



Minutes of the meeting of Rottingdean Parish Council on Monday, 7 February 2022 at 7.30 pm.

Present: Cllr John (Chair), Cllr Sheppard, Cllr Lawrence, Cllr Turnbull, Cllr Nixon, Cllr Poole, Cllr Fox.

Chris Hayes, Parish Clerk (Minutes)

Public Gallery: Ward Cllr Fishleigh, Mr Moll, Richard Harris, Alison Wright, Ken Bodfish, John Bustard, Dyllis Brown.

Questions from the public:

Mr Moll asked if there were plans for the Parish Council to resume locking Kipling Gardens gates overnight as he was concerned about noise from young people in the gardens after dark and litter left for volunteers to pick up. Mr Moll offered to volunteer to assist. **Cllr John (Chair)** said that a group of volunteers had been responsible for locking up the gardens but discontinued the practice. **Cllr Lawrence** said that she would pass on the offer to the group of volunteers who assist the gardener who were considering a rota to lock the gardens.

Richard Harris said he had written to the Parish Council about the broken railings around the pond and their general state of repair but no action had been taken. **Cllr Turnbull** said he had reported the broken railings to the City Council and would chase up the matter. As regards the general state of repair **Cllr Turnbull** said that the railings were due to be repainted as part of a plan to provide a new path around the pond adjacent to the Plough that he hoped would shortly get underway.

Sean Flanagan raised a concern about the levels of dust arising from construction work on the St Aubyns development. He said this was affecting his health and that of many residents living close by. He asked the Council to request that the City Council measure the dust density and particulate size as a matter of urgency. **Cllr Nixon** said Councillors would be visiting the site the following day and would raise the matter with the developer, Fairfax.

Ken Bodfish raised a concern that the newly installed steps at the right-hand side of Field House had no provision for people with mobility issues which would prevent them accessing the new

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housing development and beyond from the High Street. **Cllr Nixon** said he would raise the matter with developers.

Alison Wright asked the Council if rubbish that had accumulated along the Twitten could be removed and also expressed concern at the extent to which hedging along the Twitten had been removed. **Cllr Nixon** said that the hedging that had been removed at the south end of the Twitten in line with planning consent and in other places along the Twitten to enable new entrances from the Twitten to the Field. **Cllr Nixon** said he would take up the matter of rubbish with the developer.

Dylis Brown said that the dust arising from the St Aubyns development was affecting her health that, together with the level of noise from the site and heavy lorries visiting it, was preventing her and her neighbours in Kipling Court from opening their windows. **Cllr Nixon** said as a local resident himself he did appreciate her concerns and would take the matter of dust up with the developers. **Cllr Nixon** also said that while the Construction Management Plan ensured that work could not be undertaken during unsocial hours and most of the weekend, it had to be recognised that this was a major development site.

1. Apologies for absence

Cllr Cherrie and Cllr Levins

2. Declarations of interest

None

3. Agreement of the minutes of the Parish Council meeting on 10 January 2022

The minutes were agreed.

4. Matters arising

(i) Action Log. The Clerk advised the meeting that all actions had been cleared.

5. St Aubyns

(i) Report from the Working Group. **Cllr John (Chair)** opened the discussion by thanking the Working Group and everyone supporting their work to ensure that the Council were fully informed of the implications and opportunities of accepting the transfer of the Field and associated buildings. **Cllr Nixon** gave the following update in addition to the due diligence report circulated (see Annex A).

- a The response on social media to the article in Rottingdean Village News had been positive.
- b Responses to letters sent to community groups seeking their views had also been very supportive of the Parish Council accepting the transfer and bringing the Field, Chapel and Pavilion into community use.

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- c An architect had been appointed to sketch out possible future uses for the Chapel and Pavilion. This included the addition of toilet and kitchen facilities. These ideas were to be discussed with the Heritage Planning Officer at Brighton and Hove City Council (BHCC) at an on-site meeting on 8 February.
 - d Work stream groups on the future financial liability, future uses of the assets and possible future Governance arrangements for the Field and buildings had met since the last Council meeting.
 - e Following the discussions with Fairfax on 10 January, work had been undertaken to develop an agreed plan to bring the Field to a good state of repair before handover. In addition, Fairfax had agreed to provide additional land to the north and south sides of the Chapel which would enable a path and an extension to be built should the Council wish to add new facilities.
 - f Legal advice indicated that a positive response to the transfer offer, which was required under the Section 106 agreement by 22 February, would not be legally binding on the Council but subject to a contract and transfer deed being agreed.
 - g The due diligence report had been completed and circulated to Councillors to enable a decision on the transfer that evening.
 - h Should the Council vote to accept the offer, the Working Group would start work on a project plan and aim to present a first draft to the March meeting of the Council.
 - i The Working Group would continue to meet monthly with the work streams meeting as required.
 - j **Cllr Poole** said that a surveyor needed to be engaged to support work on the details of the transfer. He said he had received two quotes on which he would need to seek urgent approval.
- (ii) Decision on the offer of the transfer of St Aubyns Field, the Pavilion, War Memorial and Water Fountain and the Chapel. **Cllr Nixon** said that the Working Group recommended that the Council accept the transfer of St Aubyns Field, Chapel, Pavilion, War Memorial, and water fountain. **Cllr Nixon** then read out the following motion as notified to Councillors prior to the meeting:

The Parish Council accept the transfer of the Playing Field Land, along with the Pavilion, war memorial and water fountain and the Chapel on the basis of a transfer deed that incorporates the matters agreed with Fairfax at the meeting on 10 January 2022 and in subsequent correspondence

The motion was proposed by **Cllr Nixon** seconded by **Cllr Sheppard** and unanimously approved.

