or standards committee;

(b) you must not exercise executive functions in relation to that matter; and

(c) you must not seek improperly to influence a decision about that matter.

(2) Where you have a prejudicial interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph 8(5), you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(3) Where you have a prejudicial interest which is not a disclosable pecuniary interest as described in paragraph 8(5), arising solely from membership of any body described 8(3)(a)(i) or 8(3)(a)(ii)(a) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.

Part 3 – Registration of Interests

Registration of members' interests

13. —(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by the authority; or

(b) your election or appointment to office (where that is later), register in the register of members' interests details of-

- (i) your personal interests where they fall within a category mentioned in paragraph 8(3)(a) and
- (ii) your personal interests which are also disclosable pecuniary interests where they fall within a category mentioned in paragraph 8(5)

by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest falling within sub-paragraphs (1)(b)(i) or (1)(b)(ii) or any change to any personal interest registered under sub-paragraphs (1)(b)(i) or (1)(b)(ii), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, the monitoring officer shall not include details of the interest on any copies of the register of members' interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in the register of members' interests.

(3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Dispensations

15 - (1) The standards committee, any sub-committee of the standards committee, the monitoring officer or Town Clerk may, on a written request made by a member, grant a dispensation relieving the member from either or both of the restrictions in paragraph 12(1)(a) (restrictions on participating in discussions and in voting), in cases described in the dispensation.

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the standards committee, its sub-committee, the monitoring officer or the Town Clerk —

(a) considers that without the dispensation the number of persons prohibited by paragraph 12 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) considers that granting the dispensation is in the interests of persons living in the authority's area,

(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by paragraph 12 from participating in any particular business to be transacted by the authority's executive; or

(e) considers that it is otherwise appropriate to grant a dispensation.

(2) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

(3) Paragraph 12 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

Appendix – The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012

S T A T U T O R Y I N S T R U M E N T S

2012 No. 1464

LOCAL GOVERNMENT, ENGLAND

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

<i>Made</i> - - - -	<i>6th June 2012</i>
<i>Laid before Parliament</i>	<i>8th June 2012</i>
<i>Coming into force</i> - -	<i>1st July 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(a), makes the following Regulations.

Citation, commencement and interpretation

—a) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

In these regulations—

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

^(a) 2011 c. 20.

^(b) 2000 c. 8.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State

6th June 2012

Department for Communities and Local Government

a)

b)

SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 ⁽¹⁾ .
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where—

⁽¹⁾ 1992 c. 52.

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

Appendix Non-exhaustive Examples of Bullying and Harassment

With reference to paragraph 3(2)(b) of this Code –

(1) Examples of bullying behaviour include, without limitation:

- spreading malicious rumours, or insulting someone by word or behaviour
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close,
- display of offensive materials, asking for sexual favours, making decision on the basis of sexual advances being accepted or rejected.
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading or constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities
- invading someone's personal space
- speaking to someone in an overbearing manner
- using aggressive body language
- undermining or belittling someone

(2) Examples of harassment include, without limitation:

- making abusive, derogatory, patronising, suggestive or sexualised comments or sounds
- making offensive jokes or insulting gestures or facial expressions
- ridicule
- offensive e-mails, tweets or comments on social networking sites
- trolling via social networking sites
- threats of aggression or intimidation
- making false and malicious assertions
- intrusive questioning about private matters
- display of offensive material
- unwanted comments on dress or appearance

Definition of 'improperly influence'

- To induce another person through the use of, for example, threats or bribery to give consideration to or to act on any basis other than the merits of the matter.
- To bring undue pressure upon a person to try to get them to do something that they wouldn't normally do.

Wealden District Council Local Plan Examination

Inspector: Louise Nurser BA(Hons) Dip UP MRTPI

Programme Officer: Lynette Benton

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20th December 2019

Dear Ms Briggshaw

WEALDEN LOCAL PLAN EXAMINATION.

