Additional documents for the scrutiny review of the disposal of the former St Anne's school site, Lewes

Revised 12 November 2014

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Revisions:

6 November - Additional content from Tony Leonard and Chair of Lewes CAAG added.

12 November – FOI Request ref: 2940 and note on St. Anne’s Steering Group membership and attendance document added.
Bid Assessment Panel members

The Bid Assessment Panel was made up of East Sussex County Council (ESCC) Officers, a member of the St Anne’s Steering Group and a representative from 3VA:

- Chris Reed, Asset Investment Manager (ESCC)
- Paul Rideout, Third Sector Policy Manager (ESCC)
- James Harris, Assistant Director for Economy (ESCC)
- Russell Bright, Principal Finance Officer (ESCC)
- Katherine Perrin, 3VA representative
- Rosey Eggar, Steering Group Representative (from Lewes Town Partnership)
St. Anne’s Steering Group

1. The St. Anne’s Steering Group comprised up to 12 community representatives, a representative from East Sussex County Council (Cllr Ruth O’Keeffe), Lewes District Council (Chris Bibb), Lewes Town Council (Cllr Susan Murray) and the Accountable Body (3VA). East Sussex County Council officers attended the meetings of the St. Anne’s Steering Group but they were not official members; their role was to facilitate, enable and advise the St. Anne’s Steering Group members in carrying out their agreed roles and responsibilities.

2. 3VA was selected as the Accountable Body and Interim Lease Holder following an open selection process by application.

3. Lewes District Council’s (LDC) representative was Chris Bibb. It was agreed, in conversation with Chris Bibb and Lindsay Frost (LDC officer), that LDC would receive regular updates and notes of the meeting, rather than attend regularly.

4. Meeting notes taken and drafted by P. Rideout (ESCC) and agreed by steering group:

5. Meeting notes taken and drafted by K. Perrin (3VA) and agreed by steering group:

Information provided by Paul Rideout, Policy Manager (Third Sector)
## St Anne’s Steering Group membership and attendance

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* Ashley Price joined February 2013
** Carine Morissy joined December 2012
*** Please note that Paul Milmore sadly passed away during the course of the St. Anne’s Steering Group.

East Sussex County Council facilitated a meeting on 18 June 2013 between Chris Reed and Paul Rideout and St Anne’s Steering Group members. The St. Anne’s Steering Group members who attended were:

- Katherine Perrin
- Rosey Eggar
- Susan Murray
- Carina Morissy
- Penny Jones

The purpose of the meeting was to provide the Steering Group Members with details about all the bids and to outline the Bid Assessment Panel’s rationale for recommending Subud. (The Bid Assessment Panel had met and reached its decision the day before, 17 June 2013).

Based on the information provided, the St Anne’s Steering Group members were supportive of the Assessment Panel’s recommendation to select Subud as the preferred bidder.
Steering Group Meeting 1 Note (13th October 2011)

Below is an email that went to those attending the first meeting of the St. Anne’s Steering Group.

Dear Steering Group Members,

Thank you for your work yesterday evening in formalising the St. Anne’s Steering group.

As promised I attach a word version of the St. Anne’s Steering group Guidance Book.

We have added one page to the book, a list of Steering Group Members. Please check this page to make sure your details are correct.

We look forward to receiving an updated version of the Terms of Reference for the Steering Group and Accountable Body.

If you have any questions or comments please get in touch.

Kind regards
Paul Rideout

AGENDA

1. Welcome & Introductions (Paul Rideout)
2. How we got here (Meanwhile Space)
3. The Steering group discussion:
   - Purpose of the group
   - Roles and responsibilities of group members
   - Processes that the group will operate to
   - Administration and support of the group
4. Next steps

Meeting Outcome
The outcome of the meeting was the agreement of the ‘St. Anne’s Guidance Book’.

The guide was intended to assist St. Anne’s Steering Group members in carrying out their agreed roles and responsibilities (as outlined in the Terms of Reference for the Steering group).

The guide would be updated and amended as required by the Steering Group.

The second version contained both the initial thoughts for constraints on the site and criteria that could be used to assess the appropriateness of activities or ideas for the short term use of the site, and amendments made to the Terms of Reference as discussed by the Steering group.

It also contains the agreed process that the group will follow, and ideas for use that were gathered during the two public meetings and the site open day.
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Introduction

This guide is intended to assist St. Anne’s Steering Group members in carrying out their agreed roles and responsibilities (as outlined in the Terms of Reference for the Steering group).

The guide will be updated and amended as required by the Steering Group.

This second version contains both the initial thoughts for constraints on the site and criteria that could be used to assess the appropriateness of activities or ideas for the short term use of the site, and amendments made to the Terms of Reference as discussed by the Steering group.

It also contains the agreed process that the group will follow, and ideas for use that were gathered during the two public meetings and the site open day.
St. Anne’s Steering Group

Terms of Reference
October 2011 – September 2012

The primary function of the St. Anne’s Site Steering Group is to ensure that the communities of Lewes have opportunities to develop and deliver ideas and activities for the short term (minimum 3 years) use of the St. Anne’s site grounds.

The secondary function of the Steering Group will be to work with partners and the County Council (as landlord) to as investigate potential opportunities for the long term use of the site (both grounds and buildings). Any short term use cannot prejudice any potential long term use of the site (grounds and buildings). The Steering Group will ensure this condition of use is respected.

**Purpose**

The St. Anne’s Site Steering Group will:

- Lead on the development and implementation of the criteria and process for assessing and agreeing the use of the site;
- Lead on developing communication to ensure that the communities of Lewes are fully aware of opportunities to become involved in developing and delivering site activity;
- Be responsible for agreeing the activities that take place on the grounds of the St. Anne’s site, against the agreed criteria and processes having regard to the advice of the Accountable Body; and
- At every opportunity actively promote the St. Anne’s Site development activities with external partners.

**Membership**

Membership of the group will consist of up to 12 community representatives and a representative from each of the following: East Sussex County Council, Lewes District Council, Lewes Town Council, and the Accountable Body;

Membership to the steering Group will be reviewed annually;

All members should have an understanding that some action, reading and related follow-up will be required of them.

A member with a personal interest in a matter, who attends a meeting of the group at which the matter is considered, must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

**Operation & Proceedings**

The St. Anne’s Site Steering Group will be supported by an organisation external of the County Council. The organisation providing support will be the Accountable Body in terms of legal obligations with the County Council. An external organisation or the Accountable Body will also provide advice, developmental support, and administrative support to the Steering Group.

The St. Anne’s Site Steering Group will meet at least three times every three months.

Agendas and papers for the St. Anne’s Site Steering Group meetings will be available one week prior to a meeting taking place, and will be distributed via email to all group members. Papers will also be made available for all members who do not have reliable access to email.

Notes (including actions) of the St. Anne’s Site Steering Group meetings will be available within one week of a meeting taking place, and will be distributed via email to all group members.

The ‘purpose’ and ‘membership’ of the St. Anne’s Site Steering Group will be reviewed in September 2012.
St. Anne’s Site Accountable Body

Terms of Reference
October 2011 – September 2012

The St. Anne’s Accountable Body provides advice, developmental support, and administrative support (directly or through a third party) to the St. Anne’s Steering Group, and is responsible for meeting all legal obligations with the County Council.

Purpose

Legal management
The St. Anne’s Accountable Body will:
- Hold a lease/licence of the grounds of St. Anne’s with East Sussex County council;
- Be responsible for granting an appropriate lease to organisations that have been assessed by the steering group against criteria to hold activity on the St. Anne’s site grounds;
- Provide advice and support on funding, financing, sponsorship, and communication options for supporting site usage;
- Support the Steering Group in negotiating with ESCC regarding site usage, this could include, for example, liaising with the planning teams, business rates, property services, licensing etc;
- Provide support in developing the appropriate structure to ensure site users have in place appropriate lease or licence agreements;
- Make full consideration of the practical issues regarding site usage, to include the constraints presented by the site, the concerns of immediate and wider residents, and health and safety issues and inform the steering group appropriately; and
- Develop and implement the ground rules for site usage to ensure legal liabilities are fully covered.

Secretarial Support
Provide administrative support to the St. Anne’s Steering group for all meetings and activities related to the Steering Group implementing agreed processes;

Operation & Proceedings

Legal management
The St. Anne’s Accountable Body will provide a named person to support the Steering Group that will be available for an agreed number of hours per week.

Secretarial support
The St. Anne’s Accountable Body will:
- Provide co-ordination of Steering group meetings;
- Distribute agendas and papers for the St. Anne’s Site Steering Group meetings, ensuring that they are made available one week prior to a meeting taking place, and are distributed via email to all group members; and
- Provide notes (including actions) of the St. Anne’s Site Steering Group meetings, ensuring that they are made available within one week of a meeting taking place, and will be distributed via email to all group members.

The ‘purpose’ of the St. Anne’s Site Steering Group will be reviewed in September 2012.
The Process

The second St. Anne’s public meeting focused on ensuring interested people and organisations could shape the process for identifying, assessing and implementing short term uses for the site.

The process that was agreed at the second meeting is presented on the following pages, along with comments collected from those attending the second meeting.

The three stages of the process are: collecting information, evaluating and making decisions.

It will now be a task of the Steering Group and the Accountable Body to strengthen and formalise this process. It should be noted that work on the process will be greatly informed by the constraints and criteria to be agreed by the Steering Group.

The Process 1: Collecting Information

Communications should be built up to ensure that as many people as possible from Lewes can contribute to the development of a short term use for the St. Anne’s site. Communications should be cast widely using as many routes as is possible, and should be clear and timely.

To ensure that the widest possible net is cast to give all of Lewes a chance to share views and ideas regarding the St. Anne’s site, further routes to reach a wider audience were suggested below. This assists in creating a “database” to develop a good reach into the community and will continue the flow of ideas (and other communications).

In addition to current websites (ESCC, Lewes Meanwhile Forum), the following routes for dissemination were suggested.

Collecting ideas from people in the street (leafleting) at:
The Supermarkets
Farmer’s Market
Friday Market

Information posted at:
Neighbourhood notice boards
Library
Local Parks

Information disseminated via:
Transition Town Lewes
Residents Association
Local business community
3VA
Youth Groups

Media:
Viva Lewes
Lewes News

Social Events:
Prom in the Park
Sports Centre Activities/Groups/Clubs

Process Statement
Communications should be built up to ensure that as many people as possible from Lewes can contribute to the development of a short term use for the St. Anne’s site. Communications should be cast widely using as many routes as is possible (see above), and should be clear and timely.
The Process 2: Evaluation

Clear criteria should be established so people can make considered suggestions for using the site. A decision-making group can then consistently make fair evaluations of project proposals.

There was strong feeling that the evaluation process should be conducted by members of the community and much of the discussion was focused on decision making (largely captured beneath). The decision-making group could set criteria to establish a fair evaluation process, however it was agreed that it would be pragmatic to create a very basic list of site and use limitations (some key points about health and safety, access etc.). There was wide consensus that the criteria for proposals for using the site should be made very clear to enable people to make considered submissions and the decision-making group to make fair decisions about usage.

Process Statement
A clear criteria should be established so people can make considered suggestions for using the site. A decision-making group can then consistently make fair evaluations of project proposals.

The Process 3: Making Decisions

The creation of a fair, representative and pro-active Steering Group that can make decisions and can start to take responsibility for tasks and actions is paramount.

This proved to be the most central point of the process meeting. How are decisions made, and who makes them? The consensus seemed to be that once this group is established and empowered then much of the finer detail about process can be finalised. As such the recruitment from the community of the “steering group” is paramount and again the Open Day seemed to be an appropriate place to promote this. The attending group then outlined what they considered were important and desired characteristics of a group of decision makers, and some considerations about the formation of the group, as below:

What is wanted from the decision-making team:

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<th>Involvement</th>
<th>Accountability</th>
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<td>Consensus/Rough consensus</td>
<td>Feasibility</td>
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<td>Quick decisions</td>
<td>Transparency</td>
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<td>Outcomes</td>
<td>Full representation</td>
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<td>Reality</td>
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<td>Innovative</td>
<td>Check-list/Evaluation form to match projects</td>
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<td>Democratic</td>
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<td>Evaluative</td>
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To be considered:
What are the ground rules for the ideas?
What are the key factors for the group to decide?
What are the site constraints?

Process Statement
The creation of a fair, representative and pro-active Steering Group that can make decisions and can start to take responsibility for tasks and actions is paramount.
Ideas for Site Use

This section contains constraints and criteria that have been gathered from the information and views gathered during the meetings in public and site open day.

It also contains the ideas for the site that have been suggested. The ideas are presented in three different tables, darker shading denoting the most popular ideas, and lighter shading the less popular. Appendix 2 contains a table showing how many people suggested each particular idea.

Ideas have been put into short term and long term columns as a guide. This may be refined and amended as the Steering Group develops the ideas further.

Constraints St. Anne’s Site Activity

1. Access only via Rotten Row
2. Site available from an agreed time in the morning until dusk, when it shall be closed
3. No overnight use or occupation
4. Any activity may need planning consent (http://www.lewes.gov.uk/planning/3633.asp)
5. County Council does not undertake to improve or refurbish the buildings, and has no budget to do so
6. No alcohol or drugs
7. Amplified music should cease by 7 pm if still open at that time?
8. Awareness of licenses and consents that may pertain to activities (http://www.lewes.gov.uk/environment/15166.asp)
9. No lopping or felling of timber
10. No animals (or none without consent)
11. No alienation (subletting to third parties)
12. No alterations without prior written authority of the Council

Organisations delivering activities:

- Will indemnify ESCC against all costs or claims arising from loss, damage or injury arising from use of the property in accordance with the terms of the license
- Shall not do or allow anything which may become a nuisance or announce of residents of adjoining property in the neighbourhood
- Will allow the council full access for use free of charge in case of civil emergency as required
- Will not be permitted to assign or sublet the premises or any part thereof
- Shall not without the Council consent attach advertisements or posters to any external part of the premises
- Will be required to provide 3rd party Public Liability Insurance cover in place
Criteria for the short term use of St. Anne's site

Below are some suggestions for headline criteria that we could put out for discussion on Saturday. Most of the activities on the site will be carried out by organisations.

**Activities and ideas for the St. Anne's site should be for public benefit and contribute to:**

1. People having better chances in life, with better access to training and development to improve their life skills.
2. Developing stronger communities, with more active citizens working together to tackle their problems.
3. Improving the local environment and bio-diversity
4. People and communities becoming healthier and more active
5. Encouraging and supporting the enjoyment, participation and equal access to the arts and promote cultural diversity

**There are a number of other questions that will need to be asked, such as:**

- How many people will benefit from your activity?
- Do you have funding in place to deliver your activity?
- For how long will your activity take place (starting date and finishing date)?
- Who is the lead organisation(s)?
- Plus all the legal aspects such as PL

The weighting and scoring of criteria will need to be developed by the steering group.
Environmental

<table>
<thead>
<tr>
<th>Short Term</th>
<th>Long Term</th>
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<tbody>
<tr>
<td>Field Studies</td>
<td>Burial site (green and other)</td>
</tr>
<tr>
<td>Bushcraft Skills</td>
<td>Allotments</td>
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<tr>
<td>Horticultural Training</td>
<td>Growing space/ gardens/permaculture/ Sensory Garden/ Horticultural therapy</td>
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<td>Sustainable living classes</td>
<td>Nature Reserve</td>
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<td>Market gardening business</td>
<td>Community food growing and cooking</td>
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<tr>
<td>Composting</td>
<td>Urban Farm</td>
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<tr>
<td>Biodiversity training</td>
<td></td>
</tr>
</tbody>
</table>

Comments

Wildflower meadows/wild space
Teenagers and growing food
Permaculture centre, workshops, courses on eco-living being the world and population in its current state
Picnics and walking.
Learning about growing your own with limited space at home.
Green burial site
Priory School Year 9 boys gardening project
Community herb garden, educational resource, healthy community gardening, good for mental health, physical strength, self-sustainable health care
Move the conservation area boundary to include site
Invite national park authorities to suggest use
Woodland burial site
- It's nearly full
- Cemetery is running out of space, extend it into part of St Anne's area
- Woodland burial, this creates revenue £1000 per plot and conserves land, plus we all need to go somewhere
- Agree re cemetery, contemplative spiritual use for buildings and garden

Woodland burial site – it creates woodland and conserves land. It can become an arts space and it can also bring good revenue, up to £1000 per plot
We have a cemetery next door, why another one?
  - CPO a bit of cemetery and make that a woodland burial site
  - Cemetery is not beautiful, I for one do not find it spiritual because it lacks good sculpture and great trees
### Activities

<table>
<thead>
<tr>
<th>Short Term</th>
<th>Long Term</th>
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<tbody>
<tr>
<td>Concerts</td>
<td>Cinema (or open air?)</td>
</tr>
<tr>
<td>Sports</td>
<td>Community resource center</td>
</tr>
<tr>
<td>Theatre (open air)</td>
<td>Youth Groups/Club</td>
</tr>
<tr>
<td>BBQ/ Picnic</td>
<td>SDNP offices</td>
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<tr>
<td>Skills development project</td>
<td>Adventure playground</td>
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<tr>
<td>Community ventures</td>
<td>Art Centre/ Studios</td>
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<td>Yoga classes</td>
<td>Performance space</td>
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<td>Well being project</td>
<td>Outdoor gym</td>
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<td>Community cafe</td>
</tr>
<tr>
<td>Starfish youth music</td>
<td>Day center - Old and Young</td>
</tr>
</tbody>
</table>

#### Comments

Historical lectures
Bandstand & event space

South Downs National Park centre:
- Lewes is in a national park, what can they offer?
- Accessible gateway, interpretation of Downland around the town
- Wildlife ranger training, volunteer activity, this could bring investment back into the town

Arts Centre – using the land as a backdrop for plays
Skills centre for school leavers, skills including gardening, nursery, property renovation, woodland preservation
Community space e.g. meeting space, training rooms and offices for local voluntary and community groups.
Centre for alternative health i.e. yoga, tai chi and positive health
A breathing space for teenagers disaffected; they were being trained in growing last month
There is no flat park in upper Lewes available to disabled people.
People with walking problems, I strongly suggest a flat terraced park to be made where the old tennis courts of St Anne's now are, with access from County Hall and Rotten Row.
Accommodation

<table>
<thead>
<tr>
<th>Long Term</th>
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<tbody>
<tr>
<td>Camp Site</td>
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<tr>
<td>Youth Hostel</td>
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<tr>
<td>Low cost housing</td>
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<td>Free Secondary school</td>
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<td>Housing</td>
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<td>Primary/Nursery School</td>
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<td>Care Home</td>
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<td>Children’s Refuge</td>
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<td>Homeless Refuge</td>
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</tbody>
</table>

Comments

Youth hostel/residential/environmental learning
- Endorsed
- See Lodge Hill in West Sussex

Youth hostel with emphasis on non-natives

Making buildings suitable for housing for homeless people
- teach them gardening skills

Affordable housing

Sustainable residential to finance mixed use with community gardens, youth hostel, woodland burial and social capital projects

Youth hostel is brilliant idea
- Big lack of cheap hotels etc in Lewes
- Preserve green space to earn the money

Very basic centre for discussions

Fund to maintain/renovate the elegant rectory/school

Homeless hikers

Campsites
- With cycle storage

Long-term solution to sell to a group of people for co-housing & self build
- support new initiatives for sustainable housing. ESCC could be a visionary leader not just committed to highest profit
- As long as this doesn’t evolve into private housing i.e. sell off council housing

A living model for ultra low cost, low impact housing set within forest garden for food security.

Recreation and camping for homeless and vulnerable people

In the future the building could go back to being used for special educational needs, meanwhile general community use including the allotments and a play area for youngsters

Renovate the house as an example of early C19th (architecture)
Appendix 1: Steering Group Membership

<table>
<thead>
<tr>
<th>Member</th>
<th>Organisation</th>
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</thead>
<tbody>
<tr>
<td>Chris Bibb</td>
<td>Lewes District Council</td>
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<tr>
<td>Cllr Ruth O'Keeffe</td>
<td>East Sussex County Council</td>
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<tr>
<td>Cllr Susan Murray</td>
<td>Lewes Town Council</td>
</tr>
<tr>
<td>Debbie King</td>
<td>Common Cause</td>
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<tr>
<td>Debby Matthews</td>
<td>Lewes Town Partnership</td>
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<tr>
<td>James Livesey</td>
<td>St. Anne’s Crescent Resident</td>
</tr>
<tr>
<td>John Morris/David Baughan</td>
<td>East Sussex County Council</td>
</tr>
<tr>
<td>Katherine Perrin</td>
<td>3VA</td>
</tr>
<tr>
<td>Matthew Baker</td>
<td>Pop-up Co-op</td>
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<tr>
<td>Nicola Fee</td>
<td>St. Anne’s Diggers</td>
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<tr>
<td>Penny Jones</td>
<td>Grange Road Residents Association</td>
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<td>Rosie Eggar</td>
<td>Lewes Town Partnership</td>
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<td>Sarah Rideout</td>
<td>Common Cause</td>
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<td>Susanne Wolf</td>
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As of 13/04/12
## Appendix 2: Tally of Ideas

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<td>Cinema</td>
<td>Kevin Orman</td>
<td><a href="mailto:info@lewiscinema.co.uk">info@lewiscinema.co.uk</a></td>
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<td>Yoga classes</td>
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<td>Primary/ nursery school</td>
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<td>Training Space</td>
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Appendix 3: Map of Lewes
Appendix 4: Map of St. Anne’s Site
Item
1. Introductions & Apologies

Present:

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
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<th>Name</th>
<th>Organization</th>
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<tr>
<td>Rosie Eggar</td>
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<tr>
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<td>Paul Millmore</td>
<td>Grange Road Resident</td>
<td>Sarah Rideout</td>
<td>Common Cause</td>
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<tr>
<td>John Morris</td>
<td>East Sussex County Council</td>
<td>Paul Rideout</td>
<td>East Sussex County Council</td>
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</tbody>
</table>

Apologies: Matthew Baker, Chris Bibb, Cllr Ruth O’Keeffe, Jim Livesey, Debby Matthews
Not present: Debbie King, John Russell, Susanne Wolf

Members of the group introduced themselves.

The group agreed to cover three specific items at this meeting:
- Terms of Reference for Steering group and Accountable Body
- Site Opening
- Identifying and selecting an Accountable Body

2. Actions & Matters arising not on the agenda

LDC consultation on extension of conservation zone – group agreed that they would like further information on the consultation and would likely respond to the consultation.

ACTION: Request further information on consultation from LDC.

3. Terms of Reference for Steering Group and Accountable Body

The amended Terms of Reference were discussed and agreed by the group.

4. Site Opening

East Sussex County Council from Monday 7 November will be opening the site to the public between the hours of 11am to 4pm weekdays.

The intention is for the public to visit the site, and give further thought to what activities the grounds could be used for in the interim period.

The buildings and other specific areas will be fenced off for health and safety reasons, and there will be no facilities.

County Council Security Staff will open and close the site each day, and one staff member will be on the site during openings.

This opening of the site will be reviewed as the Steering Group and Accountable Body develop their operational roles.

The County Council will remain responsible for all liabilities and risks during the opening.

Group discussed signage for the site, agreed to include:
- Welcome sign on main gate
- Contact details (Facebook, email, and telephone)
- Message asking people to provide their contact details (via the above contracts) if they would like to be involved in developments or be kept informed of developments
- Message explaining that there is a steering group made up of community representatives leading the process
- Message about respecting the site, and that it is for community use
- Ideas for use so far, with a note that people can suggest further ideas and show support for ideas already mentioned
- Process
5. Identifying and selecting an Accountable Body
The group agreed that as the roles of the accountable body are listed under two headings (legal management and secretarial support) organisations completing the application form will be asked to state if they wish to take on both or only one.

The group discussed the following aspects:
- Information pack for organisations interested in taking on the roles of the Accountable Body
- Organisations to approach
- Deadline for submission and assessment of applications

Information pack for organisations interested in taking on the roles of the Accountable Body to include:
- Brief on role
- Terms of Reference
- Risks
- Meanwhile Space leases
- Application

Organisations to approach for the role of Accountable Body:
- 3VA
- Lewes Town Partnership
- Meanwhile Space
- University of Sussex
- Lewes Town Council
- Friends of Lewes
- Community Land Trust
- National Park Authority

Information will also be sent to all people who have stated that they would like to be kept up to date on developments.

Deadline for submission and assessment of applications
14th Nov: send information pack out
16th Dec: closing date for application for Accountable Body
19th Dec: assessment of applications (4 members of Steering group and 2 representatives from ESCC)

ACTION: Paul Rideout to draft brief and circulate to Steering group, w/c 7 November
ACTION: Paul Rideout to pull together information for Accountable Body information pack
ACTION: Steering Group to nominate 4 representatives to take part in assessment of applications

6. Date of next meeting
Monday 5th December 18.30-20.30 – County Hall
- Developing criteria and assessment of ideas
St. Anne’s Steering Group  
Monday 5th December 18.30-20.00  
Notes

Item
1. Introductions & Apologies

Present:

<table>
<thead>
<tr>
<th>Name</th>
<th>Organisation</th>
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<tbody>
<tr>
<td>David Baughan</td>
<td>East Sussex County Council</td>
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<tr>
<td>Jim Livesey</td>
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<td>Katherine Perrin</td>
<td>3VA</td>
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<td>Owen Postgate</td>
<td>Pop-up Co-op</td>
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<td>Paul Rideout</td>
<td>East Sussex County Council</td>
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<td>Penny Jones</td>
<td>Grange Road RA</td>
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<tr>
<td>Rosie Eggar</td>
<td>Lewes Town Partnership</td>
</tr>
</tbody>
</table>

Apologies: Councillor Ruth O’Keeffe, Councillor Susan Murray, Debby Matthews, John Morris, Matthew Baker, Nicola Fee, Paul Millmore, Sarah Rideout

The group agreed to cover the following specific items at this meeting:

2. Actions & Matters arising not on the agenda

<table>
<thead>
<tr>
<th>Action</th>
<th>Responsible</th>
<th>Update</th>
</tr>
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<tbody>
<tr>
<td>Request further information from LDC regarding consultation on extension of conservation zone.</td>
<td>Steering Group</td>
<td>Provided by email Wed 02/11/2011 from Lindsay Frost to Steering group explaining the situation.</td>
</tr>
<tr>
<td>Katherine Perrin to set up Facebook page for St. Anne’s site.</td>
<td>KP</td>
<td>Completed</td>
</tr>
<tr>
<td>Paul Rideout to set up email address: <a href="mailto:stanneslewes@eastsussex.gov.uk">stanneslewes@eastsussex.gov.uk</a></td>
<td>PR</td>
<td>Completed. So far received emails with ideas for site use from two individuals.</td>
</tr>
<tr>
<td>Paul Rideout to create signs</td>
<td>PR</td>
<td>Completed</td>
</tr>
<tr>
<td>Paul Rideout to draft Accountable Body brief and circulate to Steering group, w/c 7 November</td>
<td>PR</td>
<td>Completed – draft brief circulated to Steering Group Tues 08/11/11 with request for comments.</td>
</tr>
</tbody>
</table>
| Paul Rideout to pull together information for Accountable Body information pack | PR          | Completed – sent to interested organisations on Mon 14/11/11, and Steering Group:  
  - 3VA  
  - Lewes Town Partnership  
  - Meanwhile Space  
  - Lewes Town Council  
  - Community Land Trust  
Documents included:  
  - Intermediary use lease – Nov 11  
  - St. Anne’s Accountable Body Application  
  - St. Anne’s Accountable Body Brief  
  - Steering Group Guidance Book V2  
| Steering Group to nominate 4 representatives to take part in assessment of applications | Steering Group | OUTSTANDING: needs to be completed by Friday 16 December 2011. |
3. Criteria, Constraints Application Form and Assessment process

3.1
The group agreed the following 5 criteria:
- People having better chances in life, with better access to training and development to improve their life skills.
- Developing stronger communities, with more active citizens working together
- Improving the local environment and bio-diversity
- People and communities becoming healthier and more active
- Encouraging and supporting the enjoyment, participation and equal access to the arts and promote cultural diversity

Applicants would be asked to ensure their activity falls within at least two of these criteria.

3.2
The group agreed the following 12 constraints:
1. Limited vehicle access
2. Site available from an agreed time in the morning until dusk, when it shall be closed
3. No overnight use
4. Any activity may need planning consent (http://www.lewes.gov.uk/planning/3633.asp)
5. County Council does not undertake to improve or refurbish the buildings, and has no budget to do so
6. No alcohol without license
7. Amplified music should cease by 7 pm if still open at that time?
8. Users are responsible for holding appropriate licenses and consents for their activities (http://www.lewes.gov.uk/environment/15166.asp)
9. No lopping or felling of timber
10. No animals without consent
11. No subletting
12. No alternations without prior written authority of the Council

3.3
Appendix 1 is a draft of the application that was discussed.

**ACTIONS:** Application to be agreed at the January 2012 steering group meeting.

3.4
The group developed a process for assessing applications, see Appendix 2.

**ACTIONS:** Process to be agreed at the January 2012 steering group meeting

3.5
The group discussed having an OPEN DAY at the end of January. This would be an opportunity to launch the application, and for people to meet the Steering group Members.

It was agreed that the OPEN DAY would also be an opportunity for children and young people to suggest names for the various areas of the site.

The OPEN Day will be promoted in local media, including VIVA Lewes, Lewes News, and 3VA newsletter.

A suggested date is Saturday 28 January 11am – 4pm.

**ACTIONS:** Group to agree date as soon as possible.

4. Date of next meeting
TBC: January 2012, 18:30-20:30, County Hall
Application for interim use of St. Anne’s Old School Site Grounds

<table>
<thead>
<tr>
<th>Name of your organisation:</th>
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</thead>
<tbody>
<tr>
<td>Your name:</td>
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<td>Email:</td>
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Name of activity *(if it has one)*

Have you made a site visit?

1. Please indicate which two criteria your activity falls within.
   - People having better chances in life, with better access to training and development to improve their life skills.
   - Developing stronger communities, with more active citizens working together
   - Improving the local environment and bio-diversity
   - People and communities becoming healthier and more active
   - Encouraging and supporting the enjoyment, participation and equal access to the arts and promote cultural diversity

2. Briefly explain your activity and how it meets the two criteria you indicated in question 1.
3. How many people do you think will attend your activity and who are they?

4. Please state the days and times your activity will take place, whether it is a one-off, or a regular activity? (Please give start/finish dates, or estimated duration)

5. Please indicate what area of the St. Anne’s Site your activity will take place in (please see attached map)

6. Please give a breakdown of running costs for the activity and how you intend to cover these costs.

7. Please state your preferred date to start this activity

8. Please return your completed form and proof (or quote) of public liability insurance to StAnnesLewes@eastsussex.gov.uk.
Guidance note for completing the application

Your application will be assessed against the information that you provide to the questions. You may be asked to provide further information to clarify any questions that may arise during the assessment process. The assessment panel will provide you with notice and details of any further information required.

Please note that it may take up to 4 weeks to fully assess your application, so make sure you calculate this into your proposed start date.

Please be aware that there are some constraints on the interim use of the St. Anne’s School Site Grounds, these are listed below.

If you have any questions regarding these constraints please contact: StAnnesLewes@eastsussex.gov.uk or 01273 337028.

Constraints for activities taking place at the St. Anne’s site

13. Limited vehicle access
14. Site available from an agreed time in the morning until dusk, when it shall be closed
15. No overnight use
16. Any activity may need planning consent (http://www.lewes.gov.uk/planning/3633.asp)
17. County Council does not undertake to improve or refurbish the buildings, and has no budget to do so
18. No alcohol without license
19. Amplified music should cease by 7 pm if still open at that time?
20. Users are responsible for holding appropriate licenses and consents for their activities (http://www.lewes.gov.uk/environment/15166.asp)
21. No lopping or felling of timber
22. No animals without consent
23. No subletting
24. No alternations without prior written authority of the Council

Organisations delivering activities on the St. Anne’s School Site Grounds:

- Will indemnify ESCC against all costs or claims arising from loss, damage or injury arising from use of the property in accordance with the terms of the license
- Shall not do or allow anything which may become a nuisance or announce of residents of adjoining property in the neighbourhood
- Will allow the council full access for use free of charge in case of civil emergency as required
- Will not be permitted to assign or sublet the premises or any part thereof
- Shall not without the Council’s consent attach advertisements or posters to any external part of the premises
- Will be required to provide 3rd Party Public Liability Insurance cover in place

Please note that before your activity begins you will sign a hire agreement.
Assessment process for interim use applications

The following process ensures that applications for the interim use of St. Anne’s are dealt with in a simple, quick and transparent manner.

Organisations wishing to submit ideas for the interim use of the site will be provided with an application form, guidance notes, and a site map.

Initial Checking stage:
1. Completed applications are sent to the Accountable Body to check that they are fully completed, and to check whether any further information is required from applicant.
2. The Accountable Body will contact any applications that require further work or additional information.
3. Applications that do not make it through the initial checking stage will be provided with feedback and given the opportunity to amend and resubmit at a later date.
4. Applicants that do make it through the initial checking stage will be informed of this and the expected timeline for receiving a decision.

Assessing Applications stage:
5. Each application that makes it through the initial checking stage will be assigned to a steering group member (rotational basis), that member will act as a sponsor for the application, in that they will be asked to present the application to the steering group.
6. The Accountable Body will provide each sponsor with a note of the initial checking stage for the application before the steering group meeting.
7. The Accountable Body will provide sponsors and panel members with applications and appropriate information at least 7 days prior to the assessment steering group meeting.
8. The steering group will assess each application against a clearly set out scoring sheet. The quorum for decisions will be 4 members of the steering group.
9. The Accountable Body contacts the successful applicant:
   - signing of hire agreement;
   - assigning a sponsor who will be the point of contact with the steering committee.
13. The Accountable Body contacts the unsuccessful applicant:
   - providing feedback
   - suggesting that with improvements based on feedback it could be resubmitted at a later date

Scheduling Activities
Consideration will need to be given to the timing of one-off activities, in that the prime time slots (i.e. 11am-3pm) should be only hour long. Reoccurring activities should be scheduled to take place out of prime time slots.
St. Anne’s Steering Group  
Tuesday 17 January 18.30-20.00  
Notes

Item
1. Introductions & Apologies

Present:
Rosie Eggar         Cllr. Susan Murray
Nicola Fee          Cllr Ruth O’Keeffe
Penny Jones         Katherine Perrin
                      Paul Rideout

Apologies: David Baughan, Jim Livesey, Owen Postgate, Paul Millmore, Sarah Rideout, Debby Matthews

The group agreed to cover the following specific items at this meeting:

2. Accountable Body Update

2.1 3VA and ESCC representatives have met twice since 19.12.11 to discuss the role of the Accountable Body in the context of how risks will be mitigated and develop clarity on the lease/license.

2.1 ESCC are preparing the Heads of Terms and drafting the clauses for the lease/license for 3VA to discuss with their trustees in early February.

2.3 ESCC and 3VA have also discussed options for having a full time Accountable Body.

2.4 ESCC is fully committed to working with 3VA staff and trustees to ensure that both parties have complete clarity on the relationship.

2.5 It is hoped that a decision can be made by the end of February.

3. Agreement of interim use application process and associated documentation

3.1 The documents were discussed, amendments made and agreed by those in attendance.

3.2 The agreed documents are Appendix 1.

3.3 Steering Group members have until 27 January to make any final comments on the documents.

3.4 The documents will be formally launched on the 28 January Open Day.

4. Ideas Update

4.1 The group went through the three ideas that had been submitted via the St. Anne’s email address.

4.2 Sussex Wildlife Trust: this proposal (copy sent with Steering Group notes) contained three ideas.
   i) Butterfly banks
   ii) Wildlife gardening showcase
   iii) Wildlife education and celebrating biodiversity
   The group felt that all three ideas met at least two of the criteria stated on the application form, and that it would be a good opportunity to work up these ideas as a pilot to test out the application form and assessment process.
   It was agreed to invite Michael Blencowe to the January Open Day, to meet with Steering Group members to learn more about the ideas.

4.3 Sussex Co-housing: this proposal (copy sent with Steering Group notes) was to consider establishing eco-friendly and affordable housing that is self-managed. The Steering Group agreed that this was long term use and fell outside of the immediate remit – interim use. An email had been sent to Sussex Co-housing stating this, and that they would be added to the list of people and organisations interested in receiving regular updates.
4.4 Sussex Archaeological Society: this proposal (copy sent with Steering Group notes) focused specifically on the Battle of Lewes Project. The group felt that the ideas met at least two of the criteria stated on the application form, and that it would be a good opportunity to work up these ideas as a pilot to test out the application form and assessment process. It was agreed to invite Edwina Livesey to the January Open Day, to meet with Steering Group members to learn more about the ideas.

5. Open Day Discussion

5.1 The purpose of the Open Day (Saturday 28 January 2012 – 11:00am to 4:00pm) is to:

i) Provide an opportunity for people interested in the site to explore and discuss any ideas
ii) Meet members of the Steering group.
iii) Mark the start of the site being open seven days a week from 11:00am – 4:00pm.
iv) Launch the application for ideas, and process for agreeing ideas, and learn more about how organisations can apply to run activities and events on the site.
v) Invite children and young people to submit names for the different areas of the site.

5.2 The following were agreed to be put in place for the Open Day:

i) Invite Pop-up Co-op to run their Café (unfortunately they are not available).
ii) Arrange for marquee (smaller than the August one) to be set-up (request has been sent to ESCC Property Team).
iii) An A4 poster will be printed, based on the August Open Day poster, copies will be available for Steering group members to pick up and place around town at County Hall reception (ask for Paul Rideout, or Polly Pomfrey), and Lewes Town Hall reception (posters will be available from Friday 20 January, mid-day).
iv) Invite Sussex Wildlife Trust and Sussex Archaeological Society to open day to meet Steering Group members, they will be asked to state the time of day they can attend so that we can make sure Steering Group members are there also (email has been sent to each).
v) Steering Group members to let Paul or Polly know times when they can be on site for open day (please email your available times).
vi) Arrange signs and collection boxes for naming of spaces (ESCC taking care of this).

5.3 A press release has gone out to local papers, members of the Steering Group are encouraged to tweet the Open Day.

5.4 The group also discussed promoting utilising the Facebook page. (Katherine and Paul to check functionality – friending or liking the page, and putting up pictures or comments)

6. Date of next meeting

A DOODLE will be circulated for the February meeting.
Appendix 1

Assessment process for interim use applications

The following process ensures that applications for the interim use of St. Anne’s are dealt with in a simple, quick and transparent manner.

Organisations wishing to submit ideas for the interim use of the site will be provided with an application form, guidance notes, and a site map.

Initial Checking Stage:
1. Completed applications are sent to the Accountable Body to check that they are fully completed, and to check whether any further information is required from the applicant.
2. The Accountable Body will contact any organisations applying whose applications require further work or additional information.
3. Applicants that do not make it through the initial checking stage will be provided with feedback and given the opportunity to amend and resubmit their application at a later date.
4. Applicants that do make it through the initial checking stage will be informed of this and the expected timeline for receiving a decision.

Assessing Applications Stage:
5. Each application that makes it through the initial checking stage will be assigned to a Steering Group member (on a rotational basis). That member will act as a sponsor for the application, in that they will be asked to present the application to the Steering Group.
6. The Accountable Body will provide each sponsor with a note of the initial checking stage for the application before the Steering Group meeting.
7. The Accountable Body will provide sponsors and panel members with applications and appropriate information at least seven days prior to the assessment Steering Group meeting.
8. The Steering Group will assess each application against a clearly set out scoring sheet. The quorum for decisions will be four members of the Steering Group.
9. The Accountable Body contacts the successful applicant:
   - signing of hire agreement;
   - assigning a sponsor who will be the point of contact with the Steering Group.
13. The Accountable Body contacts the unsuccessful applicant:
   - providing feedback
   - suggesting that with improvements based on feedback it could be resubmitted at a later date

Scheduling Activities
Consideration will need to be given to the timing of one-off activities, in that the prime time slots (i.e. 11am-3pm) should be only one hour long. Recurring activities should be scheduled to take place out of prime time slots.
Appendix 1

Guidance note for completing the application for interim use

Your application will be assessed against the information that you provide to the questions.

You may be asked to provide further information to clarify any questions that may arise during the assessment process. The Accountable Body will provide you with notice and details of any further information required.

Please note that it may take up to four weeks to fully assess your application, so make sure you calculate this into your proposed start date.

Please be aware that there are some constraints on the interim use of the St. Anne’s School Site Grounds, these are listed below.

If you have any questions regarding these constraints please contact: StAnnesLewes@eastsussex.gov.uk or 01273 337028.

Constraints for activities taking place at the St. Anne’s site

1. Limited vehicle access
2. Site available from an agreed time in the morning until dusk, when it shall be closed
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4. Any activity may need planning consent, please see: http://www.lewes.gov.uk/planning/3633.asp
5. County Council does not undertake to improve or refurbish the buildings, and has no budget to do so
6. No alcohol without license
7. Amplified music should cease by 7 pm if still open at that time
8. Users are responsible for holding appropriate licenses and consents for their activities, please see http://www.lewes.gov.uk/environment/15166.asp
9. No lopping or felling of timber
10. No animals without consent
11. No subletting
12. No alterations without prior written authority of the Council

Organisations delivering activities on the St. Anne’s School Site Grounds:

- Will indemnify ESCC against all costs or claims arising from loss, damage or injury arising from use of the property in accordance with the terms of the license;
- Shall not do or allow anything which may become a nuisance or annoyance to residents of adjoining property in the neighbourhood;
- Will allow the council full access for use free of charge in case of civil emergency as required;
- Will not be permitted to assign or sublet the premises or any part thereof;
- Shall not without the Council’s consent attach advertisements or posters to any external part of the premises; and
- Will be required to provide 3rd Party Public Liability Insurance cover in place.

Please note that before any activity begins successful applicants will need to sign a hire agreement.
Appendix 1
Application for interim use of St. Anne’s Old School Site Grounds

Name of your organisation:

Your name:

Email: Phone:

Name of activity (if it has one)

Have you made a site visit?

1. Please indicate at least two criteria your activity falls within:
   □ People having better chances in life, with better access to training and development to improve their life skills.
   □ Developing stronger communities, with more active citizens working together
   □ Improving the local environment and bio-diversity
   □ People and communities becoming healthier and more active
   □ Encouraging and supporting the enjoyment, participation and equal access to the arts and promote cultural diversity

2. Briefly explain your activity and how it meets the two criteria you indicated in question 1:
3. How many people do you think will attend your activity and who are they?

4. Please state the days and times your activity will take place, whether it is a one-off, or a regular activity (please give start/finish dates, or estimated duration):

5. Please indicate what area of the St. Anne’s Site your activity will take place in (please see attached map):

6. Please give a breakdown of running costs for the activity and how you intend to cover these costs:

7. Please state your preferred date to start this activity:

8. Please return your completed form and proof (or quote) of public liability insurance to StAnnesLewes@eastsussex.gov.uk.
Map of St. Anne’s Site
Item
1. **Introductions & Apologies**
   Present:
   - Rosie Eggar
   - Katherine Perrin
   - Nicola Fee
   - Sarah Rideout
   - Paul Rideout

   Apologies: David Baughan, Councillor Ruth O’Keeffe, Councillor Susan Murray, Penny Jones, James Livesey

2. **Accountable Body: update from ESCC and 3VA**
   - ESCC and 3VA are in the final stages of negotiation, these include clarifying liabilities, and agreeing the heads of terms for the lease.
   - It has been agreed that payment for the Accountable Body to carry out functions will be paid one month in arrears, based on an invoice provided by the Accountable Body.

3. **ESFRS – discussion on use of buildings for training purposes**
   Tim Cook from Lewes Fire Station discussed the Fire Training proposal for the Old School.
   The main points were that:
   - It would be for interim use only.
   - No damage to the building allowed if there is it will be repaired.
   - ESFRS able to better respond in the event of a serious incident at St A's.
   - ESFRS committed to community engagement.
   - Training will not be allowed to interfere with other community activities.

   Below is a copy of the draft letter to local residents from the St. Anne's Steering group has been written that covers the above points.

   **Please let us know if you are happy with this letter to go to residents on neighbouring streets.**

   Dear Neighbour,

   East Sussex Fire and Rescue Service (ESFRS) have been in touch, and expressed an interest in using the St. Anne's School buildings for training exercises.

   They have stated that the use of outside venues is very important to the development and training of Fire-fighters. It also gives them the opportunity to familiarise themselves with the school's layout, which would be of great advantage should they be called to an incident at the property.

   ESFRS does have all the necessary insurances, and they do not envisage any damage being caused to the building.

   Prior to the use of the building ESFRS are required to carry out a comprehensive risk assessment and any parts of the building that caused concern would not be used.

   The training that ESFRS have in mind would be small scale, involving one or two appliances.

   The training activities might include the use of smoke generators to simulate a fire, with crews carrying out simulated search and rescue operations, and the pitching of Service ladders against the outside of the building.

   We will coordinate the timing of ESFRS use of the building so that it does not impact negatively on the community use of the grounds.

   It is likely that ESFRS will use the building 3 times per month, on a weekday between 11am - 1pm.

   If you have any comments or questions please email StAnnesLewes@eastsussex.gov.uk

   Regards

   St. Anne’s Community Steering Group
4. Review of SWT application for interim use
The group assessed the application submitted by Michael Blencoe from Sussex Wildlife Trust. This was the first time that a completed application form was assessed.

While the application was thought to good, there were a number of clarifications sought, these were:
- Number of events
- Number of people attending
- Design for Butterfly Bank
- Dates and times
- Running Costs

Michael has since provided these clarifications and they have been added to the application and the updated application is now with the five Steering Group members that attended the meeting. These five members will assess the application as they provide a quorum for the assessment of the application.