6. Lower High Street

- (i) Report from the Working Group. Cllr Turnbull provided the following update:
 - a. The response to the public consultation on the concept design had been overwhelmingly positive but a number of issues had been raised, primarily by residents in the street, about vehicular access and parking, potential noise from

outside dining, the sensitivity of the plans to seasonality and wider concerns about the potential costs of the proposals.

- b. The Working Group had considered the responses and how the design might be amended to take account of the issues raised.
- c. The next step was to discuss ideas on changes to the concept design with the Project Board prior to the presentation to the Council. A further round of consultation would then be undertaken.
- d. At the meeting with Nick Hibberd from BHCC in November it had been made clear that in order to become part of BHCC's Infrastructure Development Plan a deliverable package of changes would need to be developed.
- e. **Cllr Turnbull** proposed that quotes were obtained to get external expertise to take the design to the next stage and enable the Parish Council to access City Council expertise including in developing a first phase that would be suitable for a funding bid. This was agreed.

The following points were made in discussion:

- The initial concept design was looking increasingly impractical as a whole
- The negative feedback should not be seen as a 'showstopper' but something that needed to be considered in adapting the design without compromising the essential principle of the project.
- The intention should be to move forward with a phased approach which could initially include changes to the signage to reduce vehicular access that could be achieved within existing resources.
- Urban Movement, who had provided the concept design and had good contacts with BHCC, would be one of the candidates to provide external expertise.
- It may be possible to close off the area for events over the summer to demonstrate how the area might be used in the future.

Cllr Turnbull proposed that the Working Group should seek quotations to engage expertise for the next phase which was agreed.

7. Finance Update

- (i) Payments and Invoices. The Clerk presented the following payments for authorisation:

		VAT
HMRC January	£546.01	
C Hayes Salary January	£722.13	
C Hayes Expenses (zoom)	£11.99	£2.40
C Hayes (Phone)	£30.00	
D M H Stallard (Searches)	£1151.10	£47.22
J Whiting (Surveyor)	£2000.00	£400.00

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Room Hire (including advance to February 2023)	£704.00	
Christmas Tree Box	£10.49	£2.10
R J Meaker (posts on Village Green)	£1782.00	354.40
Total	<u>£6957.72</u>	

Authorisation was proposed by **Cllr Turnbull**, seconded by **Cllr Poole** and agreed unanimously.

- (ii) Bank balances. The Clerk advised the meeting that the Parish Council bank balances at the end of January 2022 were.

NatWest Current Account (cash)	£	100.00
NatWest Reserve Account	£	85,474.27
Unity Bank Current Account	£	500.03
Unity Bank Instant Access	£	16,944.87
C&C savings account	£	85,012.44
Cash in Hand	£	188,031.61

The Clerk also noted that £150 of unspent grant funding had been repaid by St Margaret's Church.

- (iii) January Accounts. The accounts were presented and agreed.
- (iv) Precept for 2022/23 – paper circulated (See Annex B). The Clerk took the group through the paper circulated and asked the Council to agree the precept level for 2022/23. The following views were expressed in discussion:
- A 5% rise in the precept, although in line with inflation forecasts, seemed too high given the financial pressures on households and would not raise significant additional funds
 - In view of inflationary pressures on household incomes the precept should be kept at the present level.
 - If the precept was to rise it would be important to tell residents how the money would be spent.
 - Some increase was reasonable given the funding pressures on the Council in future years.
 - A 2% rise would be reasonable and have only a marginal impact on residents.

A precept increase of 2% was proposed by **Cllr Turnbull** seconded by **Cllr Poole** and unanimously agreed.

Action the Clerk to write to Brighton and Hove City Council informing them of the Parish Council's decision.

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8. Planning

- (i) **Cllr Sheppard** took the meeting through the following applications considered in January:

BH2021/04466 15 Welesmere Road Rottingdean Brighton BN2 7DN

Erection of side extension including attic roof extensions, rear terrace extension incorporating non-habitable rooms below, installation of front side & rear rooflights, alterations to external facade, landscaping and provision of 2no additional car parking spaces.

Rottingdean Parish Council's planning panel considered the documentation related to these applications and visited the site making observations to the front of the property. The Panel considered that the proposed erection of a side extension including attic roof extensions, rear terrace extension and other installations, alterations and landscaping would be proportionate and in keeping with the existing building and that it would not impose unduly on neighbouring properties. Rottingdean Parish Council planning panel did not object to this application.

BH2022/00072 Land South Of Ovingdean Road Brighton

Erection of an enclosed substation with associated parking and landscaping to serve the residential development at Land South of Ovingdean Road Brighton.

Rottingdean Parish Council considered the above application relating to the construction of an electricity substation located on the edge of the Meadow Vale development adjacent to Ovingdean Road measuring 4.7m x 4m with a pitched roof with a maximum height 4.2m The Panel noted that the applicant had made a previous application for this same construction as a non-material change but that BHCC had rejected this application as they considered the substation to be a material change.

Rottingdean Parish Council were conscious that this was an extremely sensitive site and that particularly it would impact on what had been designated as an open space. The parish Council indicated it would expect that if this application was approved by BHCC then there would be a clear expectation that the area surrounding the substation should be landscaped in such a way as to make it unobtrusive.

BH2022/00116. The Cottage Lustrells Road Rottingdean Brighton BN2 7DS

Erection of single storey rear extension to replace existing and enlargement of existing roof terrace"

Rottingdean Parish Council's planning panel considered the documentation related to this application and visited the site making observations from the front of the property. The Panel recognised that the proposed construction of a single storey rear extension to replace the existing build had very similar dimensions to the existing extension and that it was proportionate and in keeping with the existing property. In relation to the proposed construction of a roof terrace on top of this extension the Panel assumed that given the distances between properties that such a terrace would not impact on either neighbour's privacy. Rottingdean Parish Council did not object to this application.

