

**Lewes District Council**

Meeting: Devolution Committee
Date: 14 January 2019
Subject: Devolution of Open Spaces to Town and Parish Councils
Report of: Mark Langridge-Kemp, Interim Head of Property and Facilities

The Cabinet is asked to consider the minute and resolution of the Devolution Committee held on 14 January 2019 as set out below.

Minute extract
Devolution Committee – 14 January 2019

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

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

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

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

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

Paragraph 2.3 of the report stated that there was currently no official management agreement in place for the Riverside Country Park. The

Committee noted that East Sussex County Council (ESCC), who own the majority of the freehold of the site and LDC who own the rest of the site propose that an agreement is put in place to regularise the management of the whole site with NTC by way of a lease/management arrangement. NTC had declined to take freehold ownership of the site due to the level of liabilities associated with the former landfill site. The Committee agreed to recommend to Cabinet that the Council enters into a lease/management arrangement for Riverside Country Park on terms to be agreed, subject to clarification being given to Cabinet regarding the maintenance/special expenses liabilities. The Interim Head of Property and Facilities confirmed that he would seek clarification. If approved, confirmation of the lease/management arrangement terms would be reported back to Cabinet before completion of the lease/management agreement

NTC had requested that land known as Lewes Road Recreation Ground be devolved to the Town Council with a variation to the boundary to reflect the boundary of the previous landfill site. A variation to the standard form of transfer document was proposed so that specific development, commensurate with the use of the site, could take place at that site. A caveat would be put in place to preserve primary use of the site as open space/ recreation ground.

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

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

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

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

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

Resolved:

(1) That the progress on Devolution be noted;

To recommend to Cabinet:

(2) That the lease/management arrangement for Riverside Country Park with Newhaven Town Council on terms to be agreed and to be reported to Cabinet before completion of that lease/management arrangement;

(3) Amending the existing boundary line at Lewes Road Recreation Ground, Newhaven to reflect the boundary of the previous landfill site to enable devolution of the Lewes Road Recreation Ground to Newhaven Town Council, in line with the Council's adopted usual form of transfer subject to amendments referred to in paragraph 2.5 of the report;

(4) That the variation of the standard form of overage provision to allow a specific development, commensurate with the use of the site, to take place at Lewes Road Recreation Ground, Newhaven as outlined at paragraph 2.5 of the report, be agreed;

(5) Devolution to Lewes Town Council of that part of the land at Mountfield Road that is not held in trust and to lease the car park back to Lewes District Council; and

(6) That the devolution of Hollycroft Field to East Chiltington Parish Council, be agreed on the basis that the whole of the site including grass verges will be transferred, subject to due diligence and associated matters and agreement on the future maintenance of the site.

Reasons for decisions:

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

For a copy of the report please contact Democratic Services

Tel. (01273) 471600.

E-mail: committees@lewes-eastbourne.gov.uk

A copy may be downloaded on the Council's website by following the link below:

<http://democracy.eastbourne.gov.uk/mgGeneric.aspx?MD=CommitteesLanding&bcr=1>