What did become apparent was that the assessment scoring needed further development. The group spent a good amount of time doing this; see Appendix 1 for the new Guidance for scoring applications.

5. AOB
- Nicola Fee raised the following:
  - Lottery to raise money
  - Yoga Workshops
  - Rubber matting for concrete area to the south of the school (area 3 on the map)
  - Use of building

There was a very brief discussion on these, but these may need further discussion at a future meeting.

- Naming of Areas:
The following names were suggested at the open day. No decision was made on names. This could be discussed at the March meeting.

St. Anne's: Naming the Spaces Suggestions
**Area 1**
The kitchen garden
Big space
Wilderness
Rodeo Drive

**Area 2**
The paddock – its historic use
Moonshine
Open space

**Area: 3**
Woody leafy
Cherryred (2 suggestion slips for this)
Magic garden
Tree field

**Area 4**
The arena, or centre stage
The tennis court – reputedly the oldest in England
The old tennis court

**Did not specify area:**
The hard football pitch
Playground
St. Anne’s play park
Bramble Park
Grassy bank
The grass mound

**General**
Names limited to Battle of Lewes, eg De Montfort, King Henry
Area at the back of the building (butterfly bank?): the garden pool
APPENDIX 1
Guidance notes for an application for interim use of St. Anne’s Old School Site Grounds

Your application will be assessed against the information that you provide to the questions.

You may be asked to provide further information to clarify any questions that may arise during the assessment process. The Accountable Body will provide you with notice and details of any further information required.

Please note that it may take up to four weeks to fully assess your application, so make sure you calculate this into your proposed start date.

Please be aware that there are some constraints on the interim use of the St. Anne’s School Site Grounds, these are listed at the end of this document.

If you have any questions regarding these constraints please contact: StAnnesLewes@eastsussex.gov.uk or 01273 337028.

<table>
<thead>
<tr>
<th>Question</th>
<th>Guidance</th>
<th>Scoring</th>
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| 1.       | Please indicate at least two criteria your activity falls within:  
- People having better chances in life, with better access to training and development to improve their life skills.  
- Developing stronger communities, with more active citizens working together  
- Improving the local environment and bio-diversity  
- People and communities becoming healthier and more active  
- Encouraging and supporting the enjoyment, participation and equal access to the arts and promote cultural diversity | This question is not scored.  
Applicants need only indicate at least two criteria.  
Applicants will need to evidence the criteria they indicate in question 2. |
| 2.       | Briefly explain your activity and how it meets the criteria indicated in question 1  
Please provide evidence for each of the criteria that you indicated in question 2.  
You will be scored separately for each of the criteria that you selected.  
Therefore the minimum total score for this question is 10.  
If you indicate 3 criteria in question 1 the minimum total score for this question is 15. | This question is scored.  
The activity will be scored against each of the criteria indicated in question 1 and will be scored individually from 1 to 5 following the guidance below.  
1 point = The applicant has not described the activity clearly and made no mention of the stated criteria.  
2 points = The applicant has described the activity clearly and made no mention of how it meets the stated criteria.  
3 points = The applicant has clearly described the activity, but only indicated how it might meet the criteria.  
4 points = The applicant has described the activity clearly and demonstrated how it meets |
3. **How many people do you think will attend your activity and who are they?**
   Please give an indication of the likely number of people attending your activity.

   If you are applying for a reoccurring activity please indicate the number for each session so that we know the total.

   The total number of sessions for an activity will be used for the scoring.

   **This question is scored.**

   Each of the criteria indicated will be scored individually from 1 to 3 following the guidance below.

   1 point = The activity does not have any people attending.
   
   2 points = The activity has a low number attending (less than 10), and will have little impact on the wider community (taking into account the criteria stated in question 1).
   
   3 points = The activity has up to 50 people attending and will have an impact on the wider community (taking into account the criteria stated in question 1).
   
   4 points = The activity has up to 50 people attending and will have a high impact on the wider community (taking into account the criteria stated in question 1).
   
   5 points = The activity has over 50 people attending and will have a high impact on the wider community (taking into account the criteria stated in question 1).

4. **Please state the days and times your activity will take place, whether it is a one-off, or a regular activity (please give start/finish dates, or estimated duration).**
   Please provide exact and clear information when answering this question.

   **This question is not scored.**

   However the information you provide will assist in the scheduling of activities on the site.

5. **Please indicate on the map what area of the St. Anne’s Site your activity will take place.**
   The map divides the site into four locations, please indicate which of these locations you intend to use for your activity.

   **This question is not scored.**

   However the information you provide will assist in the scheduling of activities on the site.

6. **Please give a breakdown of running costs for the activity and how you intend to cover these costs:**
   The breakdown should include all costs associated with the activity.

   **This question is not scored.**

   However the information you provide will assist in understanding that you are aware of the full cost of the activity and have all funding in place prior to the activity taking place.
You should also include the source of funding and whether it is secured.
All activities will need to cover all costs and have funding in place prior to the event taking place.

7. **Please state your preferred date to start this activity:**
   
The start date may refer to a date prior to that stated in question 4, or it may be a different date.
   
If it is a different date then this will be for setting up or preparation.

This question is **not** scored.
However the information you provide will assist in the scheduling of activities on the site.

**Constraints for activities taking place at the St. Anne’s site**

1. Limited vehicle access
2. Site available from an agreed time in the morning until dusk, when it shall be closed
3. No overnight use
4. Any activity may need planning consent, please see: [http://www.lewes.gov.uk/planning/3633.asp](http://www.lewes.gov.uk/planning/3633.asp)
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10. No animals without consent
11. No subletting
12. No alterations without prior written authority of the Council

**Organisations delivering activities on the St. Anne’s School Site Grounds:**

- Will indemnify ESCC against all costs or claims arising from loss, damage or injury arising from use of the property in accordance with the terms of the hire agreement;
- Shall not do or allow anything which may become a nuisance or annoyance to residents of adjoining property in the neighbourhood;
- Will allow the council full access for use free of charge in case of civil emergency as required;
- Will not be permitted to assign or sublet the premises or any part thereof;
- Shall not without the Council's consent attach advertisements or posters to any external part of the premises; and
- Will be required to provide 3rd Party Public Liability Insurance cover in place.

Please note that before any activity begins successful applicants will need to sign a hire agreement.
**St. Anne’s Steering Group**  
*16th April 2012 18.30-20.00*  
**Notes**

**Update on accountable body** - draft copy of lease given to 3VA by ESCC. Also see Katherine’s notes and attachments.

**Membership of steering group** - it was agreed to contact all those on list no longer attending to get definite yes or no before asking Polly to send out request for more members to the original group of people who expressed an interest and any others who are expressing interest now.

**Amendments to app form/guidance** - attached

**Sussex Wildlife Trust app** - to be looked at by members of steering group who looked at initial app as soon as Katherine’s new docs agreed.

**Naming of the areas** - It was requested that Polly sets up a way for members to choose names (in the same way as doodle) in order to get this done before next meeting

**ESFRS** - Penny still had concerns about use of the house for training; David explained that ESFRS are on a lease with restrictions/requirements to make good etc, other members who met with Tim Cook from ESFRS were reassured that care would be taken, focus for steering group is activities in grounds

**Fund raising** - members not clear if this was around points raised by Nicola Fee at last meeting to raise money for specific items which it was felt should come through groups applying to do activity in grounds and applying separately for funding for equipment (i.e. soft mats) needed. Or, longer term fundraising to do with accountable body.

**News re conservation area** - ESCC have objected to entire site being included (County Hall and some parts of St Annes site not considered worthy), LDC would be able to put another application in.
St. Anne’s Steering Group  
24th September 2012 18.30-20.00  

Notes

**Attendees:** Katherine Perrin (3VA), Dennis Thomas (ESCC), Sarah (Common Cause), Susan (LTC), Penny (Grange Road Residents)

**ESF&RS Use of Buildings** – they are contacting 3VA each time to make sure they don’t clash with community use.

**Application** – our second application has been received, from a local resident wanting to use The Outdoors Project for woodland games for a children’s party. The Steering Group scored the application and approved the use. Katherine to formalise paperwork.

Sussex Wildlife Trust are organising to begin turning the earth for the butterfly banks mid-October.

**Steering Group Terms of Reference** – the Steering Group reviewed the original Terms of Reference in light of community use now being underway and made some alterations to better reflect the current set-up including a 50% quorate and meeting as a minimum once every two months rather than once a month.

**Membership of steering group** – Katherine has contacted all original listed members to check whether they still wanted to be involved. The Steering Group is now made up of 7 individuals representing different organisations. Jim Livesey still to be contacted. There was agreement that more members were needed and the following actions were agreed:
- Katherine to put a public call out on Facebook & 3VA’s enewsletter & original contact list
- Katherine to ask Sussex Wildlife Trust & Sussex Archaeological Society
- Penny to contact local residents
- All members to make general enquiries and bring results to next meeting

**News re conservation area** – No news yet from Lewes District Council re: whether the site is included in the conservation area.

**Future of St Anne’s Site** – Dennis gave an update the site’s future. The Estates Team will soon submit a paper to their Lead Member outlining options for the site – with the ambition of selling the whole site (grounds and buildings) to a community organisation, with a covenant to continue the community use of the grounds. The Steering Group will have sight of this paper before it is submitted.

**Next meeting** – decision to avoid Monday evenings as Nicola cannot make them. Agreed to trial a daytime meeting – Katherine to contact Nicola to discuss.
Attendees: Katherine Perrin (3VA), Dennis Thomas (ESCC), David Baughan (ESCC), Cllr Susan Murray (LTC), Cllr Ruth O’Keeffe (ESCC), Penny Jones (Grange Road Residents), Rosey Eggar (Lewes Town Partnership), Nicola Fee (St Anne’s Diggers), Jane Mepham (3VA – minutes)

Apologies: Sarah Rideout (Common Cause)

**Activities Update** – The Outdoor Project and Sussex Wildlife Trust (SWT) activities have taken place, they both provided positive feedback about the site and their plans for its on-going use. The SWT have publicised their activities extensively and are hoping to take forward their urban garden idea at the site.

**New applications**- There are no outstanding applications.

The Outdoor Project is keen to use the site more. Although it is a private company, its activities with children involve the community. There is the potential for securing sponsorship/subsidy for other users and to fund further publicity for the site. The Steering Group invited the Outdoor Project to make a presentation at the next meeting to find out more about it

**Action** 3VA to invite The Outdoors Project to next meeting.

The use of the site by dog-walkers may conflict with other sporting uses. To avoid this it was agreed to restrict access to some of the site for dog-walkers, ask LTC to place and empty a dog waste bin on the road outside the site, and arrange signage for dog-walkers and restricted areas. Woodcraft in Lewes and the Scouts may be interested in using the site for children’s activities.

**Action** – 3VA to contact LTC about installing a dog waste bin near the entrance
**Action** – 3VA to review signage to create a restricted area if sporting activity use is agreed
**Action** – 3VA to contact Woodcraft, scouts, brownie groups etc to test interest in using site

**Membership of Steering Group** – There have been two expressions of interest, from Councillor Price, in his function as a Rotary Club member and Carina Morissy, a local resident. The Steering Group invited both to the next meeting as an introduction to the Group, with follow-up contact thereafter to discuss membership. Jim Livesey has expressed his difficulty with attending; as there is uncertainty about his involvement it was agreed to remove him from the membership list but continue to provide information about the Group, as he may be able to disseminate this to St Anne’s Crescent residents. The two Churches, St. Anne’s and St. Pancras, may be interested in participating or spreading information about the site.

**Action** – 3VA to remove Jim from membership list
**Action** – 3VA to invite Ashley Price & Carina Morissy to next meeting
**Action** – 3VA to approach local churches to test interest in using site
Future of St Anne’s Site – David Baughan confirmed that the paper to the Lead Member has been approved and that he will be responsible for overseeing the next stages of marketing the site and bid analysis, in conjunction with Consultants, Localities. He is keen for feedback on the draft Particulars of Sale and Advertisement for press (distributed). Agreed that members will provide feedback to Katherine by Thursday 22nd November 2012.

Action: 3VA to pass feedback to David by Friday 23rd November 2012. David requested that any changes to be made by ‘track change’, Katherine can assist with this.

ESCC is very keen to work in partnership with the Steering Group and 3VA in the bid assessment process and in presenting a case to the Secretary of State for Education for approval to dispose of the site under the Schools Framework Act.

News re conservation area – David Baughan confirmed that the site is within the conservation area.

Next meeting – Wednesday 12th December 2012 at 10.00-12.00. Venue – East Sussex County Council. Dennis to organise room booking.
Attendees: Katherine Perrin (3VA), Archie Cowan (ESCC), Cllr Susan Murray (LTC), Carina Morissy (Oyster Project), Joel Evans (The Outdoor Project), Jane Mepham (3VA – minutes)

Apologies: Rosey Eggar (Lewes Town Partnership), Penny Jones (Grange Road Residents), Cllr Ruth O’Keeffe (ESCC), Nicola Fee (St Anne’s Diggers), Sarah Rideout (Common Cause)

Activities Update - No activities have taken place since the last meeting

New applications - There are no outstanding applications.

Presentation from Joel Evans, the Outdoor Project

The Outdoor Project was established 2 years ago and is based in Brighton & Hove. Using qualified instructors, it provides outdoor activities for children aged between 4-16 years old. It runs six (mainly after-school) clubs, boot camps, activities for a variety of organisations including schools, campsites and football clubs and private children’s parties. It aims to fill the gap for weekly activities rather than one-off, expensive trips away. It would ideally use the site as a hub/base for its activities, which include school residential trips, workshops, both after-school and weekend, and overnight camping. The skills learnt include bushcraft, survival and shelter-building, with an emphasis on learning through play and social interaction. Their charges vary from £5.00 for afterschool club and £4-5 for boot camp. The Outdoor Project is keen to use the site more and is flexible about how they can contribute towards community use. Joel suggested this could be provided by offering free sessions or events, workshops, a team-building service for adults, and reduced charges or free spaces for low-income families.

The Steering Group discussed the presentation.

It was agreed that it would be a fantastic resource for local children and that the Outdoor Project meets all the criteria for community use, as well as having all the practicalities in place such as public liability insurance. The issue was raised that, as it is a private company, this may set a precedent for other private organisations wishing to apply to use the site. However, this could be resolved by ensuring any other organisation must also meet the community use criteria. Joel’s suggestions for community use were offering free services rather than paying for hire of the site as a preferred option. Therefore one option could be to prioritise access to free or reduced rate sessions to particular groups or individuals and allocating spaces in existing activity sessions rather than setting up separate sessions. Organisations such as the Community Room at DeMontfort flats and other community pockets or Social Services could be asked to nominate children.

Action - Steering Group to provide feedback on suggestions put forward for community use.

Action – 3VA to draw up a proposal to give to Joel.
Dog bin - Lewes District Council has provided a quote for a bin, a one-off installation charge of £273.19 and a charge of £5.70 per collection. A request has been made to the ESCC for consideration of the quote. New signage has been put up to welcome visitors to the site and for dog walkers, providing the location of the nearest dog waste bin.

Action – ESCC to decide whether they are able to cover the costs

Encouraging Local Use - Contact has been made with the local Scouts, Girl Guides and Woodcraft groups in the area and also with St Pancras and St. Anne’s Churches. This will be followed up in the New Year when groups are not so busy with Christmas activities.

Action – 3VA to follow up contact with local groups.

Future of St Anne’s Site – Archie Cowan confirmed that ESCC has produced a final draft of the Particulars of Sale, if this is agreed they will begin the marketing process in mid-January. They do not have a time-scale for sale given the unusual nature of the site, and it will very much depend on the interest received. The process of applying for disposal to the Secretary of State for Education is now underway. A Bid Assessment document has been put together and they are setting up a group which will be responsible for point-scoring bids, this will include a Steering Group member, 3VA, and ESCC officers. ESCC are intending to provide sessions with potential bidders to include how to fill out bid criteria and respond to any queries raised.

Steering Group Membership – The Group warmly welcomed Carina to the meeting and outlined the Steering Group’s Terms of Reference and member involvement Carina will contact Katherine with her decision.

Next meeting – tbc

3VA - to organise date and venue for the next meeting.
Attendees: Adam Chugg (3VA), Rosey Eggar (Lewes Town Partnership), Archie Cowan (ESCC), Cllr Ashley Price (Rotary Club), Nicola Fee (St Anne’s Diggers), Cllr Susan Murray (LTC), Penny Jones (Grange Road Residents), Cllr Ruth O’Keeffe (ESCC), Dennis Thomas (ESCC) Jane Mepham (3VA – minutes)

Apologies: Sarah Rideout (Common Cause), Carina Morissy (Oyster Project).

Activities Update - No new activities have taken place since the last meeting.

New applications - There are no outstanding applications. The Steering Group reviewed The Outdoors Project proposed plan for use of the site. It was agreed that it would be useful to consider toilet facilities for all groups wanting to use the site, therefore options for erecting some form of composting toilet are to be investigated. It was agreed that the Outdoors Project use of the site could be promoted with the groups who it is hoped will benefit from the free sessions offered. With regard to the timescale for use of the site, this was addressed by Archie Cowan in the update on the sale of the site (below).

Action – 3VA to investigate toilet facility options.

Action – 3VA to respond to the Outdoors Project.

Dog bin – ESCC is unable to support the management expense of processing the waste as it is outside of the community use budget.

Security Fencing – Following a meeting with 3VA, ESCC and the Sussex Police it was agreed that the site would continue to be secured with Heras fencing. Mobile patrols will visit twice per evening, Monday to Sunday and twice per day on Saturdays and Sundays.

Steering Group Membership - The Steering Group expressed its thanks to Carina Morissy for her acceptance of membership. The Steering Group warmly welcomed Cllr Ashley Price to the meeting and he was formally approved as a new member.

Future of St Anne’s Site – Archie Cowan confirmed that the For Sale advert was placed in the Argus’ Business and Commercial Property Supplement on 22nd January 2013. There have been two positive interests from organisations, both of which are in active discussion. They are fully aware of the occupational lease for the grounds and the on-going relationship with 3VA. Although it is too early to say what actual construction might take place, and how this will fit in with the Outdoors Projects or other users, it is anticipated that there will be a
12 month time frame, so any conversation with Joel should be for a 12 month period and by arrangement thereafter. There is a meeting with one of the interested organisations on 13th February to run through the bid assessment criteria. The timescale for the bidding process is relatively fluid; the hope is to bring forward bids to submission point late Feb/early March before the forthcoming elections. It was agreed that it is very important to maintain confidentiality to safeguard the process. The Steering Group is to be represented on the Bid Assessment Panel by one of the members. Cllr Susan Murray expressed an interest and this was seconded by Cllr Ashley Price. Further expressions of interest to sit on the Panel were requested.

Action - 3VA to request expressions of interest for the Bid Assessment Panel representative.

**Next meeting** – 2pm Monday 11th March 2013 at Room CC2, County Hall, Lewes.
Attendees: Adam Chugg (3VA), Rosey Eggar (Lewes Town Partnership), Archie Cowan (ESCC), David Baugham (ESCC), Cllr Ashley Price (Rotary Club), Cllr Susan Murray (LTC), Dennis Thomas (ESCC), Carina Morissy (Oyster Project), Jane Mepham (3VA note-taker)

Apologies: Sarah Rideout (Common Cause), Nicola Fee (St Anne’s Diggers), Penny Jones (Grange Road Residents), Cllr Ruth O’Keeffe (ESCC)

Activities Update - No new activities have taken place since the last meeting.

New applications - There are no outstanding applications. Lewes Community Theatre has expressed an interest in using the site for an outdoor play later in the year. It was suggested that an article in the Lewes News would help raise awareness of the site.

Action – 3VA to publicise use of the site in the Lewes News.

The Outdoor Project - Joel Evans from the Outdoors Project has indicated that he is happy to proceed with using the site and would like work together to draw up an action plan and a calendar of events. It was agreed that clarification was needed of what the Outdoors Project wished to do on site to make it suitable for use, as indicated in Joel’s Plan. It was suggested that a calendar/timetable of uses would be helpful to avoid activities clashing when it is in regular use by the Outdoors Project.

Action – 3VA to liaise with the Outdoors Project regarding use of the site.

Composting Toilet - Jane Mepham presented options for the installing a composting toilet on the site. These could be either manufactured or DIY, with manufactured toilets costing between £750-1400. Both types require regular maintenance to ensure hygiene and function. Adam Chugg suggested that there could be a collective solution if more groups were using the site, with the cost shared and recouped through the hire agreement. David Baughan agreed to provide a quote for the ESCC hire of portaloos at cost.

Action – ESCC to provide quote for portaloo hire

Future of St Anne’s Site - Archie Cowan and David Baughan confirmed that the deadline for submission of initial expressions of interest is 15th March 2013. There have been 3 bids, 2 of which are well developed bids with the 3rd having come in later and so being less ‘worked-up’. ESCC are working with Locality Consultants who advise on the transfer of community assets to the public/3rd sector.
Stage 1 of the process is now coming to an end with the initial submission of bids. There will follow an initial assessment of those bids by ESCC officers in consultation with 3VA as tenant and the external consultancy support. Each bidder will then receive feedback on their bid and given a further opportunity to develop and improve and submit their final bids.

What will follow will be the formal assessment process. This will be divided between the Bid Assessment Panel, constituted of ESCC Officers, 3VA officers and the Council’s external Localities consultant who will consider the factual elements of the bids and score them accordingly. It was emphasised that the process needs to be managed carefully to protect the interests of those involved and avoid risk of challenge.

David Baughan undertook to update the Steering Group regularly on the progress of the bids, to report back the conclusions of the Bid Assessment Panel and to engage with the Steering Group for its views and recommendations to feedback to the East Sussex Lead Member for Community and Resources. It was confirmed that the Steering Group will have the opportunity to discuss with the Bid Assessment Panel the conclusions it reaches. The Steering Group emphasised that it was important that the criteria and the thinking behind the recommendations made by the Bid Assessment Panel are clear so that it can be understood by all parties.

The bids will be scored and weighted using a Score Sheet based on the Bid Assessment Form. This will be circulated to the Steering Group for feedback. The importance of maintaining strict confidentiality with regard to the decision making process was emphasised.

It is anticipated that, depending on the progress of the bids received on the Friday deadline, the bidders will then have about one month to work them up into a format that can be assessed.

Action – 3VA to circulate the Score Sheet and pass any feedback to ESCC.

**Next meeting** – 2.30pm Monday 22nd April 2013 at Room CC2, County Hall, Lewes.
**Attendees:** Katherine Perrin (3VA), Rosey Eggar (Lewes Town Partnership), Chris Reed (ESCC), Cllr Susan Murray (LTC), Dennis Thomas (ESCC), Carina Morissy (Oyster Project), Nicola Fee (St Anne’s Diggers), Cllr Ruth O’Keeffe (ESCC), Sgt Rose Hanson (Sussex Police) Jane Mepham (3VA note-taker)

Apologies: Sarah Rideout (Common Cause), Penny Jones (Grange Road Residents), Cllr Ashley Price

**Anti-Social Behaviour on site** – Sgt Hanson advised that a group of young people had been reprimanded for breaking into the school building. Following a report of drug paraphernalia being found on the site, Sgt Hanson advised that none had been found when she visited. ESCC has taken urgent action to ensure that building is secure and will be taking remedial action including cutting back the undergrowth to limit concealed areas and allow greater visibility for users. The Group asked for reassurance that this would not affect the Butterfly Banks.

**Action** – 3VA to contact Sussex Wildlife Trust.

**Activities Update** - No new activities have taken place since the last meeting.

**New applications** – Girlguiding Lewes has provisionally requested hire of the site on Wednesday 26th June 2013 from 7.00-8.30pm for a barbeque. ESCC agreed that this could be arranged as long as there were appropriate fire safety precautions in place. The request was agreed in the first instance and the organisation invited to complete an application for approval at the next meeting.

The Group agreed that Joel at the Outdoors Project should be contacted to establish whether the lack of toilets and impending sale of the site has affected his interest in using the site. If he is still interested it would be helpful if he could provide a list of the activities he plans to hold on site. It was suggested that Joel could run a ‘pilot’ scheme to see how the site works out.

**Action** – 3VA to invite Girlguiding Lewes to make an application.

**Action** – 3VA to liaise with the Outdoors Project regarding use of the site.

**Portaloo Toilet Hire** – Dennis Thomas is awaiting a response to a request for a quote for hire.
**Action** – ESCC to chase for quote

**Future of St Anne’s Site** - Archie Cowan has left ESCC and the Group welcomed his replacement Chris Reed. Chris Reed confirmed that there have been three firm offers within the deadline and a fourth basic expression of interest made late in the day. He stressed the importance of maintaining confidentiality with regard to the decision making process. The three offers are:

- **Lewes Community Land Trust** propose 26 Social/mixed use housing units on car free site with the exception of disabled access. The development will not impinge on the open spaces. The building will be retained with the ground floor for community use and the upper floor for housing and employment space.

- **SUBUD** propose a social enterprise centre with 2 large community halls and a crèche, public garden and play area. They plan to demolish the whole of the site but may review if it is highly controversial.

- **YMCA** propose to sell its Westgate base for housing and use the revenue to purchase the site. It proposes 16 affordable housing units for ‘bridging’ housing for young people. Part of the site will be sold to ESCC to expand the cemetery.

The fourth expression of interest is from NCDA (Newhaven Community Development Association). The basis of its bid is an ‘open spaces programme’ to provide support to the most vulnerable individuals and groups to access green spaces and gardens. The bid did not make the deadline however it was agreed that this should prohibit the NCDA from continuing in the process if it so wished.

**Next Steps**

The next stage of the process is for the Bid Assessment Panel to provide feedback to the bidders on their business plans and the various community uses envisaged. Following the feedback there will be a further round of bid submissions. These will be assessed by the Bid Assessment Panel. The recommendations would then be taken to the Lead Member.

There was a discussion around the Steering Group member on the Bid Assessment Panel. ESCC indicated that they would prefer a member from a non-political group. It was proposed and agreed that there be 2 representatives from the Steering Group, one from 3VA given its role as the Accountable Body and one to represent the community.

It was agreed that the bids will be made available to the whole Steering Group who will feedback their comments to the two representatives who will take these to the Bid Assessment Panel. It was agreed that Katherine Perrin would be the 3VA Steering Group representative and Susan Murray or Rosey Eggar will be the second Steering Group representative, depending on availability. It was requested that absolute confidentiality be adhered to with regard to the bids.
**Action** – 3VA to circulate the bid documents.

**AOB** – Guy Robert-Holmes has expressed an interest in becoming a member of the Steering Group. He is a resident of St. Anne’s Crescent.

**Action** – 3VA to invite Guy Robert-Holmes to the next meeting.

**Date of Next meeting** – provisionally agreed 2.30pm Wednesday 15th April 2013
Attendees: Katherine Perrin (3VA), Rosey Eggar (Lewes Town Partnership), David Baughan (ESCC), Chris Reed (ESCC), Cllr Susan Murray (LTC), Carina Morissy (Oyster Project), Cllr Ruth O’Keefe (East Sussex County Council)

Apologies: Nicola Fee (St Anne’s Diggers), Penny Jones (Grange Road Residents), Ashley Price (Rotary)

Notes - Change ESCC to LDC regarding the cemetery extension point on YMCA’s bid

ESCC updated the group that there had been no further problems regarding unauthorised access to the building and/or concerns regarding drug use on the site. ESCC will continue to monitor the site and make routine visits.

Dennis Thomas (ESCC) has met with Michael from Sussex Wildlife to look at whether cutting back the undergrowth will impact on wildlife – no cause for concern as all areas needing to be cut back are not attractive to butterflies.

Activities Update - No new activities have taken place since the last meeting.

New applications – New application from the “Rocket Rangers”. On the basis that the group received reassurance that the group has voluntary and community sector and that no marks will be left on the site, the group approved their application.

ESCC have agreed that the group will have access by special arrangement – picking up the key to the side entrance from County Hall, as the group’s use is outside of normal hours. ESCC also require the leader to collect and return the key and park in the west car park.

Action – 3VA to contact the group and provide a lease.

The Outdoor Project – Katherine has spoken to Joel from the Outdoors Project – he has agreed to look at a number of “trial/taster” events on the site to test demand. The lack of toilet facilities will be assessed then to see whether this will impact on their ability to use the site regularly. Joel will provide a schedule of events asap.

Action – ESCC to provide quote for portaloo hire

Steering Group Membership – sadly Sarah Rideout has tendered her resignation from the group due to other commitments. 3VA thanked Sarah on behalf of the group for all her
work with the St Anne’s site to date. Agreement within the group to be aware of potential new members and pass details to 3VA who will organise an invitation.

Sale of St Anne’s Site - David Baughan (ESCC) updated the group that interim feedback from ESSC had been provided to the three bidders, predominantly focusing on where they needed to give more information. The bidders now have until 7th June to submit their final bid.

It was agreed that Katherine Perrin and Rosey Eggar would represent the Steering Group at the Assessment Panel meeting on 17th June. A meeting of the Steering Group and key ESCC officers will follow immediately after to enable the wider Steering Group to review all the bids and make any relevant observations. These will be collated and presented to the Lead Member alongside the panel’s formal recommendation.

Action – ESCC to invite Katherine & Rosey to the panel meeting and provide bid documents. ESCC to arrange a Steering Group meeting with key ESCC officers on Tues 18th or Wed 19th June.

Any Other Business – Katherine updated everyone that 3VA had published a small article on the St Anne’s site in Lewes News to raise awareness of the opportunity

ESCC also updated the group that there had been unauthorised access on the site from the developers of a neighbouring property which had left tyre tracks across one of the grass areas. Owners have apologised and have had the area flattened and re-turfed.

Next meeting – TBC
Attendees: Katherine Perrin (3VA), Rosey Eggar (Lewes Town Partnership), Chris Reed (ESCC), Cllr Susan Murray (Lewes Town Council), Carina Morissy (Oyster Project),

Apologies: Nicola Fee (St Anne’s Diggers), Penny Jones (Grange Road Residents), Ashley Price (Rotary), David Baughan (ESCC), Cllr Ruth O’Keefe (East Sussex County Council)

Activities Update – Rocket Rangers used the site on 24th June for their orienteering session.

New applications – No new applications.

Sale of St Anne’s Site – Chris confirmed that the Lead Member Report recommending the sale of the site to SUBUD was withdrawn following an indication to appeal from another party. He advised the group that ESCC were now reviewing procedures undertaken with a view to ensuring the Council’s objectives are met. Chris was unable to comment further but stated that there would be further updates as the matter progresses.

Future of the Steering Group – Katherine confirmed that 3VA will look to step down from their role as leaseholder for the grounds once the sale is complete, based on the understanding that their role was always an interim one and the sale fulfils the purpose/goal of the project in securing permanent community use of the site. 3VA will continue to manage the interim community use of the grounds until the sale is complete, which could be as far as a year away.

Katherine raised the question of how the group could capture the experience thus far – lessons learnt, what’s worked, what hasn’t, what do other projects considering asset disposal to the voluntary and community sector need to bear in mind? The group agreed to share key learning points by email and discuss at the next meeting, in order for Katherine to pull together a report.

Action: Katherine to email all current and previous steering group members to capture learning.

Any Other Business – None

Next meeting – TBC. Agreement that we should wait until the sale is progressing further or new applications need to be considered.
Attendees:  Katherine Perrin (3VA), Rosey Eggar (Lewes Town Partnership), Chris Reed (ESCC), Cllr Susan Murray (LTC), Carina Morissy (Oyster Project), Nicola Fee (St Anne’s Diggers), Penny Jones (Grange Road Residents), Ashley Price (Rotary)

Also in attendance: Sue Fleming and David Anderson of Subud

Apologies: Cllr Ruth O’Keefe (East Sussex County Council)

1. Subud Welcome & Discussion
   
   We welcomed Sue & David to the meeting, representing Subud – the preferred bidder for the St Anne’s site:

   • Subud is a membership based organisation practicing a form of spiritual mediation. They are currently based on Station Street in Lewes and are involved in several different enterprises locally including Lewes New School, Living Well/Dying Well and Pelham House, as well as running their current Subud centre which hires out rooms to a variety of organisations.
   
   • They are currently negotiating “Heads of Terms” with East Sussex County Council which will form the basis of the legal sale contract – key issues are access from St Anne’s Crescent and how to use the planning categorisations to lock the site into community use but ensuring the site can be sustainable by generating income. A statutory covenant will also be in place to ensure the site is retained for community use, however ownership may change in the future.
   
   • The next stages are tendering for architects, planning applications and working through the Section 77 requirements about using land previously used as school playing fields – this involves consulting with local schools to check whether they would have been of the land & submitting proposals to the Secretary of State.
   
   • It is hoped the entire process to complete the sale will take 6-18 months.
   
   • Core proposal of two large community halls with further stages of development being considered around eco/hostel accommodation, offices/training space for Living Well/Dying Well, community café and a pre-school.
   
   • The Steering Group expressed an interest in being involved to some extent in supporting the development of Subud’s plans and this was welcomed.
   
   • It was agreed 3VA would continue our administrative work for interim community use of the lands for another 6 months with a view to ceasing as soon as it is possible
due to difficulties with capacity.

**NB**: please remember that all details of Subud’s plans remain strictly confidential as any information going public has the potential to jeopardise the sale process

2. **Uses Update**
   - No new applications for us, however an expression of interest has been submitted from Lewes Youth Theatre who have secured Heritage Lottery Funding for a three day “Prepare for Battle @750” event celebrating the Battle of Lewes.
   - The group discussed what a great opportunity this would be for the site but agreed it would breach many of the current conditions of use such as overnight stays, potentially high noise levels, open fires etc.

   **Action**: Katherine to contact the group and gain more details of their plans and how it could fit within the limitations of the site e.g. a one day event perhaps

3. **AOB**
   - The group discussed other developments within the town including the North Street Development
   - Ashley offered to share the video he took of the St Anne’s buildings on a previous open day

**Next meeting** – TBC
Lewes Community Land Trust (LCLT)

Context for email correspondence (provided by Chris Reed, Asset Investment Manager):

The email dated 28th February 2013 sent at 3.30pm, discusses five bullet points. The fifth bullet point is critical in its content. “A bid that relies on the value of the st annes crescent car park to enable development of the st annes school site would have to be judged against other bids but is unlikely to be favourably considered”.

The email on the same date timed at 3.45pm states that “the release of the car park is a secondary issue – the highly desirable outcome is a sale of St Anne’s School for community use – if that can result in added value of the release of St Anne’s Crescent then great.”

Ultimately, the Council was not opposed to seeing bids incorporate the St Anne’s Crescent car park site, but our focus was always on a community scheme for the St Anne’s School site. The feedback is in line with the sales particulars.
From: [Redacted]
Sent: 28 February 2013 15:45
To: 'Pru Rowntree'
Subject: RE: Lewes Community Land Trust St Annes bid - car park and st annes crescent

Pru

I only differ in terms of emphasis; the release of the car park is a secondary issue – the highly desirable outcome is a sale of St Anne’s School for community use – if that can result in added value of the release of St Anne’s Crescent then great.

Otherwise you’re right and yes, happy for you to circulate.

Kind regards

Estates Surveyor
County Hall
St Anne’s Crescent
Lewes
BN7 1UE
DD: [Redacted]

From: Pru Rowntree
Sent: 28 February 20
To: [Redacted]
Cc: [Redacted]
Subject: Lewes Community Land Trust St Annes bid - car park and st annes crescent

Hi

thank you very much for the clarification about this. I think that I now understand - releasing the car park is highly desirable for ESCC, but even more so if the commercial site can then be sold at market value. Anything less than that makes our bid less competitive, but does not necessarily rule us out - is that a fair summary?

It would be very helpful if I could circulate your response to our partners - builder, housing association and co-op. Are you happy for me to do this? if so, it might be more fruitful for me to talk about it further with you having had their input, although I had my hand on the phone to ring you right now.

Thank you for clarifying this element of the bid
best wishes
Pru
Hi Pru

Further to our chat yesterday I think it’s fair to say the following:

1. The Council would welcome bids that replicate the existing car parking spaces at the St Anne’s Crescent site on the St Anne’s School site
2. The Council believes there is considerable open market value in the St Anne’s Crescent site for open market residential development
3. The car parking available at the St Anne’s Crescent site would need to be replaced elsewhere in order for that site to be released
4. Any bid that involves this St Anne’s Crescent site would have to demonstrate the capture of that value for the Council
5. A bid that relies on the value from the St Anne’s Crescent car park site to enable development of St Anne’s School site would have to be judged against other bids but is unlikely to be favourably considered.

As discussed, I’d be happy to meet to discuss further.

Regards

By the way, if you could use my ‘normal’ Council email address for future correspondence that would be useful as I tend to check it more regularly. It is [redacted]

Regards

Estates Surveyor
County Hall
St Anne’s Crescent
Lewes
BN7 1UE

dd [redacted]

From: Pru Rowntree [redacted]
Sent: 26 February 2013 17:01
To: St Anne's Lewes
Subject: Re: attention [redacted]

Hi
thank you for your swift response - very helpful.
Unfortunately I find it hard to get to a phone during weekdays as I teach. Would it be possible to speak at 4.30pm tomorrow on the phone?
best wishes
Pru
On Tue, Feb 26, 2013 at 10:29 AM, St Anne's Lewes <StAnnesLewes@eastsussex.gov.uk> wrote:

Hi Pru

In haste as I'm rushing to a meeting and won't be back this afternoon;

1. The 15th should be fine
2. We're open to suggestions that might include this land -- as long as we can demonstrate that the car parking can be relocated elsewhere and that we've achieved value for this site we'll consider bids that include this site.

In the office tomorrow -- perhaps we can discuss further then.

Regards

Estates Surveyor
County Hall
St Anne's Crescent
Lewes
BN7 1UE

From: Pru Rowntree
Sent: 25 February 2013 21:36
To: St Anne's Lewes
Cc: 
Subject: attention

Dear

Thank you for arranging access to the St Anne's site today.
Following the site visit with an architect and builder, we are very positive about our capacity to build on our initial thinking and to submit a serious expression of interest. We need clarification on a couple of things:

1) we are exploring the potential of a partnership between a local builder, housing association and housing co-op to work with us. They are all interested in principle, but we need some time to work out how we could work together to achieve maximum community benefit in a financially viable manner. It would be more realistic for us to submit our initial expression of interest/outline bid by March 15th. Would this be out of the question?

2) we are not entirely clear about the BSCC position on the land fronting onto St Anne's Crescent. If it were to be possible, as we discussed, to include use of this land to build a market development that could subsidise affordable/not for profit units on the main St Anne's site, it would give us greater capacity to deliver the kind of community housing we hope to achieve on the St Annes site. Are you suggesting that it would be possible to just substitute the existing netball court on the St Anne's site for the St Anne's Crescent site without paying market rent for it? If that is not the case, what kind of deal are you suggesting might be acceptable?

We have spoken to the Town Partnership and are trying to speak with [redacted] of 3VA very shortly to discuss our proposals. Are there any other key groups you would advise us to contact before submitting our proposals? As I mentioned in our first email, part of our proposal would be to instigate a process of consultation to establish the community bodies who might like to work with us to visualise and realise the community use element of the site collectively, rather than guessing how this element might work successfully.

Best wishes

Pru (Rowntree)

Lewes Community Land Trust

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E-mail is not a secure communications medium. Please be aware of this when replying. All communications sent to or from the County Council may be subject to recording and/or monitoring in accordance with relevant legislation.
Dear Councillor Elkin

**Former St Anne’s School site**

Please note that this letter is submitted without prejudice to and that we reserve the right to raise more detailed and/or additional objections following a more thorough review of the bid and related documentation by us and, if necessary, our lawyers.

**Executive Summary**

The Lead Member for Resources is recommended to reject the Chief Operating Officer’s Report recommending the sale and transfer of Former St Anne’s School site to Subud because it is unsound and ultra vires since Subud is an organisation promoting religious activities in contravention of the definition of valid applicants contained in the Council’s bid form.

We suggest that it would be inappropriate for the Council to dispose of this site at below market value to Subud under these circumstances.

The first paragraph of the Council’s bid form reads:

> The questionnaire applies to requests for the purchase of a Council asset by voluntary, community or not for profit organisations, *unless the organisation is promoting political or religious activities*. It is not intended to be used for commercial organisations. [my emphasis]

The applicant is understood to be Subud Britain, a company limited by guarantee (No 00678027) and a registered charity (No 233282).

The Company’s sole SIC Code in its company registration at Companies House is: 94910 - Activities of religious organizations. The Charity Commission entry includes ‘religious activities’ as part of its classification.
The Memorandum of Association of Subud Britain has as its first object:

    to promote and advance religion and in particular but without prejudice to the generality of the foregoing
to promote and advance the aim and principles of the worship of God known as Susila Budhi Dharma as
expressed in the Declaration set out in Clause 2 of the Articles of Association.

Clause 2 of the Articles of Association summarises the belief system and spiritual exercises that adherents of
Subud subscribe to.

Under Clause 6 of the Articles of Association membership of Subud Britain is limited to members of the World
Subud Association.

Pre-application advice from Samantha Prior, Planning Officer for Lewes District Council records that Subud plan to
use the site for ‘a place of worship’ and ‘the Subud Group national HQ’.

See Subud Britain’s full memorandum and Articles attached as an appendix.

Subud claim not to be a religion. But they are clearly engaged in religious activities and they benefit from the tax
status of a registered charity accordingly. In our opinion it is not the case that Subud’s bid ‘… meets the
requirements set out in the bid application pack’, as stated at para 1.2 in the Report by the Chief Operating
Officer.

We suggest that it would be inappropriate for the Council to dispose of this site at below market value to Subud
under these circumstances.

Once again, please note that this letter is submitted without prejudice to and that we reserve the right to raise
more detailed and/or additional objections following a more thorough review of the bid and related
documentation by us and, if necessary, our lawyers.

Yours sincerely

Pru Rowntree
Chair
Lewes Community Land Trust

cc Chief Executive
    Chief Operating Officer
    Norman Baker MP
    Councillor Ruth O’Keeffe
    Councillor Rosalyn St Pierre
    Councillor Christopher Bowers

Encs Subud Britain’s Memorandum and Articles of Association (27 pages)
    LDC’s Planning Advice
Dear All,

Further to the withdrawal of the report at last week’s Lead Member meeting held on the 16th July 2013, East Sussex County Council are reviewing the processes undertaken with a view to ensuring the Council’s objectives are met. Whilst this review is underway we regret we are unable to provide you with any more detail, suffice to say that we are endeavouring to be able to clarify our requirements over the coming weeks.

We would ask you kindly to be patient in the meantime and hope that you understand this revision is in the best interests of all to ensure a sound and safe final decision.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Dear Becky/Cllr Glazier,

Re: St Anne’s Site

We wish to notify you that Sussex Central YMCA and the Lewes Community Land Trust wish to raise a formal objection regarding the procurement process for the St Anne’s site. Our concerns are as follows:

- There was a lack of clarity as to the parameters of the bid, and what the Council wanted to achieve through the transfer of the site. We had contradictory advice to whether or not housing might be included on site, for instance.

- We were told that there may be an option to acquire the St Anne’s Crescent overflow car park and develop this as part of the bid. Again, it was not made clear whether this was a definite option.

- We were told that the shortlisted bidders should produce an outline bid and then we would be invited for interview, through which our bid could be refined if necessary. This did not happen.

- We were told following the withdrawal of the proposal to award the site to Subud from the Council meeting on 16th July that the bids were to be considered through a more rigorous process.

- We then received the attached email, which merely says the restriction on organisations promoting political or religious activities has been removed. It seems to us that the only reason to change the criteria at this point is to enable the Council to proceed with the award of the site to Subud.

- Sussex Central YMCA and the Lewes Community Land Trust have asked for feedback from our bids which has not been received to date. We presume the scoring of the bids will be available to evidence your decision.
Clearly this is a valuable site which has considerable potential to benefit the community, and we would expect the County Council to seek assurance that they have secured the best offer for the site that can create a sustainable provision that will benefit the community for years to come. From our point of view, we do not feel this has been a fair and rigorous process, giving senior officers and elected members a chance to consider the merits of the shortlisted bids sufficiently to enable them to make an informed decision.

In summary:

- It was not clear what was admissible/inadmissible in the bidding process (changing the rules re religious organisations as an example of this).
- The process was not clear and rigorous. We were not interviewed although we had been told we would be.
- We are still not clear how the decision is to be made regarding the successful bidder and by whom.

As bidders we have put a lot of work and incurred considerable costs into preparing our bids, and do not feel we have had sufficient engagement with the County Council as the Commissioning body through a fair and open bidding process. We would urge that you review the process before making your final decision and we are keen to talk with you regarding ways in which we might be engaged in a fair, open and transparent process. We look forward to hearing from you.

Yours sincerely,

David Standing       Pru Rowntree
CEO        Chair
Sussex Central YMCA      Lewes Community Land Trust

CC  Cllr Keith Glazier
     Leader of the Council
     Bramleys
     Pett Road
     Pett
     TN35 4EY
Dear Sirs

St Anne’s Site - formal objection regarding the procurement process

I write in response to your letter [undated] to Becky Shaw regarding the tendering process for the St Anne’s Site. You set out in your letter a number of grounds of objection about the process followed by the County Council. I have considered each of your objections and set out my responses below:

1) There was a lack of clarity as to the parameters of the bid, and what the Council wanted to achieve through the transfer of the site. We had contradictory advice as to whether or not housing might included on site, for instance.

The Community Asset Transfer Application Form (‘the Application Form’) sets out that in evaluating bids, the County Council would take into account the potential benefits of the proposed use in:

- Supporting community empowerment, the area and neighbourhood agenda;
- Promoting a sustainable third sector;
- Promoting improvements in local services; and
- Providing value for money.