BH2022/00181 4 Meadow Close Rottingdean Brighton BN2 7FB

Erection of a single storey rear extension

Rottingdean Parish Council's planning panel considered the documentation related to this application and visited the site making observations from the front and to the side of the property. The Panel considered that the proposed construction of a single storey rear extension was proportionate and in keeping with the existing building and that it appeared that the extension would not impose unduly on the adjoining neighbouring property since it is considerably below the present roofline. Additionally, the Panel noted that the line of the extension into the rear garden was very similar to neighbouring housing further along the street. Rottingdean Parish Council did not object to this application.

Cllr Sheppard also provided the following update:

- Planning applications BH2021/03398 - 6 Welesmere Road and BH2021/03832 - 18 Park Road had both been approved by BHCC
- The Parish Council (RPC) had suggested to the BHCC street naming team that the name 'Vaughan Williams Way' should be the name of a new road in the St Aubyns development. They had been pleased to learn that this has been agreed. Vaughan Williams, musical composer was a pupil at the school from the age of 11 in 1883 until he left in 1887 at the age of 15.
- The suggested road name Fairview Place put forward by the Ovingdean residents association and supported by RPC was turned down by the BHCC street naming team as there was already a similar name in Brighton. The name Allingham Way had now been suggested after Henry Allingham who as a distinguished war veteran resided at St Dunstons in Ovingdean up until he died in 2009 at the age of 113. All members agreed that this was a very suitable name.

Action: Cllr Sheppard to inform the road naming team that the Parish Council would support this suggestion.

9. Advisory Group Meeting Updates. In opening this part of the meeting **Cllr John (Chair)** reminded the advisory groups to provide a note of meetings that could be placed on the website and, where not already in place, to develop terms of reference. **Cllr John (Chair)** also advised the meeting that contributions were now needed from advisory groups and working groups for the Annual Village Newsletter that would be published in April.

- (i) Strategy and Communications In addition to the paper circulated **Cllr John (Chair)** provided the following update:
 - a SCAG had met during February and agreed the precept paper, updated the Infrastructure Development Plan that would be placed on the website and copied to BHCC and discussed capacity given the work arising from St Aubyns and the Lower High Street project.

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- b The Group proposed to organise a member's workshop in mid-March to consider future work plans and allocation of the precept.
- c The Section 106 group had met in early January and Cllr Turnbull had attended a Local Action Team (LAT) meeting. The LAT had garnered ideas from a number of community and representative groups and were to present a list to BHCC. The Parish Council's suggestions included improvements to Kipling Gardens, the reinstatement of abandoned allotments, a package of ideas from the Bowls Club, improved disabled access to the Beacon Hub and Reserve from Marine Drive, refurbishing the surface of the tennis courts and improvements to children's play areas.
- d The Section 106 funds for Sustainable Transport were outside the LAT's remit and the Parish Council were to submit four proposals to BHCC:
 - i Upgrading the paving and kerbing around the village
 - ii Resurfacing the Twitten and improving the lighting
 - iii A New pedestrian crossing across Steyning Road opposite the Twitten.
 - iv Pedestrian safety barriers placed where new pedestrian exits will be installed around the St Aubyns field.

It was agreed that these would be put forward to BHCC (copied to Ward Cllrs and the LAT) to meet their deadline of 11th February and to be voted on at the LAT meeting on 23rd February.

- e. On the Neighbourhood Plan, the consultant, Andrew Ashcroft, had made progress in discussions with South Downs National Park on the Strategic Gaps policy. This and other amendments meant that the Plan would need to be reworked quite significantly prior to submission to BHCC for them to consult on and appoint an Independent Examiner to review it. In the meantime, the Working Group were reviewing a summary of residents' comments and the responses to points raised.
 - f. The Clerk's Annual Appraisal and Pay Review were being arranged for mid-March.
- (ii) Built Environment In addition to the paper circulated **Cllr Sheppard** (Chair) provided the following update;
- a Following a request made by RPC at an AQMA Working Group meeting, a sign had been installed in the High Street near to Costa's to alert drivers travelling north that they were approaching the zebra crossing where pedestrians crossing from east to west could often be obscured by traffic waiting to the north of the planter.
 - b A request had been made to the BHCC Streetlighting Manager for a meeting in Rottingdean to clarify when the final two pieces of outstanding work will be completed.
 - c The costs for the three replacement gateway signs into Rottingdean was £1,946.35. This was approved. Cllr Sheppard to action.