1. The Wealden Local Plan (LP) was published for consultation under Regulation 19 from August to October 2018 and was submitted to the Secretary of State on January 18, 2019. I have now completed the hearing sessions related to Stage 1 of my examination of the Submission version of the Local Plan and I am now in position to set out my conclusions. I am sorry to have to tell you that the submitted plan cannot be taken forward to adoption because it has failed one of the requirements for legal compliance, that of the Duty to Co-operate (DtC). In addition, there are some significant failings in respect of the soundness of the submitted Plan, which are discussed in the text of this letter.
2. The Duty to Co-operate is set out in s33A of the Planning and Compulsory Purchase Act. It requires that each person on whom the duty falls must co-operate in maximising the effectiveness of the preparation of development plans and activities that support or can reasonably be considered to prepare the way for activities that support the preparation of development plan documents. There should be constructive, active and ongoing engagement. Regard must be had to any guidance given by the Secretary of State about how the duty is to be complied with, and in this case the Wealden Local Plan falls to be examined using the 2012 version of the National Planning Policy Framework (NPPF) and the associated Planning Practice Guidance (PPG) as it was submitted to the Secretary of State before January 24, 2019.
3. The NPPF is explicit that the Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities. Local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plan for examination. Cooperation should produce effective and deliverable policies on strategic cross boundary matters.
4. My central concern in respect of the legal compliance of the plan relates to the lack of constructive engagement with neighbouring authorities and Natural England in respect of impacts on habitats and landscape and in respect of the issue of unmet housing need in Eastbourne.
5. I shall start with the issue of habitats and air quality because the Council's position in this regard had the potential to affect the distribution of development and the willingness to address unmet needs from Eastbourne. It has been clear for several years that the extent and impact of nitrogen deposition has been a significant strategic cross boundary matter in relation to European protected

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sites. Wealden District includes the Ashdown Forest Special Area of Conservation (SAC) and shares the Pevensey Levels SAC with Rother District Council. The neighbouring Lewes Downs SAC lies within the administrative boundary of Lewes District Council and the South Downs National Park Authority.

6. The Council has been working on an iterative methodology to consider how to identify and model air quality impacts on the Ashdown Forest and other SACs including the effects of nitrogen from road traffic. Within the Habitats Regulations Assessment (HRA), the Council's air quality consultants set out three modelled scenarios of future baseline conditions. Emissions model A represents the existing baseline situation with respect to both emissions per vehicle and emissions released outside of the study area such that, when applied to the future, there will be no improvements to air quality over time; Emissions model B applies partial reductions in emissions relating to vehicle (and other sector) data predicted by Defra; and Emissions model C applies full reductions of vehicle (and other sector) emissions as predicted by Defra.
7. Emissions model B is the Council's air quality consultants own, bespoke, conservative model (CURED 3A) and it does not uncritically accept Defra's anticipated reductions. It is consistent with the precautionary principle established in relation to HRA. The Council's air quality consultant considers it the most likely scenario, and Natural England also accepts it to be the most appropriate Emissions model, set out within the HRA.
8. It would be unreasonable and lacking in scientific credibility to conclude that Emissions model A should be used as the basis on which to model future emissions and to assess impacts on the integrity of the SAC. Emissions model A assumes that vehicle fleet emissions make no improvement over the Plan period, the composition will remain unchanged from that at 2015 and that background emissions remain static. It allows for no emission improvements in conventional vehicles between 2015 and 2028 and assumes no electric vehicles will join the fleet. This is contrary to what is already known. Improvements arising from previous emissions regulations will continue to work through the fleet and further improvements will occur through national and international actions including the Clean Air Strategy and National Emissions Ceiling Directives to reduce background and vehicle emissions, together with the Road to Zero, which would require that by 2040 that no new fully petrol or diesel cars are to be sold within the UK. Whilst there may be other possible influences over nitrogen oxides and ammonia concentrations and nitrogen deposition, there is very little to suggest that such factors would have a significant effect. This position is therefore lacking in scientific credibility.
9. Yet despite this obvious evidential background and against the advice of Natural England, the Council relied on Emissions model A. Natural England and the

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Council's own Air Quality advisers consider Emissions model A likely to over-estimate future vehicle pollutant emissions. In coming to this conclusion, I have carefully considered the advice within Natural England's supplementary advice on conserving and restoring site features relating to the Ashdown Forest SAC and the non-statutory guidance published by the Institute of Air Quality Management in June 2019 that improvements in air quality should not be ignored. I have also considered the legal representations made, but the findings in the Dutch judgements (CJEU C-293/17 and C-294/17) are not equivalent to the issues before me in this case, noting that the reliance on autonomous measures is not in the form of mitigation, and that there is no attempt to avoid the need to engage with the Habitats Regulations. As such, they do not preclude an approach which takes into account anticipated improvements in air quality when establishing the future baseline of emissions over the Plan period.