It also sets out that any bid would need to identify any economic and social benefits that would arise as a result of the proposed use, and the corporate and partnership priorities of the bid.

The Council has no records of contradictory advice about whether or not housing might be included on the site and we note that different bids included different Local Planning Authority advice and different aspects of residential provision in their application.

With the exception of the wording regarding exclusion of religious or political bidders (which the Council has acknowledged may have been misleading), the Council is satisfied that the Sales Particulars and the Application Form were of suitable quality.
2) We were told that there may be an option to acquire the St Anne's Crescent overflow car park and develop this as part of the bid. Again, it was not made clear whether this was a definite option.

The sales particulars were clear as to the red line area being offered through this opportunity, the overflow car park was not included. It is acknowledged that all parties were informed of the Council’s aspiration that in exchange for grant of access through the County Hall campus the Council would wish to see the provision of Council staff car parking within the St Anne’s site to enable the potential future disposal of the St Anne’s Crescent car park site. There was no indication or encouragement within these particulars that additional bids for this site would be considered. All parties who submitted a bid for St Anne’s included provision of alternative access via the County Hall campus and re-provision of County Council car parking spaces within the former school but only the LCLT chose to submit a bid for the St Anne’s Crescent site.

I am aware that there was correspondence between the Council’s Archie Cowan and Pru Rowntree of the Lewes Community Land Trust (‘LCLT’) regarding the inclusion of the St Anne’s Crescent overflow car park during the tender process. It is acknowledged that Archie confirmed the Council’s aspiration to potentially dispose of this site if the bid provided for alternative staff parking for East Sussex County Council staff within the grounds of the former St Anne’s School. Nevertheless, in a written summary of discussions held with Pru Rowntree on the 27 February 2013, Archie wrote to Pru on the 28 February and stated;

“A bid that relies on the value of the St. Anne’s Crescent Car Park site to enable development of St. Anne’s school site would have to be judged against other bids but is unlikely to be considered favourably.”

The Council considers this statement to be clear guidance and therefore does not accept that either the LCLT or YMCA Sussex Central were disadvantaged as a result.

3) We were told that the shortlisted bidders should produce an outline bid and then we would be invited for interview, through which our bid could be refined if necessary. This did not happen.

Neither the sale particulars nor the Application Form make any reference to bidders being invited for interview. Furthermore, the County Council has no record of any such offer being made. With regards to the opportunity to refine bids, the County Council is satisfied that all bidders were given such an opportunity. The bids were assessed by an external assessor and the feedback provided was tailored to each bid (according to the details set out therein). This feedback was provided with the intention of allowing each party the opportunity to provide the best possible bid.

As such, in the absence of any evidence to support your assertion that you were informed you would be invited to interview, we are satisfied that there was no procedural flaws in this aspect of the tendering process.

4) We were told following the withdrawal of the proposal to award the site to Subud from the Council meeting on 16 July that the bids were to be considered through a more rigorous process.

The purpose of the withdrawal, as identified in writing to all bidders, was to review the disposal process and not the individual bids. As part of that process a conclusion was reached on the Equality Act matter as you identified in your next point.
5) We then received the attached email, which merely says the restriction on organisations promoting political or religious activities has been removed. It seems to us that the only reason to change the criteria at this point is to enable the Council to process with the award of the site to Subud.

As raised in writing by LCLT on the eve before the Lead Member meeting there was concern around the interpretation of the statement within the Community Asset Transfer Application Form which read;

"The questionnaire applies to requests for the purchase of a Council asset by voluntary, community or not for profit organisations, unless the organisation is promoting political or religious activities."

As set out above, this prompted a review of the tender process generally. As part of that review, the Council's in-house solicitor advised that the restriction against bids from religious organisations may not be compliant with the Council's duties under the Equality Act 2010. Consequently, it was acknowledged that this may amount to a procedural flaw with the tendering process. Notwithstanding the potential procedural flaw, all parties who requested the Application Form chose to submit bids and a number of the bids submitted came from organisations with religious affiliations. Consequently, the Council is satisfied that bidders were not deterred by this potentially misleading statement.

I can assure you that the removal of this restriction was in no way designed to favour any particular bidder. This was done solely in response to the legal advice received regarding the Council's compliance with its public sector equality duties.

6) Sussex Central YMCA and the Lewes Community Land Trust have asked for feedback from our bids which has not been received to date. We presume the scoring of bids will be available to evidence your decision.

It would be normal practice in any tendering procedure, having reached a conclusion on the preferred bidder, to provide feedback on the individual bids to the respective bidders. It is therefore our intention to fulfil this part of the procedure in due course, following a Lead Member decision.

7) In summary:
- It was not clear what was admissible / inadmissible in the bidding process (changing the rules regarding religious organisations as an example of this)
- The process was not clear and rigorous. We were not interviewed although we had been told we would be
- We are still not clear how the decision is to be made regarding the successful bidder and by whom

As set out above, the Council is satisfied that the information set out in the sales particulars and the Application Form were of satisfactory quality to give all bidders the information needed to submit their tender. The Council acknowledges that there was a potentially misleading statement contained with the Application Form, and that it was incorrect to exclude organisations on the basis of religious affiliations. However, having reviewed the tender process in its entirety, the Council is satisfied that organisations with religious affiliations were not deterred from submitting a bid by this statement and an opportunity has been provided for bidders to reconsider bids in the light of this decision.

The County Council does not accept the assertion that the process was not clear and rigorous. As set out above, neither the sales particulars nor the Application Form make any reference to an interview forming part of the assessment process. Furthermore all bids received were considered by a Bid Assessment Panel and evaluated in accordance with the criteria specified within the
Community Asset Transfer Application Form as listed above. This panel consisted of Council officers with property, financial, community and economic expertise in partnership with two representatives of the voluntary and local community. The conclusion of this panel was unanimous and included consultation with members of the St Anne’s Steering Group who also concurred with the decision of this panel.

All bidders were informed of the incorrect statement within the Community Asset Transfer Application Form and given the opportunity to amend their bid in the light of this correction. No parties have chosen to amend their bids, therefore there has been no requirement to reconvene the Bid Assessment Panel and Officers will therefore refer the matter for the consideration of the Lead Member for Resources. It is the intention of Officers that a Lead Member decision report of the disposal process will be published on 21 October, and that the report will be considered by the Lead Member on 29 October.

The decision as to the next steps on the sale of St Anne’s will be made by the Lead Member, following recommendations by the Officers. Following that meeting, feedback based upon the conclusions of the panel will be made available to all parties, and I would hope that all parties use this feedback constructively to understand how their bids might have been improved in order to support any future opportunities to bid for community assets that might arise in the future.

I trust that this adequately addresses all of the concerns raised in your letter but, if you require further explanation please contact Melanie Griffin, Assistant Director for Property and Capital Investment, on 01273 335819.

Yours faithfully,

Kevin Foster
Chief Operating Officer

CC: Becky Shaw, Chief Executive, East Sussex County Council
**Subud**

**General Statement from Subud Lewes St. Anne’s team**

Subud Lewes, a well established local non denominational organization, made a proposal and bid that was accepted by East Sussex County Council for the St Anne’s site. The proposal is to build two multi use community halls which would serve both the Lewes Subud group and the community, while leaving approximately 2/3rds of the site for further development. We have made specific and viable proposals for this remaining area but the exact nature of the development will follow on from community consultation.

Our proposal was widely supported and in a very short time scale Councilor Ruth O’Keefe received over 50 letters of support from local residents, businesses and individuals, the majority of whom are not members of the organization.

An opposition campaign was mounted by a few individuals, including John Stockdale a Lib Dem Councilor and a member at the time of the LCLT, one of the failed bids. The opposition’s position is largely based on historical literature that does not reflect Subud Lewes members or policies.

An important distinction needs to be made at the outset. Subud Lewes is the representative body which received the final award. Various ventures and businesses are owned by Subud members but are not the bidding entity. The founder of Subud, named ‘Bapak’, is also not the bidding entity. The opposition have confused and conflated statements of the founder of Subud and the success or failures of independent businesses, with Subud as an organisation.

Presumably an equally effective campaign could have been mounted against one of the other bidders, the ‘Young Mans Christian Association’, which is an excellent organisation that does very good work. However, the writings of the bible and the Old Testament are not quoted as policy by the YMCA.

In our view there has been an uneasy alliance in the opposition made between well intentioned community interest, politics, individual opinion and information from the Lewes forum. We believe the politicians involved have done themselves a dis-service by taking all information on the forum, [where contributors are anonymous], as true statements and included it in their ‘evidence’. As stated by John Stockdale:

“The decision was not challenged at the time by the unsuccessful bidders and it was not noticed by the community until this summer when an unprecedented volume of comment appeared on the Lewes Forum.” There are flurries of activities on the forum on the strangest subjects from anonymous contributors like ‘Death Race’ and ‘Dull Dan’ and although some useful things do get discusses with some sensible contributions it is not exactly a reliable media resource.

In terms of the challenge to the bid there are conflicting messages. On the one hand in the 2\textsuperscript{nd} written statement from the st Anne’s group, it says ‘We are not directly critical of Subud as an organisation’ and yet there has been an avalanche of very direct criticism attempting to shame individuals or the
organisation. The criticism by detractors of Subud has been unwarranted and extreme. The resulting press coverage has resulted in imbalanced press coverage [and repetition of false allegations] has caused serious discomfort to Lewes residents and business owners, including both Subud members and non members and their families.

Statement in response to specific opposition witness evidence:

1. **The accusation that St Anne’s will be a Subud national centre, a Subud campus, a Subud training centre:** Subud Lewes facilities will compromise approximately one third of the site. The facilities will be used for Subud purposes approximately 25-30% of the time available. Therefore in perspective this complaint should be of little concern. The site will not be a national centre. This opposition argument was based on a fundraising article in an internal publication. To be very clear the national Subud organisation [Subud Britain] has not endorsed or designated the project as a national centre. However, we do hope it will be the most contemporary, sustainable and eco Subud centre in the UK and, taking pride in Lewes, we hope it will be a great piece of innovative and sustainable architecture for the town. Councillor St Pierre also refers to, *the house being used for the training of Subud followers*, which makes it sound like some sort of boot camp for indoctrination. There is no evidence of this in the proposal or in the organisation. This statement appears deliberately inflammatory and misleading.

2. **Size matters:** Councillor St Pierre could not understand why we need such enormous halls on the new site. In fact the average space of each hall is just twice the size of our current main hall ie 180 sq meters to current 90 sq meters. I would think smaller than the All Saints venue in Lewes. Her statement is misleading and inaccurate. In contrast we would anyway consider the bigger the halls the bigger the benefit to Lewes.

3. **The value of the existing Station street properties:**
   
   In his evidence John Stockdale states, *Freehold properties in Lewes are valued at £196,945. The Lewes properties are one of three used as security for bank borrowings. Total secured bank loans are £45,978, so on a presumed pro rata basis there is about £180,000 of equity in the Lewes properties.*’ This statement is incorrect and misleading. The properties on Station street have been valued by Oakley commercial agents and have a current market value well in excess of the ‘book value’ quoted in the Subud Britain accounts that are referred to, and as well as the halls there is the adjoining house.

4. **Subud a religion or a cult?** – Councillor St Pierre refers to Subud as a religion, a cult and a sect: Subud is none of these. The Lewes forum quoted information that in France, Subud is a cult. Subud was classified as a cult in France along with the Steiner educational movement and the boy scouts but that classification has subsequently been overturned. However, there will be countries where for instance there might be strict Islamic law where Subud would not be welcome. Subud is not a religion and members of Subud are from all religions, Christian, Muslim, Hindu, Judaism etc and many who have no religion. Subud is based on a
spiritual practice. The Lewes forum did not present all the facts accurately.

5. **Subud as a charity:** The reason that Subud appears as a ‘religious’ charity is that the Charity Commission in England have only a few types of organisation that they identify, and spiritual practice does not appear, so ‘religious organisation’ was felt to be the closest to explaining Subud when the charity was registered., in Indonesia Subud is registered as educational charity and the laws vary from country to country.

6. **Subud generating money for itself:** As for the money raised in Subud Britain – this is mainly recycled into the organisation as that is what it costs to maintain and run properties and the gatherings, events and meetings but it is a not for profit organisation. Individuals do charitable projects and the main vehicle is the sister organisation Susila Dharma [www.susiladharma.org](http://www.susiladharma.org) Nationally and Internationally the Subud Association has a specific affiliate called Susila Dharma International Association which has consultative status with ECOSOC [the UN economic and social council for development.] SDIA is funded through voluntary donations of Subud members and also mainstream development grants.] SDI has 39 charitable and social enterprise projects around the world ranging from community development and education, to supporting victims of gender violence, and it also contributes to a major Internationally recognized NGO IDCP. ‘International Child Development Program’ whose founders are Subud members [www.icdp.info](http://www.icdp.info) To get a fuller more accurate picture John Stockdale and Councillor St Pierre should have checked Susila Dharma accounts too and also the work that the charity does and they have again misrepresented the organisation by the exclusion of information.

7. **Community use:** Mr Stockdale describes the new st Anne’s as a ‘Subud Campus of halls, administrative offices, accommodation and Subud charity provision with the public paying for access to any of the facilities - with primary benefit to the Subud community’. This is a fabrication and there is no mention of this in our proposal. When we use the word ‘community’ in our proposal we mean just that; local residents and the public of Lewes. The café is a public space and there will be free public access to areas of lawn, garden and play area and no question of any charge. Councillor St Pierre says, ‘there was no consideration of community development for the people of Lewes and the focus was almost entirely on the benefit for Subud within Britain and for serving Subud international’. It appears that Councillor St Pierre has not read the proposal that went into ESCC and that we have made available. Again both these evidence statements are incorrect facts and a misrepresentation.

8. **The Eco Lodge or Hostel:** The first statement in opposition in the scrutiny evidence pack talks about ‘Subud’s ever changing plans’. Our plans remain exactly as we submitted them to ESCC. They will evolve after community consultation and when we see who is willing and able to come forward from the community to do projects on the site. The same anonymous writer says ‘The hostel will be used for Subud members visiting from Britain and overseas.’. We hope it will accommodate occasional visitors from other Subud groups but it will have to be full of regular public visitors, conference attendees and backpackers for the remaining 95% of the time otherwise it will not be viable. The information in the evidence statement is misleading.
9. **Living Well Dying Well:** The first anonymous opposition evidence statement refers to LWDW as a ‘Subud charity’. This is simply not true. It is an independent palliative care charity started by a Hermione Elliot who is a member of the Subud Lewes group – that is a different thing. It does not refer to or use Subud literature and its training programs for carers are mainly attended by non Subud people and workshops and seminars are run for the public. There are several totally untrue and potentially damaging remarks made about LWDW across all the evidence statements. Hermione Elliot has written a separate rebuttal. [see attached letter]

10. **Transparency:** On the subject of transparency councillor St Pierre says, ‘My concern was not alleviated as it appeared that the proposals from LCLT and YMCA were transparent and in the public domain, whereas for whatever reason, that by Subud was not.’ To date we have certainly had no sight of either YMCA or LCLT proposals and would be grateful if both organisations could forward this information to us. As soon as we got the feedback from the town that there was concern about the lack of information about the future of St Anne’s we have held four public meetings to show and talk about plans and have made those plans freely available. Further on the subject of transparency the first evidence statement in opposition is written anonymously, which is not very transparent, and people on the Lewes forum mainly seem to hide behind names like ‘PilesQueen’. This would be entertaining if it weren’t for some of the hurtful vitriolic writing that gets published.

11. **Underbidding:** We have no idea about competitors bid prices and yet other parties seem to. There has been much made of the disparity between the offers between bidders. Councillor St Pierre quotes a £2m site value. This is misleading as it was a quotation based on a full housing development which we have been told would not be allowed. It would be fairer to do a like for like comparison with the bids that also had community use and facilities. We should also add in to any calculation the full costs of this Scrutiny enquiry which our Lib Dem MP, Lib Dem councillors and the St Anne’s group have demanded.

12. **The Campaign against Subud and the writings and quotes of its founder:** As for the apparent ‘moral’ campaign against Subud: The founder of Subud Bapak Muhammad Sumohadiwidjojo was born in 1901 into traditional Javanese culture in a predominantly Muslim country that also had strong Hindu roots. In the evidence against Subud, collections of his writing and personal letters to individual members were taken out of an historical, cultural and political context. The quoted items also represent a very small proportion of over a 1400 talks. However, as we have publically acknowledged, there is an anomaly between some of the writing and contemporary society and we have taken steps to address this. What Bapak [the founder] said is not a teaching, is certainly is not ‘policy’ and as much as some of us might respect him, the organisation is a separate thing. As mentioned in the introduction you would not randomly take any section of the Old Testament and say it was Christian or Jewish policy. He also said as an organisation we should follow the law in each country. Subud is autonomous in each country and like it or not laws vary in country to country. For instance in Russia, India, Jamaica and an additional 76 countries in the world homosexuality is illegal and it is a complex issue for WSA [World Subud Association] as an umbrella organisation with members in countries and very different cultures all around the world. WSA themselves rightly endeavours to remain neutral and let individual countries organise them selves according to the laws in place. Subud Britain is a
voluntarily run charity and tries to follow due process through its trustees and it is reviewing publications and web material and the organisation has initiated discussion to review writings and quotations that may no longer be appropriate or relevant. We are an evolving organisation and we have members locally, nationally and internationally who are also members of the LGBT community.

13. Freedom of speech and websites: As an organisation we support freedom of speech but it is important to make a distinction between official websites and non official or personal website that refer to Subud. Some of the evidence gathered has been taken from unofficial websites and sources and may or may not be accurate. Councillor St Pierre states in her evidence, ‘it is illegal and unethical to sell to organisations that have homophobic views on their website’. I am not aware of any statements being clearly displayed on any official websites. I believe there was a link or a pdf copy of the ‘helpers handbook’ on one website [possibly Subud USA where they have a an equality policy regardless of gender or sexual orientation]. So it certainly wasn't obvious on any official website and when the Subud organisation were informed of the anomaly the book was removed.

To Conclude:

If as a result of the committee recommendation ESCC stay with their decision to award the bid to the Subud Lewes and St Anne’s Community proposal, we look forward to giving the town and its residents the best possible asset we can provide and we also look forward to working with the wider Lewes community in developing other aspects of the site.

Subud Lewes – St Annes project team.
Living Well Dying Well

Response from Director of Living Well Dying Well to specific issues raised (see p.254 of 15/10/2014 evidence pack)

Dear Sirs

‘Living Well Dying Well’ is an established local and independent charity that provides training for end of life carers and raises public awareness through workshops and seminars.

I have read the documents that are to be discussed at the St Anne's Scrutiny Committee. I would like to make sure they are aware of the facts relating to Living Well Dying Well (LWDW) and to have the right of reply to inaccuracies presented by an anonymous objector.

See below:

Objector: "Kevin Foster does not mention that Living well, Dying well is a Subud charity"

Hermione Elliott Director: LWDW is a Charity set up by myself. It is not a Subud Charity.

Objector: "with funds provided by Subud Britain."

HE: We have received funding from many sources - The National Lottery; Seedcorn Fund; The Inlight Trust and Susila Dharma, which is the Subud NGO. Funds have not been given by Subud Britain.

Objector: "Its director is David Anderson, a member of the Lewes Subud property searching group, and a director of Lewes New school (until 2010) and Pelham House Associates."

HE: Although not a founder Trustee David Anderson is currently a Trustee. In my view this is a further demonstration of his committment to community projects in Lewes.

Objector: "This Subud charity is set up to train and provide ‘doulas’ for the dying. ‘Living Well, Dying well’ makes no mention of the fact that it is a Subud charitable company in its promitional material.

HE: LWDW is not a Subud Charity and is transparent in its literature.

Objector: "People at the end of their life are particularly vulnerable. Course content is not in the public domain nor do ‘Edexcel Assured’ assure its course content. ‘We do not assure course content and the courses offered are not Pearson or Edexcel qualifications’ (Joanne Hirst, director of business improvement and regulation, quality standards and research Pearson UK Sept 2014). "

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HE: Our courses continue to be externally quality assured by Crossfields Institute. The first 3 cohorts of Doula trainees, have their work certified by Edexcel. Edexcel has recently been taken over by Pearson and they have been revising their policy on many courses. In the last few months they have declined to accredit and certify ALL their courses related to end of life. Our literature is being updated to reflect this change.

Objector: "Minutes from the 2013 world Subud meeting state that there are plans for a ‘Living well,
Dying well centre to be part of a million pound project in Lewes in collaboration with the local Subud group and the local Council.’ It would seem to me that it perhaps would be more transparent for ESSC to have made it clear in its public releases that this charity is a Subud charity."

HE: LWDW is not a Subud Charity. Many Subud members share their initiatives with the worldwide Subud Community in this way. It is akin to someone who is, for example, a Christian architect, sharing their work on a project of interest, in their Church magazine.
Introduction:

In this presentation I wish to examine whether due diligence was properly applied to the bid process for the sale of the St Anne’s site. I wish to address four issues:

1. My position as county councillor and my previous relevant experience;
2. Democratic deficit
3. Transparency in the bid process
4. The matter of whether housing would be permissible on the site
5. What background checks rigorously carried out on Subud?

1. My position as local councillor
1.1 I have lived in Lewes and in the villages immediately around the town since 1974. I am now in the third term as member for a division that has approximately 4000 electors and their families living in the Lewes Bridge Ward and therefore have political representation for some of the people of the town.

1.2 Relevant to the submission by Subud, I have a comprehensive understanding of Islam, in particular the Ismaili tradition, and the branches of Sufism and of underpinning beliefs of Zoroastrianism. I lived and travelled extensively in Iran and Afghanistan and I was the personal envoy of the Aga Khan on a post civil war reconciliation mission to Tajikistan. I have worked throughout the Gulf and north Africa. I spent ten years working in mainland Malaysia, Sabah and Sarawak in south east Asia with predominantly muslim students and schools nurtured in the same traditions as Muhammad Subuh Sumohadwidjojo, known as a Pak Subuh or Bapak. Bapak the founder leader of Subud. With this background I wish to express that I am familiar with the spiritual beliefs and traditions emanating from Islamic scholars and have great respect for those beliefs.

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1.3 As Shadow Cabinet spokesperson for Schools and Learning Effectiveness for eight years, I asked questions to full council on several occasions about the use of the St Anne’s site, either about its continued use as a school for children with special learning needs as since the closure of the school have to travel considerable distances, or to develop the site for community use. I strongly opposed the proposed sale of County Hall, seeing that this could lead to intensive development across the joint sites in addition to the loss of jobs in the town. I was also aware that ESCC/LDC had identified the site in the SLAA for a significant housing development.

1.4 I am currently Chair of the ESCC Corporate parent Panel and a member of the adoption and permanence panel both having responsibility for our children in care in the county. This is relevant to my statements below.

1.5 I note that letters in support of the Subud bid were addressed to Cllr O’Keeffe. I would point out to the panel that when I was contacted by members of the public, I asked them to write directly to the Chair of the Scrutiny Review Panel to ensure transparency from any personal or political bias.

1.6 I do not have any personal or prejudicial interests relating to any of the bidders.

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2 Background 2010 - 2012 the democratic deficit.

2.1 In 2010 during the time of the “occupation” of the site I made several visits. I attended the site meeting called by the occupiers named the St Anne’s Diggers at the site along with residents of Grange Road, Southover High Street, and other areas of Lewes, John Morris representing ESCC and several LDC councillors. It is my recollection that this was a very positive meeting and the outcome was to welcome some limited housing development alongside community access. Unfortunately Cllrs O’Keeffe and Murray arrived together towards the end of the meeting and may be unaware of these proposals.
2.2 However, although I represent a significant number of residents of Lewes, at NO TIME was I contacted by Cllr Murray to join the St Anne’s Steering Group.

2.2.1. I was not aware of the significance of the steering group and, despite being a councillor representing the Lewes community, at no time was sent minutes or invited to participate by ESCC officers responsible for community liaison. I am not aware that the minutes of the Steering group have ever been made public or distributed to anyone outside the immediate membership.

2.2.2. What I did not realise at the time, was that Cllr O'Keeffe was invited to join the bid panel, but absented herself from involvement with the bid process. This was confirmed to me in a telephone conversation with Rupert Clubb in September 2014, in his role as Acting chief Executive. I understand Cllr O'Keeffe’s complex relationship with her position on town district and county, her lead position in the Lewes Town Partnership and other organizations, and of course that the Subud centre in Station Street is in her division.

2.1.3. Cllr O'Keeffe told me this year, that she did not take part in the bid panel because she was “very close” to all three bidders. Nevertheless Cllr O'Keeffe pressed for the completion of the sale. In a letter to Becky Shaw (dated 12 September 2013) Cllr O'Keeffe writes that she notices that “St Anne’s is still not on the LMD agenda. ... I would like to say at this point that as someone who was able to see the process develop and be carried through not only as the local member but as a member of the St Anne’s steering Group..... I feel it would be a great shame if the process could not go through successfully to a conclusion with a community group being able to realise their plans for the site.”

I do appreciate Cllr O'Keeffe’s honesty in this, BUT there was manifeststly a democratic deficit in not having a local councillor, free from interests in many Lewes organizations sitting on the final bid panel.

I am deeply critical of the failure of officers to recognize my position as a Lewes councillor to and failure to redress the democratic deficit, I submit that, at the very least, I should have been contacted once Cllr O'Keeffe’s position was made clear.
3 Transparency in the bid process

3.1 In October 2012 I attended Lead Member Meeting when the first announcement of the award of the bid to SUBUD was announced and then, following queries about the sale to a religious organization it was postponed. I was concerned at the time, but felt assured that officers would re-examine the bid proposals. But as time went on, my concern was not alleviated as it appeared that the proposals from LCLT and YMCA were transparent and in the public domain, whereas for whatever reason, that by Subud was not. The definition of community gain, and what is meant by community now caused me some concern. I did not see the publication from an FOI (November 2012 from Sam Prior LDC Planning Dept to “Mike” that ESCC confirms that Subud were planning to build their national headquarters (and this is confirmed in Subud websites). This is not a community hub for the main population of Lewes in the accepted sense of that term.

3.2 I have had the opportunity to examine the FOIs elicited during this inquiry: There is obvious confusion among officers as to whether Subud is a religious organisation or not. An email to Melanie Griffin and Chris Read 15 July 2013 states, following previous emails as to whether Subud is a religion or spiritual movement,

but Subud literature rejects the suggestion that Subud is a religious organization in some quarters such as the UK, but in others such as Indonesia, it is viewed by the government as an educational organization"

But this is transparently clear in the The Memorandum of Association of Subud Britain in which it is clearly stated clearly that it is a religious organization and among its object is “to promote and advance religion but without prejudice to the generality of the foregoing to promote and advance the aim and principles of the worship of god known as Susanna Budhi Dharma ....

3.3. It is apparent that officers had concerns. An email from Becky Shaw to Melanie Griffin and Kevin Lolloy dated 16 July 2013 and referring to the working on the aspect of a tender from a religious organization:

“the wording on the tender can easily be misinterpreted as has happened. It is a weakness. It was not our meaning to restrict organizations but through covenant restrictions to ensure community access was open to all who serve local need.
In answer to the question

Is the robust and extensive marketing process not sufficient defence to any challenge of exclusions? Becky Shaw replies “I believe an audit would suggest we were not as robust as we should have been.”

Questions are asked about costs to ESCC in the event of delay or retendering, however, the panel should be aware that as these were “informal tenders” under the Community Asset Transfer no costs will accrue to ESCC.

3.4 I note an email obtained by FOI dated 22 August 2013 to David Baughan and from preceding emails would assume it is from Penny Jones.

This timing is of crucial importance as it is approaching the time when the Steering group should be informing the bid group of their findings.

In this email it is alleged that ESCC has NOT communicated with the St Anne’s Steering Group. It statesWhile local politicians who were involved in the St Anne’s bid may feel they they know what is going on, regular unaffiliated individuals have not been kept in the loop.

What hasn’t worked is holding meetings in working hours - was this to suit ESCC and 3VA workers? It wasn’t much good for individuals who work. Also holding meetings where ESCC employees or affiliates were always in the majority.”

and a more strange note heavily redacted:

24 July 2013

First.. I am so sorry to whoever it was who turned away by reception ..I have no idea why they could not find the booking.... I’ve attached my notes from the morning’s meeting.. we’ve agreed to try and capture the learning experience of the Steering group into some kind of report.

At the time of this presentation, I have not seen this report

This underpins my growing concern that both ESCC and possibly Cllr O’Keeffe viewed this only as a matter for that area of the town identified as the Lewes Division, and therefore not for the whole community and that officers were only receiving information from a small and close knit group. I do not know what interests were declared at the group meetings. For example, were participants observers of members of Subud, YMCA or LCLT or had other ties to the core membership?
3.5. I did not attend the confirmation by LMD in 2013 but again was disturbed to read the press release by Cllr Glazier which negated advice outline in section 3 below, which I believed had been given to the YMCA and LCLT bidders following the wishes of the 2010 site meeting. 
Again I was not consulted by officers.

3.5 Following a number of steadily increasing communications concerning the preferred bidder, I contact the Chief Executive in July 2014 and following a number of exchanges (between myself and her office I received an email from Rupert Clubb (14th August) asking me why I was involved at the site was in Cllr O’Keeffe’s division.

3.6. At this point I was informed by outside sources that Subud is an underbidder. In view of all the cuts which have been and will be exercised by ESCC, I would need explanation of why a site originally valued at some £2 million was to be offered to a bid that was substantially lower.

4. The matter of whether housing would be permissible on the site

4.1 Nonetheless the FOI (2012) cited above indicates that Subud negotiator, David Anderson had informed officers of his intent to build and international HQ for Subud and presumably without any housing benefit. I would want to know what community gain was identified by officers on behalf of the Lewes community?

I note in the FOI an email as late as 28 August 2013 from David Baughan asking Did we encourage housing?

It is followed by a page of completely redacted emails!

on the same day

from Chris Reed to David Baughan

I do not know what Archie/you have told bidders but I have not suggested housing nor have I made mention of the overflow car park.

I do not know that Archie and /you had made comments to the bidder that there could be a land swop involving the car park, which could make a decent capital receipt for ESCC hence our valuation, But I have not been party to these discussions.

then 16 September 2013
From Melanie Griffin to David Baughan

As briefed on Friday I need an absolute yes or no to the ability to get housing on the St Annes site. Becky believes she was briefed by John Morris to say with the Conservation Area it would not be possible. Remember keep this confidential.

As a Lewes councillor I find this observation strange as there is building in the conservation area, for example housing developments in my division.

4.2 The panel has been presented with witness statements from officers and the responses from LCLT and YMCA which I do not intend to repeat. These relate to whether the process was fair to all parties, why normal procedures, such as interviewing bidders was not followed, why the uncertainties expressed in officers’ reports and detailed in the FOI responses were not followed through. Importantly, why an under bid was accepted. I find these questions deeply worrying and were the initial reason why I asked for a A&BV review.

I find the letter from David Standing Director YMCA so grave in its allegations and in supporting the arguments presented by LCLT, that any conclusion of signing of contract with Subud must be stopped.

4 Were financial background checks rigorously carried out on Subud?

4.1 Subud financial status.

The papers appear confused as to the end buyer of the St Anne’s site. To what extent is the purchase dependent on support from Subud International. What are the financial guarantees of Subud Britain, who are the counterparty? On the other hand I am disturbed that the purchase may be dependent on the sale of Station Street property or contributions from local members, who have been very active in garnering support for their bid.

4.2 At the beginning of September 2014 I received a lengthy phone call from a former member of Subud who wishes to remain anonymous because members of his/her family are still involved. ESCC has a policy to protect and listen to whistleblowers, so I took heed of the following information. The caller referred me to the statement in the World Subud Association Annual Report

“Subud members are .. involved in many entrepreneurial activities as part of their Subud experience”
4.3. I was informed by the caller that local members lost significant amounts of money with Subud Britain ventures, Among these include a disastrous involvement with Premier Hotels (now Premier Inns) and Anugraha International Centre in a project to establish an centre near Windsor. Reading the account of this failure (published in recent years and updated in 2014 in a paper attached below in Subud Vision editorial) and allocations of fraud I can understand why the caller was distressed and angry that ESCC had obviously not looked into this background.

This information is freely available on the website and any search of Subud activity would have revealed this information.

In a further article Does the concept of enterprise still have legs? by Marcus Bolt, has this disturbing observation (www.subvision.org/editorial15htm) the reality is that none of these goals have been attained. In fact, the only positive results from half a century of energetic striving are a smattering of businesses run as Subud enterprises... a collection of Subud members in business and a few financially successful individuals (some of whom would have been successful anyway. The downside consists of the shambles of the large enterprises Anugraha, BSB PTS Widjojo (a bank project in Indonesia) Premier Hotels et plus a large pool of impoverished disillusioned members and ex-members still harboring resentment over the loss of their capital, of their property or the self esteem or all three.

I know that friends of mine who are Subud members were shocked to learn that Subud Britain has strong investments in Sononrex a company involved in gas and mineral exploration in Newport Wales and that Subud International has mining enterprises in the rainforest in Indonesia.

It is my view that there is a significant disparity between the simple understanding of a spiritual group in the lower echelons of Subud and the entrepreneurial activities of its leaders.

4.4. In September this year I was invited to Station Street by Subud and kindly shown the plans for the site.
I observed that in addition to two meeting halls of substantial size and the development of the house for training of Subud followers, there are plans for hostels or temporary living accommodation.

I do not understand the need for such large halls and the purpose of the hostels. I do not believe the enterprise hub has the same intent as that of the YMCA and LCLT. In Subud International websites, it is stated that the St Anne’s site will become the Europe HQ which will attract members in involved in activities such as the development of “living Well Dying Well and the group for young people. The plans seem to be a similar development as Wisma Subud, (www.wismasubud.org) which provides meeting halls and accommodation for Subud members traveling as tourists or attending congress.

There was NO consideration of community development for the people of Lewes and the focus was almost entirely on the benefit for Subud both within Britain and for serving Subud international.

However, by the end of my visit Ms Fleming suggested that consideration might be given to some housing development.

In statements previously negotiators on behalf of Subud state the site will be used for much of the same purpose as Station Street, that is regular meetings for followers and lettings for yoga, and other activities. I do not understand the commercial sense of this, unless the site is to be used for major events for the Subud community and their charities.

4.5 I do not understand the role of local members and Subud Britain. I received a lengthy phone call from Ms Fleming who stated that local members may “lose money” if their bid fails. I was informed that the sale of Station Street property was important to the bid and that the Lewes group had been left a property in a will which if sold would also contribute to the financial strength.

However, the bid is to be signed off as Subud Britain as the counter party. As described above, I am not sure where responsibility will lie.
I do not understand the division of the roles of David Anderson, described as a local business man, film director, etc, and as a significant leader in Subud Britain, where his standing in international Subud publications is very evident.

ESCC has had association in selling property to Mr. Anderson. The former ESCC property Pelham House, over which I have been in long correspondence with the Chief Executive as to whether this was sold to Subud or to Mr. Anderson and others.

5 What background equalities checks were carried out on Subud?

Is Subud an appropriate organization for purchase and management of the St Annes’ site? Unlike other religious bodies that ESCC has had a long relationship with and whose beliefs systems are well understood, this is the first time that ESCC have been approached by a comparatively minor and unknown sect/cult/religious group. I would have assumed, therefore, that rigorous checks would have been made at the time of the first submission of bids that all groups concurred with ESCC Equalities Policies, where possibly any fundamentalist group would be excluded on failure to meet the requirements of these policies.

Following the meeting of local citizens in Lewes Town Hall, I noted the statements by the local Subud Lewes group to work on ameliorating the statements of Bapak on homosexuality or on gender inequality. I do not intend to repeat the statements by Mr. Lennard, nonetheless at the time of the bid process homophobic statements were part of the belief system and the words of Bapak which are revered by followers.

While private individuals may hold homophobic views, it is both illegal and unethical to sell public land to such an organization which at the time of sale had such statements on their main website.

Of deep concern to me as being closely involved with our children in care, in the adoption and fostering process are the sayings of Bapak quoted in the papers presented by Tony Lennard last week page 276:

Chapter 12 Adoption:
Indeed there is a risk adopting children. If a child is descended from good people, then it is easier for him to become a good person. But if he is not descended from a good background, although he may be taught the right things, he will not want to do what is not right all good”

In *And other secret things - talks about Subud (1989): edited by Dominic CH Rieu* (p.44)

*Bapak says that when a child is born with some deformity, it is the fault of the parents. Rieu explains that Bapak believes this may be because of wrong actions, such as spiteful criticism or watching viscious films, thinking about bad or horrible things so “that when a child comes out deformed, because of your (the parents own actions) because you are attracted to bad things.

These documents and books are on the easily accessible Subud websites, such as Subud vision in 2012 and this should have been checked by ESCC officers. I understand that the translation of this was undertaken by a Lewes Subud member.

While it may be difficult, if at any future time Subud intends to deal cooperatively or in partnership with ESCC such statements must receive not only local but world-wide condemnation.

As Chair of the Corporate Parent Panel I strongly oppose the sale of any ESCC property or land, to ANY organization religious or not who held such views about children. I believe that such organizations should NOT be considered for partnership with the county.

For this I ask that the panel now stops the sale of the site to Subud and immediately takes steps to re-advertise the community asset transfer.

Conclusion

To conclude I wish to remind the panel that:

- the concept of community is undefined, that is whether community means the whole town of Lewes, part of the town or a specific group that operate in the town but with exterior links and purpose.
- there was democratic deficit in the process
- that officers appear uncertain and even confused about the dispersal of the site
the role and intention of Subud to provide a service to the people and town of Lewes
to consider the statements relating to adopted children and to children of disability by the founder of Subud and his followers to be unacceptable by ESCC.
Additional submission

Over the last weeks I have received a huge number of emails and phone calls concerning the submissions to the panel review.

I wish to draw attention of the panel to the following:

1. Community benefit arising from a transfer of a site that is within the ownership of a Local Authority.

   In the case studies of I read that Birmingham clearly identified that any successful bidder must have clearly stated aims for ‘building and strengthening communities’.

   In the recent transfer of a site by Rochdale awarded to Petrus a charity dealing with homelessness, ‘community Strategy key objectives are clearly stated which include promote and enable healthy lifestyles and well being’ prevent the harm caused by alcohol and assist with transition from unemployment to jobs.’ Additional the bid has Aiming high priorities, which include
   - More Rochdale people in work
   - Increased healthy life and well being
   - People and communities more independent and self reliant
   - More people have higher skills and greater achievements.

   I am indebted to the Rochdale officer and author of the Report to the Service Director of Planning, Strategic Housing and Economic Affairs (28th January 2013) for the background to this information.

   This seems to be in stark contrast to my understanding of the community asset deriving from the Subud bid, which at worst only offers limited yoga lessons or at best some access to hostels and office, when not required for the use of their followers or their specific charities.

2. Papers may have been submitted this week which refer to the Brown principles. In light of these and of statement by the Equality and Human Rights Commission, July 18, 2014 concerning agreement by universities or student unions to enforce gender separation, I note the comment by the British Humanist Association:

   BHA Head of Public Affairs Pavan Dhaliwal commented ‘We very much welcome the revised guidelines as a correct interpretation of the duties placed on Universities. They are secular institutions, not places of worship, and sex segregation should have no place in secular spaces in which we expect to find equality between men and women. It would be completely unacceptable if a visiting speaker tried to segregate an audience along racial lines, so sex segregation should be equally unacceptable. Universities UK mistakenly characterised this as a freedom of speech issue, but this has rightly been found by the EHRC to be misleading. A visiting speaker’s right to freedom of speech entitles them to express their political and religious views, but not to impose these views on the audience.’
This is a relevant observation given that ESCC is considering transferring ESCC property and which is owned by all rate payers in East Sussex to a group which enforces gender separation for significant meetings and rituals.

3 St Anne’s Steering Group. I raised in my paper to the panel the democratic deficit in the process of community consultation. I would ask the panel to carefully consider the apparent random attendance which I received today.

There were 13 named members of the Steering Committee. There were in total only 15 meetings between October 2011 and January 2014.

Four members resigned during the process. I do not have access to the Minutes of the Steering Group so I do not know if any attempt was made to replace all those members who resigned and if any cause was given for their resignation. I do not know what number made the group quorate and note very low attendance of only four members on a number of occasions. Only the Chair attended all meetings.

Rather than name participants I note:

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Thus few attended more than fifty per cent. I therefore restate my previous point that the community representation for this important process is flawed.

Rosalyn St Pierre
At the meeting, when questioned about research into the Subud equalities policy, the Equalities Officer stated that she saw no need to research the teachings of Subud - but there is no purpose to Subud other than following and spreading the teachings of Bapak. If community land is used to promote a doctrine then surely it is the duty of the Equalities Officer to satisfy themselves that that doctrine is not sexist, racist or homophobic.

In the case of an established religion such as Christianity, the teachings are known, but in any small spiritual group they are not, so how can this lack of investigation be justified? The main question at this meeting seemed to be ‘Do the beliefs of Subud carry over into the practise?’ Does this mean that in effect any organisation is free to promote their doctrine with support from ESCC as long as they have an open door policy?

Subud may have an equalities policy which does not discriminate in terms of recruitment, access and membership, but within the organisation, sexist practises are promoted (segregating men and women in latihan, for example, is in contravention of the Equality Act 2010 as the latihan is not a religious practise and Subud claims not to be a religion) and Bapak’s sexist and homophobic teachings are followed.

In the hierarchy of Subud, the Helpers have great power in the influence they exert on ordinary members, so while it is true to say that all are welcome, discriminatory beliefs will be promoted and applied to you once you are inside.

The aims for the site as presented to Subud Britain were to increase latihan space for Subud members and host the Subud World Congress (with increased space and accommodation) so that Lewes would become the Subud capital of Europe. When David Anderson was questioned about this at the meeting he claimed that he had effectively misrepresented the aims in order to get Subud financial backing, why was he not called to account on this public admission of dishonesty? What is the truth about Subud’s aims for the site?

It seems to be that the increased hall space at the St Anne’s site is intended predominantly for Subud latihan use. Most of those who hire the large hall now at Station St presumably do not need a larger hall, and I assume would have to pay more for the increased space. Apart from extended latihan premises for large groups, have Subud actually stated the intended use for the significantly larger hall space?

In practice, Subud would rely on 'donations' and space hire in order to fund the project. This works in two ways for Subud; the more people that hire the space the more opportunity Subud have to introduce new people to Subud, providing an increased pool of potential new members. The more members Subud have, the more donations they receive, as Subud members pay a monthly donation for hall use. This is not compulsory; but in reality everyone does.

In effect ordinary Subud members help to fund projects for the elite few who stand to gain both financially and in terms of increased influence within Subud.

At the meeting, when discussing Subud's beliefs, constant reference was made to 'posts on websites' giving the impression that this material is unofficial or posted by members expressing personal views. This was an inaccurate representation of what is in reality official Subud policy and belief, based on the teachings of Bapak. It is relevant material which should be examined by the Equalities Officer.
No matter what Subud’s stated aims are, the fact is that by acquisition of the St Anne’s site they expect to increase the spread and influence of Subud. As their beliefs and practice regarding homosexuals and women are in contravention of the Equality Act 2010 I believe that this is very much a matter that the Equalities Officer should have investigated as an intrinsic part of her job.

In the absence of such an investigation, I do not believe that the decision to award the premises to Subud was taken with due regard to the council's legal obligations under the Equality Act 2010.

Stephanie Davies-Arai
Dear Sirs,

Following the first part of the Scrutiny Review over the St Anne’s Bid Process I was pleased to learn from you that you are prepared to accept further written submissions.

I would like to add two further comments:

1. The St Anne’s Steering Group was set up and then operated purely to assist with the short-term operation of the site. At no time was any suggestion made that this group would have any influence over the longer term – including, of course, the sale.

   As Chair of Lewes Conservation Area Advisory Group I campaigned – successfully – to have St Anne’s grounds adopted into the Conservation Area). We had long recognised the value of this landmark site to Lewes and I would have been prepared to join the Steering Group had I been alerted to the degree of influence it would have over the future of the site.

2. The Scrutiny Panel must, of course, reach its own conclusion, but I would fail in my duty as a concerned Lewes resident to question whether or not the Council’s Community Asset Transfer Policy (June 2013) has been followed.

   This clearly states that “engagement and empowerment of local communities is the primary reason for asset transfer” and that “any disposal for less than market value would need to be transparently justifiable”.

I would be grateful if you were able to confirm safe receipt of this note.

Thank you for taking the time to consider this.

Anthony Dicks
Chair, Lewes CAAG.
Equality Act duties

From: Tony Leonard <tony@thesnowdropinn.com>
Sent: Fri 31/10/2014 12:48
To: Scrutiny, Becky Shaw,
correspondence@equalityhumanrights.com
Subject: Ref: BS/am/B624.14

cc. Scrutiny Panel
Equality & Human Rights Commission
Interested parties

The Snowdrop Inn
119 South St
Lewes
BN7 2BU

31st October 2014

Dear Ms Shaw,

Ref: BS/am/B624.14

Thank you for your letter dated 9th September 2014 in response to my letter dated 1st September 2014.

I enclose a copy of the Technical Guidance on the Public Sector Equality Duty published by the Equality & Human Rights Commission, which I would expect yourself, ESCC Officers and members of the Scrutiny Panel to be familiar with. I particularly draw your attention to:

"Status of this guidance

"1.5 Showing that the guidance in this document has been followed - or being able to explain why it was not - will be relevant in demonstrating compliance with the public sector equality duty. The courts have said that a body subject to this duty will need to justify its departure from non-statutory guidance such as this."