- d The works in Whiteway Lane would be carried out over the next few days. This would involve cleaning the surface of the lane, refreshing existing road markings and the painting of double yellow lines as per the Traffic Regulation Order (TRO). This would mean that refuse and emergency vehicles would not be impeded by parked vehicles.
- e Cllr Sheppard had visited Longhill School to meet with Assistant Head Kirsten Abingdon to discuss mutual concerns around pupils crossing the Falmer Road after dismounting buses at the bus stop on the east side of the Falmer Road opposite The Vale. The school would gather specific data and then a further meeting would be arranged to consider the next steps.
- f Two road marking options have been put forward by BHCC to be considered as a possible TRO to discourage speeding and anti-social parking in Newlands Road. These would be looked at by Cllrs Nixon and Sheppard and then a meeting would be held with BHCC officers to consider further.
- g At RPC's request, redundant road signage on the grass verges in Steyning Road and Royles Close had been removed.
- h The flickering streetlight on Marine Drive high above the High Street junction which was reported by RPC in mid-December and again in mid-January had been reported again as it was a possible distraction for drivers.
- i Cllrs Sheppard and Poole attended a further consultation workshop organised by ESCC to sift previous ideas and suggest additional proposals that might improve the South Coast Corridor between Eastbourne and Ovingdean including pinch points and pedestrian safety. Once the process is completed a bid would be submitted for central government funding.
- j After having been made aware of traffic cones being placed across the road on the Quarter Deck in the Lower High Street BEAG requested their removal. This was carried out by BHCC but further cones had since appeared. These were to be removed.
- k Following the installation of one way directional signage at the bottom of Hog Plat, BEAG requested similar signage to alert drivers coming out of Olde Place Mews. A sign had since been installed opposite the exit.
- l It was reported to BHCC that the streetlight outside the Village Hall in Park Road was not operational. This had now been repaired.
- m A resident had written to the Parish Council about the difficulties for residents who live in the High Street area finding parking spaces and suggesting that a residential parking zone could be a possible solution. Cllr Poole will carry out an audit of the current situation and the BEAG group will discuss further and decide whether to recommend that such a scheme be considered. It should be noted that in the last RPC survey in 2020 this suggestion was not well supported.
- n There were ongoing concerns over the car parking situation at the lower end of Nevill Road. Cllr Poole would look at this area as part of his overall car parking audit.
- o It was noticed that the pedestrian crossing traffic lights on the A259 adjacent to Chailey Avenue were faulty. This was reported and promptly repaired.
- p A '20 is Plenty' sign on a lamp post on The Green opposite the Bowling Club that had been removed due to repainting of the lamp post had been replaced.

- q A pedestrian lit bollard on the traffic island on the A259 at the junction with Nevill Road was out of action and had been reported to the BHCC Streetlighting Team.
- r A resident had expressed concerns over the condition of the pavement and verge outside two properties in Ely Drive. Cllr Sheppard visited both sites which he noted were undergoing significant building works and the resident who had the concerns had been informed that BEAG will monitor the situation after the building works had been completed.
- s A resident raised questions at the January RPC meeting over his concerns around the impact of the traffic particularly in the High Street area of Rottingdean and what the Parish Council have done about this. A written response was sent to the resident and copied to Cllr Fishleigh.
- t A resident raised concerns over dog fouling the path close to a particular property. A sign reminding dog owners not to let this happen had been put in place. The resident thanked RPC.
- u BHCC's 'Shift Project' had installed two additional disabled parking bays and associated car charging points in the Marine Drive car park to obtain feedback on their use from drivers holding a Blue Badge. The trial would last until the end of March.
- v A small round drain cover in the Falmer Road which had a hole in it had as a matter of urgency been reported to BHCC for repair.
- w BHCC's ETCS committee recently voted to increase car parking charges across the City. As an example, the hourly charge for parking in Rottingdean's West Street car park would increase from £1.20 to £1.40 an hour.
- x The agreed work on the bollards on the Village Green was carried out by staff from Meakers last Thursday and Friday. 23 bollards were replaced, and others were reset and sawn to the same height as the new bollards. Payment to be made once invoice is received.

(iii) Village Community. In addition to the paper circulated, **Cllr Lawrence** provided the following update.

- a The new village notice boards were to be installed in late February and Cllr Fox was to contact organisations who might make use of them
- b The group were continuing to research views on village resilience with a view to developing advice for the Council
- c Cllr Cherrie was undertaking work to consult residents on how the village can support BHCC's Active Travel Policy
- d The group had been gathering ideas from various parts of the community on Platinum Jubilee celebrations which included family picnics on the Green, musical events and a pudding competition. A forum was being set up to organise and plan the events and would meet at the end of February.
- e The group were also discussing an event to celebrate the 150th anniversary of Ralph Vaughan Williams birth with Rottingdean Arts and Arthropod Arts.

(iv) Natural Environment **Cllr Turnbull** provided the following update;

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- a The South Downs National Park were seeking comments from the Parish Council on the Government response to recommendations made in the Landscape Review of Protected Landscapes led by Julian Glover. The proposal was to adapt the response to the recent BHCC Downs Strategy Consultation.
- b The Beacon Hill Stewardship Group had met and discussed;
 - i Sheep grazing - concerns about the timing and duration of grazing of the Central section of Beacon Hill were being discussed with the City Parks Ranger.
 - ii Section 106 bids that included replacing fencing at the south side of the reserve, a permanent beacon on the Reserve, tree planting, improved access for people with mobility issues from the Marine Drive entrance.
 - iii An idea for a pond in the reserve was also being pursued
 - iv The City Parks Ranger, Nick Lane, was to ensure any Beacon arrangements to celebrate the Platinum Jubilee were safe and had minimal impact on the wildlife given that the celebration would take place in mid-summer.
- c It would not be possible to match the existing paving in the new path planned for the area around the pond adjacent to the Plough.
- d An arboriculture report had been produced by BHCC on tree die-back on the north and south woods from disease which would require significant felling. Discussion was ongoing about how to best replace the trees.

The meeting closed at 9.50 pm. The next meeting will be on 7 March

Chris Hayes, Parish Clerk

February 2022

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Date

St Aubyns Due Diligence Report

4th February 2022

From Councillor Nixon

To: All Councillors

Assessment and validation contributions by: The St Aubyns Working Group and the St Aubyns Workstreams (1.Chapel, 2.Field and Pavilion and 3. Governance and Management model)

The purpose of this document is to provide a reference for RPC to decide whether to accept the transfer offer of the St Aubyn's Field, Pavilion, Chapel, War Memorial and Fountain made by Fairfax on December 1st 2021 as laid out in the relevant section 106 agreement.