10. The Council's approach was not justified on any reasonable assessment of the evidence. The Council chose not to follow Natural England's advice in this regard. Whilst the Council may be entitled to take a different view from the advice of a nationally important body and an acknowledged expert in the subject, it needs to support its position with adequate evidence. It did not do so but instead took a position which was in scientific terms lacking in credibility. In coming to this conclusion, I have carefully considered the detailed critique by Professor Sutton of both the Council's and other's evidence. However, it is clear that there is a significant problem with the substantial evidence base which supports the HRA and therefore the LP is not justified even if I had concluded that the DtC had been met.
11. There are other examples of inadequate engagement with Natural England. The Council purchased Natural England's Discretionary Advice Service from the later part of 2017 onwards, to assist in the preparation of its evidence to inform the plan and the HRA. But Natural England's long-standing advice on atmospheric pollution on Pevensy Levels was only accepted late in the day prior to the submission of the LP. The relevant changes both to the LP and Sustainability Appraisal (SA), could have been made before the Regulation 19 consultation version of the plan had been finalised. Moreover, the Council did not liaise with Natural England on the proposed allocations within the LP prior to the Regulation 19 consultation stage and was therefore unable to benefit from its expert advice in considering the impact of the allocations within the High Weald Area of Outstanding Natural Beauty.
12. I now turn to the way the Council approached cross-boundary issues with other authorities. Following the "Wealden judgement" of March 2017, the Ashdown Forest Working Group (AFWG) was formed, which included representatives from Natural England, other local planning authorities and the Council. The first meeting took place in May 2017. The primary role of the working group was to

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address the in-combination effects of traffic generation arising from proposed development in Local Plans on the Ashdown Forest SAC through the HRA in a robust and co-operative manner.

13. The AFWG is an important vehicle to share evidence and to enable the individual competent authorities to undertake effective plan making on a strategic and cross boundary basis with particular reference to the Ashdown Forest SAC. It provides, in theory, the opportunity for each local planning authority to work cooperatively with each other, on an ongoing basis and in a constructive manner to maximise the effectiveness of plan preparation. The AFWG membership also includes Natural England, who, as the Government's adviser, has a significant role in advising and being consulted upon the individual local authorities' HRAs and who, had, since the 'Wealden judgement', revised, and subsequently published, its internal advice re air quality matters.
14. The Council holds significant amounts of data which could potentially be of use to other local planning authorities in producing their evidence base and would support work on the strategic cross-boundary matter of air quality, with particular reference to impacts on the Ashdown Forest. However, the Council did not share the information on a constructive basis with all its fellow members of the AFWG. It redacted evidence, and initially withheld the specific location of transects and air quality monitors. Moreover, it only gave one week for the other AFWG members to look at the redacted document prior to its wider publication, giving little time for constructive engagement.
15. The reason given to withhold the full detailed information was that monitors had been vandalised and sabotaged in the past and this could happen again if the locations were made public. The Council would not even share detailed information with other authorities on a professional in-confidence basis, arguing that the locations would still be vulnerable to any Freedom of Information requests. However, since Natural England was allowed access to the data it was clearly illogical not to share the information with the other councils on a similar basis.
16. By repeatedly refusing to release data, the Council did not work constructively or in the spirit of cooperation. The other members of the AFWG had a legitimate interest in being able to interrogate, comment on, understand and potentially influence Wealden's evidence base which relates to a strategic matter of significant cross boundary significance. This active lack of cooperation is underlined as Natural England was allowed access to the data yet others in the AFWG were not.
17. The Council did eventually release some of the redacted information a month after the Air Quality Monitoring Reports were published. It provided the locations

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of the air quality monitors, where they were not co-located with ecological monitoring sites. However, by this time any opportunity for constructive input into the documents had passed. Moreover, not all the information was shared.