As you are probably aware, the Equality and Human Rights Commission is undertaking an investigation (ref: 140826000040) into ESCC's compliance with the public sector equality duty in the decision to award St Anne's as a Community Asset Transfer to Subud Britain, following my complaint to the Equality Advisory Service. I have included EHRC in this correspondence.
In your letter, you state:

"East Sussex County Council takes its duty under the Equality Act 2010 extremely seriously and made all bidders aware of this at the application stage. Ability to comply with the Act is always part of an assessment process. In this case, prior to assessment of the submitted bids, SUBUD (sic) was asked to clarify its position on people with protected characteristics. Following these discussions we are satisfied that SUBUD is an open organisation that does not discriminate against any individuals or groups and has strong links with local communities. The assessment panel was also confident that SUBUD will work with all parts of the community."

I notice that you imply that ESCC and the assessment panel complied with their obligations under the Equality Act 2010, however you disappointingly decline to answer any of my points. The clear evidence that I and others have submitted to you and the Scrutiny Panel demonstrates that your officers' research was woefully inadequate and therefore the proper exercise of due regard by the panel was simply impossible.

"Ensuring a sound evidence base"

"5.16 The courts have made clear the need to collate relevant information in order to have evidence-based decision making and a body subject to the duty will need to be able to show that it had adequate evidence to enable it to have due regard.

"5.17 Adequate and accurate equality evidence, properly understood and analysed, is at the root of effective compliance with the general duty. Without it, a body subject to the duty would be unlikely to be able to have due regard to its aims."

In addition, "The duty is a continuing one." (R. (Brown) v. Secretary of State for Work and Pensions [2008] EWHC) so the submission of any new evidence required you to carry out further investigations as to its importance and relevance rather than simply issue a blanket denial.

Soon after you wrote this letter, the chair of the Lewes Subud Group, Annabella Ashby, admitted in Subud's international journal, Subud Voice, that one of the statements I highlighted from their Helpers' Handbook, "is against our Equality and Diversity laws in Britain." Despite this acknowledgement from Subud, ESCC has continued to deny that there is an issue with the decision.

I'm afraid the contents of your letter have also been contradicted by the officers' evidence to the Scrutiny Panel. At the second evidence session, under questioning from the panel, ESCC Officers responsible for this process said that: there was no definite review of equality issues, that ESCC did not ask organisations to supply them with Equality Policies and there was no consideration of equality issues because nothing had flagged up in a general search of Companies House, the Charities Commission and some informal chats with other organisations that would give any reason for concern (none of this limited 'research' was specific to equality issues). There were no discussions or clarifications sought and considerations of equality issues played no role in
the process. No evidence was given or sought to the bid assessment panel on equality policies, advice was not sought from the Equalities Officer and she played no part in the process.

After the decision was made and members of the public investigated Subud for themselves, the council did not reexamine the decision in the light of new evidence submitted. The Equality Officer is relaxed about the process and believes that the decision reached would have been the same if that evidence was made available at the time.

Unless ESCC has very clear evidence that it has so far failed to make public, in contradiction to the evidence of its officers, it is clear on examining the guidance from EHRC, that ESCC did not comply with its public sector equality duty throughout this process. Furthermore, this failure to understand and meet its obligations seems to have continued throughout the review and scrutiny process as well.

As an observer, I suspect that the members of the Scrutiny Panel have been rather waylaid in their approach to equalities issues, enquiring, for instance, whether Subud Lewes would now be willing to sign up to ESCC's Equal Opportunities Policy, comparing Subud doctrine to that of the Catholic Church and pondering whether homophobic theology necessarily spills over into behaviour. As fascinating as all these lines of discussion may be, they do not address the central question of whether ESCC adequately fulfilled its legal obligations under the Equality Act 2010 before and during the decision-making process that resulted in Subud winning the bid.

Indeed the meandering and unfocused nature of questioning on the issue gives rise to concerns that the Scrutiny Panel appointed to investigate the decision process is itself uninformed of the requirements of the council's, the Bid Panel's and its own legal duty under the act. The panel has limited questions to the Elimination of Discrimination aim of the General Equality Duty and paid no heed to the need to consider the Equality of Access and Fostering Good Relations aims, nor the requirement for ESCC to conform to the Brown Principles in order to demonstrate due regard.

A leading question to the Equality Officer, for instance, asking if she believed that the panel would have arrived at the same decision if the evidence submitted by members of the public had been known at the time the decision was made, was a clear attempt to retrospectively justify the decision, contrary to the principles.

"A body subject to the duty cannot satisfy the duty by justifying a decision after it has been taken. Attempts to justify a decision as being consistent with the exercise of the duty when it was not, in fact, considered before the decision are not enough to discharge the duty." R. (Brown) v. Secretary of State for Work and Pensions [2008] EWHC

The officers were not asked if they understood the public sector equality duty and if and how it was applied. I believe this would have saved a great deal of everyone's time and brought proceedings to a swift conclusion.

This follows an initial review that was instigated following a complaint by another bidder that Subud's application contravened a clause in the original bid application form which stated that the CAT would not be available to organisations "promoting political or religious activities". It is absolutely mind-blowing to imagine the number of people who must have read this and apparently not realise that Subud's
proposal to build latihan halls made them ineligible for this site. How could they win a bidding process that they were never qualified to enter?

Legal advice at this point appears to have been that the site would have to be re-tendered but this seems to have been ignored or overruled by officers. In the panic, two fallacies seem to have become accepted thinking among ESCC Officers:

1) the clause discriminated against people's religious beliefs, and therefore was in breach of the Equality Act 2010, and;

2) the YMCA would also be excluded from the process under this clause.

In reality, neither was true, but the very fact that these mistaken interpretations were taken onboard demonstrates the degree of ignorance about the requirements of the act for the council. Bizarrely, this misunderstanding and elevation of the rights and requirements of one tiny religious sect coincided with a complete and continuing lack of consideration for the council's responsibilities to other people with protected characteristics, and the wider community at large.

Such exclusion clauses on religious and political activities are extremely commonplace in community asset transfer proceedings and other instances where public money or other assets are being awarded to organisations for public benefit. The lottery grant operates a similar policy, for instance.

What is revealed through all of this process is a fundamental misunderstanding by ESCC of its obligations under the Equality Act 2010 and an absolute inability to put them into practice. Justification cannot be applied retrospectively, the council's legal duty was to apply due regard at the time and the fact that it didn't means that the decision was fatally flawed. No review can legitimise a decision arrived at through a flawed process.

ESCC had legal obligations at the time of the decision which it didn't fulfil and those obligations cannot be justified or fulfilled retrospectively. Anything less than a rerun of the entire process, this time giving due regard and consideration to the Equality Act 2010, leaves this decision open to legal challenge. The Scrutiny Panel must be fully aware that the concept of equality is not based on some airy-fairy concepts that they are free to negotiate their way around, but the clear and precise legal obligations of ESCC and whether they were adequately met. Any findings by them not taken with proper recognition and understanding of this duty will simply not suffice.

Yours sincerely,
Tony Leonard & Dominic McCartan
Hello Harvey,

Please could you circulate the following amongst the Panel Members before the meeting on Tuesday.

Here is a current screen grab of the page that offers downloads of Subud books, some of which contain offensive material (subudbooks.com), as promised.
The Subud Survival Guide was removed recently. Here are inner cover and the offensive pages:
Subud Survival Guide

Written & compiled by Harry Armytage

Final Draft — Saturday, May 01, 2010 7:05 PM
Subud Survival Guide

Written & compiled by
Harry Armytage

especially
for the young
but also for those
new to Subud &
young in the latihan

Dedicated with love to you all

& remember, this is only the first edition!
It is important that you understand both the spiritual value in being careful in your sexual activity and the spiritual risks involved in unrestrained sexual sex. You are a special person, a precious person and you can really damage yourself spiritually by some kinds of sexual behaviour. As a young person you need to be especially careful, because one day you will want to start making babies. Many of you are still young and have your lives ahead of you, so that you need to be careful.

There is a real truth in advice from a mother who tells her daughter that she starts her womanhood like a flower complete, in all its beauty. Every time she is "touched" in the wrong way by a man then a petal can be bruised and eventually falls off. Any sexual experience can have a very different impact on a young woman as compared to young man.

There is a gradual progression from a kiss to sexual intercourse which involves you in more and more risk in spiritual terms. It is useful for you to be aware of these risks. There is a world of difference between a fondle and sexual intercourse. However, even a fondle that is not accompanied by love and a feeling of lathian can be damaging to both of you, and particularly the girl.

Sexual intercourse without love and outside marriage can be INCREDBLY damaging. If you step over your line, you should be able to feel the mistake you have made — when the heat of the moment has passed and your passions cool. But then, of course, it is too late, and it can take YEARS to repair the damage. Even within marriage, sexual intercourse is very precious, and warrants great care.

What if you are into casual sex now and cannot kick the habit? If you sincerely follow your lathian, then it is possible that, over time, the lathian will alter your feeling and sexual desires so that they no longer generate behaviour that damages you spiritually. However, this is not likely to be an easy or a short process, as illustrated in sleeping around. And it will require you to have a measure of self control.

Some older people have pretty fixed views about sex. In most cases this stems from their suffering or the suffering of a friend caused directly by their sexual behaviour when they were young.

**Sexual behaviour — homosexuality**

Homosexuals are welcome to join Susud. There are many very committed homosexual members in Susud. Your sexual preference is your own private affair and, in the end, it is you alone who are responsible for your conduct throughout your life.

If you sincerely follow your lathian, then it is possible that, over time, the lathian will alter your feeling and sexual desires.

However this is not likely to be an easy or a short process, as illustrated by a practising homosexual member — Bepak's words are in front of me and so far I have not been able to put them into practice. I sometimes go into lathian filled with guilt or sadness, and then I find myself being ruled to change and to feel God's love for me, and then I am able to love myself. I feel the guidance of the lathian growing in me, but so far I have not yet found the way to make the changes that I think I should. This is a hardship like any other.

There certainly are some helpers with entrenched anti-homosexual views — some even believe that homosexuals cannot receive properly in the lathian. This is utter nonsense — I have a number of times witnessed homosexuals receiving very clearly in testing sessions, both at Congresses and at Groups.

However, Bepak was very clear about the spiritual dangers of homosexuality. homosexual is ... a rejection of the body, and not only harms a person physically but harms the soul (never in a way that is very difficult to put right. Therefore you must in very firm in avoiding such conduct.
... it is not that their [homosexual feelings] are wrong, but they are harmful because they disturb your inner self and make it impossible to experience happiness in your life. There is only one way you can ... (overcome homosexual feelings), and that is with strong will ... The fact is that you must be able to forebear by your own will.\textsuperscript{12}

Over 1936 and 1937 a spirited debate was conducted about homosexuality in Salma Y. In part this reflected the fact that some members and helpers are unsure about how to relate to homosexual members. Some helpers have not, knowingly, met any homosexuals. If you strike these attitudes, hang in there, until the helpers concerned recognize your sincerity to worship in the latihan. See \textit{Friends who are homosexual, Sex, Sleeping around.}

\textbf{Sharing experiences}

How many endless Salma evenings have I spent where all we ever did was talk and talk — what a waste of time. In the end its only the \textit{latihan} which really counts ... there is no point in discussing your experiences, because it will only end in talk. So just wait patiently until the time when you are able to test one with another, and get a definite reply to what has been experienced ... if you wait until the time you can test it, that will be better, so you can witness where and how the experience is needed, and the purpose of it.\textsuperscript{12}

You will be able to test successfully together with a few friends, to check the truth of any of your experiences, only after you have been able to reach a certain level in your latihan.\textsuperscript{12} See \textit{Love & help each other, Testing.}

\textbf{Shopping around}

If you get what you consider to be an unacceptable answer the first time you test a question with the helpers, you may be tempted to shop around. You might then try another two helpers to test the same question, without informing them of the previous attempt. You could then go on, from helper to helper, testing the same question until you get the answer you are looking for.

This is a silly practice. You may be able to obtain a "tested" endorsement for a view that you already hold, but so what? All you have proved is that you can influence the outcome of testing by holding your very strong view. The problem here is that the member is so convinced ... that this strong wish or intention influences the helper, so that the helper, because he is still affected by his own personality, by his own self-importance is able to be influenced by the desire of this member.\textsuperscript{12}

Please don't shop around, because this is a waste of your time and the helpers' time and a misuse of the latihan.

If you have an issue and have had an unsatisfactory testing session, you do not need to give up. A better solution is to arrange another session and explore your issue more deeply until you reach the kernel of your problem. Only then will you discover the "real" question to test, the question that will unlock an answer to your issue. Remember, it is not who the helpers are that matters, but the quality of the receiving. See \textit{Testing & not following the answers.}

\textbf{Shutting your eyes}

It is much more effective if you keep your eyes shut in \textit{latihan}. If you get into the habit of keeping them open, it is a hard habit to break — I know from personal experience. With your eyes open, it is easy to be distracted by what you see around you in the latihan. It just gets back to \textit{courage} — letting go completely and not being afraid to let your inner talk control.

You must keep your eyes shut so ... that you really surrender, because if you see your friend doing this or that you will want to watch and you'll wonder why he is doing it. But later on, when you are truly surrendered, your eyes may open spontaneously.\textsuperscript{12} See \textit{Surrender.}
What follows is still downloadable online. Racist Chapter in A Life Within a Life by Bapak, edited by Dominic C H Rieu (last para. onwards):

**A LIFE WITHIN A LIFE**

benefit, so that more often than not we will be able to be successful. Bapak doesn’t say that we will always be successful in everything, but we will tend to be successful because we will have become used to separating these two functions and these two duties of ours.

Bapak tells you quite frankly, what is normal in the world is that people turn themselves to the kejiwaan — but at the same time, they expect from the kejiwaan some worldly benefit. People actually turn to the kejiwaan because they hope their lives will improve, they hope they will do better, they will be more successful, and so on. Although they are turning towards the kejiwaan, what they are hoping for are results in this world. Actually, the work of the kejiwaan is something whose results are in the kejiwaan, they are not in this world. So if we can get used to satisfying our worldly needs by the use of our heart and through work, then in the kejiwaan we will be free to worship God without any hope of reward, without any wish for this or that — but simply to surrender. For example, Bapak said that when people undertake things like occultism and so on — actually they are always hoping for some fruit or some benefit that can be seen in this world. That is why Bapak wanted to explain that through enterprises we get used to understanding the separation and the difference between these two duties and these two functions of man in the world.

*Subud World News* 12.9 p. 2 Mexico, 20 November 1977

The idea that I said I consider important for man can be summed up as follows: we need one set of faculties and qualities for worshipping God and another set for working and earning our living; keeping the two sets separate enables each to function properly. In a few hundred words Bapak demolishes a whole structure of false ideals.

Take, for instance, the concept of the perfect Christian as ‘meek and mild’, presumably derived from a consideration of one set of qualities shown by Christ, Christ in his humility, Christ ‘the Lamb of God’. But that was Christ in relation to God, in his worship of God. In relation to his great task of handling the world he displayed an entirely different set of qualities and faculties, the sort apprehended by T. S. Eliot when he wrote:

> In the juvescence of the year
> Came Christ the tiger.

In the next two extracts, also on the theme of the importance of work, Bapak speaks of primitive tribes. His opinion of them is more robust than that of most anthropologists. Certainly he has no romantic view of the ‘noble savage’; that way of life is not good enough for man. Nor is he romantic about the modern trend to return to the
simple peasant life, 'self-sufficiency'; that is not the way ahead for man.

**The lazy jungle-dwellers**

Even though ... man has been given this power and this capacity by Almighty God (to create and invent things) nevertheless there are still among human beings people who do not want to work, people who one can reasonably describe as lazy. This is not something new — it's part of man, that man really has two natures. Man has a nature that is diligent and wants to work, and wants to use the heart and mind — and another nature that is lazy. The result of these two natures of man is that always living together there are people who like to work hard and there are people who are lazy. And this situation always gives rise to a separation — that is, that those people who are lazy and who do not like to work are in various ways driven out by those who do like to work and like to work hard, so that they move away. They migrate to places where they are not disturbed by all these people working hard, and when they get to that place a further separation takes place; that is, there are those who are really lazy and really don’t work at all, and those who used to be lazy but now start to work hard. So again there is another separation. This, actually, has the result that there are places in the world where there are human beings who have no culture at all — like, for example, if you go to what is called in the West, West New Guinea. There are still people living there who do not wear clothes at all, let alone have any ability to till the soil or to do anything of that kind — they simply exist in the jungle.

Do not imagine that these people are something new, that they are somehow people who got made later on and therefore haven’t sort of caught up with the rest of humanity. On the contrary, they are descended from the same people as you and Bapak are descended from — they are descended all from the original man who was first created by God. That is, from mankind as it originally existed. But they belong to the people who separated out because they were lazy, because they didn’t want to work, whereas we are descended from people who like to use their heart and mind and like to work hard. If you watch, if you observe how people like this live — they, in fact, are satisfied as long as they have had something to eat. For example, if they go out in the morning and they succeed in catching a fish and eat it, then they are satisfied. After that, they just go to sleep because there’s nothing more to do. In other words, they do not want, they do not like, to use their heart and mind to develop anything or to make anything. So the result is
A LIFE WITHIN A LIFE

that gradually the heart and mind become blunt — in other words, they can’t work, they’re useless. People like this, people in that state — this quality is handed down from generation to generation until there develops a new quality, which is that they no longer have faith in God Almighty: they just have faith in anything that is around them which they are frightened of. For example, near where they live is a big cave with a dark mouth — and so they are scared. When they look at it, they feel scared. Then they make up all sorts of fantasies about them, so that in this cave their lives some great demon which looks like a man, only it has eyes as big as kettle drums and has teeth — about this long, and so on. Actually, what they do is they make a story to scare themselves, so that gradually they are not only lazy but they are scared; they gradually become people who are too frightened to do anything at all. In other words, they are frightened of themselves. They are frightened of their own actions — and this is the nature of the descendants of people who have got used to avoiding the use of their intelligence and their heart and mind which God gave them.

Pewarta Special Supplement 3 pp. 35–6 Edinburgh, 1 July 1977

Guiding undeveloped races

So at the present time we can still come across races of men who do not wear proper clothes nor build good, proper houses as we can now do here.

Not only men are concerned about the destiny of people of this sort. God always wills that they should not go on endlessly like that. And through what means does God will that they may become aware?

God wills that those who have been able to attain everything shall lead and guide these people and given them to understand, so that they realize they are human beings, no different from you. And you, who have really shown that you are human and made it evident, should not look on them as creatures of another sort. They belong to the same species as you yourselves.

But Bapak hears that there is now a trend to return to bygone ways. Many people in the United States shun the customs of today, not wanting to live in the modern way and hence going far away from crowded places. They like the mountains and the canyons, and do not even wear clothes. They want to revert to man’s former condition. This should not be done.

We should not be afraid to face the many things connected with our life in the world, for everything is made and brought by Almighty God for our needs. So we have to try not to be hampered
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even if they have inherited through their ancestors, the ancestors started off with nothing.

Pewarta XI 5 pp. 131–3 Cilandak, 1 January 1974

Welfare projects

To say more, brothers and sisters, about the necessity and importance of having enterprises and setting up a Subud bank, the purpose is that the Kejiwaan Brotherhood of Subud may become strong through getting contributions and donations from the enterprises and from the bank itself. Then, it is hoped, we shall really be able to put into effect our ideas formulated at the Subud World Congress. So we shall be able to make latihan premises for every centre, such as here in Washington DC, for instance. Subud Washington will really own a building for the latihan, bigger than this one, and it will also have a place for meetings and a guest-house for visitors. Together with that, we shall be able to establish schools, we shall be able to establish hospitals, we shall be able to establish homes for old people who have no family. All this will require no small amount of money.

And because we shall have established enterprises everywhere, we shall also be able to receive large sums of money from everywhere, from our own undertakings. In this way all the aspirations of the Kejiwaan Brotherhood of Subud will truly be achieved. And Subud will really have a high reputation, because Subud members, besides worshipping God, will be people who are good at serving the community of mankind on earth.

Brothers and sisters, may God always protect you and give you His blessing; may He grant you His help and His guidance. If we can accomplish these things, then our path will widen. Doors will always be open to us. We shall be able to do the latihan wherever we wish. For the actions of Subud will be known beyond Subud; it will be known to be truly the worship of God, and to be really serving the public. In this way Subud will really be fulfilling the responsibility God has willed for it — to prepare conditions in the world for it to become a place where men can make their worship of Almighty God perfect.

Brothers and sisters, we shall also really be able to feel the benefits of the latihan kejiwaan of Subud; especially the helpers. Because the teachers in the schools we set up will themselves be those of our helpers who possess teachers’ diplomas, so that they can make use of their experience to guide children into their right direction. In this way it will be impossible for a child to lose its way.
and not be able to find its path in life. We shall also be able to place
the doctors among us — helpers who are qualified as doctors — so
that they can care for the sick. But because our doctors are
doctor-helpers who worship God, the people whose illnesses they
treat will really be brought to remembrance of God, so that they
will worship Almighty God.

Also, with every enterprise we carry on, we can catch and direct
the energies of our Subud members themselves into these
terprises, which means that we shall help to provide work for
them. Everything, in short, will turn out well. And it will all have
the nature of mutual aid, so that seldom or never will there be any
member within the circle of the Kejiwaan Brotherhood of Subud
complaining that he or she is out of work or has not got enough for
the daily needs of his life.

Pewarta X 6 pp. 193–5 Skymont, USA, 17 August 1970

Share your blessings
The strong need to help the weak, the rich need to help the poor,
the intelligent need to help the less intelligent, in a truly
humanitarian way and with a genuine feeling of love for our fellow
men.

The same thing has been repeatedly expressed and emphasized
by the Messengers — by the prophets and by Jesus himself —
'Share your blessings and your well-being with those that have
none, so that you may attain lasting happiness.' Truly, brothers
and sisters, although you yourselves may be rich and live in luxury,
yet if on either side of you there are people who live in want, it is
dangerous, because these poor people around you are always
waiting for the chance to take from you your steadily accumulating
wealth. It is another matter if you always give to the poor who are
around you; then your well-being will last and continue perhaps
for tens or even hundreds of years. So Bapak hopes that those of
you who are in a position to do so will not give only one dollar a
year but perhaps twelve times as much, and that you will say, 'Not
one dollar a year but one dollar a month, or twelve dollars a year.'
This means that you are aware that there are brothers and sisters
living in other countries where things are not as they are here.

For this reason Bapak hopes that you will not think of this
problem in terms of giving money; but rather in terms of how you
can help from where you are; how you can help others who have
less than you. For if you are able to act in this way, those who have
will be helping those who have not. Then the path of our
brotherhood will run straight and we shall stand upright so that
dirt. And the fact that this is so is proved by the fact that people, parents, who outwardly seem to be very good people, of good behaviour and knowing the difference between right and wrong, frequently have children whose behaviour is very far from what their parents consider right, or from what their parents hope for them. Which shows that they have handed down to their children something in their being which they themselves were not aware of.

Sisters, if now you have received the Grace of God, it means that all these mistakes and errors which have been buried within your being will end with you, meaning that if it is God’s will and if you receive God’s Grace your children may be born clean, as a result of the working of the latihan kejiwaan.

83 LON 15 Anugrahah August 12 1983 Publ OITW p40

The next extract is deeply disturbing. Bapak says, with his usual absoluteness, that when a child is born with some deformity it is the fault of the parents. A hard saying, that has caused grief. What can one say? It may be that the parents are carriers of some sin, and are blameless, as described in the previous extract. Or it may be that they are conscious of some wrong action, and know that the fault is theirs. In this case perhaps one can say that it is better for them to suffer remorse and purge their sin by lavishing love on their child in this world, then wait to discover their blame when they are on their knees in front of the angels, “God’s hitmen”, as Bapak has called them. There is, too the hope held out in the previous passage.

The text however holds a stern warning to parents—and grandparents—not to sully themselves by such things as spiteful criticism or watching vicious films.

“Why children are born deformed”

Brothers and sisters, Bapak would like to talk to you more about the latihan kejiwaan, but really there is no more time for it. So Bapak will come to the end of it and would like just to deal with one more thing that Bapak feels it necessary to explain to you, because it is a problem that has come up, and Bapak feels it is important to explain about it. The problem being why does it happen that children are born with birth defects with no apparent reason. In other words, the parents have not done anything wrong, and are not aware of any reason for it, yet their child is born deformed in some way; a cripple from birth or something like that. And so they come and ask why is this so? Bapak, what has caused this? And they may even say: I have never done anything wrong: I have never
harmed other people: I have never done anything bad in my life: So why?

Bapak wants to explain about this. When a child is born deformed in some way, there is certainly a reason for it and there is a cause, but it is very difficult for human beings to see these causes. Brothers and sisters, anything of this kind is always the result of man's own mistakes. That is, human beings are prone to do things in their life that are bad, to other people, such as hurting other people, killing other people, speaking badly of other people, concentrating on the faults and shortcomings of other people, and all these actions that men do operate according to a law that is called by the experts, Karma. That is they have an effect on their children. This is the effect of man's own actions, and man's own mistakes. That is why it happens that young people who have got married and the marriage is good, and they are both good people, can still have a child who is deformed, let us say, and they come to Bapak and say; Bapak, why has this happened?

Of course, Bapak can see the reason, but it is not always easy to inform someone of that reason. So, all that Bapak wants to do now is to give some advice, especially to the young people who have not yet married, or who are still thinking of having children. That you should avoid certain things. For example, especially young people, who like to think about people who are bad, or do horrible things. And they not only think about these things but they think about them very, very deeply. So that it becomes an obsession and all this comes into you. It forms a kind of lens which focuses certain kinds of forces or certain kinds of things within your being, so that when you go on and have a child that child comes out deformed, because of your own actions, because you have attracted to yourself things that are bad. And this is something very important which you have to understand: it is really true.

It is something young people are very fond of. For example, they watch films where people are doing horrendous things to each other, and then they think about this, and they feel that this is a kind of education: that through doing this they learn something, but actually exactly the opposite is true. Through doing this they attract to themselves all sorts of harmful things which then manifest in the children who are born. So, Bapak warns you against doing this. And Bapak has experienced this himself, it is not something about which Bapak is just theorising... it is really true.
that way, and found out how he could get at me. And of course that cleverness which that little louse has, comes from the Power of God. It is not that the louse thought it out and said, O.K., now I’m going to jump. That jump was from instinct, because he could feel that down there there was someone with blood that it could suck. That instinct is the Power of God. So Bapak thought to himself when he observed it and said, O.K., you can be that intelligent, I can also be as intelligent as you. And this is what Bapak is trying to explain to us. For truly the greatest teacher is experience, the actual experience of life. That is the real teacher, and that experience comes through the Power of God. We are close now to the greatest teacher, who is God Himself.

So this is what you have to learn, the study of your own life. The learning from your own experience. That is the lesson of the little louse that jumped on Bapak. But Bapak wasn’t going to let it bite him, he squashed it.

CDK 8 Cilandak July 7 1983

Bapak is no sentimentalist. And he has never said that work or life is devoid of risk.

Here are two more extracts on the theme of work. Bapak considers that the life of a tramp is no life for a human being; he holds that the jungle dwellers have degenerated into the worship of material objects through laziness, and he deplores the attitude. Why should I bother?

“The life of a tramp”

Even though you might feel you are close to God, where is the evidence? Supposing your life is still in a mess, you still live like a tramp, then your life is not that of a human being. You bathe once a year and never change your clothes unless you are given new ones, and you sleep wherever you happen to lie down, whether at the foot of a mountain or in a cave. Is that a man or is it an animal?

82 SYD 1 Sydney May 9 1982 Publ MYLCG p49

“The laziness of primitive people”

Why, as Bapak has asked before, why is it that in various parts of the world, in West Iran, in Africa, in the Americas, there are still people who live totally primitive lives without clothing, just hunting in the jungle and living like animals? And yet God created all men at the same time. We all came from the same source. God doesn’t go on creating people every
week or every month so that those who came later sort of have a handicap or something like that. We all descended from the main point. So why are some more advanced than others? It is because those primitive people have no wish to progress. They have no wish to make an effort. They are simply satisfied with just finding enough to eat today and then going to sleep, and perhaps getting married maybe, to have a wife. So that from this attitude of theirs all their senses and their ability and their understanding becomes more and more stupid as time goes on, so that finally they become so stupid that they start to worship anything around that looks unusual—they worship a cave or they worship a tree or they worship a stone or something like that because they become impressed by almost anything around them that is slightly out of the ordinary.

81 VIE 4 Congress Hall Baden Vienna May 11 1981

What of Subud members who cannot find a job or who for some reason are not able to work? Bapak’s answer is—Enterprises.

“Helping others to find work”

We need to provide a field of work, an opportunity for those Subud members who do not have a job or who do not know how to work, or do not want to work because they are lazy. We need to be able to teach them.

We need to be able to make them into people whose lives are really useful, who are able to provide something of value, so each one of our members becomes a human being who is of value to society, to himself and his family.

It is for this that Bapak expects you to work hard in the establishment of enterprises. Their purpose is to be able to do something useful, and for our own brotherhood, for our country, for society in general and for human beings wherever they may be.

81 YVR 3 Vancouver July 11 1981

When one puts this passage alongside Bapak’s comment that on the kejiwana side it is a “sin” for helpers to neglect members, it is clear that he would like to see members in Subud groups having something of the mutual care and concern for each other’s spiritual and material well-being that exists in the average family.

WHY WORK?

Never could a question be more unanswerably answered than by
MANKIND AND THE WORLD

from enlightenment, and that from books and teachers, who still attach importance to the ilm which is no longer sought by one who has urf (known as an urif). Books are spiritual offal to Pak Subuh, for they represent an exteriorization which leaves an inner vacuum, and permits the attainment of more advanced knowledge. Scriptures also are discarded ballast, received with reverence by those below.

Access to knowledge from within is possible because of our descent from a common ancestor. To the Muslim, Adam is a prophet, because he represents the seed-potentiality of the human race. Oaks grow from acorns; they will not develop from sunflower-seeds. It also appears that a memory of the past is transmitted through the genes of the ancestors. Hence, if we go deep enough into ourselves, we may not only meet these departed souls but even have access to the knowledge they acquired while in this world. History, like the child we once were, is a part of our own past; to cognize it, we must get beyond physical limitation, and become conscious of the Higher Self.

The average mystic follows a path opposed to that of the man of the world. Islam and Subud recommend a synthesis. The former tells us to work as if everything depends on ourselves, to pray as though results are a Divine monopoly. Those who live only for this world cannot understand the significance of the inner life. Once a wealthy business-man visited Pak Subuh, though he had little interest in knowing about the movement. Afterwards he asked: “What did he say about me?” On being told that he was said to be almost entirely dominated by material influences, he remarked: “There is nothing very wonderful about such a statement. It is exactly what any man in his position would say about any person in mine!” By the Grace of God, such may pass through the eye of the needle.

The World’s Races.

Environmental circumstances can modify the condition of races exposed to them over a long period. Comparative mythology shows us how people living in the midst of rich natural beauty evolve charming legends, while ghouls and other devils are topics of desert areas. Pak Subuh recognizes the physical endurance of
the African negro. In his movement, he expects Asia to provide the best souls, Europe to lead in the field of knowledge, and America to supply the most wealth. He observes that literature about Subud began to become available when he first visited Europe.

In the Far East, the soldier who can merely demonstrate physical stamina is relegated to the bottom of the social scale, for the acquisition of knowledge is respected most. Military authorities discourage independent thought, and they exact conformity. The Oriental shows contempt for pugnacity, bluster and violence. Buddhism has long taught that self-mastery is superior to the subjection of cities. Medieval Muslims respected the bravery of the crusaders while deploring their lack of civilization.

In the West, there is a tendency to extol animal prowess, to emphasize sport and competition. The appetites are given greater opportunity to develop. Subud releases these energies and enables the individual to free himself from identification with them, hence results in the West are more critical, reactions more explosive. Should one blame the system which offers a liberation, or the civilization which has so long glorified these animal energies? Because there is little privacy in the East, there is greater tolerance and understanding, less feeling of the need to meddle in the affairs of others. The teacher is among those most respected: especially the spiritual Master, for he shows people the way to self-improvement and freedom from bondage to the animal passions. Poverty is rarely a stigma.

There is no real opposition between East and West, no question of superiority and inferiority; but there is a need for comprehension, for effort to bridge the superficial gap of Kipling's famous dogma. The soul is the highest common factor of humanity, and spiritual knowledge is the means to bring about peace, and goodwill which embraces the whole human family.

We may now review a few of the world's races individually:

THE JAPANESE: Although Pak Subuh notes that there is an admixture of the Malay strain among these people, he believes that they exceeded the limits of conduct tolerable to God, and were punished for this during the war. He has told me of atroci-
ties committed against his own people during the occupation, how, when the possession of cigarette lighters was forbidden, a Japanese soldier would punish an owner by setting his hair alight. This type of conduct he found so inhuman that he prayed to God to teach the people of Japan the error of their ways; and, he concluded, months afterwards he read of the atomic bomb explosions. I may observe here that, having lived among the Japanese, I cannot consider such cruelty typical of so sensitive and courteous a race. Their occupying forces consisted largely of Koreans, Manchurians and other colonized races. I am personally acquainted with the former Colonel Jimbo, who saved the life of the Philippine President Rojas by risking his own execution at the hands of the Kempeitai. The troops of most nations lose their sense of responsibility and commit excesses when far from home, particularly in wartime and when subjecting unfamiliar peoples. Yet the emotional public will always blame an entire race for the sad fate of loved ones.

When I visited Japan in 1954, Pak Subuh was dubious of the scope for Subud in that land. He expressed surprise on arriving in Tokyo for the first time in February 1959: some 300 Japanese were eagerly awaiting him. In August-September 1959, I lectured to some 150 persons in Tokyo and Osaka, mostly Subud members. The content of their training was very satisfactory. At the present time about ten groups are active in the country.

Our Japanese colleagues often report extremely peculiar psychic experiences, which are difficult for the Western mind to understand. Perhaps one may relate a modification of the Psyche to the effects of the atom bomb. Since the matter is of concern to the whole world, I shall cite a few examples of phenomena which appear to strike at the root of our entire existence, and disturb regular patterns. I should however mention that I have selected the illustrations from foreign newspaper reports:—

a) A Japanese doctor, called to attend patients in Hiroshima shortly after the explosion, found nothing wrong with them, and promised to return the following day. He had not walked far when he heard a shout behind him. Turning round, he was astonished to find that the house he had just left had vanished. On enquiring, he was informed
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that such a house had stood there before the bomb, but that house and occupants had perished in the blast.

b) Similar to the above: At about the same time, an American officer noted traffic going over a bridge, which was later found to have been destroyed by the bomb. Both of these instances illustrate a brief reflection in our atmosphere of forms which have been disintegrated by sudden and violent shock.

c) In 1959, a Japanese woman was discovered with a growth in her body which appeared to be pure cotton.

d) Also in 1959, a Japanese doctor operating on an 11-year old boy found growing within him a four-month old foetus, in which a tooth had already formed. The last two cases were reported in the *South China Morning Post*, of Hong Kong.

*THE CHINESE*: Like the Japanese, this is a race against which Indonesians are particularly prejudiced. Pak Subuh qualifies the vast mass of them as possessing earthbound souls. We do in fact note how many Chinese lack any true religion, but burn dummy boats, “Hell bank notes”, and other objects which cost little, so that their departed ancestors can be comfortable in a world which they imagine as a replica of this one, where they hope to eat pig all day long, according to one western cookery-book!

Pak Subuh did however recognize that in this race of some 600 million there are souls of the fifth level (of which some races cannot afford even one example). Even if the majority have primitive souls, that may still leave a couple of hundred millions in an evolved spiritual condition. The Indonesians know the Chinese principally as struggling Fukienese traders, as smugglers or coolies. As they themselves have distaste for loud noise (the radio is an exception), they shun the busy bustle of the Chinese quarters, where hard work permits a higher living standard.

Our Singapore branch consists largely of Chinese members, and Pak Subuh spoke well of their earnestness. He was apparently disturbed by the fact that the men would rarely bring their wives to join Subud, and asked them why they did not
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wish to offer them benefits similar to those they had themselves obtained.

Since Subud claims to modify the spiritual condition of departed ancestors and offer them a means of escape from limbo, this idea could have a very persuasive effect on the Chinese community, should they be convinced of its validity. The basis of their religion is ancestor-worship, and this would mean for them a chance to perform additional acts of piety. Arthur Maxwell, then Police Commissioner of Hong Kong, told me early in 1959: “It would be a very easy matter completely to fill the local football stadium with Chinese Subud candidates”. To him, the Chinese are more law-abiding than many other races, they are a “people of genius”, which they can, like anyone else, direct towards crime. It seems to me that a spiritual movement designed to bring relief to suffering humanity cannot ignore the vast Chinese masses. It must however be remembered that a special psychological approach will be necessary, as the Chinese are by nature suspicious of reforms and crusades that seek to change the established order.

Pak Subuh qualifies the Tibetans as another earth-bound race, and also puts the ancient Egyptians in this category. Instantaneous re-incarnation or mummification are illustrations of preoccupation with this world. Asked about the Tibetan capacity to sit naked in the snow without feeling inconvenienced, he stated that such insensitivity is a quality of a stone. It may be psychic but it is not spiritual.

THE MALAY RACES: It is perhaps natural that Pak Subuh should have more praise for the inner condition of his own people. He believes that true spirituality can only blossom adequately in harmonious and fertile ground, and even speculates whether the Prophet Muhammad might not have been able to exteriorize a more gentle form of Divine revelation had he not been brought up amid the harshness of the Arabian desert. To Pak Subuh, irrigation is a decisive factor. Java abounds in rivers, while the Arabian peninsula has none. The views of mystics (who dare to express independent thought) ever scandalize the orthodox. The official Muslim view is that the word of God ex-
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pressed in the Quran is valid for all time and all places, after having been revealed. Yet the spoken word must conform to the vocabulary of the audience and be aligned with local mentality if it is to be comprehensible at all. A literal interpretation of eschatological parables is misguided: to the desert-dweller, a boiling hell and a heaven of flowing rivers is a very realistic concept.

Since four colours correspond to the four factors in the spiritual constitution of man, Pak Subuh believes that a “golden-chocolate” colouring, as a synthesis of yellow, white, red and black, is desirable. This is the pigmentation of many of his own race. He claims that it was also that of the early Semites. His people have highly developed and sensitive feelings; their culture expresses subtlety, refines harshness. A simple piety and resignation are typical of the Javanese peasant.

Pak Subuh is interested in the psychic signification of names, which will be discussed later. He connects the name ‘Java’ with an ancient God, Jaho-deva, the Jehovah or Jah of the Old Testament. He says his country has been successively colonized from Mesopotamia, West Africa, Greece, East Africa, and India, prior to the advent of the Muslims and the Europeans. China is not mentioned. The Mesopotamian strain he equates with Syria, even claiming Syrian blood himself. But then he says that the Syria he means is not the area of the present State of that name. Does he mean geographical Greater Syria (including Palestine and the Lebanon, and perhaps the former White Syrians of Cappadocia), or is he relating the term to Assyria? I have not been able to ascertain his exact meaning on this point.

As in many Muslim lands, Sayyids, or descendants of the Prophet, are greatly respected in Indonesia. It is known that the title is often arrogated unjustifiably by Hadhramaut Arabs anxious to increase their prestige. Many Indonesians, even in areas where the facial type is strikingly Mongoloid, claim such descent. Pak Subuh says it has been revealed to him that he is himself a descendant of the Prophet in the forty-sixth generation. The late Aga Khan belonged to the 47th. He also states that he has a de facto claim to the Sultanates of mid-Java, being the descendant of a former Sultan who abdicated, in favour of a younger brother, to devote himself to spiritual disciplines. Natu-
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rally the claim was officially waived for the descendants, but Pak Subuh still attaches some significance to this. It all belongs to the argument that exceptional spiritual personalities come from a line of Prophets and rulers. Are not similar claims made about the male ancestry of Jesus (despite the Virgin birth) and Muhammad?

THE SEMITIC PEOPLES: The Quran states that Abraham was no Jew, which appears very logical since the establishment of Judaism was the work of his descendant Moses! Islam, Christianity and Judaism all give this Prophet a place of eminence. To Pak Subuh, spiritual potentialities continue to nestle for many centuries in the descendants of Divine Messengers. He regards the Middle Eastern peoples as a particularly fertile field for his mission, for here descendants of Abraham and other Prophets in the direct male line are still found in greater numbers than elsewhere. He finds the desert Arab cruel and violent with uncontrolled and powerful sexual urges. Muhammad he considers an exception, and he states that the severity of punishment described in the Quran was required precisely because of the strength of the passions manifesting in the area. Among the Arabs of the Mediterranean, the tendencies have been somewhat refined by intermarriage and length of sojourn. Despite the drawbacks mentioned, owing to the spiritualizing influence of Islam, the psychic atmosphere of the Muslim lands is preferable to that in most other places. Among evolved peoples of the Near East, he also lists Armenians and Ukrainians.

THE INDIANS: Today there are more evolved women than men in India, though Gandhi and Jinnah were both no. 5 men. The Hindus are bound by local traditions and ancestral rituals, which make it difficult for new and foreign ideas to be assimilated, yet there are encouraging signs.\(^1\) It is known that they flock to the lectures of missionaries, and that few converts are acquired. This is because they recognize a plurality of forms behind which the One can be worshipped. As the Upanishad says: "Ekam Sát,

\(^1\) Several hundreds of new Subud members were recruited during Pak Subuh's visit to Bombay and Delhi, Spring 1960.
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"vipra bahudha vadanti." (Existence is one, though people call it by many names). This is why the Hindus, while recognizing the validity of other forms, see no reason to abandon their own. Subud does not require them to forsake their spiritual heritage, and may thus achieve popularity among them.

THE EUROPEANS: Pak Subuh spoke less about the races with which he was less familiar, and many of the conversations which illustrate his views occurred before he visited Europe. He finds the English more relaxed, less formal than the Dutch. There are a handful of no. 5 men in Britain (who have not yet joined the movement) but only one among the Dutch race. The latter however includes a very large number of no. 4 people, hence the Netherlands could offer excellent potentialities for the spread of Subud. I am not referring to statistics, and consider it deplorable to assess spiritual movements by the quantity of their followers, since I have known groups offering very primitive teaching which attracted millions. If Subud is to transform the culture of this world, and to leave its mark on history, it will do so through leaders, not through camp-followers. I say again that Subud can be instrumental in exteriorizing dormant potentialities; it does not confer what is alien to the nature. Christians are familiar with the parables of the Sower, of the Talents, of the tares among the wheat.

While Europeans are less developed psychically than Orientals, the English are particularly intuitive, more so than most of their neighbours. When this remark was made, it is doubtful if Pak Subuh had ever conversed with a dozen Englishmen. The French are very much attached to their own national culture, and, rather than assimilate the qualities of a new environment, they promptly endeavour to transplant their own values. Casablanca became the Paris of Morocco, Saigon the Paris of Asia. Are not speeches still common from political leaders about the civilizing mission of France? The Germans are expected eventually to re-assert their Drang nach Osten, and roll the Russians back a few miles.

Pak Subuh’s general opinion of the West was that he would be better received there than in Asia. As to his own country, I
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must have heard him refer a dozen times to the saying of Jesus that “A Prophet is not without honour save in his own country”. This remark has made a deep impression on him, which must relate to the way his own family and neighbours received his claims. In most Eastern countries there is no lack of spiritual disciplines and teachers, but their very shortage in the West is a reason why he would be welcomed. He has often said that few Western occultists and mystics had much to teach above the level of thought-concentration.

The Earth and its History.

Pak Subuh claims to know from clairvoyant vision that the Earth was originally elliptical, shaped in fact “like a tortoise”. Many cultures have come and gone. As to cataclysms, lost continents have certainly existed. They were lost because of a periodic 90° swing of the Earth’s poles. Regarding the possibility of survivors from Atlantis, “if any man had come through such an experience alive, his reason would have been lost”. Psychic vision alone can reconstruct these vanished epochs of human history. They are in a sense not our history, since, as the entire human race was swept away time and again, a new Adam and a new Eve had to make their appearance. Giants did once people the earth, and a giant’s bones are said to have been discovered in a Javanese river. Indonesia offers much evidence of an ancient megalithic culture.

As to future cataclysms, one does not wish to alarm people, but these will doubtless occur. God has committed the world’s management into the hands of mankind. As long as a sufficiently evolved and Self-conscious spiritual personality inhabits the planet, we need hardly fear that our race is liable to immediate annihilation.

Earthquakes often accompany the birth or death of advanced souls. There was one at the Crucifixion. Since they are especially common on the 35th northern parallel of latitude, one wonders to what extent this claim is generally valid. Syria, according to the History of that country by Professor Hitti, has had an unusually high percentage of serious seismic disturbances throughout the centuries. So of course has Japan, though it will be
I would like to point out to the panel that David Anderson claimed at the last meeting that the Lewes group pay little attention to the talks of Bapak and Ibu Rahayu and that when she dies, the connection to Indonesian beliefs will soon weaken and fade away. This was contradicted by Stephanie Davies-Arai, former Subud member and is contrary to every internal statement within Subud.

The World Subud Association Annual Report 2013 describes the talks as "Subud's greatest physical and spiritual asset" and reported €93,731 allocated to restoration, archiving and translation of the talks. This was the fourth biggest expenditure item after preparations for the World Congress (which made a large profit), admin and Latihan support (which makes a profit from hall hire) so the preservation and internal promotion of the talks represents one of Subud's primary 'charitable aims'. Sharif and Tuti Horthy are among Subud's most trusted translators of Bapak's talks and are leading members of the Lewes group.

I would also like to draw the attention of the panel to the website www.subudconscience.com which documents the demise and fallout of Anugraha, Subud Britain's previous attempt to develop a site along very similar lines to the St Anne's project. Subud has threatened legal action against the former Subud members who have built the site, interestingly not for libel despite strongly worded claims of fraud but for unlicensed use of the 'Subud' name.