Background

1. The abrupt closure of the St Aubyns school in 2013 prompted Rottingdean Parish Council (RPC) to partner with the City Council to put together a design brief to ensure a mixed high-quality development to meet local housing needs, respecting its position next to the Conservation Area. The strength of local feeling that the playing field should be preserved as far as possible, was evident in the support for the campaign led by SAFE (St Aubyns Field Evergreen). This community reaction has been recognised by the inclusion in the planning consent of a requirement for the developer (Fairfax Properties) to offer the transfer of the following assets for public use under the stewardship of RPC.
2. Under the section 106 agreement linked to the planning consent dated 8th February 2019 between Fairfax and BHCC, no more than 50% of the new dwellings can be occupied until the developer has offered to transfer St Aubyn's Field along with the Chapel, Pavilion, war memorial and water fountain to Rottingdean Parish Council(RPC) or a body formed by it. If RPC accepts the offer Fairfax cannot permit more than 75% occupation of the dwellings until Fairfax has sent to RPC a transfer agreement for signature by RPC or a binding contract is in place between Fairfax and RPC.
3. If RPC declines the offer then the developer may not permit more than 85% occupation until it has transferred the field and buildings to a management company.
4. There are restrictions in the s106 agreement on the future use of the land. The field may only be used as a public open space for formal and informal recreation by members of the public and not for any trade or business. The Pavilion is part of the public open space and its future use must be ancillary to it. No development requiring planning permission may take place unless it is for the purpose of installing play equipment. The Chapel may only be used for the purposes specified in a March 2021 Deed of Variation to the s106 agreement and subject to planning approval. These purposes are community benefit uses and include a nursery, museum, cinema, public meeting place etc.
5. The field and legacy building/structures need to be handed over in a good state of repair including the connection of mains electricity, water supply and sewage, but it will be necessary to negotiate separately with Fairfax any additional works required to support the future uses of the buildings. RPC would receive a one-off payment of £350,000 (increased in line with building cost inflation between 2019 and payment) as part of the transfer to serve as a future maintenance fund.

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6. The S106 agreement is a contract binding on BHCC and Fairfax and its successors in title to the development site and field. As RPC is not party to this agreement it has no right to enforce them or prevent a variation being agreed.

The Proposition

7. Fairfax made a formal offer to transfer St Aubyns Field, Chapel, Pavilion and the war memorial and water fountain to RPC on December 1st 2021 as outlined in the Section 106 agreement. RPC has 12 weeks in which to respond. Fairfax have indicated that they aim to hand over the assets around September 2023 on completion of the development. If RPC decline this offer, Fairfax will hand over the assets to a private management company to run.

8. The development will have its own private management company that will own and manage the common areas of the estate from service charge paid by the estate's residents. If RPC refused the transfer, then the Chapel, Pavilion and Field will simply be incorporated as part of that estate and will be managed and maintained by the management company. While there are covenants set out in the S106 agreement prohibiting development of the Field, and retaining it for the benefit of the community, a management company would own the freehold and it would be for Brighton and Hove City Council to police these covenants. RPC would have no control over the maintenance or further development and potentially very limited influence over the use of the assets.

9. In determining whether or not to accept the offer and consequently proceed to development of a transfer document, Councillors have reviewed several aspects of due diligence:

- i) Confirm the potential community benefit of RPC (or a body formed by it) acquiring the St Aubyns Field, together with the Pavilion, the Chapel, the Memorial, and the Water Fountain.**
 - **Field**
 - A large (3.5 acres /1.4 hectares) green open space at the heart of the village and includes a small Local Area of Play for <6 year olds.
 - The strength of local feeling that the playing field should be preserved as far as possible, was evident in the support for the campaign led by SAFE (St Aubyns Field Evergreen) at the early stages of planning discussion.
 - Of the assets to be transferred, the Field, as an open public space, is the one that will bring the biggest benefits to all residents of the village and will remain a public open space whoever manages it.
 - It is restricted to recreation use only with no business or trade permitted. However, Part 4 class B of the General Permitted Development Order allows 28 days of temporary events over a year.
 - There is potential to develop the use of, or add facilities to, the field for different community or age groups according to local needs and consultation e.g. play area, outdoor gym, wooded area.

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- The financial value of the assets and their revenue generation potential is limited due to Open Space covenants.
 - An average annual maintenance cost of £11,300-£12,500 is estimated for the Field for mowing of grass and hedges, maintaining bins, benches, fences etc.
- **Chapel**
- Built in 1912, the Chapel is Grade II listed by association with Field House and is of modest external design. The interior is of high heritage significance, contains a wooden vaulted interior and plaques and photographs commemorating the 102 former pupils who died in the First and Second World Wars, among them Rudyard Kipling's son about whom he wrote the poem "My Boy Jack" after he died in 1915.
 - The Chapel could be mothballed to minimize average annual running costs including periodic maintenance to approximately £5500-£6000. However this would provide no significant community benefit. For a similar cost the Chapel could be opened for a selected number of days per year for short visits as a community museum, for exhibitions or for specific community events such as Remembrance Day, alumni days or exhibitions as per Rottingdean Windmill.
 - More enhanced community use would be possible at an estimated running cost of £8000 per year. For example community group events, RPC meetings, recitals or more extended stay exhibitions. This would require installation of a toilet and/or a kitchenette subject to planning permission. These options could provide revenue generation opportunities to subsidize the additional cost.
- **Pavilion**
- Built in early 20th century, the Pavilion is Grade II listed by association with Field House and is in the north west corner of the field. It is of wooden construction with internal wood panelled walls.
 - It could be used as an open shelter and meeting place for users of the field or as a storage area for recreation equipment at an average annual running cost including periodic maintenance estimated at £4,300-£4,700.
 - More enhanced use of the Pavilion may also be possible such as a community/charity café (not-for-profit) or to lease to a charity for their use e.g. as a social club. NB: the ability to generate revenue even for charitable purposes needs to be confirmed and a toilet/ kitchenette would need to be installed subject to planning permission and appropriate capital funding (see liabilities).