18. In August 2017 the members of the AFWG, including the Council, agreed to produce a Statement of Common Ground (SoCG). This would potentially have provided an opportunity for the Council to signal where it considered that it had cogent reasons to legitimately disagree with the approach of Natural England and other local planning authorities, and to increase a shared understanding of the technical issues between the different parties in relation to atmospheric pollution, vehicle emissions and its potential impacts on the integrity of the SACs. The production of the SoCG was to be facilitated by the Planning Advisory Service and to be completed and agreed by January 2018. The deadline slipped and a further deadline was set of March 29, 2018 but by that date the Council considered that it was not in a position to sign; it wished to raise further issues and to take further advice from its consultants. It eventually offered to sign the SoCG just before the South Downs National Park Authority was due to submit its submission plan to the Secretary of State, but this was too late for that plan given that the SoCG had been amended by the other parties to it following the Council's decision not to sign.
19. It would have been useful to all parties that the Council's position was accurately presented in the SoCG and that the technical differences between the parties were clear. It was stated in the minutes of the November 2017 AFWG and in various emails that where a party disagreed, the text within the SoCG would need to be concise and to the point but this did not occur. The Council's insistence on significant amounts of text being inserted into the document ensured that it was not in a position to sign at the appropriate time.
20. Lewes Downs SAC falls outside Wealden's administrative boundary and lies within Lewes DC and the South Downs National Park. The Pevensey Levels SAC extends into neighbouring Rother District. Through the AFWG, Eastbourne together with Lewes and the South Downs National Planning Authority had previously made the Council aware of the differences in opinion as to the potential impacts of changes in air quality on the SACs. However, in the production of this plan, none of the neighbouring authorities in which the SAC lie were directly asked to be involved with, and to engage constructively with the individual Air Quality studies relating to Lewes Downs and the Pevensey Levels SAC other than through the provision of data to inform the traffic modelling. Nor was there active engagement with the individual local authorities prior to the Regulation 19 consultation to consider how or if any mitigation was required and to consider any implications, including on viability, and how this would impact on other infrastructure requirements. It was not until Regulation 19 consultation stage that the Council determined that changes in air quality would not result in

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an adverse effect on the integrity of the Pevensey Levels SAC and prepared a proposed main modification to remove the relevant references from the LP. However, no update was made to the SA. Not directly approaching the Councils earlier, or even Natural England, demonstrates a lack of active, constructive and ongoing engagement.

21. Moreover, it was only halfway through the Regulation 19 consultation that the Council arranged a general briefing session on the HRA. As part of this session, a package of mitigation measures was discussed. These were linked to the SACs which fell within the neighbouring authorities. These mitigation measures included collecting a tariff which would go towards offsetting the alleged impacts of the atmospheric pollution on the two SACs. This session was too late for the local planning authorities to undertake meaningful engagement as the policies had already been drafted.
22. I turn now to the approach the Council took in respect of unmet housing needs in Eastbourne Borough. Eastbourne is a severely constrained borough, both physically and due to significant infrastructure limitations to growth. It is commonly accepted, including by the Council, that Eastbourne is unable to meet all its housing and employment needs. It lies within Wealden's Housing Market Area and shares a Functional Economic Market Area. As such, there is a close functional and geographical relationship between the two local planning authorities.
23. Its unmet housing and employment needs are strategic priorities. The Framework and PPG are explicit that local planning authorities should meet their own housing need and meet the needs of other authorities in the same housing market as far as is consistent with the policies set out in the Framework. This includes policies for the protection of the built and natural environment.
24. Work began on the Wealden Local Plan in early 2015, including meetings with neighbouring local planning authorities. Consultation took place on the Issues, Options and Recommendations Plan for six weeks in October 2015. At this point the proposed plan period was to run from 2013 to 2037 and the emerging plan specifically included additional housing to cater for some of Eastbourne's unmet needs.
25. However, by the March 2017 draft version of the LP, the end date of the proposed Plan period had been brought forward from 2037 to 2028 and the Council no longer intended to provide for any of Eastbourne's unmet housing needs. A DtC meeting took place in January 2017 between officers at Wealden and Eastbourne, where amongst other matters, housing matters were discussed, and in the Council's DtC evidence, three individual meetings are cited where the Council outlined its OAHN and its housing target to Eastbourne. However, the

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evidence indicates that there was no meaningful discussion about how Eastbourne's unmet needs could be met. The change in the plan period and the presentation of constraints were simply presented to Eastbourne without proactive discussion from Wealden Council about how the issue of unmet needs could be addressed within the original plan period. There is no sign that there was any meaningful discussion of scenarios or alternatives.