As a last point, I would just like to make it clear that I regard the question of whether Subud would let their latihan halls to a gay organisation (they view the lettings as a wholly commercial venture so that's never been in doubt) as a bit of a diversion, the question must be whether an ethical gay group would be comfortable hiring from such an organisation. Personally I would not be happy with any such arrangement and would regard any services provided from the St Anne's site under Subud's management therefore inaccessible to the LGBT community regardless of any Equality statement that is clearly breeched by Subud's internal policy & doctrine. Subud Lewes can certainly sign such a statement as David Anderson said they would, but would it be a honest statement and would they be able to abide by it? The answer I get from a bit of online research is absolutely not! I have also never been in doubt that gay people may join Subud as ordinary members but the Subud Survival Guide gives a taste of how that membership could seriously and possibly dangerously undermine somebody's self esteem when the Latihan repeatedly fails to cure their homosexuality and they would be forbidden to progress any further through the hierarchy of the sect.

Yours sincerely,

Tony Leonard
Hello Harvey,

In addition to the material I sent you yesterday, I would also like to submit this to the Scrutiny Panel. It is Subud's latest Internet Policy, drawn up in direct response to "the difficulties we have encountered with the Lewes Project".

There is no mention of, or regret expressed about, homophobia, nor is there any intention stated to remove such material from Subud's doctrine. Controversial material should be kept off-line or password protected. The offensive material is merely "misunderstood", "innocent expression blown out of all proportion" and "intentionally misinterpreted".

"There are always times when groups are looking for Subud Premises or other negotiations with outside bodies where we are sensitive to misunderstood content. In the public space, innocent expression can blow out of all proportion when put on page one of Google, taken out of time and context."

"The World has changed and radical groups could easily intentionally misinterpret Bapak's connection with the west and see this as anti something. This again is taking his words out of context and time."

The document introduces a common official non-discriminatory statement drawn up by a lawyer which includes the following sentence:

"WSA and other Subud organizations do not have a policy or practice to change the religious beliefs or practices of Subud members (or non-members), their sexual orientation, or their rights to state their views on such subjects, consistent with their own religions and the laws of the countries in which they resided."

Bizarrely, this guarantees bigoted Subud members the same rights to hold and express homophobic views as equal and equivalent to the rights of LGBT members. It is unclear whether this right of expression is also extended to racists.

This is wholly incompatible with ESCC's duty to "identify, assess and challenge discrimination wherever it arises."

Subud was not a suitable recipient of a Community Asset Transfer at the time the decision was made and remains unsuitable in light of ESCC's obligations under the Equality Act (2010).

Yours sincerely,

Tony Leonard
Subud Internet Etiquette
by Matthew Weiss - WSC Internet Coordinator

Today with more and more emphasis being placed on our Internet presence, we need to be careful that we use the Internet to our best use, without causing new difficulties for ourselves. Remember this is a public space and there is certain etiquette for us to adhere to across the Subud World.

**Puppy for Life Not For Christmas**
That sounds like a strange title but look at it this way, if on an inspiration you decide to register a great new Subud domain, that “Puppy” has to often be picked up and paid for by WSA for life. The reason why we do this is that there are people out there that see any site which HAD any traffic, and point it to where they want to advertise. So for a fictitious example, SubudGreatMoments.com can be redirected to a porn site.

We require that before anyone registers a domain including the word Subud, that they MUST get a license from WSC for use of the word Subud® and or the Subud Symbol. Any National Bodies should make sure that their members know of this requirement.

**Registration Marks**
The word “Subud” and the Subud Symbol were registered by the World Subud Association (WSA) and belong to them. In any public place, publication, tee shirt, website, book, encyclopaedia or anywhere, the registration mark must be on the Subud Symbol and on the word Subud (once) on the home page or cover of such a public display. In addition the phrase “Subud® and the seven circle symbol are registered marks of the World Subud Association”. This has and will protect us into the future that no one can Phish (Phishing is masquerading as a trustworthy entity in an electronic communicaion), intimidate or slander us by using the Internet.

Before use of either of these marks, members or non-members need a license to use them for promotion. There has been some objection over the years about “Why be so official, we are not a business” but over the past 10 years, it has proved invaluable to have this added protection. At World Congress for example, all items sold with these marks present have been sold with benefits to Subud pre-determined.

**Curiosity Killed the Cat**
Since I used the analogy with Puppies, to be fair to cat owners, this is appropriate. When there is so adverse content on the Internet and you find it, the first instinct is to circulate that link to officials and all your Subud Friends, like the ObamaSubudGate. **DON’T DO THIS**. It is important that the officials see the content so do send a screen dump of the site you are already looking at.

Subud people are too curious about what others think of them so always click a link and always send it to at least two of their Subud Friends. That has the exact opposite effect we want and turns it Viral. When you click on a link, it is recorded by Google and they
promote the site upwards. Clicking enough, and the site we wish to suppress, get on page one of Google.

**SEO (Search Engine Optimisation)**

All of the official websites have worked hard to make sure that our results in Google contain the best most representative sites. We make continuous efforts to insure that this remains so. Page one results are what is important but our content goes much deeper than that and only “Controversial” sites appear much later. We can not prevent ObamaSubudGate from reaching prominence, because Subud Members and their friends clicking, has helped put it there. We maintain these efforts and can help other Subud Websites improve their placement, if they wish.

**Fresh Dialogue**

A fresh dialogue or fresh look at Subud is no disadvantage. We do not want a “Vanilla Flavour” of Subud on the Internet and therefore do not discourage or try and remove websites which provide a fresh dialogue. There was an Anti Subud website back when which was on page 6 on Google results. It was made by a disenfranchised ex-Subud Member who wanted to vent his hurt. Many thought, this should be removed. When I read the blog, I realised that most of the posts were Subud Members back and forth with the Author and each other, in a lively positive discussion of what needed to be looked at in Subud. It remained there for years there because it was not anti, but constructive dialogue.

Today we have a few places where Members interact in more of a dialogue and I put out a challenge to contributors to step back and look at what they say, and see if they can put a negative observation in a positive way. I have personally seen how this can transform the conversation into something vital, constructive and useful, engaging many more people and allow them to grasp what you are trying to say.

**Just Between Us**

That brings us to the Website Content. Everything is in the public eye. Nothing is “Just between us”. Everything is seen by some robot or some person or organisation. Be it a Tweet, A Facebook Post, a Blog, a Forum, or a website.

Clear positive communication works best. Do not say things that if you stepped back and looked at from a strangers’ point of view could be taken out of context or misconstrued. Do not say things that could eventually be used to injure Subud. Do not say things that you might regret having said.

There are always times when groups are looking for Subud Premises or other negotiations with outside bodies where we are sensitive to misunderstood content. And yes, unfortunate content has appeared from within the depths of the Internet to enforce someones agenda to prove Subud unsuitable. We can prevent this not by removing it, but by not putting the material there in the first place. Editors of journals, magazines, websites and other published content should review their content carefully as they have a important responsibility to all of us. We of course, do not wish in any way to suppress freedom of expression or speech, but want to make sure we always remember that in the public space. Innocent expression can blow out of proportion when put on page one of Google, taken out of time and context.

**Password Protection**

Another issue is password protection of Bapak’s and Rahayu’s Talks. Here Rahayu has reiterated with good reason that this material must be under password protection. The World has changed
and radical groups could easily intentionally misinterpret Bapak’s connection with the West and see this as anti something. This again is taking his words out of context and time. National Bodies should make sure that all their websites and websites of member in their country do no publish this protected content without sufficient password protection. Ultimately this content is Rahayu’s copyright and she only provides it with this stipulation.

WSC is currently working on a Single SignOn which would provide websites the capability to redirect members to a central place to register and verify Subud Members and gain access to all Subud protected content with little programming knowledge, so that most websites can avail of this service.

**Legal Phrase**

Because of the difficulties we have encountered with the Lewes Project, we have decided to adapt a common official Non-discriminatory statement drawn up by our lawyer. This statement should appear on any Subud Website and National Bodies should ask the webmasters of the various sites in their countries to add this somewhere.

The World Subud Association ("WSA") is a not-for-profit organization with its headquarters in Washington, D.C. (USA). Subud members engage in a non-denominational spiritual practice called the "latihan kejiwaan," a practice originating in Indonesia that has now spread worldwide. We welcome new members 18 years and older. Our organization does not discriminate on any basis, including nationality, gender, colour, age, or sexual orientation. Subud is not a religion and is open to persons of all faiths and those who do not follow religions. WSA and other Subud organizations do not have a policy or practice to change the religious beliefs or practices of Subud members (or non-members), their sexual orientation, or their rights to state their views on such subjects, consistent with their own religions and the laws of the countries in which they resided.

Matthew Weiss
October 2014
FOI Request ref: 2940 – officer correspondence re. St. Anne’s school site
Dear Cllr Stockdale

FOI Request ref: 2940 / Stockdale / Community Asset Transfer Bids for St Anne’s School, Rotten Row, Lewes

Thank you for your request for information about the above, which has been dealt with under the terms of the Freedom of Information Act 2000. Your request and our response are set out in the text boxes below. Please note that the information is provided subject to the copyright and reuse of information terms and conditions set out at the bottom of this email.

1. Which individuals and/or organisations (the bidders) applied to become the preferred bidder in the process started in Spring 2013?

SUBUD; YMCA; LCLT; We also received a basic expression of interest from the Newhaven Community Development Association.

2. Has the County had any previous dealings with any of the bidders over the sale of local authority assets and if so what was the outcome?

East Sussex County Council sold Pelham House, Lewes to SUBUD in 2005. This represents the only previous contact we hold information on.

3. Who formed the bid panel?

The requested information is Personal Data, as defined by Section 1 Data Protection Act 1998. Personal Data is exempt from disclosure under the Freedom of Information Act. However, this information has already been published on the ESCC website and it is therefore already publicly available. It would therefore not be unfair to release the information here. (see our response to question 4).

Please see the link to Lead Member Report (29th October 2013) which contains this information. It can be found in appendix 2c. Please note that Archie Cowan left ESCC before the Bid Panel met, and Chris Reed was present in place of David Baughan who was on leave during this period.

http://www.eastsussex.gov.uk/yourcouncil/about/committees/meetingpapers/cabinetresources/2013/29october.htm

Therefore the panel was as follows:

Chris Reed
Paul Rideout
James Harris
Russell Bright
Katherine Perrin
Rosey Eggar

4. Which individuals from the St Anne’s Steering Group met with the bid panel to discuss the recommendation in the Report to the Lead Member for Resources (Agenda Item 6 LM Meeting 16 July 2013)?
The information that you have requested is defined as “Personal Data” by Section 1 Data Protection Act 1998 (DPA).

“personal data” means data which relate to a living individual who can be identified—

(a) from those data, or
(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual;

Personal Data is defined as “Personal Information” for the purposes of the Freedom of Information Act 2000 (FOIA). In this case the personal information is that of third parties. By virtue of Section 40(2) FOIA, third party personal information is exempt from the requirements that that Act places upon public authorities to provide access to information.

Some of the identified exempt third party data relates to a Councillor and senior member of East Sussex County Council (ESCC) staff. With reference to the Data Protection Principles, which are set out in Schedule 1 DPA, we have previously concluded that it would not be unfair or unlawful to release some third party personal information of Councillors or senior ESCC staff. This is because they should have an expectation that the public may have a legitimate interest in knowing some of their personal information. In view this, we can confirm that Councillor Ruth O’Keefe and David Baughan, ESCC Head of Property Strategy were members of the steering group that met with the panel. We will no release the details of the other members.

5. What role the tenant (3VA) played in reaching the recommendation in the Report?

Please see the attached Bid Application form – see section 4, a copy of which you have already received and completed.

Under Section 21 FOIA, there is an exemption from the duty to provide information on request when that information is reasonably accessible to the applicant by other means. The Lead Member report and minutes are available on the Council website as public documents. These set out the role of 3VA in the disposal process. They can be found at the following link:

http://www.eastsussex.gov.uk/yourcouncil/about/committees/meetingpapers/cabinetresources/2013/29october.htm

3VA were present at the Bid Panel Meeting and were also present as a member of the St Anne’s Steering Group Committee, who were consulted following the Bid Panel Evaluation.

We have assessed their bid scores to be commercially sensitive information in that it’s disclosure would be likely the prejudice the commercial interests of any person (including ESCC). This is exempt information by virtue of Section 43(2) FOIA. The exemption under Section 43 FOIA is a qualified exemption and is therefore subject to the public interest test. The test requires balancing the factors in favour of disclosing
the information against the factors in favour of withholding it. We are permitted up to a further 20 working days to carry out this test. We will advise you of our final decision regarding this information as soon as possible and in any event by 29 November 2013.

6. What the bids comprised (the bid form at 5.6 required bidders to confirm that their bids were not confidential)?

We have assessed this information to be commercially sensitive in that its disclosure would be likely the prejudice the commercial interests of any person (including ESCC). Please see our response to question 5. We will advise you of our final decision regarding this information as soon as possible and in any event by 29 November 2013.

7. What the scoring matrix was?

A copy of the template bid scoring matrix is attached.

8. How each of the bids was scored on the scoring matrix?

We have assessed this information to be commercially sensitive in that its disclosure would be likely the prejudice the commercial interests of any person (including ESCC). Please see our response to question 5. We will advise you of our final decision regarding this information as soon as possible and in any event by 29 November 2013.

9. What correspondence and contact has taken place with bidders since 12 July 2013?

Please see the attached emails. Some of the requested information has been assessed as Personal Data. See our response to question 4. Any exempt personal information has been redacted from these documents in keeping with the provisions in Section 40 FOIA.

Some of the information has been assessed as Commercially Sensitive. See our response to question 5. We will advise you of our final decision regarding this information as soon as possible and in any event by 29 November 2013.

10. What internal correspondence has taken place within the County since 12 July 2013 regarding this matter? Amended to correspondence to or from or copied to Chris Reed, Cllr Elkin, Becky Shaw and Kevin Foster

Please see the attached emails. Some of the requested information has been assessed as Personal Data. See our response to question 4. Any exempt personal information has been redacted from these documents in keeping with the provisions in Section 40 FOIA.

Some of the information has been assessed as Commercially Sensitive. See our response to question 5. We will advise you of our final decision regarding this information as soon as possible and in any event by 29 November 2013.

Some of the requested information has been assessed as subject to Legal Privilege. Such information is exempt from the requirements of the FOIA by virtue of Section 42 of the Act. The exemption under Section 42 FOIA is a qualified exemption and is therefore subject to the public interest test. The test requires balancing the factors in favour of disclosing the information against the factors in favour of withholding it. We are permitted up to a further 20 working days to carry out this test. We will advise you.
of our final decision regarding this information as soon as possible and in any event by 29 November 2013.

I hope that this answers your enquiry. If you believe that the County Council has not complied with the FOI Act in responding to your request, you may ask for an internal review. If you wish to do so, please set out the grounds of your appeal in writing to:

Philip Baker, Assistant Director, Legal and Democratic Services, East Sussex County Council, County Hall, St Anne’s Crescent, Lewes, East Sussex. BN7 1UE. or by email to him at Philip.baker@eastsussex.gov.uk

Please quote the FOI reference number in any communication regarding this particular request.

If you are not content with the outcome of the internal review, you then have the right to apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the County Council’s internal review procedure as described in the previous paragraph. The Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel: 0303 123 1113. www.ico.org.uk

Yours sincerely

Jeremy Coleman
Freedom of Information Adviser
Room C3F
County Hall
St Anne's Crescent
Lewes
East Sussex BN7 1UE
Phone: 01273 482913
Fax: 01273 481208

email: foi@eastsussex.gov.uk web: www.eastsussex.gov.uk/foi

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3. We do not give permission for this information to be used for the purposes of direct marketing.
4. If you wish to use this information then, in accordance with the Regulations on the Re-use of Public Sector Information 2005, you must first ask our permission. Such re-use may or may not involve the granting of a licence and the application of a Fee.
Dear David,

Hope you are well. For your information see below. Happy to discuss.

Regards,

Melanie
Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk

We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

Please do not print this email unless necessary

Dear Councillor Keeley

Many thanks for your questions, I have endeavoured to answer them below highlighted in blue for your convenience.

1. How many members on the committee are new to that group, be it new to the council or new to the committee? The Resources LM meeting is chaired by Councillor David Elkin, it is not a membership group and Councillor Elkin was appointed after the last election to this position. Any Councillor with business relevant to that meeting can request time from the Chair to speak. The Chair then decides if he is informed from Officers before he makes a decision. His decision is final and then implemented by officers as appropriate.

2. For the meeting on the 15th July, who as looked in these sites? The next LM meeting is the 16th July. The sites are evaluated through visits and professional advice and recommendations made by officers. If a Member wishes to they can visit the sites at their own convenience. There is no planned programme for site visits.

3. The Lewes St Anne:s school is what??With all these young people in need of care why cant this site be used for them, it appears to me there are a few people to make gig
decisions and everything is being sold that should not happen. The St Annes School was closed back in 2007 and is seen as a community asset for Lewes. A fully auditable process of declaring surplus by the whole Council, therefore not required for the delivery of services including children Services, has taken place and a tendering process for a purchaser undertaken.

4. How many and who have been to the Grove School site Hastings? The site is well known to the Authority as one of our secondary schools. The site was evaluated through professional advice and the recommendation made by officers. If a Member wishes to they can visit the sites at their own convenience. There is no planned programme for site visits.

5. the meeting on the 18th was lead members, but we have not had a committee meeting. The Leader delegates certain matters to Lead Members who are then authorised to consider matters and take decisions. The Council operates a Leader and Cabinet system rather than a committee system.

6. Would like to meet up with you before the 16th if that is possible, I am not able to get to the cabinet meeting Wednesday so cant suggest then. Unfortunately we do not have access to your diary can I suggest that you make me aware of your next planned visit to the County Hall and I will arrange to be available just prior of after your meeting.

Regards,

Melanie
Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
e-mail: melanie.griffin@eastsussex.gov.uk
We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

Please do not print this email unless necessary

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From: General Enquiries
Sent: 09 July 2013 09:13
To: Melanie Griffin
Subject: FW: [PUBLIC] Melanie Griffin/ Property Services. - Sent from website feedback form

Dear Melanie

Cllr Keeley has submitted the below via the website.

Kind regards
This email has been sent to you automatically via the website by a member of the public. You are the first person to read it. Please process and respond accordingly.

If you are not the right person to deal with the enquiry, please forward to the correct team as soon as possible.

If you do not know who to redirect this email to, please contact the Web Team.

Thank you.

FROM: cllr Laurence Keeley

MESSAGE:

Melanie,
Just wondered if you could help clear up a few points, as I am a new member, it's not that I don't want to talk to you, but you will have time to answer my points. You will know the problem when I was not told I was on Resources.
1- How many members on the committee are new to that group, be it new to the council or new to the committee?
2- For the meeting on the 15th July, who as looked in these sites,
3- The Lewes St Anne's school is what?? With all these young people in need of care why can't this site be used for them, it appears to me there are a few people to make gig decisions, and everything is being sold that should not happen.
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Would like to meet up with you before the 16th if that is possible, I am not able to get to the cabinet meeting Wednesday so can't suggest then.
cllr Laurence Keeley.

Please respond by email to lvkeeley22@homecall.co.uk or by phone on 01323 832660
Dear Both - you have both been talking to Cllr Keeley - just wanted to make sure you are both aware. We will help if we can.

-----Original Message-----
From: Councillor David Elkin
Sent: Tue 7/9/2013 2:09 PM
To: Melanie Griffin
Cc: Becky Shaw
Subject: RE: [PUBLIC] Melanie Griffin/ Property Services. - Sent from website feedback form

Hi Mel,

Many Thanks, seems there may well be a need to brief a wider Councillor audience on Lead-member meetings.

Maybe through current induction programme, that is of course if it has not already been done.

David

Sent with Good (www.good.com)

-----Original Message-----
From: Melanie Griffin
Sent: Tuesday, July 09, 2013 02:00 PM GMT Standard Time
To: Councillor David Elkin
Subject: FW: [PUBLIC] Melanie Griffin/ Property Services. - Sent from website feedback form

Dear David,

Hope you are well. For your information see below. Happy to discuss.

Regards,
Melanie
Dear Councillor Keeley

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Regards,
Melanie
Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
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email: melanie.griffin@eastsussex.gov.uk We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

P Please do not print this email unless necessary

From: General Enquiries
Sent: 09 July 2013 09:13
To: Melanie Griffin
Subject: FW: [PUBLIC] Melanie Griffin/ Property Services. - Sent from website feedback form

Dear Melanie

Cllr Keeley has submitted the below via the website.

Kind regards

Dan Ellis

From: lvkeeley22@homecall.co.uk [mailto:lvkeeley22@homecall.co.uk]
Sent: 08 July 2013 18:37
To: General Enquiries
Subject: [PUBLIC] Melanie Griffin/ Property Services. - Sent from website feedback form

This email has been sent to you automatically via the website by a member of the public. You are the first person to read it. Please process and respond accordingly.

If you are not the right person to deal with the enquiry, please forward to the correct team as soon as possible.

If you do not know who to redirect this email to, please contact the Web Team.

Thank you.

FROM: cllr Laurence Keeley

MESSAGE:

Melanie,
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Would like to meet up with you before the 16th if that is possible, I am not able to get to the cabinet meeting Wednesday so can't suggest then.

cllr Laurence Keeley.

Please respond by email to lvkeley22@homecall.co.uk or by phone on 01323 832660
I understand you are going to provide a water-tight appeal process to append to my crib sheet for Melanie tomorrow?

Will chat tomorrow

Regards

Chris

Christopher Reed
Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Melanie

Kevin came down to see You and Chris you were both out of the office, he wanted to discuss the wording in the document. I got out Chris's file and we covered the query. Kevin wanted to know why we wouldn't let them have the scoring matrix template, saying that in a normal procurement this would be normal. I did explain that this was not a procurement but a property sale, which he accepted.

Been doing some research on Subud, Not helpful as they are registered as a religious charity, see below.

Subud literature rejects the suggestion that Subud is a religion, but rather describes it as a "spiritual movement." The difference between religion and spirituality is much debated. Subud is treated as a religious organisation in some countries, such as the UK, where it is registered as a religious charity, but in other places, such as Indonesia, it is viewed by the government as an educational organisation. It may well be that Subud (along with numerous other groups with similar reservations) qualifies as a religion by some definitions, but not by others.

Just have to run with it tomorrow.

Regards

Business Services Department
East Sussex County Council
Phone: [redacted]
Fax: [redacted]

"We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you."
From: John Stockdale <john@plantpress.com>
Sent: 16 July 2013 07:40
To: Becky Shaw; Kevin Foster
Subject: St Anne's School Site
Attachments: LCLT050713.doc; Subud Mem & arts bIREX+0L0193-52455_2-09131485.pdf; S Prior Planning St Annes (no date).docx

Importance: High

Dear Cllr Elkin

Herewith a challenge from Lewes Community Land Trust to the Chief Operating Officer’s recommendation to dispose of the St Anne’s School site, Lewes to Subud which is on the agenda for the Lead Member’s Meeting this afternoon. A signed copy of these documents was left at County Hall reception addressed to you last night.

Regards

John Stockdale,
Treasurer, Lewes Community Land Trust
61 Old Malling Way, Lewes, BN7 2EP - GB t: 01273 476151; m: 07929 889304; e: john@plantpress.com

Lewes Community Land Trust is a company limited by guarantee registered in England and Wales Company No 6489665; registered address: c/o Zoe Wangler, 5 Broomans Terrace, Lewes BN7 2BH; recognised as a charity by HMRC No XT22244.
Councillor David Elkin  
Lead Member for Resources  
East Sussex County Council  
County Hall,  
St Anne’s Crescent,  
Lewes,  
East Sussex BN7 1UE  

15 July 2013  

Dear Councillor Elkin  

Former St Anne’s School site  

Please note that this letter is submitted without prejudice to and that we reserve the right to raise more detailed and/or additional objections following a more thorough review of the bid and related documentation by us and, if necessary, our lawyers.  

Executive Summary  
The Lead Member for Resources is recommended to reject the Chief Operating Officer’s Report recommending the sale and transfer of Former St Anne’s School site to Subud because it is unsound and ultra vires since Subud is an organisation promoting religious activities in contravention of the definition of valid applicants contained in the Council’s bid form.  

We suggest that it would be inappropriate for the Council to dispose of this site at below market value to Subud under these circumstances.  

The first paragraph of the Council’s bid form reads:  

The questionnaire applies to requests for the purchase of a Council asset by voluntary, community or not for profit organisations, unless the organisation is promoting political or religious activities. It is not intended to be used for commercial organisations. [my emphasis]  

The applicant is understood to be Subud Britain, a company limited by guarantee (No 00678027) and a registered charity (No 233282).  

The Company’s sole SIC Code in its company registration at Companies House is: 94910 - Activities of religious organizations. The Charity Commission entry includes ‘religious activities’ as part of its classification.
The Memorandum of Association of Subud Britain has as its first object:

to promote and advance religion and in particular but without prejudice to the generality of the foregoing to promote and advance the aim and principles of the worship of God known as Susila Budhi Dharma as expressed in the Declaration set out in Clause 2 of the Articles of Association.

Clause 2 of the Articles of Association summarises the belief system and spiritual exercises that adherents of Subud subscribe to.

Under Clause 6 of the Articles of Association membership of Subud Britain is limited to members of the World Subud Association.

Pre-application advice from Samantha Prior, Planning Officer for Lewes District Council records that Subud plan to use the site for ‘a place of worship’ and ‘the Subud Group national HQ’.

See Subud Britain’s full memorandum and Articles attached as an appendix.

Subud claim not to be a religion. But they are clearly engaged in religious activities and they benefit from the tax status of a registered charity accordingly. In our opinion it is not the case that Subud’s bid ‘... meets the requirements set out in the bid application pack’, as stated at para 1.2 in the Report by the Chief Operating Officer.

We suggest that it would be inappropriate for the Council to dispose of this site at below market value to Subud under these circumstances.

Once again, please note that this letter is submitted without prejudice to and that we reserve the right to raise more detailed and/or additional objections following a more thorough review of the bid and related documentation by us and, if necessary, our lawyers.

Yours sincerely

Pru Rowntree
Chair
Lewes Community Land Trust

cc Chief Executive
Chief Operating Officer
Norman Baker MP
Councillor Ruth O’Keeffe
Councillor Rosalyn St Pierre
Councillor Christopher Bowers

Encs Subud Britain’s Memorandum and Articles of Association (27 pages)
LDC’s Planning Advice
1. The name of the Company (hereinafter called "the Association") is "SUBUD BRITAIN".

2. The Registered Office of the Association will be situate in England.

3. The objects for which the Association is established are:-
   
   A

   (i) to promote and advance religion and in particular but without prejudice to the generality of the foregoing to promote and advance the aim and principles of the worship of God known as Susila Budhi Dharma as expressed in the Declaration set out in Clause 2 of the Articles of Association.

   (ii) The relief of Poverty.

   (iii) The advancement of education.
Memorandum of Association

(iv) Other charitable purposes for the benefit of the community in general.

B As ancillary to the foregoing objects, which are hereby declared to be the principal objects of the Association, and for the purpose only of furthering such objects, and in so far only as such things may be done by a corporation formed for charitable purposes only, to do all or any of the following things, namely:

(i) to take over the whole or any part of the real and personal property belonging to and to undertake all or any of the liabilities of (a) the unincorporated charity known as "Subud United Kingdom" (charity registration number 254581) and (b) any of the Centres, groups or branches belonging to or associated with Subud United Kingdom.

(ii) to further moral and religious education.

(iii) to acquire and otherwise provide hostels, schools, children's homes, educational establishments, hospitals, nursing homes, and convalescent homes.

(iv) to establish, promote, co-operate with, become a member of, act as or appoint trustees, agents or delegates for, control, manage, superintend, afford financial assistance to, or otherwise assist in the work of any associations and institutions and other bodies, incorporated or not incorporated, whose objects include religious objects or are otherwise similar to the objects of the Association or concerned in the investigation and promotion of human welfare. Provided that any such establishment, promotion or co-operation of other form of interest or activity undertaken under this object shall be confined to bodies incorporated or unincorporated for charitable purposes only.

(v) to further the objects of the Association set forth in Object 3 above but not further or otherwise to prepare, edit, print, publish, issue, acquire and circulate books, papers, periodicals, gazettes, circulars and other literary undertakings and to establish, form and maintain museums, collections, libraries and other collections of literature, statistics, scientific data and other information and to translate, compile, collect, publish, lend and sell, and endeavor to secure, or contribute to, the translation, compilation, and publication, by Parliament, Government Departments and other bodies and persons, of any such literature, statistics and information, and to disseminate the same by means of the reading of papers, delivery of lectures, giving of advice, the appointment of advisory officers or otherwise.

(vi) to retain or employ skilled, professional or technical advisers or workers in connection with the objects of the Association and to pay therefor such fees of remuneration as may be thought expedient.

(vii) to acquire all or any part of the property, assets and liabilities of any company or unincorporated association possessed of property suitable for the purposes of the Association.

(viii) to undertake and execute any charitable trusts which may be conducive to any of the objects of the Association.

(ix) to raise funds and to invite and receive subscriptions and contributions from any person or persons whatsoever by way of subscription, donation or otherwise, provided that the Association shall not undertake any permanent trading activities in raising funds for its primary purposes.

(x) to establish and support any charitable institutions furthering the purposes of the Association.

(xi) to apply to the government, public bodies, Urban, Municipal, County and other bodies, corporations, companies or persons for, and to accept grants of money and of land, donations, gifts, subscriptions and other assistance with a view to promoting the objects of the Association, and to discuss and negotiate with Government Departments, public and other bodies, corporations, companies or persons, schemes of research and other work
and matters within the objects of the Association and to conform to any proper conditions upon which such grants and other payments may be made.

(xii) to borrow or raise any money that may be required by the Association upon such terms as may be deemed advisable, and in particular by the issue of bonds, debentures, bills of exchange, promissory notes or other obligation or securities of the Association, or by mortgage or charge of all or any part of the property of the Association.

(xiii) to draw, make, accept, indorse, discount, execute and issue promissory notes, bills of exchange, and other negotiable or transferable instruments.

(xiv) (to invest the moneys of the Association not immediately required in any investments as the National Council shall deem fit and in such manner as may from time to time be determined.

(xv) to use the funds of the Association in the employment of persons and in the provision and use of offices, buildings, materials and equipment of all kinds for any purpose and in any manner which are conducive to the furtherance of the objects of the Association.

(xvi) to establish and support or aid in the establishment and support of charitable associations, charitable institutions, charitable funds, charitable trust and charitable conveniences calculated to benefit employees or ex-employees of the Association or the dependents or connections of such persons, and to grant pensions and allowances to and to make payments towards insurance of such persons.

(xvii) to do all such other lawful things as may be incidental to or conducive to the attainment of the above objects.

(xviii) to pay all expenses, preliminary or incidental to the formation of the Association and its registration.

(xix) To purchase, take on lease or in exchange, hire or otherwise acquire any real and personal property, and in particular any land, buildings, workshops, factories, laboratories, machinery, stationery or mobile plant, apparatus, appliances and any rights or privileges necessary or convenient for the purposes of the Association, and to construct, erect, alter, improve and maintain any buildings which may be from time to time required for the purposes of the Association and to manage, develop, sell, demise, let mortgage, dispose of, turn to account or otherwise deal with all or part of the same with a view to the promotion of the objects of the Association.

(xx) To procure the Association to be registered or recognised in any part of the world.

(xxi) To provide indemnity insurance to cover the liability of the trustees

(i) which by virtue of any rule of law would otherwise attach to them in respect of any negligence, default breach of trust or breach of duty of which they may be guilty in relation to the company; or

(ii) to make contributions to the assets of the company in accordance with the provisions of section 214 of the Insolvency Act 1986

provided that any such insurance in the case of (i) shall not extend to any claim arising from any act or omission which the trustees knew to be a breach of trust or breach of duty or which was committed in reckless disregard of whether it was a breach of trust or breach of duty or not and provided also that any such insurance shall not extend to the costs of an unsuccessful defence to a criminal prosecution brought against the trustees in their capacity as directors of the company; and in the case of (ii) shall not extend to any liability to make such a contribution where the basis of the trustee's liability is his knowledge prior to the insolvent liquidation of the company (or reckless failure to acquire that knowledge) that there was no reasonable prospect that the company would avoid going into insolvent liquidation.
Provided always that nothing herein contained shall empower the Association to carry on the business of life assurance, accident assurance, fire insurance, employers liability insurance, industrial assurance, motor assurance, or any business of insurance or re-insurance within the meaning of the Insurance Companies Act 1974, or any Act amending, extending or re-enacting the same.

The objects of the Company shall not extend to the regulation of relations between workers and employers or organisations of workers and organisations of employers.

Provided also that in case the Association shall take or hold any property subject to the jurisdiction of the Charity Commissioners for England and Wales, or any authority exercising corresponding jurisdiction outside England and Wales, the Association shall not sell, mortgage, charge or lease the same without such authority, approval or consent as may be required by law, and regards any such property the National Council of the Association shall be chargeable for such property as may come into their hands and shall be answerable and accountable for their own acts, receipts, neglects and defaults, and for the due administration of the property in the same manner and to the same extent as they would as such National Council have been if no incorporation had been effected and the incorporation of the Association shall not diminish or impair any control or authority exercisable by the Chancery Division, the Charity Commissioners, or any such other authority as aforesaid, over such National Council, but they shall, as regards any such property be subject jointly and separately to such control or authority as if the Association were not incorporated. In case the Association shall take or hold any property which may be subject to any trusts, the Association shall only deal with the same in such manner as allowed by law, having regard to such trusts.

4 The income and property of the Association shall be applied solely towards the promotion of its objects as set forth in this Memorandum of Association and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise howsoever by way of profit, to the Councillors of the Association and no member of the National Council or Governing Body shall be appointed to any office of the Association paid by salary or fees or receive any remuneration or other benefit in money or money's worth from the Association.

Provided that nothing herein shall prevent any payment in good faith by the Association:

A of reasonable and proper remuneration to any member, officer or servant of the Association not being a member of its National Council or Governing Body for any services rendered to the Association;

B of interest on money lent by any Councillor of the Association or member of its National Council or Governing Body at a rate per annum not exceeding 2 per cent less than the minimum lending rate prescribed for the time being by the Bank of England, or 3 per cent whichever is the greater;

C of reasonable and proper rent for premises demised or let by any Councillor of the Association or member of its National Council or Governing Body;

D of fees, remuneration or other benefit in money or money's worth to a company of which a member of the National Council or Governing Body may be a member holding not more than 1/100th part of the capital of that company and;

E to any member of its National Council or Governing Body of out-of-pocket expenses.

F Reasonable and proper premiums in respect of indemnity insurance effected in accordance with clause 3B(xx) of this Memorandum.

5 The liability of the Councillors is limited.

6 Every Councillor of the Association undertakes to contribute to the assets of the Association, in the event of the same being wound up while he is a Councillor, or within one year after he ceases to be Councillor, for payment of the debts and liabilities of the
Association contracted before he ceases to be a Councillor, and of the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributors among themselves, such amount as may be required not exceeding £1.

7 If upon the winding up or dissolution of the Association there remains after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Association, but shall be given or transferred to some other charitable institution or institutions having objects similar to the objects of the Association, and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Association under or by virtue of Clause 4 hereof, such institution or institutions to be determined by the members of the Association at or before the time of dissolution, and if and so far as effect cannot be given to such provision, then to some charitable object.

8 True accounts shall be kept of the sums of money received and expended by the Association, and the matters in respect of which such receipts and expenditure take place, of all sales and purchases of goods by the Association and of the property, credits and liabilities of the Association; and, subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed in accordance with the regulations of the Association for the time being, such accounts shall be open to the inspection of the Councillors. Once at least in every year the accounts of the Association shall be examined and the true and fair view of the income and expenditure account and the balance sheet ascertained by one or more properly qualified Auditor or Auditors.
NEW ARTICLES OF ASSOCIATION

OF

SUBUD BRITAIN

(Incorporated on the 15th day of December 1960
(Adopted by Special Resolution passed on September 6th 1981)
(Amended on September 5th 1993, August 27th 2000, August 17th 2003 and August 27th 2004))

In these Articles and the Regulations the words standing in the first column of the Table next hereafter contained shall bear the meaning set opposite to them respectively in the second column thereof, if not inconsistent with the subject or context.

<table>
<thead>
<tr>
<th>WORDS</th>
<th>MEANINGS</th>
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<tbody>
<tr>
<td>Subud Britain</td>
<td>The Above named Subud Britain.</td>
</tr>
<tr>
<td>The Statutes</td>
<td>The Companies Acts 1948 to 1980 and every other Act for the time being in force concerning companies and affecting Subud Britain.</td>
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<td>The Act</td>
<td>The Companies Act 1948</td>
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<td>The Articles</td>
<td>These Articles of Association.</td>
</tr>
<tr>
<td>The Regulations</td>
<td>The regulations (including any additions or alterations thereto) governing the detailed organisation of Subud Britain as Congress may from time to time</td>
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New Articles of Association
determine provided that such regulations conform to,
and are not repugnant to, the principles and objects
set out in the Memorandum of Association and these
Articles.

The Latihan Kejiwaan
The spiritual exercise which forms the basis of Subud
as expressed in Clause 2 of these Articles.

The World Subud Association
Those persons in all parts of the world who meet
together to take part in the worship of Almighty God
through the Latihan Kejiwaan.

Member
A person who is enrolled as a Member in accordance
with Article 6 A (ii)

Roll of Members
An up to date record of details, to be kept at the
Office, of persons enrolled as Members in accordance
with Article 6 A.

Councillors
The legal members of Subud Britain as set out in
Article 6 B (i).

Register of Councillors
An up to date record of the necessary details, to be
kept at the Office, of Members registered for the time
being as Councillors in accordance with Article 6 B.

Body
A component body of Subud Britain as set out in
Article 7.

Congress
The assembly of Councillors in general meeting being
the supreme authority of Subud Britain constituted in
accordance with Articles 7 A and 8 A hereof.

The National Council
The National Council of Subud Britain for the time
being as constituted in accordance with Articles 7 B
and 9 A hereof.

Region
A division of Subud Britain comprising a number of
neighbouring Groups and having a Regional Council.
The composition of a Region is defined by the
National Council under the provisions of Article 9 A
(vii).

Regional Council
A Regional Council of Subud Britain constituted in
accordance with Articles 7 C, 9 A (ix), 10 and the
Regulations.

Group
A Group of Members constituted in accordance with
Articles 7 D, 9 A (x), 10 and the Regulations.

The National Committee
The National Committee for the time being as
constituted in accordance with Article 9 A (vi) hereof.

The National Secretary
Any Member appointed to undertake the duties of
Secretary of Subud Britain.

The National Treasurer
Any Member appointed to undertake the duties of
Treasurer of Subud Britain.

Helpers
Those members appointed and selected through
guidance received in the Latihan Kejiwaan to deal with
the spiritual aspect of Subud in Group, Regional and
National areas.

Dewan
A group of Helpers who together are responsible for
the spiritual side of Subud in Group, Regional and
National areas.
New Articles of Association

The Office
The Registered Office of Subud Britain.

The Seal
The Common Seal of Subud Britain.

Month
Calendar Month.

In Writing
Written, printed or lithographed, or partly one and partly another, and other modes of representing or reproducing words in a visible form (including electronic communications).

Electronic Communication
Has the meaning ascribed to it in the Electronic Communications Act 2000.

Electronic Signature
Has the meaning ascribed to it in the Electronic Communications Act 2000.

And words importing the singular number only shall include the plural number, and vice versa.

Words importing the masculine gender only shall include the feminine gender, and vice versa.

Subject as aforesaid, any words or expressions defined in the Act or any Statutory modification thereof in force at the date on which these Articles become binding on Subud Britain shall, if not inconsistent with the subject or context, bear the same meanings in these presents.

2 DECLARATION OF CONSTITUTION

In adopting this Constitution, the members of the World Subud Association in Britain declared as follows:-

'The Name "Subud" is the abbreviation of the words Susila Budhi Dharma.

Susila means: The character of a true human being in accordance with the Will of the One Almighty God.

Budhi means: the highest power that exists within Man.

Dharma means: the reality of the inner feeling which submits to the Will of Almighty God with patience, trust and sincerity.

We have made this the name of the Association of our spiritual brotherhood as a symbol, indicating that we may truly become human beings who have the qualities of Susila, Budhi and Dharma, in conformity with that which we experience each time we receive and practise the latihan kejwaan (spiritual exercise).

We acknowledge that in truth the latihan kejwaan (or spiritual exercise) which we receive and practise comes about only because we surrender sincerely to the greatness of Almighty God.

To explain this more clearly, as soon as we have inwardly surrendered with sincerity to the greatness of God, our heart and mind, which are usually filled with imaginings of all kinds and with thinking about various problems, spontaneously cease to act, and at the same moment our entire inner feeling vibrates.

This vibration of the inner-feeling then manifests itself in the movements and activity which we call the Latihan Kejiwaan.

Although in this state we experience that our imagination and thoughts cease to act, our inner feeling is calm and conscious so that it can at all time follow the course of the movements and power which, by their nature, lead and guide us towards the worship of God.
As a result of this experience in the Latihan we are convinced that we worship only the one Almighty God, that it is only He who is able to lead, guide and bring us to Him, and that He alone can correct and ennoble our inner-feeling and soul in accordance with his will.

Such is the Latihan Kejiwaan which we have received and which we practise. So the basis of this Latihan, or of our receiving in the Latihan, is in fact our worship of Almighty God, and through His guidance we are led towards goodness of character and nobility of soul in accordance with His Will.

Because the Latihan Kejiwaan exists by the Grace of God, who is worshipped by all His creation, we can but submit to His Will the manner of its spreading throughout the world until it is received by all Mankind - by peoples of diverse races and religions.

However as we are human beings, who live on Earth and so have need of food and clothing, we are also obliged to take care of ourselves in order to maintain security and peace in our society.

Therefore, in addition to our worship of God, it is necessary for us to set up some form of organisation by which to regulate our affairs, as is customary for people who live in this world.

The manner of our organising should of course be adapted to the local conditions of our respective societies and in conformity with the laws and regulations of the countries concerned.

For this reason, it is necessary to draw up a Constitution whose contents will not be at variance with this Preamble and will not conflict with the laws and regulations of our respective countries.

3 OBJECTS OF ORGANISATION

The organisation of Subud Britain is established to:

A implement the principles and objects set out in the Memorandum of Association and Clause 2 of these Articles

B reflect in Britain the essential unity of the World Subud Association

C express the responsibility of each Member for the affairs of the World Subud Association in Britain

4 THE REGULATIONS

The Regulations shall contain detailed provisions for administering the affairs of Subud Britain. These provisions shall be determined by Congress as set out in Article 8 A (vi)(d).

5 SUBUD BRITAIN

Subud Britain shall consist of Members as set out in Article 6 and be composed of the Bodies set out in Article 7.

6 MEMBERSHIP

A Members:

(i) Membership shall be confined to members of the World Subud Association and admission to Membership shall be subject to such rules as Congress may from time to time set out in the Regulations.

(ii) The names and details of all Members shall be entered in the Roll of Members and kept in the manner prescribed in the Regulations.

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(iii) A person shall cease to be a Member only in the following circumstances
(a) with his written consent, or
(b) upon his death, or
(c) upon his removal from the membership of the World Subud Association.

(iv) Members shall have the power to cause to convene an Emergency Session of Congress as set out in the Regulations.

B Councillors:

(i) Councillors shall for the time being be:
(a) the members of the National Council as prescribed in Article 7 B (i) and Article 7 B (ii), and
(b) the Chairpersons of all Groups, and
(c) such other Members (if any) as may from time to time be prescribed in the Regulations, either ex officio or selected in some manner.

(ii) The number of Councillors with which Subud Britain proposes to be
registered is 635 but Congress may from time to time authorise the registration of an increase of Councillors.

(iii) The provision of the Statutes shall be observed by Subud Britain and every Councillor shall either sign a written consent to become a Councillor or sign the Register of Councillors as set out in the Regulations.

(iv) A Member shall cease forthwith to be a Councillor:
(a) upon his death, or
(b) upon a receiving order being made against him, or
(c) upon his making an arrangement or composition with his creditors, or
(d) upon his ceasing to be a Member, or
(e) upon his resignation from office, by notice in writing to the National Secretary at the Office, or
(f) upon his removal from office by Congress, or
(g) (in the case of a Councillor ex officio) upon his ceasing to hold the office by virtue of which he is a Councillor, or
(h) upon his being declared to be of unsound mind.

(v) Councillors shall have the power to convene an Emergency Session of Congress as set out in the Regulations.

(vi) The Rights of a Councillor shall be personal and shall not be transferable except that
(a) a Regional Chairperson may appoint another member of his Regional Council to act as his proxy at a General Session or Emergency Session or interim meeting of Subud Britain, and
(b) the Chairperson of a Group may appoint another Member of his Group to act as his proxy at a General Session or Emergency Session or interim meeting of Subud Britain. In each case the manner of appointment of such proxy shall be as prescribed in the Regulations.
7 COMPONENT BODIES OF SUBUD BRITAIN

A Congress:
Congress shall consist of Councillors in accordance with Article 6 B (i)

B National Council:
National Council shall consist of:

(i) the Chairperson, who shall be chairman of Congress

(ii) All Regional Chairpersons who shall be appointed as prescribed in the Regulations.

(iii) Any other Member that Congress may from time to time determine and prescribe in the Regulations.

The Regulations may also make provision for the appointment of other officers of Subud Britain as may from time to time be thought necessary and who may be ex-officio members of the National Council.