Conclusion:

Both the Chapel and Pavilion could have community benefit either passively or enhanced but both bring ongoing maintenance and running costs. Revenue generation is possible for the Chapel in certain scenarios but the Pavilion is less clear at this point as it is limited by the restrictions of the Open Spaces Act. Further community consultation and involvement would be helpful in defining the most appropriate future use of each, and any additional investment and required funding.

ii. Determine the expected future financial liabilities for maintenance and investment of accepting the offer. Consider the funding implications including the impact of the lump sum grant. (annex 1 -Costing Sheets, assumptions and optimization potential,)

- The maintenance lump sum of £350K (plus inflation between planning approval and transfer) is expected to last approx. 15 years for the minimum use scenarios mentioned above at approx. £23K average annual cost including a 10% contingency.
- Depending on the management model used, it is possible that up to 10 hours per week of administration time will be needed based on experience from other Parish Councils, in which case the lump sum would last approx. 10 years. This cost can be minimized with the support of community volunteers.
- Up-front investment is expected in the region of £25K for minimum use scenarios 2022-2024. (between £50-75K if facilities for enhanced use scenarios are included). It is recommended and assumed that investments will not be funded from the maintenance lump sum but from other sources.
- The estimated costs assume that assets are transferred in a 'good state of repair' in line with section 106 requirements with well executed Conservation Management Plans(CMPs) for the Pavilion and Chapel as well as the Method Statement for the Field. A Transfer document and sign off process would need to be agreed with Fairfax.

Conclusion:

The financial liabilities are significant at approx. £23K per year for the minimum use scenarios. Based on this, the maintenance lump sum provided is expected to last approx. 15 years if used for maintenance only. If administration costs cannot be avoided it would last 10 years. Whilst this lump sum provides funding in the short to medium term the length of cover can be extended by supplementing, from the start, through an early investment strategy for the lump sum, fund raising and revenue generation where possible. In addition an annual RPC contribution could be considered. For example, £4-5000 per annum could be allocated from within the future precept income as foreseen contributions grow due to confirmed building developments in the village. NB as a precedent RPC has an annual contract of £1,800 today for the village pond maintenance.

Having the right management organization, with appropriate governance in place is essential to define and deliver a sustainable business plan for generations to come, enabling ongoing optimization of running costs (see annex 1) and assure appropriate community accountability and involvement for performance and development of the assets.

iii. Establish that the governance and management model exists to assure accountability to the community for the cost, maintenance and improvement of the assets. (see annex 2 Governance and Management models)

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- The Working Group have reviewed the options available and recommend that a new Charitable Incorporated Organization (CIO) be set up if it is decided to proceed with the transfer. This model already works successfully in Rottingdean village for other activities but depends on the appointment of trustees with the right experience.
- This model would provide the required focus and expertise for the scale and nature of activities required ie. contract creation, operational management, fundraising and revenue generation whilst limiting personal liabilities of Trustees.
- The governance model and constitution of the CIO can be set up to permit the appropriate degree of RPC control of key Trustee appointments, financial planning, improvement projects and community accountability. The desired level of control may change over time.
- RPC should retain the freehold of the assets allowing it to retain control over key aspects of use and maintenance through the landlord/ tenant relationship with the CIO.
- Until such time as the CIO has a sustainable income stream for the long term, RPC must ensure good financial governance to avoid financial shortfalls.
- The setting up of a CIO does not preclude the option of leasing the Chapel and or the Pavilion to one or more community groups if there is interest, a good fit with approved use of the building and it makes financial sense.
- Note that direct management of the assets by RPC would be feasible if necessary or for a transition period. However, this would likely incur additional administration costs, attracting or financing expertise, require specific attention to fundraising and risks a lack of focus given the many other RPC responsibilities.

Overall Conclusion and Decision

10. The section 106 agreement is making provision for the Rottingdean community use of the former St Aubyns Chapel, Cricket Pavilion and the retained field. The RPC assessment confirms the minimum potential use of these assets and some initial ideas for future enhanced use. The estimated financial liabilities have been established and it is believed that any financial risks can be mitigated by effective use of the lump sum, early fundraising ,maximising revenue generation and effective governance. A proportionate annual RPC financial contribution would further extend the cover to the lump sum and support a sustainable business plan.
11. The proposed governance and management model allows for the appointment of appropriate expertise with the right focus to ensure effective operational management whilst permitting the appropriate level of RPC control to ensure community expectations are met.
12. In considering whether or not to accept the offer, Councillors will wish to consider the brief analysis of the pros and cons and three key risks to RPC with mitigating actions set out below.
- i) **Financial Risk:** Although the maintenance lump sum gives financial comfort for the foreseeable future the fund raising and revenue potential of the assets is largely unknown at the time of this decision. Revenue potential in particular will be limited by the permitted use of the assets. RPC should be prepared to provide financial support in the event of a major CIO fund deficit in the future in order to assure the assets are maintained to the required standard. Should RPC decide to accept the transfer it is essential that the mitigating actions and governance defined with the CIO

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are fully implemented to avoid this. The mitigating actions to supplement the maintenance lump sum include; early investment strategy for the lump sum, immediate activation of fund raising efforts for investments and maintenance, identification of revenue generation opportunities as well as stringent cost optimization and potentially an annual RPC grant. Early set up of the CIO and relevant governance will assist this.