26. Eastbourne requested a further meeting in early January 2018 so as not to delay its plan making and to discuss a SoCG. After further requests, a meeting eventually took place in May 2018. Whilst this was before the formal Regulation 19 consultation had commenced, the Council did not respond constructively to Eastbourne's requests to engage. This meeting provided limited opportunity to influence the plan as by this time the LP was virtually finalised. It is clear from the email correspondence that the Council did not intend to constructively engage at this meeting for the mutual benefit of the two authorities but took the meeting simply as an opportunity to exchange information. This approach is reiterated in the language used within the Council's response to my Matters, Issues and Questions relating to the DtC. It appears these meetings, rather than being an opportunity to work collaboratively to address and find strategic solutions to overcome the serious obstacles to delivering development both in Wealden and in Eastbourne, were a forum to communicate the constraints which the LPA considered would prevent them from helping. For example, at the November 2017 meeting, which Eastbourne instigated to request a joint planning approach for the HMA of Eastbourne and Southern Wealden, the Council 'explained' or 'EBC were also made aware' of the nature of the constraints preventing it from taking on some of Eastbourne's housing needs. This is not indicative of constructive engagement.
27. Eastbourne had requested at the May 2018 meeting that a SoCG be formulated between both councils. The Council did not take up this opportunity to demonstrate effective cooperation and replied that a 'statement of working together' was a more appropriate approach. A draft Memorandum of Understanding between Eastbourne and the Council was circulated amongst officers on 11 December 2018. This sets out an approach for future cooperation between the councils but to my knowledge it is yet to be agreed. It was produced at a very late stage well after the closure of the Regulation 19 consultation and has therefore not had member approval. Even if the document had been signed, its initiation at such a late stage in the plan making process is not indicative of active, ongoing constructive engagement.
28. The PPG states that the outcomes of cooperation should be considered, not just whether local planning authorities have approached others. There was no constructive engagement to address the substantive strategic matter of Eastbourne's unmet housing needs, which remain for now unmet.

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29. The trigger for the review of the Plan under draft Policy WLP 13 provides a framework for considering Eastbourne's unmet housing needs in a future iteration of the plan, but those acknowledged needs have not been dealt with at the right time, which is now. Work on common areas of interest has not been diligently undertaken by the Council for the mutual benefit of the District and neighbouring authorities.
30. On the issue of broader co-operation, it is notable that my conclusions in regard to the Council's inadequate record in terms of engagement under the DtC are endorsed by the representations of 5 neighbouring local planning authorities: Rother District Council, Eastbourne Borough Council and a group who put forward a joint representation: Lewes District Council, South Downs National Park Authority and Tunbridge Wells Borough Council. They argued that the Council had failed to meet DtC in relation to air quality matters, cross boundary impacts on the SACs, Eastbourne's unmet housing and employment needs, and strategic infrastructure. On December 20, 2018 the Council's Director and Deputy Chief Executive Planning wrote to these authorities asking that they withdraw their objections in relation to the DtC, citing examples of recent actions that had been taken following the receipt of the Regulation 19 representations. However, the sending of such a letter at such a late stage in the process, less than a calendar month before submission, setting out examples of the Council's actions and requesting that the respective Councils withdrew their objections, does not remedy the failure throughout the preparation of the Plan to engage with these authorities. All five Councils have maintained their position.
31. Having regard to all the above, it is not possible to escape the conclusion that, had the Council properly engaged with and heeded Natural England's advice and had the Council properly involved itself in a constructive discussion with neighbouring authorities about both the impacts of the plan and the ability to help in meeting Eastbourne's unmet housing need, the overarching development strategy of the submitted LP – the planned quantum and distribution of development, and whether the Council considers itself to be in a position to be able to take any of Eastbourne's unmet housing needs – could have been different. As has been shown, the Council chose not to accept the advice of Natural England in respect of emissions modelling but selected a model which failed to take into account known factors influencing future emissions. This approach, by overstating future emissions and hence likely effects on the Ashdown Forest and potentially other SACs, has had the potential to magnify constraints, constrain development potential and so inappropriately influence possible development scenarios. The Council has not been transparent when presenting these constraints to Eastbourne Council and other authorities. It has not actively shared its evidence base and addressed key cross-boundary issues with other authorities in a timely manner (including contributing meaningfully to

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SoCGs) and has not worked collaboratively in jointly addressing the implications of the reduction of its plan period and has not engaged in constructive discussion in respect of the distribution of development and the accommodation of Eastbourne's unmet needs.