C Regional Councils:
Regional Councils shall be established by National Council under the provisions of Article 9 (ix). Each Regional Council shall consist of

(i) A Regional Chairperson, and

(ii) the Chairpersons of all Groups established within that Region in accordance with Article 9 A(viii),(ix) and (x)

D Groups:
Groups shall be established by the National Council when Members are able to satisfy the requirements prescribed in the Regulations. In particular each Group shall have a committee headed by a Chairperson appointed in the manner set out in the Regulations.

8 CONGRESS

A Powers:
Congress shall be the supreme authority of Subud Britain. As such Congress shall:

(i) Exercise all such acts as are required by the Statutes and all such powers as are specifically conferred on it by these Articles and the Regulations;

(ii) Alter or add to the Memorandum and Articles of Association provided that no addition or amendment shall be made which does not conform to the principles and objects set out in the Memorandum of Association and Clause 2 of these Articles; and provided that no such addition or amendment shall have the effect of causing Subud Britain to cease to be a Charity at Law;

(iii) Remove the name of any Member from the Roll of Members or the name of any Councillor from the Register of Councillors upon his removal from the membership of the World Subud Association;

(iv) Hold a General Session every calendar year as its Annual Meeting at such place as may be determined by National Council and provided that such General Session shall be held not more than fifteen months after the holding of the last preceding General Session;

(v) Hold an Emergency Session of Congress as provided for by Articles 6 A (iv) and 6 B(v)

(vi) At the General Session:
(a) Following guidance received in the latihan confirm or appoint from among the Members a Chairperson of the National Council for the ensuing year, and confirm or appoint other members of the National Council or other officers as prescribed in the Regulations;

(b) Make policy guidelines for the ensuing National Council;

(c) Consider and approve the income and expenditure account and balance sheet for the preceding year, consider the report of the Auditors and appoint and approve the remuneration of the Auditors;

(d) Make alter amend approve or ratify the detailed regulations set out in the Regulations;

(e) Consider any business of which proper notice has been given as prescribed in the Regulations;

(vi) Permit such persons as it thinks fit to attend any General session, Emergency Session or interim meeting of Subud Britain as observers.

B Meetings:

(i) All general meetings other than the General Session and the Emergency Session shall be called interim meetings.

(ii) All business that is transacted at any interim meeting or at any Emergency Session shall be deemed special.

(iii) All business that is transacted at any General Session shall be deemed special with the exception of:

(a) The confirmation or appointment of the Chairperson of the National Council, and

(b) the confirmation or appointment of the Chairperson of Regional Councils as members of the National Council, and

(c) the confirmation or appointment of other Members to the National Council under the provisions of Article 7 B (iii), and

(d) the consideration and approval of the income and expenditure account and the balance sheet, and

(e) the consideration of the report of the auditors, and

(f) the appointment and the fixing of the remuneration of the Auditors.

(iv) No business shall be considered at the General Session or interim meeting of Subud Britain unless such notice thereof as may be prescribed by the Statutes and or the Regulations shall have been given prior to the date of such meeting.

C Proceedings:

(i) The Chairperson of the National Council shall preside as Chairperson at the General Session or the Emergency Session or any interim meeting but,

(a) if there be no such Chairperson, or

(b) if at any meeting he is not present within fifteen minutes after the time appointed for holding the same, or

(c) if he is unwilling to preside, then the Councillors present shall choose one of their number to preside.

(ii) The Chairperson may with the consent of a quorum of Councillors present (and shall if so directed by the meeting) adjourn the General Session or the Emergency Session or any interim meeting from time to time, and from place to place. No business shall be transacted at any adjourned meeting other than business which might have been transacted at the meeting from which
New Articles of Association

the adjournment took place. Whenever the General Session or the Emergency Session or any interim meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given in the same manner as of an original meeting.

(iii) Members shall be eligible for any appointment at the General Session or the Emergency Session or any interim meeting of Subud Britain if, at or before the meeting, notice in writing shall have been given to the National Secretary or his deputy as follows:

(a) Notice in writing by a Member of his intention to propose such person for appointment, and

(b) Notice, signed by the Member to be proposed, of his willingness to be appointed.

9 NATIONAL COUNCIL

A Powers:

Subject to the provisions of Article 8 A (vi)(b) the National Council shall:

(i) Manage the affairs of Subud Britain as prescribed in these Articles and the Regulations and, subject to the provision of the Statutes for the time being in force and affecting Subud Britain, exercise any additional powers and acts as are not by statute or by these Articles required to be exercised by Congress including power to open bank accounts and to authorise signatures for such bank accounts. A third party dealing with the Association shall not be concerned to see or enquire whether the policy guidelines (referred to in Article 8 A (vi)(b) are observed, nor shall any third party incur any liability to the Company, nor shall any transaction be rendered invalid or ineffective by reason of a third party having actual or constructive knowledge of the said policy guidelines unless such third party shall have acted in bad faith;

(ii) Convene a General Session of Congress as the Annual General Meeting of Subud Britain in accordance with Article 8 A (iv), and whenever it thinks fit to convene interim meetings of Congress; and interim meetings shall also be convened on such requisition, or in default may be convened by such requisitionists, as provided by Section 132 of the Act;

(iii) Cause proper minutes to be made of the proceedings of all meetings of Congress and the National Council together with all appointments of officers made by Congress and the National Council. Any such minutes of any meeting if purporting to be signed by the Chairperson of that meeting or by the Chairperson of the next succeeding meeting, shall be sufficient evidence without any further proof of the facts therein stated;

(iv) Fill any casual vacancy in the National Council or in the Chairmanship of the National Council. Any Member so appointed shall serve his term of office until the next following General Session of Congress;

(v) Appoint or authorise the appointment of the National Secretary and the National Treasurer;

(vi) Following each General Session of Congress set up from among the Members a Standing Committee to be known as the National Committee to carry out such functions as it may be authorised to do by the National Council;

The National Committee shall consist of:

(a) a Chairperson, and

(b) the National Secretary, and
(c) the National Treasurer, and

(d) such other Members (if any) as the Chairperson of the National Committee may determine subject to the approval of the National Council.

All decisions of the National Committee shall be reported to the National Council as soon as practical after they are made;

(vii) Set up such standing and ad hoc committees as may be required and determine their respective functions and regulate their meetings and proceedings;

(viii) Establish Regions and define and (if they think fit) vary the composition of each Region;

(ix) Set up a Regional Council in each Region, each such Regional Council to be constituted in accordance with the regulations;

(x) Establish, amalgamate and dissolve Groups within each Region as they may think fit, each such Group to be constituted in accordance with the Regulations;

(xi) Authorise the National Committee to establish and manage a permanent Secretariat for such administrative services as may be necessary. To delegate any of their functions to any Regional Council, Group or committee set up by National Council in accordance with such terms of reference as the National Council may from time to time determine.

B Meetings:

(i) The National Council shall meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business subject to Article 11 C.

(ii) A meeting of the National Council

(a) shall be summoned by the National Secretary at any time upon the request of three members of the National Council, or

(b) may be summoned by three members of the National Council.

Notice of any such meeting shall be served upon the several members of the National Council as prescribed in Article 12 C.

C Proceedings:

(i) The Chairperson of the National Council shall preside at its meetings. If he is not present within fifteen minutes after the time appointed for holding the meeting the members of the National Council shall choose one of their number to be Chairperson of that meeting.

(ii) The members for the time being of the National Council may act notwithstanding any vacancy in their body, provided always that in case the National Council shall at any time be less in number than the minimum prescribed by or in accordance with the Regulations it shall be lawful for them to act as the National Council for the purpose of filling up vacancies in their body, or of summoning a general meeting, but not for any other purpose.

(iii) All acts bona fide done by any meeting of the National Council or by any person acting as a member of the National Council shall, notwithstanding it be afterwards discovered that there was some defect in the appointment or continuance in office of any such member or person acting as aforesaid or that they or any of them were disqualified, be as valid as if every such person
New Articles of Association

had been duly appointed or had duly continued in office and was qualified to be a member of the National Council.

(iv) A resolution in writing signed (including by way of electronic signature) by all members of the National Council shall be as valid and effectual as if it had been passed at a meeting of the National Council duly convened and constituted.

D Vacation of Office:

(i) The office of a member of the National Council shall be vacated
   (a) upon his death, or
   (b) if a receiving order is made against him, or
   (c) if he ceases to be a Member, or
   (d) if he ceases to hold office by reason of any order made under the companies Acts 1948 to 1976, or
   (e) if any notice in writing to the National Secretary at the Office he resigns his office, or
   (f) in the case of an ex officio member of the National Council if he ceases to hold the office by virtue of which he is a member of the National Council, or
   (g) if he is removed from office by a resolution duly passed pursuant to section 184 of the Act, or
   (h) if he is declared to be of unsound mind.

(ii) Section 185 of the Act shall not apply to Subud Britain and a Member may be appointed and continue to act as a member of the National Council notwithstanding the fact that he has attained the age of 70 years.

10 REGIONAL COUNCILS AND GROUPS

A Regional Councils and Groups shall be constituted and regulated in accordance with the provisions set out in the Regulations.

B Any amendment made to the provisions regulating a Regional Council or to the provisions regulating the constitution of any Group shall be approved by the National Council and ratified by the next Annual General Session or interim meeting of Congress in accordance with Article 8 (vi) (d).

C Regional Councils and Groups shall undertake such functions as the National Council shall from time to time determine.

D All assets held by a Regional Council or Group shall form part of the assets of Subud Britain.

E Each Regional Council or Group shall keep proper accounts in accordance with Article 14.

11 MEETINGS

Matters to be considered at any meeting of any of the Bodies shall be dealt with as follows:

A Members acting together shall normally be guided by democratic principles and shall seek consensus in decision-making.

B If, for the purpose of complying with any statute or other legal requirement,
   (i) voting is necessary, or
   (ii) a vote by a particular majority of Members is necessary, then each member of the relevant Body shall have one vote and the Chairperson shall be
entitled to a second or casting vote. Every vote shall be given in person and not by proxy except only as provided in Article 6 B (vi)

C  No business shall be transacted unless a quorum is present. Save as herein otherwise provided one third of the members of the relevant Body, but not less than three, personally present, shall form a quorum.

D  Any meeting shall be dissolved if a quorum of those entitled to receive notice is not present within fifteen minutes after the time appointed for the holding of that meeting.

E  The accidental omission to give notice of a meeting to, or the non-receipt thereof by, any Member or Body entitled thereto, shall not invalidate any resolution passed at, or the proceedings of, any meeting.

12 NOTICES

A  Notice in writing of meetings shall be given as follows:
   (i)  At least twenty one days' notice of every General Session or Emergency Session or any interim Meeting of Subud Britain and of every annual general meeting of a Regional Council or Group, and
   (ii) At least fourteen days' notice of every other meeting of any Body.
   (iii) The period of any such notice shall be exclusive both of the day on which it is served or deemed to be served and of the day for which it is given. Every such notice shall specify the place, the day and the hour of the meeting and, in the case of special business, the general nature of that business. Notice in writing shall be given in the manner prescribed in these Articles and in the Regulations to such persons (including where appropriate the Auditors) as are under these Articles or under the Act entitled to receive such notices.

B  A Member who is absent from the United Kingdom shall not be entitled to notice of any meeting.

C  Any notice to be served upon any Councillor may be served either personally or by sending it through the post in a prepaid letter by first class post addressed to such Councillor at his address shown in the Register of Councillors or by electronic communication to an address provided for that purpose or posted on a website where the recipient has been notified of such posting in a manner agreed by him or her.

D  Any notice, if served by first class post, shall be deemed to have been served on the day following that on which the letter containing the same is put into the post; and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post as prepaid by first class letter post. In the case of electronic communication, proof that an electronic communication had been transmitted to the proper address shall be conclusive evidence that the notice was given at the expiration of 48 hours after the time it was transmitted.

13 THE SEAL

All deeds, instruments or other documents to which the seal shall be affixed shall be signed by a member of the National Council and countersigned by a second member of the National Council or by the National Secretary, or by such other officer as the National Council by resolution may from time to time appoint. The signature of a member of the National Council shall be sufficient authority to the National Secretary or other officer duly authorized to countersign and seal such deed.
14 ACCOUNTS

A  All Regional Councils, Groups and such other Bodies as the National Council may from time to time determine shall keep proper books of account in such form and manner as shall be prescribed from time to time by the National Council so that these can be incorporated into the accounts of Subud Britain.

B  The National Council shall cause accounting records to be kept in accordance with Section 12 of the Companies Act 1976.

C  The Accounting records shall be kept at the Office or, subject to Section 12 (6) and (7) of the Companies Act 1976 at such other place or places as the National Council shall think fit, and shall be open to the inspection of all Councillors.

D  At the General Session the National Council shall lay before the Councillors a proper income and expenditure account for the period since the last preceding account (or in the case of the first account, since the incorporation of Subud Britain) made up to a date not more than ten months before such meeting together with a proper balance sheet made up as at the same date. Every such balance sheet shall be accompanied by proper reports of the National Council and Auditors, and copies of such account, balance sheet and reports (all of which shall be framed in accordance with any statutory requirements for the time being in force) and of any other documents required by law to be annexed or attached thereto or to accompany the same shall, not less than twenty one clear days before the date of the meeting, subject nevertheless to the provisions of Section 158 (1) of the Act, be sent to the Auditors and to all other persons entitled to receive notices of general meetings in the manner in which notices are herein directed to be served. The Auditors’ report shall be open to inspection and be read before the meeting as required by Section 14 of the companies Act 1967.

15 AUDIT

A  Once at least in every year the accounts of Subud Britain shall be examined and a true and fair view of the income and expenditure account and balance sheet ascertained by one or more properly qualified Auditor or Auditors.

B  Auditors shall be appointed and their duties regulated in accordance with Section 161 or the Act, Section 14 of the Companies Act 1967 and Sections 13 to 18 of the Companies Act 1976, the members of the National Council being treated as the directors mentioned in those sections.

16 DISSOLUTION

Clause 7 of the Memorandum of Association relating to the winding up and dissolution of Subud Britain shall have effect as if the provisions thereof were repeated in these Articles.
THE REGULATIONS OF SUBUD BRITAIN

Containing the regulations governing the detailed organisation of Subud Britain. As determined by Congress in conformity with the principles and objects set out in the Memorandum and Articles of Association of Subud Britain. (Art.1 & 4) 

(Adopted by Special Resolution passed on 6th September, 1981.)


1 MEMBERS

A Rules for Admission to Membership: (Art. 6 A (i))

(i) Those who can be accepted into Membership are men and women who have reached the age of seventeen;

(ii) There will be no discrimination according to nationality or religion;

(iii) Each Member shall be affiliated to the Group of his choice.

B Manner of keeping the Roll of Members:

In accordance with the provisions of Article 6 A (ii) the Members shall be enrolled in the following manner:

(i) an up-to-date "Roll of Members of Subud Britain" shall be kept by the National Secretary at the Office. This Roll shall contain the following particulars regarding each Member:

(a) his full name and current address;

(b) the date of his admission to Membership of Subud Britain;

(c) (if applicable) the date of his ceasing to be a Member of Subud Britain;

(d) such other particulars as the National Council shall from time to time require to be kept.
(ii) The secretary of the Group which a new Member first joins (whether upon coming from abroad or upon joining the World Subud Association) shall immediately upon his admission to the Group send to the National Secretary at the Office the particulars required to complete the enrolment.

(iii) The secretary of each Group shall inform the National Secretary at the Office of any changes in the particulars required to keep the "Roll of Members of Subud Britain" up to date.

2 COUNCILLORS

A Councillors:

In accordance with the provisions of Article 6 B (i) the Councillors shall for the time being be:

(i) the members of the National Council, who shall be called National Councillors, and any other officers of Subud Britain that the National Council determine shall be ex officio members of the National Council, and

(ii) the Chairpersons of all Groups, who shall be called Regional Councillors.

B The Register of Councillors (Art.6 B (iii).)

(i) Manner of maintaining the Register of Councillors: The National Secretary shall keep an up-to-date "Register of Councillors" comprising two sections;

(ii) Section 1 shall give the details of the National Councillors,

(iii) Section 2 shall give the details of the Regional Councillors.

(iv) Each entry in the Register shall give the following particulars:

(a) the full name and current address of the Councillor;

(b) the Group to which he is affiliated;

(c) the Region to which that Group is affiliated;

(d) the date of his appointment as a Councillor;

(e) (when applicable) the date of his ceasing to hold office.

The Register of Councillors shall be maintained at the Office and shall be open to public inspection.

(v) Procedure for Registration:

(a) Upon the appointment of a Group Chairperson or Regional Chairperson or the Chairperson of the National Council, the prospective Councillor shall notify the National Secretary at the Office in writing of the particulars required to complete his registration as set out in Reg.2 B (i) and of the fact that and of the date upon which his predecessor ceased to hold office;

(b) The National Secretary shall deliver to the prospective Councillor the following declaration for signature:

I,...,(name),..., a Member of Subud Britain of,...,(name),... Group in,...,(name),... Region, of,...,(address),... duly consent to become a Regional/ National Councillor of Subud Britain. I agree to fulfill the duties and responsibilities of a Regional/ National Councillor as required by the Memorandum and Articles and Regulations of Subud Britain.

.../.../... (date) ........................ (signature)

(c) On receipt of the signed declaration the National Secretary shall, subject to approval by a member of the National Council, enter in the Register of Councillors

(i) The date on which the outgoing Councillor ceased to hold office, and
(ii) the particulars of the incoming Councillor.

3 CONGRESS

A Membership of Congress: (Art.7 A.)

(i) Congress shall consist of

(a) Councillors as set out in Article 6 B (i) and Reg.2 A

(b) The National Helper Dewan as set out in Regulation 4 D and Regional Helper Dewan as set out in Regulation 5 B (ii) (c) who shall not be entitled to vote.

Other persons may be permitted to attend and Members shall be entitled to attend any General Session, Emergency Session or interim meeting of Congress as observers, in accordance with Article 8 A (vii), but shall not be entitled to vote or otherwise take part in making decisions.

(ii) Proxies:

(a) If the Chairperson of a Regional Council is unable to attend any General Session, Emergency Session or interim meeting of Congress, then he shall select a Member to represent the Region at the relevant meeting of Congress. In such circumstances the following Form of Proxy or such other form as may be prescribed from time to time by the National Council shall be used:

Subud Britain

I,...,(name)..., Chairperson of the ...,(name)... Regional Council, hereby appoint ...(name)... of ...... who is a Member of the Region as my proxy to act for me and on my behalf at the meeting of Subud Britain to be held on .../.../...(date) and at any adjournment thereof.

...(date) .......... (signed)

Regional Chairperson

(b) If the Chairperson of a Group is unable to attend any General Session, Emergency Session or interim meeting of Congress, then the Members of that Group shall meet to select from among themselves a Member to represent them at the relevant meeting of Congress. In such circumstances the following Form of Proxy or such other form as may be prescribed from time to time by the National Council shall be used:

Subud Britain

I,...,(name)..., Chairperson of the ...,(name)... Subud Group, hereby appoint ...(name)... of ...... who is a Member of the Group as my proxy to act for me and on my behalf at the meeting of Subud Britain to be held on .../.../...(date) and at any adjournment thereof.

...(date) .......... (signed)

Group Chairperson

(c) In all cases the properly completed Forms of Proxy must be received by the National Secretary or his deputy before a proxy may act.

B Proceedings of Congress:

In addition to the provisions of Article 8 C (ii) the following shall apply:
The Subud Britain Regulations

(i) Twenty one clear days' notice shall be given of any meeting of Congress as prescribed in Article 12 A. Such notice shall itemise the business to be considered as set out in Article 8 A (vi) and 8 B (iii) in an agenda prepared by the National Council as part of the procedure for convening the meeting.

(Art.12)

(ii) If any Regional Council or Group wishes to propose any addition to, amendment of or deletion from the Memorandum and Articles of Association or the Regulations for consideration by Congress notice of the proposed change shall be given in writing to the National Secretary at the Office.

No such proposal shall be accepted for inclusion in the agenda which is received less than 30 clear days before any meeting of Congress.

(iii) Other business in addition to that itemised in the agenda (excepting the addition to, amendment of or deletion from the Memorandum or Articles of Association or the Regulations) may only be transacted at any meeting of Congress

(a) if it is in the opinion of Congress of great importance and urgency and all Councillors are present or represented at the meeting and agree to the matters being dealt with, or

(b) if it is a motion for debate or discussion not giving rise to a decision binding on Subud Britain.

C Emergency Sessions of Congress:
The following provisions shall apply in accordance with Articles 6 A (iv) and 6 B (v):

(i) If between two General Sessions of Congress Members wish to cause the convening of an Emergency Session of Congress the following procedure shall be adopted:

Members shall send a request in writing to the National Secretary at the Office in the following form:

**Emergency Session of the Congress of Subud Britain**

We the undersigned Members of Subud Britain wish to cause the convening of an Emergency Session of Congress in order to discuss the following:

(Here shall follow the precise nature of the intended business)

........(signed)*

Members of Subud Britain

*The signatures shall comprise at least one tenth of the enrolled Members of Subud Britain, and the full name, address, Group and Region of each signature shall be stated.

On receipt of this signed request the National Secretary shall notify the Members of the National Council and shall give the requisite twenty one days notice of an Emergency Session of Congress within sixty days. In this case only the signature of one member of the National Council shall be deemed sufficient for the convening of the Emergency Session.
(ii) If between two General Sessions of Congress Councillors wish to call an
Emergency Session of Congress, then the following procedure shall be
adopted:
Councillors shall send a request in writing to the National Secretary at the
Office in the following form:

Emergency Session of the Congress of Subud Britain
We the undersigned Councillors wish to call for an Emergency Session of
Congress in order to discuss the following:

(Here shall follow the precise nature of the intended business)

..........(signed)*

Councillors of Subud Britain

* In this case the signatures shall comprise at least one tenth of the
Councillors.

On receipt of this signed request the National Secretary shall give the
requisite twenty one days’ notice of an Emergency Session of Congress
within sixty days.

4 NATIONAL COUNCIL

A Quorum:
The minimum number of members which the National Council may lawfully operate
shall be three except for the purposes provided for in Article 9 C (ii).

B International Committee:
Following each General Session of Congress the National Council shall under the
provisions of Article 9 A (vii) set up a standing committee to be known as the
International Committee from among the Members. The International Committee
shall consist of:

(a) a Chairperson, who shall be nominated by the Chairperson of the
National Council, and

(b) such other Members (if any) as the Chairperson of the International
Committee may determine subject to the approval of the National
Council.
The Chairperson of the International Committee shall represent
Subud Britain in the international affairs of World Subud Association
in the absence of the Chairperson of the National Council.

C Bank and Deposit Accounts:
The National Council shall operate in the name of Subud Britain such bank and
other deposit accounts as shall be required. The signatories for such accounts shall
be any two of at least three signatories authorised so to act by the Chairperson of
the National Council or his Deputy.

D The National Helpers, one man and one woman helper from each Region who shall
not be entitled to vote, shall also attend meetings of National Council.

5 REGIONS

A Requirements for Establishment of a Region (Arts.9 A & 10 A.)

(l) Upon deciding to establish a new Region the National Council shall appoint
a Regional Convenor who shall normally be the Chairperson of the National
Council;
The Subud Britain Regulations

(ii) The Regional Convenor shall call a meeting of the Members of all Groups comprising the new Region within 60 days of his appointment and chair this meeting.

The business of this meeting shall be to appoint the Regional Chairperson following guidance received in the latihan. (Article 7 B (ii).)

B Provisions regulating a Region:

(i) The Regions of Subud Britain shall be as defined in Schedule A annexed hereto subject to the provisions of Article 9 A (viii).

(ii) Each Region shall have a Regional Council which shall consist of:

(a) The Regional Chairperson, who shall ex officio be a member of the National Council;

(b) The Chairperson of all Groups in the Region, who shall ex officio be Regional Councillors. (Article 7 C and 9 A (iv).)

(c) The Regional Helper Dewan made up of one man helper and one woman helper from each Group, wherever possible, who shall not be entitled to vote.

(iii) A region shall have a Regional Committee set up from among the members in the region to carry out such functions as it may be authorised to do by the Regional Council.

The Regional Committee shall consist of:

(a) a Chairperson, who shall be the Regional Chairperson;

(b) a Secretary, who shall be appointed by the Regional Chairperson;

(c) a treasurer, who shall be appointed by the Regional Chairperson;

(d) such other Members (if any) as the Regional Chairperson shall consider necessary.

(iv) The Regional Chairperson shall convene an Annual General Meeting of the Region prior to each General Session of Congress.

(v) The following business shall be transacted at the Annual General Meeting of the Region:

(a) The confirmation or the appointment of the regional Chairperson;

(b) The consideration and approval of the income and expenditure account and balance sheet for the preceding year;

(c) The reports of the Regional Committee;

(d) Any other business the general nature of which has been specified in the notice convening the meeting.

(vi) The Incoming Regional Chairperson shall notify the National Secretary of the particulars required under Reg.2B (ii).

(vii) Any other General Meeting of a Region shall be convened by the Secretary of the Regional Committee upon the request of the Regional Chairperson or at least three members of the Regional Council.

(viii) If the Chairmanship of the region falls vacant between Annual General Meetings the vacancy will be filled by the Regional Council. Any Member so appointed to be Regional Chairman shall serve his term of office until the next following Annual General Meeting.

(ix) The Regional Council shall ensure that proper books of account are kept in accordance with Articles 10 E and 14 A and shall forward particulars of all such accounts to the National Treasurer in such form and manner and at such times as the National Council may from time to time determine.
The Regional Committee shall operate in the name of Subud Britain such bank and other deposit accounts as shall be required. The signatories of such accounts shall be any two of at least three officers of the Regional Committee authorised so to act by the Regional Council.

The Regional Council shall act in the management of the affairs of the Region in respect of such matters and in such manner as the National Council shall from time to time determine. (Article 10 C.)

Dissolution of a Region
In the event of the dissolution of a Region the National Council shall arrange for the transfer of the remaining assets and liabilities of the Region to the National Council.

6 GROUPS

A Requirements for Constitution of a Group: (Article 7 D and 9 A (x).)

(i) Members shall constitute a Group when the Group is accepted for registration by the National Council.

(ii) An up to date "Register of Groups" shall be maintained at the Office and shall contain the following information for each Group:

(a) Name of Group,
(b) Location of Premises,
(c) Region,
(d) Date of Registration,
(e) Current Group Chairperson,
(f) Date of Dissolution (where relevant).

(iii) Application for registration of a Group shall be made in writing to the appropriate Regional Council, and signed by the Members proposing to form the Group.

(iv) The Regional Council shall consider the application at its first meeting following receipt of the application. If the application is agreed in principle, then the Regional Council shall appoint a Group Convener, who shall normally be the Regional Chairperson.

(v) The Group Convener shall call a meeting of those Members proposing to form the Group within 60 days of his appointment, and shall chair this meeting. The business of this meeting shall be as follows:

(a) The Group Convener shall request that a written undertaking be signed by the Members proposing to form the Group to abide by the Memorandum and Articles of Association of Subud Britain and in particular, the following points:

(i) that the Group is able to provide premises to enable regular meetings to be held for the laithan kejiwaan;

(ii) that the Group will commit itself financially to send a Councillor to each Annual Session, Emergency Session or interim meeting of Congress, and to each meeting of the relevant Regional Council;

(iii) that the Group will keep proper books of account and forward particulars thereof to the National Council as prescribed by Article 14 A and in the Regulations;

(iv) that the Group will maintain an accurate record of all meetings of the Group committee of the Annual General Meeting, and of any other meeting of the Group;

(v) that there are Members prepared to form a committee as prescribed in Regulation 6 C (i);

(vi) that the Group will hold an annual general meeting as prescribed in Regulation 6 C (ii) and (iii).
(b) On being satisfied with the undertaking, the Group Convenor shall proceed to the provisional appointment of a Group Chairperson following guidance received in the iatihan.

(vi) Following the meeting the Group Convenor shall send the signed undertaking to the National Council Chairperson at the Office. National Council shall be asked to approve the registration of the Group at its next meeting.

(vii) On approval by National Council the particulars of the Group shall be entered in the "Register of Groups" and the National Secretary shall issue a Certificate of Registration to the Group.

(viii) The Group Chairperson shall then apply for registration as a Councillor under the procedure laid down in Regulation 2 B (ii).

B Dissolution of a Group: (Article 9 A (x).)

(i) A Group shall be removed from the Register of Groups only:
   (a) at the request of the Members of the Group in General meeting, or
   (b) if the National Council is satisfied that the Group no longer fulfils the requirements prescribed in the Articles and the Regulations.

(ii) When the National Council has authorised the removal of a Group from the Register of Groups, the National Council shall:
   (a) arrange for the transfer of the remaining assets and liabilities of the Group to the relevant Regional Council, and
   (b) take steps to obtain the return of the Certificate of Registration.

C Provisions regulating a Group:

(i) A Group shall have a committee which shall consist of:
   (a) the Chairperson, who shall ex officio be a Councillor and a member of the appropriate Regional Council (Article 6 B (i) and Reg.2 A (ii));
   (b) a Secretary, who shall be appointed by the Chairperson;
   (c) a Treasurer, who shall be appointed by the Chairperson; the committee may also include such other Members as the Chairperson shall consider necessary.

(ii) The Group Chairperson shall convene an annual general meeting of the Group prior to each Regional annual general meeting.

(iii) The following business shall be transacted at the annual general meeting of a Group:
   (a) the appointment of a Chairperson;
   (b) the consideration and approval of the income and expenditure account and balance sheet for the preceding year;
   (c) the reports of the Group committee;
   (d) any other business, the general nature of which has been specified in the notice convening the meeting.

(iv) The incoming Group Chairperson shall notify the National Secretary of the particulars required under Reg.2 B (iii).

(v) Any other general meeting of a Group shall be convened by the Group Secretary upon the request of the Chairperson, or at least five members of the Group.

(vi) If the Chairmanship of the Group falls vacant between annual general meetings the Group shall hold a special general meeting for the purpose of filling the vacancy.

(vii) The Group Helpers shall also attend meetings of the Group.
(viii) The Group committee shall ensure that proper books of account are kept in accordance with Articles 10 E and 14 and shall forward particulars to the Regional treasurer or the National treasurer in such form and manner and at such times as the National Council may from time to time determine.

(ix) The Group committee shall operate in the name of Subud Britain such bank and other deposit accounts as shall be required. The signatories of such accounts shall be any two of at least three signatories authorised so to act by the Group Chairperson.

(x) The Group committee shall act in the management of the affairs of the Group in respect of such matters and in such manner as the National Council may from time to time determine. (Article 10 C.)

The Group committee shall be responsible for initiating practical assistance to members in the realisation of their talents.
THE COMPANIES ACT 1985

Company No. 678027

The Registrar of Companies for England and Wales hereby certifies that

SUBUD BRITAIN (the word "limited" being omitted pursuant to section 25(4)(c) of the Companies Act 1981) (originally called SUBUD HUMAN WELFARE TRUST LIMITED changed its name on 24th November 1981 to SUBUD BRITAIN LIMITED which was changed on 28th July 1982 to SUBUD BRITAIN each change having been made by special resolution and to which approval has been given in accordance with the provisions of the relevant Companies Acts) was incorporated under the Companies Act 1948 as a limited company on 15th December 1960.

Given at Companies House, Cardiff the 16th July 2001

MRS J. BURTON
for the Registrar of Companies
From: Samantha Prior [ 
Dear Mike, 

Re: Town and Country Planning Act 
St Annes School, Rotten Row, Lewes 

I refer to your email of the 29 November 2012 and our subsequent telephone conversations. I apologise again for the cancellation of our meeting last week. However, as promised, I have considered the principle of development to hopefully help you progress matters on this site. 

I note that a variety of development is proposed on site, including a new building to accommodate the relocated Subud Centre; a new building as a Social Enterprise hub; conversion of the historic element of the existing school building to accommodate a hostel and cafe; some permanent accommodation for staff use; a new access from ESCC County Hall car park; and retention of existing open space. 

In planning policy terms, the site was previously used as a school and paragraph 72 of the NPPF gives great weight to the need to create, expand and alter schools. As a starting point, any application should therefore include some background on why this school use ceased and is no longer viable or needed on this site. I am of the opinion that this is not a significant issue, but should be noted and addressed in any submission. 

In terms of the uses proposed, I am pleased to see a mixture of community uses including meeting space, place of worship and local facilities. I particularly welcome the creation of a Social Enterprise hub and the shared space to be provided in the Subud Centre, for use as the Subud Group national HQ and for unassociated community events. The provision of these spaces would accord with the aim of paragraph 70 of the NPPF which seeks to provide these integrated spaces to enhance the sustainability of communities. I am also pleased to see these uses provided in a sustainable location in the town. However, it would be useful for any application to detail how these spaces are to be used, let and managed. You may therefore wish to contact our Economic Development Team to gain an understanding of the type of space needed by groups and small enterprises in the town, in order to ensure this part of the development is viable. I am also pleased to note that open space will be retained and provided for community use, in accordance with paragraph 73 of the NPPF. 

The hostel proposed would provide accommodation in a sustainable location, within the South Downs National Park. However, we must ensure that it will add to the existing town facilities and not compete with them. It would therefore be useful to understand why this specific type of accommodation has been proposed, e.g. why a hostel rather than a hotel/other tourist accommodation. If this is to provide value accommodation to be used in connection with other facilities on the site, please set this out. You may also wish to provide some detail on how/who will manage this facility. As we discussed on the phone, the provision of a small flat for a hotel/site manager may be acceptable and should be fully set out in any submission. 

In terms of access to the site, I am pleased to see that this may be taken from the north
west. Any separate access to be taken from the south is unlikely to be acceptable due to loss of protected trees and regrading of the land having an adverse visual impact. The access to the north is more likely to be acceptable particularly as this will impact on fewer protected trees. Please note, however, that any future planning application must include a tree survey in accordance with BS 5837:2012 Trees in Relations to Design, Demolition and Construction. For the time being, this can be targeted at those trees likely to be affected by the development, or which are likely to affect the future occupants of the development, particularly in relation to shading issues. The trees must be surveyed and assessed by a competent person. We would then have a clearer picture of the condition, relative importance and the extent of trees likely to be affected by the development and our Trees & Landscape Officer, Daniel Wynn, will then be in a better position to give fuller and clearer advice.

Having consulted our Design and Conservation Officer, Chris Morris, I am also pleased to note the retention of the historic part of the original building as this preserves the character and appearance of the conservation area. However, I note that this part of the proposal may not be viable due to refurbishment costs involved. If so, this viability would need to be justified at pre application stage so that the loss of the building can be considered in relation to the requirements set out in section 133 of National Planning Policy Framework. If demolition and replacement is justifiable please also note that any new buildings on site should be of high quality design and appropriate in scale, massing and detail as the location of the site within the South Downs National Park and Lewes Conservation Area so should lead to an enhancement of the site.

Overall, I do consider the proposal to be acceptable in principle and would welcome various elements of the scheme. I therefore suggest that the proposal be progressed and that more detailed plans/information be submitted for further pre application advice. At this time, it may then be useful for all parties to meet on site before offering further advice.

Please feel free to call me if you wish to discuss anything further. This information is given 'without prejudice.'

Kind regards,

Miss Samantha Prior
Senior Planning Officer
Lewes District Council,
Southover House, Lewes
01273 484429

Working in the South Downs National Park, on behalf of the National Park Authority
From: Becky Shaw
Sent: 16 July 2013 07:43
To: Melanie Griffin
Cc: Kevin Foster; Philip Baker
Subject: FW: St Anne's School Site
Attachments: LCLT050713.doc; Subud Mem & arts bIREX+OL0193-52455_2-09131485.pdf; S Prior Planning St Annes (no date).docx
Importance: High

Melanie

Although addressed to Cllr Elkin these have come into me and Kevin. Once you have had a chance to read and take advice please can you let me know how you and Kevin want to proceed. I will be in CC most of the morning but may be able to look at the occasional email.

Becky Shaw
Chief Executive
tel. 01273 481950
becky.shaw@eastsussex.gov.uk

From: John Stockdale
Sent: 16 July 2013 07:40
To: Becky Shaw; Kevin Foster
Subject: St Anne's School Site
Importance: High

Dear Cllr Elkin

Herewith a challenge from Lewes Community Land Trust to the Chief Operating Officer's recommendation to dispose of the St Anne's School site, Lewes to Subud which is on the agenda for the Lead Member's Meeting this afternoon. A signed copy of these documents was left at County Hall reception addressed to you last night.

Regards

John Stockdale,
Treasurer, Lewes Community Land Trust
61 Old Malling Way, Lewes, BN7 2EP - GB t: 01273 476151; m: 07929 899024; e: john@plantpress.com

Lewes Community Land Trust is a company limited by guarantee registered in England and Wales Company No 6484965; registered address: c/o Zoe Wangler, 5 Broomans Terrace, Lewes BN7 2BH; recognised as a charity by HMRC No XT22244.
Councillor David Elkin  
Lead Member for Resources  
East Sussex County Council  
County Hall,  
St Anne’s Crescent,  
Lewes,  
East Sussex BN7 1UE

15 July 2013

Dear Councillor Elkin  

Former St Anne’s School site

Please note that this letter is submitted without prejudice to and that we reserve the right to raise more detailed and/or additional objections following a more thorough review of the bid and related documentation by us and, if necessary, our lawyers.

Executive Summary

The Lead Member for Resources is recommended to reject the Chief Operating Officer’s Report recommending the sale and transfer of Former St Anne’s School site to Subud because it is unsound and ultra vires since Subud is an organisation promoting religious activities in contravention of the definition of valid applicants contained in the Council’s bid form.

We suggest that it would be inappropriate for the Council to dispose of this site at below market value to Subud under these circumstances.

The first paragraph of the Council’s bid form reads:

The questionnaire applies to requests for the purchase of a Council asset by voluntary, community or not for profit organisations, unless the organisation is promoting political or religious activities. It is not intended to be used for commercial organisations. [my emphasis]

The applicant is understood to be Subud Britain, a company limited by guarantee (No 00678027) and a registered charity (No 233282).

The Company’s sole SIC Code in its company registration at Companies House is: 94910 - Activities of religious organizations. The Charity Commission entry includes ‘religious activities’ as part of its classification.
The Memorandum of Association of Subud Britain has as its first object:

to promote and advance religion and in particular but without prejudice to the generality of the foregoing
to promote and advance the aim and principles of the worship of God known as Susila Budhi Dharma as
expressed in the Declaration set out in Clause 2 of the Articles of Association.

Clause 2 of the Articles of Association summarises the belief system and spiritual exercises that adherents of
Subud subscribe to.

Under Clause 6 of the Articles of Association membership of Subud Britain is limited to members of the World
Subud Association.

Pre-application advice from Samantha Prior, Planning Officer for Lewes District Council records that Subud plan to
use the site for 'a place of worship' and 'the Subud Group national HQ'.

See Subud Britain’s full memorandum and Articles attached as an appendix.

Subud claim not to be a religion. But they are clearly engaged in religious activities and they benefit from the tax
status of a registered charity accordingly. In our opinion it is not the case that Subud’s bid ‘... meets the
requirements set out in the bid application pack’, as stated at para 1.2 in the Report by the Chief Operating
Officer.

We suggest that it would be inappropriate for the Council to dispose of this site at below market value to Subud
under these circumstances.

Once again, please note that this letter is submitted without prejudice to and that we reserve the right to raise
more detailed and/or additional objections following a more thorough review of the bid and related
documentation by us and, if necessary, our lawyers.

Yours sincerely

Pru Rowntree
Chair
Lewes Community Land Trust

cc  Chief Executive
    Chief Operating Officer
    Norman Baker MP
    Councillor Ruth O’Keeffe
    Councillor Rosalyn St Pierre
    Councillor Christopher Bowers

Encs  Subud Britain’s Memorandum and Articles of Association (27 pages)
      LDC’s Planning Advice
MEMORANDUM OF ASSOCIATION

OF

SUBUD BRITAIN

( Adopted by Special Resolution passed on September 6th, 1981)
( Amended by Special Resolution passed on August 27th, 2004)

1 The name of the Company (hereinafter called "the Association") is "SUBUD BRITAIN"

2 The Registered Office of the Association will be situate in England.

3 The objects for which the Association is established are:-
   A
   (i) to promote and advance religion and in particular but without prejudice to the
goal of the foregoing to promote and advance the aim and
principles of the worship of God known as Susila Budhi Dharma as
expressed in the Declaration set out in Clause 2 of the Articles of
Association.
   (ii) The relief of Poverty.
   (iii) The advancement of education.
(iv) Other charitable purposes for the benefit of the community in general.

B As ancillary to the foregoing objects, which are hereby declared to be the principal objects of the Association, and for the purpose only of furthering such objects, and in so far only as such things may be done by a corporation formed for charitable purposes only, to do all or any of the following things, namely:

(i) to take over the whole or any part of the real and personal property belonging to and to undertake all or any of the liabilities of (a) the unincorporated charity known as "Subud United Kingdom" (charity registration number 254581) and (b) any of the Centres, groups or branches belonging to or associated with Subud United Kingdom.

(ii) to further moral and religious education.

(iii) to acquire and otherwise provide hostels, schools, children's homes, educational establishments, hospitals, nursing homes, and convalescent homes.

(iv) to establish, promote, co-operate with, become a member of, act as or appoint trustees, agents or delegates for, control, manage, superintend, afford financial assistance to, or otherwise assist in the work of any associations and institutions and other bodies, incorporated or not incorporated, whose objects include religious objects or are otherwise similar to the objects of the Association or concerned in the investigation and promotion of human welfare. Provided that any such establishment, promotion or co-operation or other form of interest or activity undertaken under this object shall be confined to bodies incorporated or unincorporated for charitable purposes only.

(v) to further the objects of the Association set forth in Object 3 above but not further or otherwise to prepare, edit, print, publish, issue, acquire and circulate books, papers, periodicals, gazettes, circulars and other literary undertakings and to establish, form and maintain museums, collections, libraries and other collections of literature, statistics, scientific data and other information and to translate, compile, collect, publish, lend and sell, and endeavor to secure, or contribute to, the translation, compilation, and publication, by Parliament, Government Departments and other bodies and persons, of any such literature, statistics and information, and to disseminate the same by means of the reading of papers, delivery of lectures, giving of advice, the appointment of advisory officers or otherwise.

(vi) to retain or employ skilled, professional or technical advisers or workers in connection with the objects of the Association and to pay therefor such fees of remuneration as may be thought expedient.

(vii) to acquire all or any part of the property, assets and liabilities of any company or unincorporated association possessed of property suitable for the purposes of the Association.

(viii) to undertake and execute any charitable trusts which may be conducive to any of the objects of the Association.

(ix) to raise funds and to invite and receive subscriptions and contributions from any person or persons whatsoever by way of subscription, donation or otherwise, provided that the Association shall not undertake any permanent trading activities in raising funds for its primary purposes.

(x) to establish and support any charitable institutions furthering the purposes of the Association.

(xi) to apply to the government, public bodies, Urban, Municipal, County and other bodies, corporations, companies or persons for, and to accept grants of money and of land, donations, gifts, subscriptions and other assistance with a view to promoting the objects of the Association, and to discuss and negotiate with Government Departments, public and other bodies, corporations, companies or persons, schemes of research and other work
and matters within the objects of the Association and to conform to any
proper conditions upon which such grants and other payments may be
made.

(xii) to borrow or raise any money that may be required by the Association upon
such terms as may be deemed advisable, and in particular by the issue of
bonds, debentures, bills of exchange, promissory notes or other obligation
or securities of the Association, or by mortgage or charge of all or any part of
the property of the Association.

(xiii) to draw, make, accept, indorse, discount, execute and issue promissory
notes, bills of exchange, and other negotiable or transferable instruments.

(xiv) to invest the moneys of the Association not immediately required in any
investments as the National Council shall deem fit and in such manner as
may from time to time be determined.

(xv) to use the funds of the Association in the employment of persons and in the
provision and use of offices, buildings, materials and equipment of all kinds
for any purpose and in any manner which are conducive to the furtherance
of the objects of the Association.

(xvi) to establish and support or aid in the establishment and support of
charitable associations, charitable institutions, charitable funds, charitable
trust and charitable conveniences calculated to benefit employees or ex-
employees of the Association or the dependents or connections of such
persons, and to grant pensions and allowances to and to make payments
towards insurance of such persons.

(xvii) to do all such other lawful things as may be incidental to or conducive to the
attainment of the above objects.

(xviii) to pay all expenses, preliminary or incidental to the formation of the
Association and its registration.

(xix) To purchase, take on lease or in exchange, hire or otherwise acquire any
real and personal property, and in particular any land, buildings, workshops,
factories, laboratories, machinery, stationery or mobile plant, apparatus,
appliances and any rights or privileges necessary or convenient for the
purposes of the Association, and to construct, erect, alter, improve and
maintain any buildings which may be from time to time required for the
purposes of the Association and to manage, develop, sell, demesne, let
mortgage, dispose of, turn to account or otherwise deal with all or part of the
same with a view to the promotion of the objects of the Association.

(xx) To procure the Association to be registered or recognised in any part of the
world.

(XXI) To provide indemnity insurance to cover the liability of the trustees

(i) which by virtue of any rule of law would otherwise attach to them in
respect of any negligence, default breach of trust or breach of duty of
which they may be guilty in relation to the company; or

(ii) to make contributions to the assets of the company in accordance with
the provisions of section 214 of the Insolvency Act 1986

provided that any such insurance in the case of (i) shall not extend to any
claim arising from any act or omission which the trustees knew to be a breach
of trust or breach of duty or which was committed in reckless disregard of
whether it was a breach of trust or breach of duty or not and provided also
that any such insurance shall not extend to the costs of an unsuccessful
defence to a criminal prosecution brought against the trustees in their
capacity as directors of the company; and in the case of (ii) shall not extend
to any liability to make such a contribution where the basis of the trustee's
liability is his knowledge prior to the insolvent liquidation of the company (or
reckless failure to acquire that knowledge) that there was no reasonable
prospect that the company would avoid going into insolvent liquidation.
Provided always that nothing herein contained shall empower the Association to carry on the business of life assurance, accident assurance, fire insurance, employers liability insurance, industrial assurance, motor assurance, or any business of insurance or re-insurance within the meaning of the Insurance Companies Act 1974, or any Act amending, extending or re-enacting the same.