- ii) **Transfer of the assets in a 'good state of repair'**. Should the assets be received in anything less than a good state of repair this will increase future maintenance and potential investment cost. The mitigating actions include appointment of a surveyor as a technical partner to advise during the refurbishment, during the development of the legal transfer agreement and to help define the transfer process checklist based on the CMPs for the Chapel and Pavilion and Method Statement for the Field.
- iii) **Set up of the CIO**: The CIO is considered to be the most appropriate model to manage the assets and its early set up will help to provide needed focus and continuity. However its effectiveness will depend on having the right expertise which may be difficult to find. To mitigate this risk the model itself has limited personal liability for Trustees and RPC will underwrite the financial risks with appropriate governance until such time as a sustainable business plan can be developed. In case of delay, RPC can appoint an advisory group and draw on appropriate expertise for an interim period.

13. Community Consultation

Despite the limited time available for this due diligence assessment it was possible to provide the following information and consultation with the community.

- Article in the Rottingdean Village News: The social media response has been largely supportive of acceptance.
- Letter to a range of Community Groups informing them of the offer and exploring their interest and views: At the time of writing all responses received have been supportive of RPC accepting the offer.
- The St Aubyns Alumni have registered a specific and continued interest to remain connected with the Chapel and are supportive of this being acquired by RPC.

Should RPC accept the transfer offer then more extensive consultation will follow regarding the future use of the assets.

14. **Taking all of the above into account, the decision to accept the transfer offer comes down to whether it is in the long term interest of Rottingdean village for RPC to acquire these community assets or to allow them to be privately owned and managed.**

Options

15. Decline the Offer

Pros

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- No financial risk to the Council
- No increased administrative responsibility or burden.
- Responsibility to police the restrictions on use/development lies with BHCC and not RPC

Cons

- Fairfax will hand over the community assets to a private management company. No direct RPC control over the use, maintenance and further improvement of the assets.
- Potentially limited or very limited influence over these community assets in the future and unknown level of consultation on any changes.
- Limited incentive and funding for a private company to invest for improvement in facilities over time.

16. Accept the Offer

Pros

- RPC would have control of future use and maintenance of the assets
- The use of the buildings could be determined by RPC subject to planning approval and after appropriate consultation with the community.
- New amenities could be provided, for example, a children's play area for older groups subject to consultation, planning approval and relevant funding.
- Improvement concepts can be developed with broader community needs in mind e.g., access
- The maintenance grant provides a source of funds for the short and medium term (10-15 years) and much longer if supported by an early funding strategy. Fairfax are under no obligation to give this lump sum to the private management company.

Cons

- A significant future financial risk when the lump sum runs out without timely mitigating actions and good governance.
- Focus needed to set up CIO model and governance. Risk that it will take time to find the right expertise putting additional significant demand on RPC.

17.

St Aubyns working group recommendation:

Based on this due diligence and risk assessment the working group recommends that the Council formally agree to the transfer offer on the following basis:

“The Parish Council accept the transfer of the Playing Field Land, along with the Pavilion, war memorial and water fountain and the Chapel on the basis of a transfer deed that incorporates the matters agreed with Fairfax at the meeting on 10 January 2022 and in subsequent correspondence. “

Signed

Date

Councillors From: Chris Hayes, RFO

Date: 23 March 2022

The 22/23 Precept**Summary**

On projected expenditure at the end of March 2022 and with the same level of precept income for the following year, the funds available to the Council in 2022/23 will be sufficient to meet the budget requirements and provide £55,000 for future project expenditure. In setting the precept for 2022/23 Councillors will wish to bear in mind inflation forecasts and the advice from Government set out in the recent provisional local government finance settlement consultation. This needs to be considered against future planned project expenditure – see Table B at Annex A. To aid this consideration I have provided calculations showing what additional funds could be raised by an increase of 2% 3% and 5%.

Background

1. The budget requirement for 22/23 was agreed at the December Council meeting (see Annex A) and is summarised below.

Budget for 22/23

Admin	£27,414.36	
Grants/ donations	£8,500.00	
Maintenance	£8,250.00	
Major Projects	£59,000.00	
Total requirement		£103,164.36

2. My current projection suggests that the Council will end the 2021/22 year with funds of £105,000, that with the current level of precept income that would be sufficient to cover the agreed budget and provide £55,000 towards future major projects including expected costs for St Aubyns and the Lower High Street. (see impact of precept options below)

External considerations

3. In deciding where exactly where to set the 2022/23 precept there are some external factors to consider:
 - i The [provisional local government finance settlement for 2022/23](#) was published on 16 December for consultation. In recognition of the fact that in 2021/22, the average Band D parish precept increased by 2.8%, and in the expectation that parish and town councils will continue to show restraint, the government proposes that no referendum is required for rises in the sector in 2022/23. It will, however, take careful account of the increases set in 2022/23 when reviewing the matter ahead of next year's settlement.
 - ii The Bank of England's latest [Monetary Policy Report on inflation](#) (November 2021) indicates that on average, prices rose by 3.1% between September last year, when prices were low because of Covid, and September this year. Over the next 12 months, the expectation is that inflation will rise further and remain at around 5% in the spring next year. This compares to [a report by HM Treasury](#)

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published in December 2021 on a number of independent inflation forecasts that indicates inflation will rise to about 4.6% over the next 12 months. After that the Monetary Policy Committee expect inflation to fall mainly as the impact of higher oil and gas prices fade. Inflation is currently running at 5.4%.

iii In considering the 22/23 precept, it is also worth noting changes in the precept in recent years:

- 2019/20 a 7.3% increase.
- 2020/21 a 2.5% increase.
- 2021/22 a 2% increase.

iv. Finally, although expected project expenditure is fully funded for 2022/23, for the following two years there are significant funding shortfalls – see Annex A table B.