32. In conclusion, I consider that the Council has not undertaken constructive engagement with neighbouring authorities. The absence of such engagement means the submitted plan has not been shaped by an adequate consideration of the strategic issues discussed above, nor has the Council adequately engaged with neighbouring authorities to assist in their plan-making processes.
33. The Duty to Co-operate places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. If a local planning authority cannot demonstrate that it has complied with the duty at the independent examination of their Local Plans, then the Local Plan will not be able to proceed further in examination. I am sorry to have to tell you that it is my conclusion that the Council has failed in this legal duty and that the submitted plan cannot proceed further in examination. Whether you would choose to withdraw the Plan or await a detailed report, which is unlikely to add further detail than set out above, is a matter for you to consider and for you to advise me via the Programme Officer.
34. I have asked that the Programme Officer posts a copy of this letter on the website. However, I am not inviting comment from other examination participants.

Yours Sincerely

Louise Nurser

INSPECTOR

MEDIA RELEASE



001/20

6 January 2020

This media release is under EMBARGO until 10:30am, Monday 6 January 2020.

New approach to Local Plan

Wealden District Council is disappointed by the decision of the Planning Inspector to find that it cannot proceed with its current draft Wealden Local Plan.

“Throughout the Local Plan process, we have always tried to find the right balance between the need for growth in housing and employment land, and the need to protect our unique environment,” said Councillor Bob Standley, Leader of Wealden District Council.

“Our approach to protect the environment has been supported by our Councillors and many of our residents.

“Unfortunately, the Planning Inspector, following last summer’s Examination in Public of our Local Plan, has found that we put too great an emphasis on protecting the environment and that we need to do more to build houses in Wealden which our neighbouring councils cannot accommodate.

“Regrettably, this will inevitably have impacts on our communities. We acknowledge that there is already significant pressure on infrastructure; such as roads, doctors, dentists, schools and sports facilities. A requirement to build more homes will only have a greater impact on those facilities, which will require further investment.”

Councillor Ann Newton, Deputy Leader and Planning and Development Portfolio Holder, added, “We are disappointed at the time taken to reach this decision and the resulting uncertainty created since these issues were discussed in May last year.

“In recommending to withdraw our Local Plan and starting afresh, we will continue to do all we can to ensure that extra growth is accommodated in a way that is sensitive to the needs of existing residents. We will continue to strive for sustainable growth that provides infrastructure for our communities and is consistent with our commitment to become a carbon-neutral District.”

A full copy of the Planning Inspector’s findings of the draft Wealden Local Plan can be found on the Local Plan Examination pages of the Wealden website:

http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Wealden_Local_Plan/Wealden_Local_Plan_Examination.aspx

A new timetable for the Local Plan process will be discussed by the Local Plan Sub-Committee. Planning applications to the Council will continue to be decided on their merits, taking account of all material considerations.

Notes to editors:

For further information:

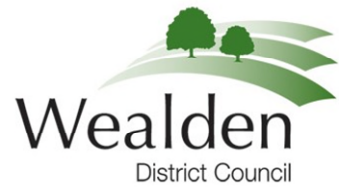
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Our Ref: IG/LtrONurserWLP140120
Date: Tuesday 14th January 2020
Your ref:



Director & Deputy Chief Executive
Planning, Policy & Environmental Services

Dear Ms Nurser

Thank you for your letter containing the outcome of the Wealden Local Plan Examination, which was sent to the Council on 20 December 2019. I understand that the Programme Officer, Ms Benton, is no longer working for you so I am sending this letter via the Plan Admin team.

The Council is disappointed with your conclusions concerning the failure on the Duty to Co-operate and that you consider our approach to the air quality issues within the Habitats Regulations Assessment was not justified and lacking in "scientific credibility". We are particularly disappointed in the time it has taken for you to forward your letter, since you indicated you would come to a conclusion by the end of August. I believe your letter was not sent to MHCLG until the end of October.

However, I can inform you that the Council will not be challenging the outcome contained in your letter, nor will we require a further detailed report. We will be recommending the withdrawal of the WLP at our Full Council meeting on 19 February 2020.

Yours sincerely



Isabel Garden
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FAQs for Wealden District Council Members

Outcome of the Examination in Public of the Wealden Local Plan

1. What is the outcome of the Inspector's letter?

Wealden District Council is disappointed by the decision of the Planning Inspector to find that it cannot proceed with its Local Plan as submitted to the Planning Inspectorate in January 2019. A formal recommendation will be made at the Full Council on 19 February to withdraw the Wealden Local Plan.