The objects of the Company shall not extend to the regulation of relations between workers and employers or organisations of workers and organisations of employers. Provided also that in case the Association shall take or hold any property subject to the jurisdiction of the Charity Commissioners for England and Wales, or any authority exercising corresponding jurisdiction outside England and Wales, the Association shall not sell, mortgage, charge or lease the same without such authority, approval or consent as may be required by law, and regarding any such property the National Council of the Association shall be chargeable for such property as may come into their hands and shall be answerable and accountable for their own acts, receipts, neglects and defaults, and for the due administration of the property in the same manner and to the same extent as they would as such National Council have been if no incorporation had been effected and the incorporation of the Association shall not diminish or impair any control or authority exercisable by the Chancery Division, the Charity Commissioners, or any such other authority as aforesaid, over such National Council, but they shall, as regards any such property be subject jointly and separately to such control or authority as if the Association were not incorporated. In case the Association shall take or hold any property which may be subject to any trusts, the Association shall only deal with the same in such manner as allowed by law, having regard to such trusts.

4 The income and property of the Association shall be applied solely towards the promotion of its objects as set forth in this Memorandum of Association and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise howsoever by way of profit, to the Councillors of the Association and no member of the National Council or Governing Body shall be appointed to any office of the Association paid by salary or fees or receive any remuneration or other benefit in money or money's worth from the Association.

Provided that nothing herein shall prevent any payment in good faith by the Association:

A of reasonable and proper remuneration to any member, officer or servant of the Association not being a member of its National Council or Governing Body for any services rendered to the Association;

B of interest on money lent by any Councillor of the Association or member of its National Council or Governing Body at a rate per annum not exceeding 2 per cent less than the minimum lending rate prescribed for the time being by the Bank of England, or 3 per cent whichever is the greater;

C of reasonable and proper rent for premises demised or let by any Councillor of the Association or member of its National Council or Governing Body;

D of fees, remuneration or other benefit in money or money's worth to a company of which a member of the National Council or Governing Body may be a member holding not more than 1/100th part of the capital of that company and;

E to any member of its National Council or Governing Body of out-of-pocket expenses.

F Reasonable and proper premiums in respect of indemnity insurance effected in accordance with clause 3B(xx) of this Memorandum.

5 The liability of the Councillors is limited.

6 Every Councillor of the Association undertakes to contribute to the assets of the Association, in the event of the same being wound up while he is a Councillor, or within one year after he ceases to be Councillor, for payment of the debts and liabilities of the
Association contracted before he ceases to be a Councillor, and of the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributors among themselves, such amount as may be required not exceeding £1.

7 If upon the winding up or dissolution of the Association there remains after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Association, but shall be given or transferred to some other charitable institution or institutions having objects similar to the objects of the Association, and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Association under or by virtue of Clause 4 hereof, such institution or institutions to be determined by the members of the Association at or before the time of dissolution, and if and so far as effect cannot be given to such provision, then to some charitable object.

8 True accounts shall be kept of the sums of money received and expended by the Association, and the matters in respect of which such receipts and expenditure take place, of all sales and purchases of goods by the Association and of the property, credits and liabilities of the Association; and, subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed in accordance with the regulations of the Association for the time being, such accounts shall be open to the inspection of the Councillors. Once at least in every year the accounts of the Association shall be examined and the true and fair view of the income and expenditure account and the balance sheet ascertained by one or more properly qualified Auditor or Auditors.
The Companies Acts 1948 to 1980
COMPANY LIMITED BY GUARANTEE AND NOT HAVING A SHARE CAPITAL

NEW ARTICLES OF ASSOCIATION
OF
SUBUD BRITAIN
(Incorporated on the 15th day of December 1960
(Adopted by Special Resolution passed on September 6th 1981)
(Amended on September 5th 1993, August 27th 2000, August 17th 2003 and August 27th 2004))

1 In these Articles and the Regulations the words standing in the first column of the Table next hereafter contained shall bear the meaning set opposite to them respectively in the second column thereof, if not inconsistent with the subject or context.

<table>
<thead>
<tr>
<th>WORDS</th>
<th>MEANINGS</th>
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<tr>
<td>Subud Britain</td>
<td>The Above named Subud Britain.</td>
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<tr>
<td>The Statutes</td>
<td>The Companies Acts 1948 to 1980 and every other Act for the time being in force concerning companies and affecting Subud Britain.</td>
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<td>The Act</td>
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<td>The Articles</td>
<td>These Articles of Association.</td>
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<tr>
<td>The Regulations</td>
<td>The regulations (including any additions or alterations thereto) governing the detailed organisation of Subud Britain as Congress may from time to time</td>
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New Articles of Association

determine provided that such regulations conform to, and are not repugnant to, the principles and objects set out in the Memorandum of Association and these Articles.

The Latihan Kejiwaan
The spiritual exercise which forms the basis of Subud as expressed in Clause 2 of these Articles.

The World Subud Association
Those persons in all parts of the world who meet together to take part in the worship of Almighty God through the Latihan Kejiwaan.

Member
A person who is enrolled as a Member in accordance with Article 6 A (ii)

Roll of Members
An up to date record of details, to be kept at the Office, of persons enrolled as Members in accordance with Article 6 A.

Councilors
The legal members of Subud Britain as set out in Article 6 B (i).

Register of Councillors
An up to date record of the necessary details, to be kept at the Office, of Members registered for the time being as Councillors in accordance with Article 6 B.

Body
A component body of Subud Britain as set out in Article 7.

Congress
The assembly of Councillors in general meeting being the supreme authority of Subud Britain constituted in accordance with Articles 7 A and 8 A hereof.

The National Council
The National Council of Subud Britain for the time being as constituted in accordance with Articles 7 B and 9 A hereof.

Region
A division of Subud Britain comprising a number of neighbouring Groups and having a Regional Council. The composition of a Region is defined by the National Council under the provisions of Article 9 A (vii).

Regional Council
A Regional Council of Subud Britain constituted in accordance with Articles 7 C, 9 A (ix), 10 and the Regulations.

Group
A Group of Members constituted in accordance with Articles 7 D, 9 A (x), 10 and the Regulations.

The National Committee
The National Committee for the time being as constituted in accordance with Article 9 A (vi) hereof.

The National Secretary
Any Member appointed to undertake the duties of Secretary of Subud Britain.

The National Treasurer
Any Member appointed to undertake the duties of Treasurer of Subud Britain.

 Helpers
Those members appointed and selected through guidance received in the Latihan Kejiwaan to deal with the spiritual aspect of Subud in Group, Regional and National areas.

Dewan
A group of Helpers who together are responsible for the spiritual side of Subud in Group, Regional and National areas.
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The Office  The Registered Office of Subud Britain.
The Seal  The Common Seal of Subud Britain.
Month  Calendar Month.
In Writing  Written, printed or lithographed, or partly one and partly another, and other modes of representing or reproducing words in a visible form (including electronic communications).
Electronic Communication  Has the meaning ascribed to it in the Electronic Communications Act 2000.
Electronic Signature  Has the meaning ascribed to it in the Electronic Communications Act 2000.

And words importing the singular number only shall include the plural number, and vice versa.
Words importing the masculine gender only shall include the feminine gender, and vice versa.

Subject as aforesaid, any words or expressions defined in the Act or any Statutory modification thereof in force at the date on which these Articles become binding on Subud Britain shall, if not inconsistent with the subject or context, bear the same meanings in these presents.

2 DECLARATION OF CONSTITUTION

In adopting this Constitution, the members of the World Subud Association in Britain declared as follows:-

The Name "Subud" is the abbreviation of the words Susila Budhi Dharma.

Susila means: The character of a true human being in accordance with the Will of the One Almighty God.

Budhi means: the highest power that exists within Man.

Dharma means: the reality of the inner feeling which submits to the Will of Almighty God with patience, trust and sincerity.

We have made this the name of the Association of our spiritual brotherhood as a symbol, indicating that we may truly become human beings who have the qualities of Susila, Budhi and Dharma, in conformity with that which we experience each time we receive and practise the latihan kejiwaan (spiritual exercise).

We acknowledge that in truth the latihan kejiwaan (or spiritual exercise) which we receive and practise comes about only because we surrender sincerely to the greatness of Almighty God.

To explain this more clearly, as soon as we have inwardly surrendered with sincerity to the greatness of God, our heart and mind, which are usually filled with imaginings of all kinds and with thinking about various problems, spontaneously cease to act, and at the same moment our entire inner feeling vibrates.

This vibration of the inner-feeling then manifests itself in the movements and activity which we call the Latihan Kejiwaan.

Although in this state we experience that our imagination and thoughts cease to act, our inner feeling is calm and conscious so that it can at all time follow the course of the movements and power which, by their nature, lead and guide us towards the worship of God.
New Articles of Association

As a result of this experience in the Latihan we are convinced that we worship only the one Almighty God, that it is only He who is able to lead, guide and bring us to Him, and that He alone can correct and ennobles our inner-feeling and soul in accordance with his will.

Such is the Latihan Kejiwaan which we have received and which we practise. So the basis of this Latihan, or of our receiving in the Latihan, is in fact our worship of Almighty God, and through His guidance we are led towards goodness of character and nobility of soul in accordance with His Will.

Because the Latihan Kejiwaan exists by the Grace of God, who is worshipped by all His creation, we can but submit to His Will the manner of its spreading throughout the world until it is received by all Mankind - by peoples of diverse races and religions.

However as we are human beings, who live on Earth and so have need of food and clothing, we are also obliged to take care of ourselves in order to maintain security and peace in our society.

Therefore, in addition to our worship of God, it is necessary for us to set up some form of organisation by which to regulate our affairs, as is customary for people who live in this world.

The manner of our organising should of course be adapted to the local conditions of our respective societies and in conformity with the laws and regulations of the countries concerned.

For this reason, it is necessary to draw up a Constitution whose contents will not be at variance with this Preamble and will not conflict with the laws and regulations of our respective countries.

3 OBJECTS OF ORGANISATION

The organisation of Subud Britain is established to:

A implement the principles and objects set out in the Memorandum of Association and Clause 2 of these Articles

B reflect in Britain the essential unity of the World Subud Association

C express the responsibility of each Member for the affairs of the World Subud Association in Britain

4 THE REGULATIONS

The Regulations shall contain detailed provisions for administering the affairs of Subud Britain. These provisions shall be determined by Congress as set out in Article 8 A (vi)(d).

5 SUBUD BRITAIN

Subud Britain shall consist of Members as set out in Article 6 and be composed of the Bodies set out in Article 7.

6 MEMBERSHIP

A Members:

(i) Membership shall be confined to members of the World Subud Association and admission to Membership shall be subject to such rules as Congress may from time to time set out in the Regulations.

(ii) The names and details of all Members shall be entered in the Roll of Members and kept in the manner prescribed in the Regulations.
(iii) A person shall cease to be a Member only in the following circumstances

(a) with his written consent, or
(b) upon his death, or
(c) upon his removal from the membership of the World Subud Association.

(iv) Members shall have the power to cause to convene an Emergency Session of Congress as set out in the Regulations.

B Councillors:

(i) Councillors shall for the time being be:

(a) the members of the National Council as prescribed in Article 7 B (i) and Article 7 B (ii), and
(b) the Chairpersons of all Groups, and
(c) such other Members (if any) as may from time to time be prescribed in the Regulations, either ex officio or selected in some manner.

(ii) The number of Councillors with which Subud Britain proposes to be registered is 635 but Congress may from time to time authorise the registration of an increase of Councillors.

(iii) The provision of the Statutes shall be observed by Subud Britain and every Councillor shall either sign a written consent to become a Councillor or sign the Register of Councillors as set out in the Regulations.

(iv) A Member shall cease forthwith to be a Councillor:

(a) upon his death, or
(b) upon a receiving order being made against him, or
(c) upon his making an arrangement or composition with his creditors, or
(d) upon his ceasing to be a Member, or
(e) upon his resignation from office, by notice in writing to the National Secretary at the Office, or
(f) upon his removal from office by Congress, or
(g) (in the case of a Councillor ex officio) upon his ceasing to hold the office by virtue of which he is a Councillor, or
(h) upon his being declared to be of unsound mind.

(v) Councillors shall have the power to convene an Emergency Session of Congress as set out in the Regulations.

(vi) The Rights of a Councillor shall be personal and shall not be transferable except that

(a) a Regional Chairperson may appoint another member of his Regional Council to act as his proxy at a General Session or Emergency Session or interim meeting of Subud Britain, and
(b) the Chairperson of a Group may appoint another Member of his Group to act as his proxy at a General Session or Emergency Session or interim meeting of Subud Britain. In each case the manner of appointment of such proxy shall be as prescribed in the Regulations.
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7 COMPONENT BODIES OF SUBUD BRITAIN

A Congress:

Congress shall consist of Councillors in accordance with Article 6 B (i)

B National Council:

National Council shall consist of:

(i) the Chairperson, who shall be chairman of Congress

(ii) All Regional Chairpersons who shall be appointed as prescribed in the Regulations.

(iii) Any other Member that Congress may from time to time determine and prescribe in the Regulations.

The Regulations may also make provision for the appointment of other officers of Subud Britain as may from time to time be thought necessary and who may be ex-officio members of the National Council

C Regional Councils:

Regional Councils shall be established by National Council under the provisions of Article 9 (ix). Each Regional Council shall consist of

(i) A Regional Chairperson, and

(ii) the Chairpersons of all Groups established within that Region in accordance with Article 9 A(viii),(ix) and (x)

D Groups:

Groups shall be established by the National Council when Members are able to satisfy the requirements prescribed in the Regulations. In particular each Group shall have a committee headed by a Chairperson appointed in the manner set out in the Regulations.

8 CONGRESS

A Powers:

Congress shall be the supreme authority of Subud Britain. As such Congress shall:

(i) Exercise all such acts as are required by the Statutes and all such powers as are specifically conferred on it by these Articles and the Regulations;

(ii) Alter or add to the Memorandum and Articles of Association provided that no addition or amendment shall be made which does not conform to the principles and objects set out in the Memorandum of Association and Clause 2 of these Articles; and provided that no such addition or amendment shall have the effect of causing Subud Britain to cease to be a Charity at Law;

(iii) Remove the name of any Member from the Roll of Members or the name of any Councillor from the Register of Councillors upon his removal from the membership of the World Subud Association;

(iv) Hold a General Session every calendar year as its Annual Meeting at such place as may be determined by National Council and provided that such General Session shall be held not more than fifteen months after the holding of the last preceding General Session;

(v) Hold an Emergency Session of Congress as provided for by Articles 6 A (iv) and 6 B(v)

(vi) At the General Session:
(a) Following guidance received in the Latihan confirm or appoint from
among the Members a Chairperson of the National Council for the
ensuing year, and confirm or appoint other members of the National
Council or other officers as prescribed in the Regulations;
(b) Make policy guidelines for the ensuing National Council;
(c) Consider and approve the income and expenditure account and
balance sheet for the preceding year, consider the report of the
Auditors and appoint and approve the remuneration of the Auditors;
(d) Make alter amend approve or ratify the detailed regulations set out in
the Regulations;
(e) Consider any business of which proper notice has been given as
prescribed in the Regulations;
(vii) Permit such persons as it thinks fit to attend any General session,
Emergency Session or interim meeting of Subud Britain as observers.

B Meetings:
(i) All general meetings other than the General Session and the Emergency
Session shall be called interim meetings.
(ii) All business that is transacted at any interim meeting or at any Emergency
Session shall be deemed special.
(iii) All business that is transacted at any General Session shall be deemed
special with the exception of:
(a) The confirmation or appointment of the Chairperson of the National
Council, and
(b) the confirmation or appointment of the Chairperson of Regional
Councils as members of the National Council, and
(c) the confirmation or appointment of other Members to the National
Council under the provisions of Article 7 B (iii), and
(d) the consideration and approval of the income and expenditure
account and the balance sheet, and
(e) the consideration of the report of the auditors, and
(f) the appointment and the fixing of the remuneration of the Auditors.
(iv) No business shall be considered at the General Session or interim meeting
of Subud Britain unless such notice thereof as may be prescribed by the
Statutes and or the Regulations shall have been given prior to the date of
such meeting.

C Proceedings:
(i) The Chairperson of the National Council shall preside as Chairperson at the
General Session or the Emergency Session or any interim meeting but,
(a) if there be no such Chairperson, or
(b) if at any meeting he is not present within fifteen minutes after the time
appointed for holding the same, or
(c) if he is unwilling to preside, then the Councillors present shall choose
one of their number to preside.
(ii) The Chairperson may with the consent of a quorum of Councillors present
(and shall if so directed by the meeting) adjourn the General Session or the
Emergency Session or any interim meeting from time to time, and from place
to place. No business shall be transacted at any adjourned meeting other
than business which might have been transacted at the meeting from which
the adjournment took place. Whenever the General Session or the Emergency Session or any interim meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given in the same manner as of an original meeting.

(iii) Members shall be eligible for any appointment at the General Session or the Emergency Session or any interim meeting of Subud Britain if, at or before the meeting, notice in writing shall have been given to the National Secretary or his deputy as follows:

(a) Notice in writing by a Member of his intention to propose such person for appointment, and

(b) Notice, signed by the Member to be proposed, of his willingness to be appointed.

9 NATIONAL COUNCIL

A Powers:

Subject to the provisions of Article 8 A (vi)(b) the National Council shall:

(i) Manage the affairs of Subud Britain as prescribed in these Articles and the Regulations and, subject to the provision of the Statutes for the time being in force and affecting Subud Britain, exercise any additional powers and acts as are not by statute or by these Articles required to be exercised by Congress including power to open bank accounts and to authorise signatures for such bank accounts. A third party dealing with the Association shall not be concerned to see or enquire whether the policy guidelines (referred to in Article 8 A (vi)(b) are observed, nor shall any third party incur any liability to the Company, nor shall any transaction be rendered invalid or ineffective by reason of a third party having actual or constructive knowledge of the said policy guidelines unless such third party shall have acted in bad faith;

(ii) Convene a General Session of Congress as the Annual General Meeting of Subud Britain in accordance with Article 8 A (iv), and whenever it thinks fit to convene interim meetings of Congress; and Interim meetings shall also be convened on such requisition, or in default may be convened by such requisitionists, as provided by Section 132 of the Act;

(iii) Cause proper minutes to be made of the proceedings of all meetings of Congress and the National Council together with all appointments of officers made by Congress and the National Council. Any such minutes of any meeting if purporting to be signed by the Chairperson of that meeting or by the Chairperson of the next succeeding meeting, shall be sufficient evidence without any further proof of the facts therein stated;

(iv) Fill any casual vacancy in the National Council or in the Chairmanship of the National Council. Any Member so appointed shall serve his term of office until the next following General Session of Congress;

(v) Appoint or authorise the appointment of the National Secretary and the National Treasurer;

(vi) Following each General Session of Congress set up from among the Members a Standing Committee to be known as the National Committee to carry out such functions as it may be authorised to do by the National Council;

The National Committee shall consist of:

(a) a Chairperson, and

(b) the National Secretary, and
(c) the National Treasurer, and

(d) such other Members (if any) as the Chairperson of the National Committee may determine subject to the approval of the National Council.

All decisions of the National Committee shall be reported to the National Council as soon as practical after they are made;

(vii) Set up such standing and ad hoc committees as may be required and determine their respective functions and regulate their meetings and proceedings;

(viii) Establish Regions and define and (if they think fit) vary the composition of each Region;

(ix) Set up a Regional Council in each Region, each such Regional Council to be constituted in accordance with the regulations;

(x) Establish, amalgamate and dissolve Groups within each Region as they may think fit, each such Group to be constituted in accordance with the Regulations;

(xi) Authorise the National Committee to establish and manage a permanent Secretariat for such administrative services as may be necessary. To delegate any of their functions to any Regional Council, Group or committee set up by National Council in accordance with such terms of reference as the National Council may from time to time determine.

B Meetings:

(i) The National Council shall meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business subject to Article 11 C.

(ii) A meeting of the National Council

(a) shall be summoned by the National Secretary at any time upon the request of three members of the National Council, or

(b) may be summoned by three members of the National Council.

Notice of any such meeting shall be served upon the several members of the National Council as prescribed in Article 12C.

C Proceedings:

(i) The Chairperson of the National Council shall preside at its meetings. If he is not present within fifteen minutes after the time appointed for holding the meeting the members of the National Council shall choose one of their number to be Chairperson of that meeting.

(ii) The members for the time being of the National Council may act notwithstanding any vacancy in their body, provided always that in case the National Council shall at any time be less in number than the minimum prescribed by or in accordance with the Regulations it shall be lawful for them to act as the National Council for the purpose of filling up vacancies in their body, or of summoning a general meeting, but not for any other purpose.

(iii) All acts bona fide done by any meeting of the National Council or by any person acting as a member of the National Council shall, notwithstanding it be afterwards discovered that there was some defect in the appointment or continuance in office of any such member or person acting as aforesaid or that they or any of them were disqualified, be as valid as if every such person
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had been duly appointed or had duly continued in office and was qualified
to be a member of the National Council.

(iv) A resolution in writing signed (including by way of electronic signature) by all
members of the National Council shall be as valid and effectual as if it had
been passed at a meeting of the National Council duly convened and
constituted.

D Vacation of Office:

(i) The office of a member of the National Council shall be vacated
(a) upon his death, or
(b) if a receiving order is made against him, or
(c) if he ceases to be a Member, or
(d) if he ceases to hold office by reason of any order made under the
companies Acts 1948 to 1976, or
(e) if any notice in writing to the National Secretary at the Office he
resigns his office, or
(f) in the case of an ex officio member of the National Council if he
ceases to hold the office by virtue of which he is a member of the
National Council, or
(g) if he is removed from office by a resolution duly passed pursuant to
section 184 of the Act, or
(h) if he is declared to be of unsound mind.

(ii) Section 185 of the Act shall not apply to Subud Britain and a Member may
be appointed and continue to act as a member of the National Council
notwithstanding the fact that he has attained the age of 70 years.

10 REGIONAL COUNCILS AND GROUPS

A Regional Councils and Groups shall be constituted and regulated in accordance
with the provisions set out in the Regulations.

B Any amendment made to the provisions regulating a Regional Council or to the
provisions regulating the constitution of any Group shall be approved by the
National Council and ratified by the next Annual General Session or interim meeting
of Congress in accordance with Article 8 (vi) (d).

C Regional Councils and Groups shall undertake such functions as the National
Council shall from time to time determine.

D All assets held by a Regional Council or Group shall form part of the assets of Subud
Britain.

E Each Regional Council or Group shall keep proper accounts in accordance with
Article 14.

11 MEETINGS

Matters to be considered at any meeting of any of the Bodies shall be dealt with as follows:

A Members acting together shall normally be guided by democratic principles and
shall seek consensus in decision-making.

B If, for the purpose of complying with any statute or other legal requirement,
(i) voting is necessary, or
(ii) a vote by a particular majority of Members is necessary, then each member
of the relevant Body shall have one vote and the Chairperson shall be
entitled to a second or casting vote. Every vote shall be given in person and not by proxy except only as provided in Article 6 B (vi)

C No business shall be transacted unless a quorum is present. Save as herein otherwise provided one third of the members of the relevant Body, but not less than three, personally present, shall form a quorum.

D Any meeting shall be dissolved if a quorum of those entitled to receive notice is not present within fifteen minutes after the time appointed for the holding of that meeting.

E The accidental omission to give notice of a meeting to, or the non-receipt thereof by, any Member or Body entitled thereto, shall not invalidate any resolution passed at, or the proceedings of, any meeting.

12 NOTICES

A Notice in writing of meetings shall be given as follows:

(i) At least twenty one days' notice of every General Session or Emergency Session or any interim Meeting of Subud Britain and of every annual general meeting of a Regional Council or Group, and

(ii) At least fourteen days' notice of every other meeting of any Body.

(iii) The period of any such notice shall be exclusive both of the day on which it is served or deemed to be served and of the day for which it is given. Every such notice shall specify the place, the day and the hour of the meeting and, in the case of special business, the general nature of that business. Notice in writing shall be given in the manner prescribed in these Articles and in the Regulations to such persons (including where appropriate the Auditors) as are under these Articles or under the Act entitled to receive such notices.

B A Member who is absent from the United Kingdom shall not be entitled to notice of any meeting.

C Any notice to be served upon any Councillor may be served either personally or by sending it through the post in a prepaid letter by first class post addressed to such Councillor at his address shown in the Register of Councillors or by electronic communication to an address provided for that purpose or posted on a website where the recipient has been notified of such posting in a manner agreed by him or her.

D Any notice, if served by first class post, shall be deemed to have been served on the day following that on which the letter containing the same is put into the post; and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post as prepaid by first class letter post. In the case of electronic communication, proof that an electronic communication had been transmitted to the proper address shall be conclusive evidence that the notice was given at the expiration of 48 hours after the time it was transmitted.

13 THE SEAL

All deeds, instruments or other documents to which the seal shall be affixed shall be signed by a member of the National Council and countersigned by a second member of the National Council or by the National Secretary, or by such other officer as the National Council by resolution may from time to time appoint. The signature of a member of the National Council shall be sufficient authority to the National Secretary or other officer duly authorized to countersign and seal such deed.
New Articles of Association

14 ACCOUNTS

A All Regional Councils, Groups and such other Bodies as the National Council may from time to time determine shall keep proper books of account in such form and manner as shall be prescribed from time to time by the National Council so that these can be incorporated into the accounts of Subud Britain.

B The National Council shall cause accounting records to be kept in accordance with Section 12 of the Companies Act 1976.

C The Accounting records shall be kept at the Office or, subject to Section 12 (6) and (7) of the Companies Act 1976 at such other place or places as the National Council shall think fit, and shall be open to the inspection of all Councillors.

D At the General Session the National Council shall lay before the Councillors a proper income and expenditure account for the period since the last preceding account (or in the case of the first account, since the incorporation of Subud Britain) made up to a date not more than ten months before such meeting together with a proper balance sheet made up as at the same date. Every such balance sheet shall be accompanied by proper reports of the National Council and Auditors, and copies of such account, balance sheet and reports (all of which shall be framed in accordance with any statutory requirements for the time being in force) and of any other documents required by law to be annexed or attached thereto or to accompany the same shall, not less than twenty one clear days before the date of the meeting, subject nevertheless to the provisions of Section 158 (1) of the Act, be sent to the Auditors and to all other persons entitled to receive notices of general meetings in the manner in which notices are herein directed to be served. The Auditors' report shall be open to inspection and be read before the meeting as required by Section 14 of the companies Act 1967.

15 AUDIT

A Once at least in every year the accounts of Subud Britain shall be examined and a true and fair view of the income and expenditure account and balance sheet ascertained by one or more properly qualified Auditor or Auditors.

B Auditors shall be appointed and their duties regulated in accordance with Section 161 or the Act, Section 14 of the Companies Act 1967 and Sections 13 to 18 of the Companies Act 1976, the members of the National Council being treated as the directors mentioned in those sections.

16 DISSOLUTION

Clause 7 of the Memorandum of Association relating to the winding up and dissolution of Subud Britain shall have effect as if the provisions thereof were repeated in these Articles.
THE REGULATIONS
OF
SUBUD BRITAIN

Containing the regulations governing the detailed organisation of Subud Britain.

As determined by Congress in conformity with the principles and objects set out in the Memorandum and Articles of Association of Subud Britain. (Art. 1 & 4)

(Adopted by Special Resolution passed on 6th September, 1981.)


1 MEMBERS

A Rules for Admission to Membership: (Art. 6 A (i))

(i) Those who can be accepted into Membership are men and women who have reached the age of seventeen;

(ii) There will be no discrimination according to nationality or religion;

(iii) Each Member shall be affiliated to the Group of his choice.

B Manner of keeping the Roll of Members:

In accordance with the provisions of Article 6 A (ii) the Members shall be enrolled in the following manner:

(i) an up-to-date "Roll of Members of Subud Britain" shall be kept by the National Secretary at the Office. This Roll shall contain the following particulars regarding each Member:

(a) his full name and current address;

(b) the date of his admission to Membership of Subud Britain;

(c) (if applicable) the date of his ceasing to be a Member of Subud Britain;

(d) such other particulars as the National Council shall from time to time require to be kept.
The Subud Britain Regulations

(ii) The secretary of the Group which a new Member first joins (whether upon coming from abroad or upon joining the World Subud Association) shall immediately upon his admission to the Group send to the National Secretary at the Office the particulars required to complete the enrolment.

(iii) The secretary of each Group shall inform the National Secretary at the Office of any changes in the particulars required to keep the "Roll of Members of Subud Britain" up to date.

2 COUNCILLORS

A Councillors:

In accordance with the provisions of Article 6 B (i) the Councillors shall for the time being be:

(i) the members of the National Council, who shall be called National Councillors, and any other officers of Subud Britain that the National Council determine shall be ex officio members of the National Council, and

(ii) the Chairpersons of all Groups, who shall be called Regional Councillors.

B The Register of Councillors (Art.6 B (iii).)

(i) Manner of maintaining the Register of Councillors: The National Secretary shall keep an up-to-date "Register of Councillors" comprising two sections;

(ii) Section 1 shall give the details of the National Councillors,

(iii) Section 2 shall give the details of the Regional Councillors.

(iv) Each entry in the Register shall give the following particulars:

(a) the full name and current address of the Councillor;

(b) the Group to which he is affiliated;

(c) the Region to which that Group is affiliated;

(d) the date of his appointment as a Councillor;

(e) (when applicable) the date of his ceasing to hold office.

The Register of Councillors shall be maintained at the Office and shall be open to public inspection.

(v) Procedure for Registration:

(a) Upon the appointment of a Group Chairperson or Regional Chairperson or the Chairperson of the National Council, the prospective Councillor shall notify the National Secretary at the Office in writing of the particulars required to complete his registration as set out in Reg.2 B (i) and of the fact that and of the date upon which his predecessor ceased to hold office;

(b) The National Secretary shall deliver to the prospective Councillor the following declaration for signature:

I,....,(name)...., a Member of Subud Britain of....,(name)...., Group in....,(name).... Region, of....,(address)...., duly consent to become a Regional/ National Councillor of Subud Britain. I agree to fulfil the duties and responsibilities of a Regional/ National Councillor as required by the Memorandum and Articles and Regulations of Subud Britain.

.../.../... (date) ................ (signature)

(c) On receipt of the signed declaration the National Secretary shall, subject to approval by a member of the National Council, enter in the Register of Councillors

(i) The date on which the outgoing Councillor ceased to hold office, and
3 CONGRESS
A Membership of Congress: (Art.7A.)
(i) Congress shall consist of
(a) Councillors as set out in Article 6 B (i) and Reg.2 A
(b) The National Helper Dewan as Set out in Regulation 4 D and Regional Helper Dewan as set out in Regulation 5 B (ii) (c) who shall not be entitled to vote.
Other persons may be permitted to attend and Members shall be entitled to attend any General Session, Emergency Session or interim meeting of Congress as observers, in accordance with Article 6 A (vii), but shall not be entitled to vote or otherwise take part in making decisions.
(ii) Proxies:
(a) If the Chairperson of a Regional Council is unable to attend any General Session, Emergency Session or interim meeting of Congress, then he shall select a Member to represent the Region at the relevant meeting of Congress. In such circumstances the following Form of Proxy or such other form as may be prescribed from time to time by the National Council shall be used:

Subud Britain
I,...(name),... Chairperson of the ...(name),... Regional Council, hereby appoint ...(name), ... of ...... who is a Member of the Region as my proxy to act for me and on my behalf at the meeting of Subud Britain to be held on .../.../... (date) and at any adjournment thereof.
.../.../...(date) .......... (signed)
Regional Chairperson

(b) If the Chairperson of a Group is unable to attend any General Session, Emergency Session or interim meeting of Congress, then the Members of that Group shall meet to select from among themselves a Member to represent them at the relevant meeting of Congress. In such circumstances the following Form of Proxy or such other form as may be prescribed from time to time by the National Council shall be used:

Subud Britain
I,...(name),... Chairperson of the ...(name),... Subud Group, hereby appoint ...(name), ... of ...... who is a Member of the Group as my proxy to act for me and on my behalf at the meeting of Subud Britain to be held on .../.../... (date) and at any adjournment thereof.
.../.../...(date) .......... (signed)
Group Chairperson

(c) In all cases the properly completed Forms of Proxy must be received by the National Secretary or his deputy before a proxy may act.

B Proceedings of Congress:
In addition to the provisions of Article 8 C (ii) the following shall apply:
(i) Twenty one clear days' notice shall be given of any meeting of Congress as prescribed in Article 12 A. Such notice shall itemise the business to be considered as set out in Article 8 A (vi) and 8 B (iii) in an agenda prepared by the National Council as part of the procedure for convening the meeting. (Art.12)

(ii) If any Regional Council or Group wishes to propose any addition to, amendment of or deletion from the Memorandum and Articles of Association or the Regulations for consideration by Congress notice of the proposed change shall be given in writing to the National Secretary at the Office. No such proposal shall be accepted for inclusion in the agenda which is received less than 30 clear days before any meeting of Congress.

(iii) Other business in addition to that itemised in the agenda (excepting the addition to, amendment of or deletion from the Memorandum or Articles of Association or the Regulations) may only be transacted at any meeting of Congress

(a) if it is in the opinion of Congress of great importance and urgency and all Councillors are present or represented at the meeting and agree to the matters being dealt with, or

(b) if it is a motion for debate or discussion not giving rise to a decision binding on Subud Britain.

C Emergency Sessions of Congress:
The following provisions shall apply in accordance with Articles 6 A (iv) and 6 B (v):

(i) If between two General Sessions of Congress Members wish to cause the convening of an Emergency Session of Congress the following procedure shall be adopted:

Members shall send a request in writing to the National Secretary at the Office in the following form:

Emergency Session of the Congress of Subud Britain

We the undersigned Members of Subud Britain wish to cause the convening of an Emergency Session of Congress in order to discuss the following:

(Here shall follow the precise nature of the intended business)

........(signed)*
Members of Subud Britain

*The signatures shall comprise at least one tenth of the enrolled Members of Subud Britain, and the full name, address, Group and Region of each signature shall be stated.

On receipt of this signed request the National Secretary shall notify the Members of the National Council and shall give the requisite twenty one days notice of an Emergency Session of Congress within sixty days. In this case only the signature of one member of the National Council shall be deemed sufficient for the convening of the Emergency Session.
If between two General Sessions of Congress Councillors wish to call an Emergency Session of Congress, then the following procedure shall be adopted:
Councillors shall send a request in writing to the National Secretary at the Office in the following form:

Emergency Session of the Congress of Subud Britain
We the undersigned Councillors wish to call for an Emergency Session of Congress in order to discuss the following:

(Here shall follow the precise nature of the intended business)

......(signed)*
Councillors of Subud Britain

*In this case the signatures shall comprise at least one tenth of the Councillors.

On receipt of this signed request the National Secretary shall give the requisite twenty one days' notice of an Emergency Session of Congress within sixty days.

4 NATIONAL COUNCIL

A Quorum:
The minimum number of members which the National Council may lawfully operate shall be three except for the purposes provided for in Article 9 C (ii).

B International Committee:
Following each General Session of Congress the National Council shall under the provisions of Article 9 A (vii) set up a standing committee to be known as the International Committee from among the Members. The International Committee shall consist of:

(a) a Chairperson, who shall be nominated by the Chairperson of the National Council, and

(b) such other Members (if any) as the Chairperson of the International Committee may determine subject to the approval of the National Council.
The Chairperson of the International Committee shall represent Subud Britain in the international affairs of World Subud Association in the absence of the Chairperson of the National Council.

C Bank and Deposit Accounts:
The National Council shall operate in the name of Subud Britain such bank and other deposit accounts as shall be required. The signatories for such accounts shall be any two of at least three signatories authorised so to act by the Chairperson of the National Council or his Deputy.

D The National Helpers, one man and one woman helper from each Region who shall not be entitled to vote, shall also attend meetings of National Council.

5 REGIONS

A Requirements for Establishment of a Region (Arts.9 A & 10 A.)

(l) Upon deciding to establish a new Region the National Council shall appoint a Regional Convenor who shall normally be the Chairperson of the National Council;
The Regional Convenor shall call a meeting of the Members of all Groups comprising the new Region within 60 days of his appointment and chair this meeting.

The business of this meeting shall be to appoint the Regional Chairperson following guidance received in the latitude. (Article 7 B (ii).)

B Provisions regulating a Region:

(i) The Regions of Subud Britain shall be as defined in Schedule A annexed hereto subject to the provisions of Article 9 A (viii).

(ii) Each Region shall have a Regional Council which shall consist of:

(a) The Regional Chairperson, who shall ex officio be a member of the National Council;

(b) The Chairperson of all Groups in the Region, who shall ex officio be Regional Councillors. (Article 7 C and 9 A (ix).)

(c) The Regional Helper Dewan made up of one man helper and one woman helper from each Group, wherever possible, who shall not be entitled to vote.

(iii) A Region shall have a Regional Committee set up from among the members in the region to carry out such functions as it may be authorised to do by the Regional Council.

The Regional Committee shall consist of:

(a) a Chairperson, who shall be the Regional Chairperson;

(b) a Secretary, who shall be appointed by the Regional Chairperson;

(c) a treasurer, who shall be appointed by the Regional Chairperson;

(d) such other Members (if any) as the Regional Chairperson shall consider necessary.

(iv) The Regional Chairperson shall convene an Annual General Meeting of the Region prior to each General Session of Congress.

(v) The following business shall be transacted at the Annual General Meeting of the Region:

(a) The confirmation or the appointment of the regional Chairperson;

(b) The consideration and approval of the income and expenditure account and balance sheet for the preceding year;

(c) The reports of the Regional Committee;

(d) Any other business the general nature of which has been specified in the notice convening the meeting.

(vi) The incoming Regional Chairperson shall notify the National Secretary of the particulars required under Reg.2B (ii).

(vii) Any other General Meeting of a Region shall be convened by the Secretary of the Regional Committee upon the request of the Regional Chairperson or at least three members of the Regional Council.

(viii) If the Chairmanship of the region falls vacant between Annual General Meetings the vacancy will be filled by the Regional Council. Any Member so appointed to be Regional Chairman shall serve his term of office until the next following Annual General Meeting.

(ix) The Regional Council shall ensure that proper books of account are kept in accordance with Articles 10 E and 14 A and shall forward particulars of all such accounts to the National Treasurer in such form and manner and at such times as the National Council may from time to time determine.
(x) The Regional Committee shall operate in the name of Subud Britain such bank and other deposit accounts as shall be required. The signatories of such accounts shall be any two of at least three officers of the Regional Committee authorised so to act by the Regional Council.

(xi) The Regional Council shall act in the management of the affairs of the Region in respect of such matters and in such manner as the National Council shall from time to time determine. (Article 10 C.)

C Dissolution of a Region
In the event of the dissolution of a Region the National Council shall arrange for the transfer of the remaining assets and liabilities of the Region to the National Council.

6 GROUPS
A Requirements for Constitution of a Group: (Article 7 D and 9 A (x).)

(i) Members shall constitute a Group when the Group is accepted for registration by the National Council.

(ii) An up to date "Register of Groups" shall be maintained at the Office and shall contain the following information for each Group:

(a) Name of Group,
(b) Location of Premises,
(c) Region,
(d) Date of Registration,
(e) Current Group Chairperson,
(f) Date of Dissolution (where relevant).

(iii) Application for registration of a Group shall be made in writing to the appropriate Regional Council, and signed by the Members proposing to form the Group.

(iv) The Regional Council shall consider the application at its first meeting following receipt of the application. If the application is agreed in principle, then the Regional Council shall appoint a Group Convenor, who shall normally be the Regional Chairperson.

(v) The Group Convenor shall call a meeting of those Members proposing to form the Group within 60 days of his appointment, and shall chair this meeting. The business of this meeting shall be as follows:

(a) The Group Convenor shall request that a written undertaking be signed by the Members proposing to form the Group to abide by the Memorandum and Articles of Association of Subud Britain and in particular, the following points:

(i) that the Group is able to provide premises to enable regular meetings to be held for the latihan kejiwaan;
(ii) that the Group will commit itself financially to send a Councillor to each Annual Session, Emergency Session or interim meeting of Congress, and to each meeting of the relevant Regional Council;
(iii) that the Group will keep proper books of account and forward particulars thereof to the National Council as prescribed by Article 14 A and in the Regulations;
(iv) that the Group will maintain an accurate record of all meetings of the Group committee of the Annual General Meeting, and of any other meeting of the Group;
(v) that there are Members prepared to form a committee as prescribed in Regulation 6 C (l);
(vi) that the Group will hold an annual general meeting as prescribed in Regulation 6 C (ii) and (iii).
(b) On being satisfied with the undertaking, the Group Convenor shall proceed to the provisional appointment of a Group Chairperson following guidance received in the letter.

(vi) Following the meeting the Group Convenor shall send the signed undertaking to the National Council Chairperson at the Office. National Council shall be asked to approve the registration of the Group at its next meeting.

(vii) On approval by National Council the particulars of the Group shall be entered in the "Register of Groups" and the National Secretary shall issue a Certificate of Registration to the Group.

(viii) The Group Chairperson shall then apply for registration as a Councillor under the procedure laid down in Regulation 2 B (ii).

B Dissolution of a Group: (Article 9 A (x).)

(i) A Group shall be removed from the Register of Groups only:

(a) at the request of the Members of the Group in General meeting, or

(b) if the National Council is satisfied that the Group no longer fulfils the requirements prescribed in the Articles and the Regulations.

(ii) When the National Council has authorised the removal of a Group from the Register of Groups, the National Council shall:

(a) arrange for the transfer of the remaining assets and liabilities of the Group to the relevant Regional Council, and

(b) take steps to obtain the return of the Certificate of Registration.

C Provisions regulating a Group:

(i) A Group shall have a committee which shall consist of:

(a) the Chairperson, who shall ex officio be a Councillor and a member of the appropriate Regional Council (Article 6 B (i) and Reg.2 A (ii);

(b) a Secretary, who shall be appointed by the Chairperson;

(c) a Treasurer, who shall be appointed by the Chairperson;

the committee may also include such other Members as the Chairperson shall consider necessary.

(ii) The Group Chairperson shall convene an annual general meeting of the Group prior to each Regional annual general meeting.

(iii) The following business shall be transacted at the annual general meeting of a Group:

(a) the appointment of a Chairperson;

(b) the consideration and approval of the income and expenditure account and balance sheet for the preceding year;

(c) the reports of the Group committee;

(d) any other business, the general nature of which has been specified in the notice convening the meeting.

(iv) The incoming Group Chairperson shall notify the National Secretary of the particulars required under Reg.2 B (iii).

(v) Any other general meeting of a Group shall be convened by the Group Secretary upon the request of the Chairperson, or at least five members of the Group.

(vi) If the Chairmanship of the Group falls vacant between annual general meetings the Group shall hold a special general meeting for the purpose of filling the vacancy.

(vii) The Group Helpers shall also attend meetings of the Group.
(viii) The Group committee shall ensure that proper books of account are kept in accordance with Articles 10 E and 14 and shall forward particulars to the Regional treasurer or the National treasurer in such form and manner and at such times as the National Council may from time to time determine.

(ix) The Group committee shall operate in the name of Subud Britain such bank and other deposit accounts as shall be required. The signatories of such accounts shall be any two of at least three signatories authorised so to act by the Group Chairperson.

(x) The Group committee shall act in the management of the affairs of the Group in respect of such matters and in such manner as the National Council may from time to time determine. (Article 10 C.)

The Group committee shall be responsible for initiating practical assistance to members in the realisation of their talents.
THE COMPANIES ACT 1985

Company No. 678027

The Registrar of Companies for England and Wales hereby certifies that

SUBUD BRITAIN (the word "limited" being omitted pursuant to section 25(4)(c) of the Companies Act 1981) (originally called SUBUD HUMAN WELFARE TRUST LIMITED changed its name on 24th November 1981 to SUBUD BRITAIN LIMITED which was changed on 28th July 1982 to SUBUD BRITAIN each change having been made by special resolution and to which approval has been given in accordance with the provisions of the relevant Companies Acts) was incorporated under the Companies Act 1948 as a limited company on 15th December 1960.

Given at Companies House, Cardiff the 16th July 2001

MRS J. BURTON
for the Registrar of Companies
From: Samantha Prior
Dear Mike,

Re: Town and Country Planning Act
St Annes School, Rotten Row, Lewes

I refer to your email of the 29 November 2012 and our subsequent telephone conversations. I apologise again for the cancellation of our meeting last week. However, as promised, I have considered the principle of development to hopefully help you progress matters on this site.

I note that a variety of development is proposed on site, including a new building to accommodate the relocated Subud Centre; a new building as a Social Enterprise hub; conversion of the historic element of the existing school building to accommodate a hostel and cafe; some permanent accommodation for staff use; a new access from ESCC County Hall car park; and retention of existing open space.

In planning policy terms, the site was previously used as a school and paragraph 72 of the NPPF gives great weight to the need to create, expand and alter schools. As a starting point, any application should therefore include some background on why this school use ceased and is no longer viable or needed on this site. I am of the opinion that this is not a significant issue, but should be noted and addressed in any submission.