2022/23 Precept Calculations

4. With the above in mind, I asked the Finance and Resources Team at BHCC to model no increase and a 2%, 3% and 5% increase in the precept. The calculations are below:

	No Increase	2% Budget increase	3% Budget increase	5% Budget increase
	2022/23	2022/23	2022/23	2022/23
Budget	£53,404	£54,472	£55,006	£56,074
CTR grant	£2215	£2200	£2210	£2285
Net Precept	£51,254	£52,272	£52,796	£53,809
Tax Base	1600.70	1600.70	1600.70	1600.70
Band D	£32.02	£32.66	£32.98	£33.62
Change in Band D	-1.1%	0.9%	1.9%	3.9%

5. An increase of the precept could raise additional funds, or indeed provide an inflationary buffer, for future project expenditure of between £1000 (2% increase) to just under £3000 (5% increase). This would increase the current average Band D precept of £32.36 per annum by 30 pence and £1.26 per annum respectively.

The Impact of the options

Precept Increase	0%	2%	3%	5%
Projected Bank 31/3	£105,000	£105,000	£105,000	£105,000
Add Precept	£53,404	£54,472	£55,006	£56,074
Less Projected Spend 22/23	<u>£103,164</u>	<u>£103,164</u>	<u>£103,164</u>	<u>£103,164</u>
Project Reserve	<u>£55,240</u>	<u>£56,308</u>	<u>£56,842</u>	<u>£57,914</u>

Chris Hayes RFO

February 2022

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Date

Annex A

Table A: Budget for 2022/23

	21/22 budget	21/22 Expenditure	22/23 budget	% budget change
Annual day to day operational costs				
Clerks salary + PAYE	£16,000.00	£16,377.00	£15,000.00	-6.25
Clerk Expenses	£400.00	£515.00	£100.00	-75.00
Payroll admin	£570.00	£408.00	£500.00	-12.28
Printing & Stationery	£450.00	£308.76	£450.00	0.00
Insurance	£300.00	£261.50	£261.50	-12.83
Meeting room hire	£500.00	£380.00	£1,200.00	140.00
Subscriptions	£100.00	£69.99	£69.99	-30.01
Postage & comms	£100.00	£725.00	£200.00	-72.41
Audit fee	£600.00	£511.25	£525.00	-12.50
Website (DD)	£700.00	£528.00	£525.00	-25.00
Newsletter/Publicity	£400.00	£554.50	£650.00	62.50
LNR Expenses/Leaflets and Annual Reports	£300.00	£496.00	£550.00	83.33
Pond Maintenance	£1,600.00	£1,600.00	£1,800.00	12.50
General expenses/Contingency	£500.00	£36.00	£5,582.87	1016.57
Sub Total	£22,520.00	£22,771.00	£27,414.36	21.73
Other Costs				
	21/22 Budget	21/22 Expenditure	22/23 Budget	% Budget Change
NP Consultancy and Costs	£1,500.00	£2,500.00	£1,000.00	-33.33
Grants & Donations	£6,000.00	£6,537.80	£7,500.00	25.00
Sub Total	£7,500.00	£9,037.80	£8,500.00	13.33
Minor Projects				
Signage improvements	£3,000.00	£7,850.00	£2,000.00	-33.33
General Improvements to Infrastructure	£7,500.00	£593.86	£1,000.00	68.39
Access improvements	£3,500.00	£0.00	£3,000.00	-14.29
Well being	£1,000.00	£20.97	£2,000.00	100.00
Road safety speeding and 20 & 30 mph signs	£2,000.00	£2,800.00	£250.00	-87.50
Pond island refurbishment	£0.00	£0.00	£0.00	
Sub Total	£17,000.00	£11,264.83	£8,250.00	-51.47
Major Projects - indicative figure				
St Aubyns Research		£3,000.00	£15,000.00	
Street Lighting Phase 5		£18,500.00	£0.00	
Lower High Street Phase 1		£12,000.00	£25,000.00	
Traffic volumes & air pollution		£0.00	£2,000.00	
Pond Path		£0.00	£7,000.00	
Pavement Improvements			£10,000.00	
Park Road Toilets		£52,000.00	£0.00	
Sub Total		£85,500.00	£59,000.00	
		£128,573.63	£103,164.36	-19.76

Table B: Long Term Funding Requirement for Projects*

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Long term Expenditure on Projects				
IDP Projects	22/23	23/24	24/25	Total Over Planning Period
Lower High Street Phase 1	£25,000.00	£150,000.00	£150,000.00	£325,000.00
Traffic Volumes & air pollution	£2,000.00	£0.00	£0.00	£2,000.00
Park Road Toilets Refurb	£0.00	£0.00	£0.00	£0.00
St Aubyns	£15,000.00	£10,000.00	£0.00	£25,000.00
Pavement Improvements	£10,000.00	£0.00	£0.00	£10,000.00
Pond Path	£7,000.00	£0.00	£0.00	£7,000.00
Total	£59,000.00	£160,000.00	£150,000.00	£369,000.00
Projected Reserve	£55,495.44		£0.00	£0.00
Potential c/f		£55,495.44		
Fund Raising Requirement		£104,504.56	£150,000.00	£254,504.56

****With precept at 2021/22 level***

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Date