2. What is the process to withdraw a local plan?

The process of withdrawing a local plan is provided by legislation. To withdraw the Wealden Local Plan the Council is required to make a statement of the fact, notify consultees who have been involved in the process and to remove the availability of documents that relate to the withdrawn local plan.

3. Will the Council work on a new local plan?

Yes, the Council is legally required by Government to produce a Local Plan and national planning policy sets out that the planning system should be plan-led.

4. Will a new Local Plan be different from the Submission Wealden Local Plan?

Yes, a new local plan will need to be drafted in line with the National Planning Policy Framework (NPPF) which was published in February 2019. This requires Councils to enable developers to build an agreed number of homes each year to cater for anticipated growth in the district. The number of homes required is calculated using the method provided by the Government as published in the NPPF. This approach is based on published housing growth projections with an upwards adjustment to take account of affordability. The standard methodology provides a minimum figure for Wealden District to deliver of **1,231** dwellings per annum (this is the 2019/20 figure and due to be updated by MHCLG – though not expected to change significantly). This does not include any unmet need that the Council may need to deliver to meet neighbouring local authorities' unmet housing need.

A new local plan will therefore identify a new strategy for housing and employment growth in the district. Whilst this growth will need to be tested to ensure that it can be supported by appropriate infrastructure provision, in general and as required by the NPPF, a new local plan will identify where housing and employment sites will be located, where new facilities, services and new and improved infrastructure will come forward. It will also support economic growth and productivity, provide a choice of housing, protect the environment, the district's heritage and address climate change.

5. How will the new local plan be prepared?

We are currently identifying and considering options in relation to the best approach to prepare a new local plan. We consider that it is important to get this right from the start. However, in general, the process will include fresh evidence gathering including a new call for housing and employment sites.

Undertaking this evidence gathering and the consideration of this evidence in collaboration with partners and stakeholders will be key to developing policies and a sound, legally compliant and robust plan.

It will be important to undertake early engagement with Wealden members, to get an understanding of the key issues in each ward, and to ensure on-going engagement and scrutiny throughout the process. Other key stakeholders are Parish and Town Councils, neighbourhood plan steering groups and local communities.

The process will also include early engagement and collaborative working with neighbouring authorities and other statutory bodies. This will involve (as relevant) working on joint and proportionate evidence bases and considering cross border matters in a meaningful way to deliver positive outcomes.

The Planning Policy team is working on a project plan and a timetable will be provided for the production of a new local plan as soon as possible.

6. Does the council have a 5 Year Housing Land Supply?

No, not at the moment. The Council's Five Year Housing Land Supply position as of 1 April 2019 was 3.67 years based on the NPPF requirements and this has been documented within the Council's Authority Monitoring Report (AMR) 2018/19 in full and has been used for planning appeals. The Council had 4,742 (net) dwellings with planning permission (or sites with resolution to grant planning permission) as of 1 April 2019. At that time, in order to meet the Five Year Housing Land Supply position, the Council would require to have an additional 1,721 (net) dwellings to meet this minimum requirement. However, to ensure that the Council continues to demonstrate a Five Year Housing Land Supply position moving forward (that includes an appropriate buffer and mixture of sites), the Council would seek to meet at least 5.5 years of housing supply against its requirement that would have required an additional 2,367 (net) dwellings.

7. Until a new plan is produced, will this mean unrestricted growth by developers?

No, there will still be restrictions. Developers will still need to go through the planning application process. Applications will be determined using the NPPF and National Guidance, Adopted Local Plans including the Core Strategy, The Affordable Housing Delivery Local Plan, saved policies from the 1998 Local Plan and Adopted Neighbourhood Plans. These plans are on the Council website (http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Res_PlanningPolicy.aspx)

Although the saved policies were drafted in 1998, many of the policies are still relevant and are aligned with the NPPF. In addition, we will still have planning committees who determine approvals or refusals, and also the right for applicants to appeal to the Planning Inspectorate where an application is refused.

8. Will we have acceptable grounds to resist development – won't we just lose all our appeals?

Appeals will be decided on the basis of each individual set of circumstances. The quantum of growth is significant and we are considerably short of a five year housing land supply. The NPPF is clear that permission should be granted unless:

The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In practice, this means poorly located, inaccessible sites or those within exposed and protected landscapes are unlikely to take growth at this stage. It might happen as part of a managed incursion but that would happen as part of the new local plan.

Over the last 6-8 months, the appeals record has been outstanding. We have won more appeals in this period than for the entire 18 months prior to this. In many, if not all of these decisions, Inspectors placed limited to no weight on the Submission Local Plan 2019. Yet, appeals were being dismissed. The appeal record speaks for itself – poor sites unsuitable for development can and will be rejected.

9. What about pressure on infrastructure – roads, GP surgeries and schools. Surely we should refuse all planning applications unless/until we can properly plan for the growth?

We must remember that CIL is in place and it means that chargeable development will result in a CIL receipt as part of the application process. This pot of money will fund new infrastructure and improve existing infrastructure including roads, education and the provision of healthcare. The availability of CIL will be noted by Inspectors and taken into consideration in their consideration of any appeal.

We will also be stepping up our efforts to work with our partners, including ESCC to draw in alternative funding sources to the District. A good example being the Major Road Network (MRN) bid for major highways interventions to the A22 around Hailsham.

10. What about all the applications already lodged, including some sites that have been submitted for years?

It is correct there is a large backlog of applications. Many of these were held over pending outcome of the Wealden Local Plan Examination in Public. Some of the sites are in good sustainable locations where jobs and homes can be permitted, yet they were just beyond the strategy in the 2019 Local Plan. All other things being equal, these sites can be supported and where required, they will be brought to committee in due course.

Other sites will not be supported for various reasons, including poorly located land, sites in flood plains and land with adverse heritage and AONB impacts. These will be recommended for refusal. If members have a specific site in mind and are unsure

of how it will now measure up – talk to the case officer, or one of the senior officers in Development Management.

11. Will the withdrawal of the Wealden Local Plan affect Neighbourhood Plans?

National Planning Practice Guidance (NPPG) is clear that a neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan. The current adopted development plan is the Core Strategy and the Affordable Housing Delivery Local Plan. The withdrawal of the Wealden Local Plan will therefore not impact on those Neighbourhood Plans that have been prepared and submitted for examination (Hailsham and Hellingly) or are in the final stages of preparation.

12. How will Neighbourhood Plans be affected by the preparation of a new Local Plan?

Neighbourhood Plans can be prepared at any time. This is recognised by the NPPG. A neighbourhood plan is not tested against policies in an emerging Local Plan, however, the emerging evidence and direction of a new Local Plan will be relevant to producing a neighbourhood plan. It will be important for both Wealden District Council and Neighbourhood Plan groups to work collaboratively to share information and evidence as it becomes available and to ensure that both neighbourhood plans and local plans are complementary to each other. This will ensure that neighbourhood plan policies remain relevant should these be 'made' prior to the adoption of a new Local Plan. Should there be conflict between policies in a neighbourhood plan and a local plan then conflict is resolved in favour of the policy which is contained in the last document to become part of the development plan.

13. Does the withdrawal of the Wealden Local Plan affect Conservation Areas?

No. There are 33 conservation areas in the part of Wealden District where the Council is also the Local Planning Authority (there are a further 8 within the South Downs National Park managed by the Park Authority). A review of the boundaries for these conservation areas commenced in 2015, leading to their designation in March 2017. This designation is a separate process from the local plan and remains valid. The weight to be afforded to the boundaries as part of the decision making process for applications is therefore unaffected.

In addition, the Council has been working on draft Conservation Area Character Appraisals for each of the conservation areas. Around a third of these assessments are complete and viewable on the Council's website here:

http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Heritage/Conservation_Areas/Plan_Conservation_Areas.aspx

We will continue to add more to the website as they are completed, prior to going through the formal adoption process. In the meantime, the draft Character Appraisals can be used to help to guide and control development – noting of course their draft status.

I Garden, 14 January 2020.

Report to: Hailsham Town Council

Date: 29th January 2020

By: John Harrison, Town Clerk

Title of report: MOTION 173 – NAME BADGES

PURPOSE:

To consider a motion submitted to the Town Clerk by Cllr Tasane, seconded by Cllr Ricketts.

BACKGROUND.

We wish to put the following motion before full council on Wednesday 29th January 2020.

The motion being that the council introduce the wearing of name badges/lanyards, to be worn at all council meetings and council sponsored events.

This would assist in the recognition of councillors to members of the public and currently only happens at the Annual Town Meeting.

Proposer: Councillor Craig Tasane

Seconder: Councillors Anne Marie Ricketts.