In terms of the uses proposed, I am pleased to see a mixture of community uses including meeting space, place of worship and local facilities. I particularly welcome the creation of a Social Enterprise hub and the shared space to be provided in the Subud Centre, for use as the Subud Group national HQ and for unassociated community events. The provision of these spaces would accord with the aim of paragraph 70 of the NPPF which seeks to provide these integrated spaces to enhance the sustainability of communities. I am also pleased to see these uses provided in a sustainable location in the town. However, it would be useful for any application to detail how these spaces are to be used, let and managed. You may therefore wish to contact our Economic Development Team to gain an understanding of the type of space needed by groups and small enterprises in the town, in order to ensure this part of the development is viable. I am also pleased to note that open space will be retained and provided for community use, in accordance with paragraph 73 of the NPPF.

The hostel proposed would provide accommodation in a sustainable location, within the South Downs National Park. However, we must ensure that it will add to the existing town facilities and not compete with them. It would therefore be useful to understand why this specific type of accommodation has been proposed, e.g. why a hostel rather than a hotel/other tourist accommodation. If this is to provide value accommodation to be used in connection with other facilities on the site, please set this out. You may also wish to provide some detail on how/who will manage this facility. As we discussed on the phone, the provision of a small flat for a hotel/site manager may be acceptable and should be fully set out in any submission.

In terms of access to the site, I am pleased to see that this may be taken from the north
west. Any separate access to be taken from the south is unlikely to be acceptable due to loss of protected trees and regrading of the land having an adverse visual impact. The access to the north is more likely to be acceptable particularly as this will impact on fewer protected trees. Please note, however, that any future planning application must include a tree survey in accordance with BS 5837:2012 Trees in Relations to Design, Demolition and Construction. For the time being, this can be targeted at those trees likely to be affected by the development, or which are likely to affect the future occupants of the development, particularly in relation to shading issues. The trees must be surveyed and assessed by a competent person. We would then have a clearer picture of the condition, relative importance and the extent of trees likely to be affected by the development and our Trees & Landscape Officer, Daniel Wynn, will then be in a better position to give fuller and clearer advice.

Having consulted our Design and Conservation Officer, Chris Morris, I am also pleased to note the retention of the historic part of the original building as this preserves the character and appearance of the conservation area. However, I note that this part of the proposal may not be viable due to refurbishment costs involved. If so, this viability would need to be justified at pre application stage so that the loss of the building can be considered in relation to the requirements set out in section 133 of National Planning Policy Framework. If demolition and replacement is justifiable please also note that any new buildings on site should be of high quality design and appropriate in scale, massing and detail as the location of the site within the South Downs National Park and Lewes Conservation Area so should lead to an enhancement of the site.

Overall, I do consider the proposal to be acceptable in principle and would welcome various elements of the scheme. I therefore suggest that the proposal be progressed and that more detailed plans/information be submitted for further pre application advice. At this time, it may then be useful for all parties to meet on site before offering further advice.

Please feel free to call me if you wish to discuss anything further. This information is given 'without prejudice.'

Kind regards,

Miss Samantha Prior
Senior Planning Officer
Lewes District Council,
Southover House, Lewes
01273 484429

Working in the South Downs National Park, on behalf of the National Park Authority
From: Melanie Griffin  
Sent: 16 July 2013 08:23  
To: Chris Reed  
Subject: Fw: St Anne’s School Site

Morning, I had planned to meet Kevin Molloy this morning for a legal position statement after discussions yesterday. I will add this in and report back immediately after. Melanie

From: Becky Shaw  
Sent: Tuesday, July 16, 2013 08:06 AM GMT Standard Time  
To: Melanie Griffin  
Cc: Kevin Foster; Philip Baker  
Subject: Re: St Anne’s School Site

Melanie

Although addressed to Cllr Elkin these have come into me and Kevin. Once you have had a chance to read and take advice please can you let me know how you and Kevin want to proceed. I will be in CC most of the morning but may be able to look at the occasional email.

Becky Shaw  
Chief Executive  
tel. 01273 481950  
becky.shaw@eastsussex.gov.uk

From: John Stockdale [mailto:john@plantpress.com]  
Sent: 16 July 2013 07:40  
To: Becky Shaw; Kevin Foster  
Subject: St Anne’s School Site  
Importance: High

Dear Cllr Elkin

Herewith a challenge from Lewes Community Land Trust to the Chief Operating Officer’s recommendation to dispose of the St Anne’s School site, Lewes to Subud which is on the agenda for the Lead Member’s Meeting this afternoon. A signed copy of these documents was left at County Hall reception addressed to you last night.

Regards

John Stockdale,
Treasurer, Lewes Community Land Trust
61 Old Malling Way, Lewes, BN7 2EP - GB t: 01273 476151; m: 07929 893024; e: john@plantpress.com

Lewes Community Land Trust is a company limited by guarantee registered in England and Wales Company No 6484965; registered address: c/o Zoe Wangler, 5 Broomans Terrace, Lewes BN7 2BH; recognised as a charity by HMRC No XT22244.
Hi Melanie/Chris,

Re: St Anne's sale

Not sure about the status of this report – is it still going to lead member at 2pm?

If it is, how about something like this if we're asked by the media to comment on potential criticism of the winning bid?

A spokesperson for East Sussex County Council said: “During the process we have been very clear that the site at St Anne's was for sale for community use only. We believe the winning bid clearly meets all our criteria.”

We could also add something like: “..... and are confident that it will be available for use by all sections of the community in the Lewes area.”

Martin.

Martin Fitzgerald
Marketing Communications Project Manager
Economy, Transport & Environment/Governance and Community Services
and Business Services
East Sussex County Council
County Hall
St Anne's Crescent
Lewes
East Sussex
BN7 1UE

Tel: 01273 481691
Mob: 07827 980182
Email: Martin.fitzgerald@eastsussex.gov.uk

www.eastsussex.gov.uk
From: Becky Shaw
Sent: 16 July 2013 12:14
To: Melanie Griffin; Kevin Molloy
Cc: Kevin Foster; Philip Baker
Subject: RE: St Annes - LM today

If that is the strong view then we will need to follow it. The comms to the SUBUd will need to be very carefully handled and if you want me to play a role in that I will do willingly. Other things I would like to check have been considered;

The YMCA is also an org with religious origins so which demonstrates other bidders were not put off?

What was in the original LM report about restrictions on bidders nature -is there anything we could rely on to enable us to proceed today?

Is the robust and extensive marketing process not sufficient defence to any challenge of exclusion?

What are the opportunity costs of a delay?

Finally please could you confirm who was on the panel.

Thanks

Becky

-----Original Message-----
From: Melanie Griffin
Sent: Tuesday, July 16, 2013 12:04 PM GMT Standard Time
To: Becky Shaw; Kevin Molloy
Subject: FW: St Annes - LM today

Dear Becky,

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I have a briefing with David Elkin at 1.30pm to discuss further and agree his approach in the meeting.

Regards,

**Melanie**
Melanie Griffin  
Assistant Director Property and Capital Investment

---

**Business Services Department**  
**East Sussex County Council**  
**Phone:** 01273 335819  
**Mobile:** 07879117564  
**email:** melanie.griffin@eastsussex.gov.uk

We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

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Dear Becky,

All went to plan and the St Anne’s group left the meeting following David’s statement, except for John Stockdale who stayed for Southover Grange but didn’t speak. Action points:

- Martin Fitzgerald has a press statement if required for anything reactive.
- Chris Reed has contacted the other parties with the message read out by David Elkin.
- Chris Reed and Kevin Molloy are drafting a response to Lewes Community Land Trust for David Elkin
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- Kevin and Chris are reviewing the procurement/tendering procedure to move forward to make a recommendation to me by the end of the week to re-market.

Thank-you for your support,

Regards,

Melanie
Melanie Griffin
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From: Becky Shaw
Sent: 16 July 2013 13:34
To: Melanie Griffin
Subject: RE: St Annes - LM today

I have briefed Simon Hughes, please can you talk to him about media and VCS. Thanks

Becky Shaw
Chief Executive
tel. 01273 481950
becky.shaw@eastsussex.gov.uk
From: Melanie Griffin  
Sent: 16 July 2013 13:17  
To: Becky Shaw  
Subject: RE: St Annes - LM today

I will brief David and ask him but I think we have it covered. Many thanks for your help.

Regards,

Melanie  
Melanie Griffin  
Assistant Director Property and Capital Investment

Business Services Department  
East Sussex County Council  
Phone: 01273 335819  
Mobile 0789117864  
email: melanie.griffin@eastsussex.gov.uk

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Cc: Kevin Foster; Philip Baker  
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Finally please could you confirm who was on the panel.
ESCC  
DAVID BAUGHAN  
CHRIS REED  
PAUL RIDEOUT  
JAMES HARRIS

Thanks
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Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
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Please do not print this email unless necessary
From: Chris Reed
Sent: 16 July 2013 15:12
To: st annes, lewes - update

Dear [Name],

I am writing to you as members of the bid panel assessment team. The Lead Member for Resources met today and issued the following statement:

"On receipt of information recently received and a further review of process undertaken, officers wish to withdraw the report for further consideration.

It is an important decision to be undertaken and we must ensure we are thorough in our procedure.

All papers connected to the former St Annes school are therefore withdrawn from this agenda."

I will contact you shortly with an update.

Regards

Chris

Christopher Reed
Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
From: Chris Reed
Sent: 16 July 2013 15:14
To: James Harris; Paul Rideout
Subject: st annes school disposal - LM meeting update

Dear All,

I am writing to you as members of the bid panel assessment team. The Lead Member for Resources met today and issued the following statement:

“On receipt of information recently received and a further review of process undertaken, officers wish to withdraw the report for further consideration.
It is an important decision to be undertaken and we must ensure we are thorough in our procedure.
All papers connected to the former St Annes school are therefore withdrawn from this agenda.”

I will contact you in due course with a further update.

Regards

Chris

Christopher Reed
Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
From: Becky Shaw
Sent: 16 July 2013 15:38
To: Melanie Griffin; Kevin Foster; Simon Hughes
Cc: Kevin Molloy; Chris Reed; Martin Fitzgerald; [redacted]; David Baughan
Subject: RE: St Annes - LM today

Thanks to all involved.

Becky Shaw
Chief Executive
tel. 01273 481950
becky.shaw@eastsussex.gov.uk

From: Melanie Griffin
Sent: 16 July 2013 15:10
To: Becky Shaw; Kevin Foster; Simon Hughes
Cc: Kevin Molloy; Chris Reed; Martin Fitzgerald; [redacted]; David Baughan
Subject: RE: St Annes - LM today

Dear Becky,

All went to plan and the St Annes’s group left the meeting following David’s statement, except for John Stockdale who stayed for Southover Grange but didn’t speak. Action points:

- Martin Fitzgerald has a press statement if required for anything reactive.
- Chris Reed has contacted the other parties with the message read out by David Elkin.
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Thank-you for your support,

Regards,

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email: melanie.griffin@eastsussex.gov.uk

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*Sent:* 16 July 2013 13:34  
*To:* Melanie Griffin  
*Subject:* RE: St Annes - LM today

I have briefed Simon Hughes, please can you talk to him about media and VCS. Thanks

_Becky Shaw_  
Chief Executive  
tel. 01273 481960  
becky.shaw@eastsussex.gov.uk

---

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*Sent:* 16 July 2013 13:17  
*To:* Becky Shaw  
*Subject:* RE: St Annes - LM today

I will brief David and ask him but I think we have it covered. Many thanks for your help.

Regards,

_Melanie_  
Melanie Griffin  
Assistant Director Property and Capital Investment

Business Services Department  
East Sussex County Council  
Phone: 01273 335819  
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email: melanie.griffin@eastsussex.gov.uk

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---

From: Becky Shaw  
*Sent:* 16 July 2013 13:03  
*To:* Melanie Griffin; Kevin Molloy  
*Cc:* Kevin Foster; Philip Baker  
*Subject:* RE: St Annes - LM today

Thanks helpful -let me know if you want me at LM mtg

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From: Melanie Griffin  
*Sent:* Tuesday, July 16, 2013 12:51 PM GMT Standard Time  
*To:* Becky Shaw; Kevin Molloy
Cc: Kevin Foster; Philip Baker

Subject: RE: St Annes - LM today

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JAMES HARRIS

Thanks

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Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk
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From: Melanie Griffin
Sent: 16 July 2013 17:10
To: [redacted]; Kevin Molloy; Chris Reed; Martin Fitzgerald
Subject: St Annes follow up

Jane, please can we have a follow up meeting on St Anne’s in the diary by end of week if possible or Monday at the latest.

We will want to cover:

1) Draft letter for LCLT
2) Procurement/tender route for re-market and the way forward
3) Position Statement back to the applicants for written statement
4) Any comms/PR matters that have arisen

Chris, please ensure I have all info for the review before Friday so that I start on it Friday and over weekend

Chris, if any of the applicants contact you ensure that you do NOT enter into information sharing and therefore conversation

Regards,

Melanie
Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk

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Chris

I took a call for you from Cllr Stockdale, hence Melanie's comment at the bottom. He is going to call you in the morning.

Regards

--- Original Message ---
From: Melanie Griffin
Sent: Tue 16/07/2013 17:09
To: Kevin Molloy; Chris Reed; Martin Fitzgerald
Subject: St Annes follow up

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email: melanie.griffin@eastsussex.gov.uk We are committed to providing a professional and
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P Please do not print this email unless necessary
From: Kevin Foster  
Sent: 16 July 2013 22:20  
To: Melanie Griffin  
Subject: RE: St Annes - LM today

Melanie

I am thinking of getting an independent review – possibly through internal audit and will need convincing that this is not the best approach – happy to have that discussion tomorrow.

Regards

Kevin Foster  
Chief Operating Officer  
Business Services Department  
East D, County Hall, Lewes  
Tel 01273 481412  
Email: kevin.foster@eastsussex.gov.uk

From: Melanie Griffin  
Sent: 16 July 2013 15:10  
To: Becky Shaw; Kevin Foster; Simon Hughes  
Cc: Kevin Molloy; Chris Reed; Martin Fitzgerald; David Baughan  
Subject: RE: St Annes - LM today

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Please do not print this email unless necessary
From: Chris Reed  
Sent: 17 July 2013 06:39  
To: Melanie Griffin  
Subject: RE: St Annes follow up

Thanks Melanie

I spoke to each party yesterday and reiterated the statement.

I have just seen an email from [Redacted] to the steering group giving a brief outline as to today’s events. On it she mentions cause for retraction was due to LCLT objection and Subuds status as a religion. Will send you the email.

Will have that info for you asap.

Regards

Christopher

-----Original Message-----
From: Melanie Griffin  
Sent: Tue 16/07/2013 17:09  
To: [Redacted]; Kevin Molloy; Dennis Thomas; Chris Reed; Martin Fitzgerald  
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2) Procurement/tender route for re-market and the way forward
3) Position Statement back to the applicants for written statement
4) Any comms/PR matters that have arisen

Chris, please ensure I have all info for the review before Friday so that I start on it Friday and over weekend

Chris, if any of the applicants contact you ensure that you do NOT enter into information sharing and therefore conversation

Regards,
Melanie
Melanie Griffin
Assistant Director Property and Capital Investment Business Services Department East Sussex County Council  
Phone: 01273 335819  
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.
P Please do not print this email unless necessary
Hi Melanie,

This is the draft response for Cllr Elkin to Cllr Stockdale. Kevin has vetted and approved the content.

Regards

Chris

Christopher Reed
Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

---

From: Kevin Molloy
Sent: 16 July 2013 16:24
To: Chris Reed
Subject: RE: response from Cllr Elkin to Cllr Stockdale - St Annes

Chris
yes that seems to hit the spot

Kevin Molloy
Senior Solicitor
Governance and Community Services Department
East Sussex County Council
P O Box 2714, County Hall, Lewes, East Sussex BN7 1UE
DX 97482 Lewes 3
Tel: 01273 481770 Fax: 01273 483496
Email: kevin.molloy@eastsussex.gov.uk

---

From: Chris Reed
Sent: 16 July 2013 16:12
To: Kevin Molloy
Subject: response from Cllr Elkin to Cllr Stockdale - St Annes

Hi Kevin,

This is my initial draft response:
“Dear Councillor Stockdale,

Thank you for your letter dated 15th July 2013.

ESCC officers have reviewed the process for disposing of the St Annes site, Lewes and have agreed that the wording attached to the bid application questionnaire potentially excludes all three bidding parties. This wording was not in-line with wording attached to the marketing particulars and does not fall in line with ESCC objectives. We will therefore look at revising the process of disposing the site so that our objectives are fully met and will be contacting you in due course regarding these next steps.

Kind regards

Councillor Eikin”

Let me know what you think.

Chris

Christopher Reed
Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Hi Melanie,

Fyi – immediately below, the email Cllr Susan Murray sent to the St Annes Steering Group yesterday.

Regards

Chris

Christopher Reed
Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Levies BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

From: Susan Murray [mailto:Susan2.murray@talktalk.net]
Sent: 16 July 2013 17:02
To: Katherine Perrin
Cc:

Subject: Re: St. Anne's Steering Group
Importance: High

I notice that Ruth O'Keeffe seems to have fallen off this email list.

More important I attended the lead members meeting this afternoon, as did Ruth. We were totally shocked that at the start of the meeting it was announced that the St Anne's item was being removed from the agenda as new information had been received this morning. We gathered that LCLT had submitted an objection that Subud is a religion and therefore should not even have been allowed to bid. Hopefully this is only a delay - Ruth tells me the county council staff are already working to sort this out.

Best wishes, Susan

On 15, Jul 2013, , at 2:35 pm, wrote:

Hi all,
Thanks for the fantastically speedy responses. Group opinion is definitely to keep the 24th July date, however County Hall only has availability between 11am and 1pm. Please let me know ASAP if this doesn't work and we'll revert to 5th August.

If I don't hear anything, I'll presume we'll go ahead with Wed 24th July between 11am- 1pm at County Hall (WH1).
See you next week!

Best wishes,

3VA provides a range of practical support to charities and community groups in Wealden, Eastbourne and the Lewes District - including start-up support, funding advice, help with governance, training and getting your voice heard locally. For more information, visit www.3va.org.uk

From: [redacted]
Sent: Monday, July 15, 2013 11:08 AM
To: Susan Murray;
Cc: [redacted]
Subject: Re: St. Anne's Steering Group

I can do any of the dates but prefer to have confirmation soon.
Rosaey

From: Susan Murray <Susan2.murray@talktalk.net>
Sent: Monday, 15 July 2013, 10:53
Subject: Re: St. Anne's Steering Group

My preferred option is also 24th July, but I could do, as I said, 5th August at a push. Susan

On 15, Jul 2013, , at 10:36 am, [redacted] wrote:

July 24th is my preferred option...although others are possible....at the moment.

On 15/07/2013 10:25: [redacted]

Hi all,
Well remembered Susan!! I'm afraid my brain neglected to remind me of penciling-in of the 24th. Although its short-notice – would everyone be able to let me know this is also an option?

So now:
Mon 29th July 2pm
Mon 5th Aug 2pm
Wed 24th July 2pm

Many thanks!

Best wishes,

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From: Susan Murray [mailto:Susan2.murray@talktalk.net]
Sent: Monday, July 15, 2013 10:23 AM
To: 

Subject: Re: St. Anne’s Steering Group

I had Wed 24th July in my diary - I assume that is no longer an option?

Mondays at 2pm are not generally good for me as we are regularly helping with a food bank at that time. I definitely cannot do 29th July, but - if it is agreed quickly, before I commit to more dates at the food bank I could do 5th August.

Best wishes, Susan

On 15, Jul 2013, , at 10:08 am, 

Hi all,
Hope you've had a lovely weekend in this gorgeous weather.

Would you be able to let me know as soon as possible which of these dates you can do for the next St Anne’s Steering Group meeting at County Hall:
Mon 29th July 2pm
Mon 5th Aug 2pm

Best wishes,
3VA is a Registered Charity number 1096788 and a Company Limited by Guarantee number 4637252 Registered in England and Wales. Internet communications are not secure and therefore 3VA does not accept legal responsibility for the content of this message. This e-mail and any files transmitted with it are confidential and solely for the use of the intended recipient.

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Councillor Susan Murray, Green Party, Castle ward
16 Clare Road
Lewes
East Sussex
BN7 1PN

01273 473912

FAIR IS WORTH FIGHTING FOR

Susan Murray
16 Clare Road
Lewes
East Sussex
BN7 1PN
01273 473912

THE LEWES POUND
Making money work for Lewes

"The future is not some place we are going to, but one we are creating. The paths are not to be found, but made, and the activity of making them changes both the maker and the destinations." - John Scharr, Futurist

Councillor Susan Murray, Green Party, Castle ward
16 Clare Road
Lewes
East Sussex
BN7 1PN

01273 473912

FAIR IS WORTH FIGHTING FOR
From: Chris Reed
Sent: 17 July 2013 12:54
To: breifing note for MG - st annes
Subject: briefing note - Former St Annes School.docx

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Former St Annes School – Site Disposal briefing note (IMG)

Background
• St Annes School closed in 2005
• Initial intention was to redevelop site in tandem with County Hall. Failure to relocate County Hall has left St Annes in ‘limbo’.
• Following illegal encampment, 3VA took a lease on the grounds from the 13th August 2012 (rolling for 3 years).
• Decision taken early November to openly market for community use.

Marketing Process
• 23rd October, LM for Corporate Resources declared site surplus and authorised the marketing of the property for community uses in order to achieve best value for this purpose.
• November 2012, Sale of site to be in accordance with stage 2 of the Community Asset Strategy Policy NB. this policy makes no reference to refusing religious/political users.
• Advertised in Argus on 16th January 2013. Marketing particulars stated site was “Available for Community Uses...for a broad-based community use, by local groups, voluntary organisations or local commercial organisations”. Further wording stated:
  “Expressions of interest will only be considered from properly constituted voluntary, community or not for profit organisations. Applications will be appraised on a variety of key criteria including:- the proposed use and its potential to obtain planning consent, the business case in support of the proposed use, details as to how the relationship with the tenant of the grounds will be managed, the price offered and any conditions attached”
• Initial bids invited 5pm Wednesday 20th March 2013 (this was extended from 8th March).
• 3 bids received in first stage (YMCA, LCLT, SUBUD) with a further brief EOI from the NCDA.
• ESCC passed bid documents on to Michael Pyner on the 28th March for feedback.
• Feedback from Michael Pyner and Bid Panel members were given to bidders on the 13th May (after Purdah) and bidders then given until Friday 7th June.
• ESCC sought permission from each bidder to pass on contact details of the NCDA.
• All bids received on time.

Review Process
• A member from St Annes Steering Group (SASG) was required for bid panel. Cllr Susan Murray initially sworn in as Bid Panel member on 1st March, and later forced to cancel on basis of political involvement.
• After discussions with the SASG we requested 2 members to join the bid panel. Katherine Perrin and Rosey Eggar were invited. Other members included:
  o James Harris (Head of Economic Development, Skills and Infrastructure; Acting Assistant Director for ET&E)
  o Paul Rideout (Third Sector Policy Manager)
  o Russell Bright (Finance)
  o Christopher Reed (Estates)
  o David Baughan (Head of Strategic Property)
• 2nd stage bid documents were distributed to all members of the Bid Panel Assessment team on 10th June and given a week to consider prior to Bid Panel meeting on the 17th June.
• Chris Reed sought to clarify funding arrangements, bid openness, partnership agreements etc in the week prior to the Bid Panel convening.
• Bid Panel met (17th June) and scored unanimously in favour of SUBUD Lewes.
• The Bid Panel then met with the SASG the following day (18th June) and provided details of the make-up of each bid. The SASG comments reflected comments made by the Bid Panel.

Appeal Process
• Should the LM approve the sale as per the report recommendation, the decision will be confirmed by the 20th July.
• Any appeal should be submitted in writing to Christopher Reed at County Hall within two weeks of this date.
• The appeal should state the following:
  o Name of applicant/organisation appealing decision
  o Grounds for appealing the LM decision
  o Data supporting appeal
• Heads of terms will be discussed with the selected bidder and aim to be concluded following this 2 week deadline.
Melanie, draft email response using your text:

Dear Councillor Stockdale,

You are aware that the Lead Member, following receipt of your letter, concluded to review the Council’s position with regards to the Former St Annes School site. Melanie Griffin, AD for Property and Capital Investment, will be in contact with all applicants in the near future with its proposals for the site.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
From: Chris Reed
Sent: 17 July 2013 14:35
To: 
Subject: FW: new route for st annes
Attachments: pqqbelowOJEU.docx; RE: ojeu

Fyi, my initial thoughts on new pathway to disposal. Includes sub-OJEU procedures (as per attached). Matthew Powell has also supplied the attached email (with above OJEU)...

Kevin has queried the relevance, but as we discussed this morning, the basic principles are good and would form basis of a robust process.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

From: Chris Reed
Sent: 17 July 2013 14:06
To: Kevin Molloy
Subject: RE: new route for st annes

Agreed, but can we lift some principles on basis they are sound procedures?

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

From: Kevin Molloy
Sent: 17 July 2013 14:03
To: Chris Reed
Subject: RE: new route for st annes

Chris
thanks for letting me have your notes on this. I think we need to be very clear about when we are treating the disposal of an asset as being subject to EU Procurement rules, I would have thought this only happens in quite exceptional circumstances?
rgds
Hi Kevin,

As per our discussion with Cllr Elkin yesterday, I’ve put down some thoughts on new route for disposing this asset. We may discuss this in this afternoon’s meeting with Melanie:

1. Draft note to each bidder stating current position and intended brief on next steps
2. Creation of PID, setting out route for disposal, project responsibilities etc
3. Project team and/or Bid Panel Assessment Team from PID to approve new process (including member from Legal Services)
4. Communication to bidders with new revised disposal process
5. Initial review by legal to ensure revised bids are in line with ESCC bid process and ESCC objectives
6. Review of revised bids by Bid Panel Assessment Team and scored using amended Bid Scoring Template (to include section on deliverability)
7. Transparency meeting with St Annes Steering Group
8. Recommendation to Lead Member
9. Following approval, agree heads of terms with selected bidder and communication with detailed feedback to unsuccessful parties.

PID to include:

- Issue of revised proforma, to remove wording restricting use of site by organisations promoting political or religious activities. Proforma to also include new section on deliverability. This section to require bidders to provide the following:
  - Details of all partnership involvement, including funding guarantees, partner services, project ownership, details of who will be purchasing what etc
  - Absolute clarity over funding – i.e. note from bank manager
  - Previous development experience to support proposed scheme
  - Provision of Transport Assessment where there are proposals to alter access, or if not required, confirmation that existing route (from Rotten Row) is suitable and satisfactory

Details of revised bidding to include:

- Deadline for re-submission set for 6 weeks from date of issue (to give time to prepare surveys and focus on deliverability, and also to account for summer holidays affecting project teams).
- Communication issued to bidders stating that ESCC will be unable to assist with any requests for assistance, save for arranging access to the site and with input to surveys (i.e. Transport Assessment Survey). Similarly there will be no contact from ESCC to bidding parties save for alterations to the disposal process if necessary.
- Bids to set out proposal that will be put to planning authority i.e. we do not want to negotiate proposal once bidder selected and LM approval has been sought.
- We will provide bidders with bid scoring template at time of bid proforma application issue. (in line with OJEU PPQ procedure).
- Bid scoring template to include pass or fail levels. If a bid party fails any section, their bid cannot be considered (in line with OJEU procedure).
- Applicants are advised that they are solely responsible for bearing their costs and expenses incurred in connection with the preparation of responses and submission of the completed PQQ and all future stages of the selection and evaluation process. Under no circumstances will the Council or any of its advisers, be liable for any costs or expenses borne by an Applicant in this procurement process (OJEU process).
- The Council reserves the right to reject or disqualify an Applicant where (OJEU):
  - the PQQ response is submitted late, is completed incorrectly, is incomplete or fails to meet the Council’s submission requirements and conditions set out in these guidance notes;
  - the Applicant is guilty of serious misrepresentation in relation to its application and/or the procurement process;
  - there is a change in identity, control, financial standing or other factor impacting on the selection and/or evaluation process affecting the Applicant; and/or
  - there is a conflict of interest arising between the Council and the Applicant.
- The Council reserves the right to (OJEU)
  - cancel the selection and evaluation process at any stage;
  - require an Applicant to clarify its response in writing and/or provide additional information; and/or
  - amend the terms, conditions and/or requirements of the tender process including the PQQ/pre-selection process.
- Financial appraisal (see OJEU process). We will review accounts etc and will ensure organisation has resources/capacity to purchase and maintain the site in line with proposed scheme.
- We will state that information in relation to this pre-qualification questionnaire may be made available on demand in accordance with the Freedom of Information Act 2000. Applicants should state if any of the information supplied by them in response to this pre-qualification questionnaire, is confidential or commercially sensitive and should not be disclosed in response to a request for information under the above Act. Applicants should state why they consider the information to be confidential or commercially sensitive (OJEU).

I have spoken to Matthew Powell about good practice in the OJEU process and he will help me out in this respect this afternoon.

Christopher Reed
Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
EAST SUSSEX COUNTY COUNCIL

TENDER FOR (INSERT CONTRACT TITLE)

SELF-ASSESSMENT
PRE-QUALIFICATION QUESTIONNAIRE (PQQ)
Notes for Suppliers

All Councils in Sussex have agreed to adopt a standard self-assessment pre-qualification questionnaire for contract opportunities below the European threshold, based on the Office of Government Commerce & Small Business Service model document.

The purpose of this questionnaire is to assist East Sussex County Council in deciding which suppliers to short-list to invite to tender for [insert contract title]. A summary of the scoring to be used for short-listing is set out in the table below [ESCC Officer to enter the % of total points for each PQQ ref marked “Scored where applicable” or “scored against responses”]:

<table>
<thead>
<tr>
<th>PQQ ref</th>
<th>Information requested</th>
<th>% of total points available</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Basic details of your organisation</td>
<td>Not scored but must be completed</td>
</tr>
<tr>
<td>2</td>
<td>Financial information</td>
<td>Pass or Fail assessment of responses to 2.1-2.6</td>
</tr>
<tr>
<td>3</td>
<td>Business Activities</td>
<td>Scored where applicable</td>
</tr>
<tr>
<td>4</td>
<td>References</td>
<td>Scored against responses to 4.1-4.9</td>
</tr>
<tr>
<td>5</td>
<td>Insurance</td>
<td>Score 5.1, Pass or Fail against 5.2</td>
</tr>
<tr>
<td>6</td>
<td>Quality Assurance</td>
<td>Scored against responses to 6.1-6.2</td>
</tr>
<tr>
<td>7</td>
<td>Health &amp; Safety</td>
<td>Scored where applicable</td>
</tr>
<tr>
<td>8</td>
<td>Equal Opportunities</td>
<td>Scored where applicable</td>
</tr>
<tr>
<td>9</td>
<td>Environmental</td>
<td>Scored where applicable</td>
</tr>
<tr>
<td>10</td>
<td>Professional &amp; Business standards</td>
<td>Not scored but must be completed</td>
</tr>
<tr>
<td>11</td>
<td>Requirement Specific Questions</td>
<td>Scored against responses to 11</td>
</tr>
</tbody>
</table>

All Sussex Councils have agreed to simplify the process so that:

(a) you will always complete the same standard form
(b) questions will always be the same and in the same order
(c) you don’t need to provide supporting documents, for example, accounts, certificates, statements or policies with the questionnaire.

However, the purchasing organisation named above may ask to see these documents at a later stage. You may also be asked to clarify your answers or provide more details, especially if either are a significant number of “NO” responses in the completed questionnaire.

Please answer every question. If the question does not apply to you please write N/A;

if you don’t know the answer please write N/K.

Additional points to note:

1. Please note that if a bid is to be submitted by a consortium, joint venture or structure other than a single company, then each section may relate to one or more of the organisations. Care should be taken to ensure that a completed response is provided for each consortium member. The lead member should complete the general sections and submit all responses together.

2. Applicants are advised that they are solely responsible for bearing their costs and expenses incurred in connection with the preparation of responses and submission of the completed PQQ and all future stages of the selection and evaluation process.
Under no circumstances will the Council or any of its advisers, be liable for any costs or expenses borne by an Applicant in this procurement process.

3. Please note that if any of the information supplied in your PQQ response regarding the Applicant changes in the ensuing evaluation period, you are required to notify the Council accordingly, giving details of the changes.

4. The Council reserves the right to reject or disqualify an Applicant where:
   - the PQQ response is submitted late, is completed incorrectly, is incomplete or fails to meet the Council’s submission requirements and conditions as set out in these guidance notes;
   - the Applicant is guilty of serious misrepresentation in relation to its application and/or the procurement process;
   - there is a change identity, control, financial standing or other factor impacting on the selection and/or evaluation process affecting the Applicant; and/or
   - there is a conflict of interest arising between the Council and the Applicant.

5. The Council reserves the right to
   - cancel the selection and evaluation process at any stage;
   - require an Applicant to clarify its response in writing and/or provide additional information; and/or
   - amend the terms, conditions and/or requirements of the tender process including the PQQ/pre-selection process.

6. Evaluation of responses to the PQQ

   This section sets out the basis of evaluation of responses to the PQQ. The purpose of defining the basis for evaluation of responses is to ensure that PQQs will be evaluated consistently and objectively. The evaluation will be in two stages:

   **Stage 1: Compliance**

   An assessment will be made of whether each Applicant’s responses to the PQQ are complete, and complies with the requirements of the PQQ. If the PQQ is incomplete, [need to select preferred option the Council will score the PQQ on the basis of the information provided. / The Council may notify an Applicant that information has not been provided, and give the Applicant an opportunity to provide this].

   If a potential conflict of interest arises, the Council will assess the likelihood of any conflict affecting the robustness of the tender process. If it appears that the conflict will do so, the Council will discuss the matter with the Applicant and seek to agree a method for dealing with the conflict satisfactorily. In the event that no agreement is reached on terms acceptable to the Council, the Applicant will be excluded from further consideration.

   **Stage 2: Detailed Evaluation**

   The responses to the PQQ questions will be scored. The score for each question is given in the Table above. The responses to the questions in Section 2 (Financial) and question 5.2 (minimum level of public liability insurance) are pass or fail.

7. Financial Appraisal

   The financial appraisal of Part 2 aims to establish from formal (audited) annual accounts, and the other information requested, whether:
(a) applicant organisations have sufficient resources to support a contract, and

(b) applicant organisations are financially sound and potentially stable enough to remain in-business for the duration of the contract.

The financial strength of the organisation is assessed by looking at its turnover, gross and (pre-tax or net) profits, net worth and certain financial ratios. Consideration of the accounts for the last two years enables an opinion to be made on continuing information, rather than just at one point in time. In general a contract value should not exceed 25% of a company’s turnover. Annual accounts should indicate appropriate levels of net worth, liquidity and profitability.

Overall the final pass/fail for an appraisal is taken by assessing these factors and arriving at a professional view of what a company’s formal financial position is. Individual factors may sometimes offer contrary indicators of a company’s position and no two companies are ever exactly the same – the accounts will often reflect the role and nature of the organisation’s business and what is acceptable in one area may not be in another.

However, in ordinary circumstances, if a company is materially short or weak on any of the above issues, in a manner which is not compensated for elsewhere in the accounts and from the other information supplied, then the likely outcome to the financial appraisal would be a fail, eliminating the organisation from the next stage of the procurement procedure.

8. Information in relation to this pre-qualification questionnaire may be made available on demand in accordance with the Freedom of Information Act 2000. Applicants should state if any of the information supplied by them in response to this pre-qualification questionnaire, is confidential or commercially sensitive and should not be disclosed in response to a request for information under the above Act. Applicants should state why they consider the information to be confidential or commercially sensitive.

Please return this form to:

[insert ESCC Officer Name]  
[insert ESCC Officer title]  
East Sussex County Council  
County Hall  
Lewes  
BN7 1SF  

Not later than: [insert time and date]

East Sussex County Council will contact you again by: [insert date]

If you have any queries about this form please contact:

[insert ESCC Officer Name]  [Phone No]  [Email address]
# SELF-ASSESSMENT PRE-QUALIFICATION QUESTIONNAIRE (PQQ)

<table>
<thead>
<tr>
<th>1</th>
<th>BASIC DETAILS OF YOUR ORGANISATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1a</td>
<td><strong>Construction and related businesses only:</strong></td>
</tr>
<tr>
<td></td>
<td>Are you registered with Constructionline?</td>
</tr>
<tr>
<td></td>
<td>Are you registered with Constructionline Select Accredit (non-construction scheme)?</td>
</tr>
<tr>
<td></td>
<td>If &quot;Yes&quot;, what is your registration number:</td>
</tr>
<tr>
<td></td>
<td>If &quot;Yes&quot;, please go straight to Sections 11 and 12</td>
</tr>
<tr>
<td>1.1</td>
<td>Name of organisation in whose name the tender would be submitted:</td>
</tr>
<tr>
<td>1.2</td>
<td>Contact name for enquires about this bid:</td>
</tr>
<tr>
<td>1.3</td>
<td>Contact position (Job Title)</td>
</tr>
<tr>
<td>1.4</td>
<td>Main Address for Correspondence, including full Post Code:</td>
</tr>
<tr>
<td>1.5</td>
<td>Telephone number:</td>
</tr>
<tr>
<td>1.6</td>
<td>Fax number:</td>
</tr>
<tr>
<td>1.7</td>
<td>E-mail address:</td>
</tr>
<tr>
<td>1.8</td>
<td>Company website address (if any):</td>
</tr>
<tr>
<td>1.9</td>
<td>Company Registration number (if this applies- see 1.14 below):</td>
</tr>
<tr>
<td></td>
<td>NB: An electronic company check will be undertaken by the council as part of this pre-qualification process</td>
</tr>
<tr>
<td>1.10</td>
<td>Charities or Housing Association or other Registration number (if applicable). Please specify registering body:</td>
</tr>
<tr>
<td>1.11</td>
<td>Date of Registration</td>
</tr>
<tr>
<td>1.12</td>
<td>Registered address including full post code if different from 1.4 above</td>
</tr>
<tr>
<td>1.13</td>
<td>VAT Registration number</td>
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<td></td>
<td></td>
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<td>---</td>
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</tr>
<tr>
<td>1.14</td>
<td>Is your organisation (Please tick one)</td>
</tr>
<tr>
<td></td>
<td>i) a public limited company?</td>
</tr>
<tr>
<td></td>
<td>ii) a limited company?</td>
</tr>
<tr>
<td></td>
<td>iii) a partnership?</td>
</tr>
<tr>
<td></td>
<td>iv) a sole trader</td>
</tr>
<tr>
<td></td>
<td>v) a registered charity?</td>
</tr>
<tr>
<td></td>
<td>vi) a provident society?</td>
</tr>
<tr>
<td></td>
<td>NB: If not a registered company, you will need to provide the financial information specified under 2.6 below</td>
</tr>
<tr>
<td></td>
<td>vii) other (please specify)</td>
</tr>
<tr>
<td>1.15</td>
<td>Name of (ultimate) parent company (if this applies)</td>
</tr>
<tr>
<td>1.16</td>
<td>Companies House Registration number of parent company (if this applies)</td>
</tr>
</tbody>
</table>

### 2 FINANCIAL INFORMATION

**2.1** What was your turnover in the last two years (if this applies)

<table>
<thead>
<tr>
<th>£:</th>
<th>£:</th>
</tr>
</thead>
<tbody>
<tr>
<td>for year ended</td>
<td>for year ended</td>
</tr>
</tbody>
</table>

If this does not apply, what year did you commence business?

**2.2** Has your organisation met the terms of its banking facilities and loan agreements (if any) during the past year?  

Yes / No

**2.3** If "No" what were the reasons, and what has been done to put things right?

**2.4** Has your organisation met all its obligations to pay its creditors and staff during the past year?  

Yes / No

**2.5** If "No" please explain why not:

**2.6** If you are NOT a registered company, please provide the following:-

- **Either**, a copy of your most recent audited accounts (for the last two years if this applies)
- **Or**, a statement of your profit and loss account and balance sheet for the most recent year of trading signed off by your accountant

### 3 BUSINESS ACTIVITIES
3.1 Please describe the main business activities of your organisation

3.2 How many staff does your organisation have? (If you are a sole trader, please say so)

4

**REFERENCES**

Please provide details of three recent contracts that are relevant to the Council’s requirement. Where possible at least one should be from the public sector. If you cannot provide three references, please explain why.

<table>
<thead>
<tr>
<th>Reference 1</th>
<th>Reference 2</th>
<th>Reference 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 Customer Organisation (name):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2 Customer contact name and phone number:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.3 Customer email address:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.4 Date contract awarded:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.5 Contract reference and brief description:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.6 Value:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.7 Date contract was completed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.8 Have you had any contracts terminated for poor performance in the last three years, or any contracts where damages have been claimed by the contracting authority?</td>
<td>Yes / No</td>
<td></td>
</tr>
<tr>
<td>4.9 If “Yes” please give details:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## INSURANCE

5.1 Please provide details of your current insurance cover:

<table>
<thead>
<tr>
<th>a) Employers Liability</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b) Public Liability <strong>NB: the Council’s minimum requirement is for £10m Public Liability Insurance—see 5.2 below</strong></th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£</td>
</tr>
</tbody>
</table>

c) Other (please provide details) | Value |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£</td>
</tr>
</tbody>
</table>

5.2 The Council requires a minimum cover of £10 million for this contract- [**ESCC Officer to enter a lesser £m where this has been agreed**] for each and every claim under a company’s public liability insurance policy. Please confirm that you will provide this level of cover if successful in winning the contract.

## QUALITY ASSURANCE

6.1 Does your organisation hold a recognised quality management certification? [**tendering officer to insert any relevant QA as an example**]  
If **Yes** please state name of certification  
Yes / No

6.2 If **No**, does your organisation have a quality management system? (see notes at end of questionnaire)  
If you do not have quality certification or a quality management system, please explain why:  
Yes / No

## HEALTH & SAFETY INFORMATION

7.1 Does your organisation have a written health and safety at work policy?  
Yes / No

7.2 Does your organisation have a health and safety at work system?  
Yes / No

7.3 If "**No**", to either of the above please explain why:

## EQUAL OPPORTUNITIES

280
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>8.1</td>
<td>Does your organisation have a written equal opportunities policy, to avoid all types of discrimination?</td>
</tr>
<tr>
<td>8.2</td>
<td>If &quot;No&quot;, please explain why:</td>
</tr>
</tbody>
</table>

### ENVIRONMENTAL MANAGEMENT INFORMATION

| 9.1 | Does your organisation have an environment management system? (see notes at end of questionnaire) | Yes / No |
| 9.2 | If "No" please explain why: | |

### PROFESSIONAL AND BUSINESS STANDING

Do any of the following apply to your organisation, or to (any of) the director(s) / partners / proprietor(s)?

| 10.1 | Is in a state of bankruptcy, insolvency, compulsory winding up, receivership, composition with creditors, or subject to relevant proceedings | Yes / No |
| 10.2 | Has been convicted of a criminal offence related to business or professional conduct | Yes / No |
| 10.3 | Has committed an act of grave misconduct in the course of business | Yes / No |
| 10.4 | Has not fulfilled obligations related to payment of social security contributions | Yes / No |
| 10.5 | Has not fulfilled obligations related to payment of taxes | Yes / No |
| 10.6 | Is guilty of serious misrepresentation in supplying information | Yes / No |
| 10.7 | Is not in possession of relevant licences or membership of an appropriate organisation where required by law. | Yes / No |

10.8 If the answer to any of these questions is "Yes" please give brief details below, including what has been done to put things right.

### REQUIREMENT SPECIFIC QUESTIONS
11.1 What added value/ community benefit could your company bring to the Council’s requirement for goods, services or works? [ESCC officer to enter additional requirement specific questions below]

<table>
<thead>
<tr>
<th>Supplementary differentiating questions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.2 Question</td>
</tr>
<tr>
<td>11.3 Question</td>
</tr>
<tr>
<td>11.4 Question</td>
</tr>
<tr>
<td>11.5 Question</td>
</tr>
</tbody>
</table>

12. DECLARATION

I declare that to the best of my knowledge the answers submitted in this PQO (and any supporting modules) are correct. I understand that the information will be used in the evaluation process to assess my organisation’s suitability to be invited to tender for the Council’s requirement.

**FORM COMPLETED BY**

<table>
<thead>
<tr>
<th>Organisation Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Position (Job Title):</td>
</tr>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Telephone number:</td>
</tr>
<tr>
<td>Signature:</td>
</tr>
</tbody>
</table>

*Notes:
**Environmental management system** means processes and procedures to ensure that environmental issues are properly managed and all legal requirements are met.

**Quality management system** means processes and procedures to ensure that quality management issues are properly managed and all legal requirements are met.

**Health and Safety Policies**

Any business employing five or more people has, by law, to prepare and bring to the attention of employees a written Health and Safety Policy Statement.

A Health and Safety Policy usually consists of three distinct sections namely:

- General Policy Statement – a short statement outlining the organisation’s commitment to Health and Safety, signed and dated by the senior organisation official (for example, the Managing Director).

- Organisation – how the organisation addresses health and safety; lines of communication between managers and staff; and any specific duties/responsibilities assigned within the organisation - this should be relatively straightforward for smaller organisations.

- Arrangements – the systems and procedures in place for ensuring employees’ health and safety at work
Hi Melanie,

I've put copies of all my/archie's emails, documents etc in to the following folder:

W:\Estates\ST ANNES - folder dump

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
From: Melanie Griffin
Sent: 17 July 2013 16:31
To: Chris Reed
Cc: 
Subject: RE: st annes data dump

Superb. Thanks

Regards,

Melanie
Melanie Griffin
Assistant Director Property and Capital Investment
Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk
We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

Please do not print this email unless necessary

From: Chris Reed
Sent: 17 July 2013 14:56
To: Melanie Griffin
Cc: 
Subject: st annes data dump

Hi Melanie,

I've put copies of all my/archie's emails, documents etc in to the following folder:

W:\Estates\ST ANNES - folder dump

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Thanks Melanie

We've just taken it off the draft forthcoming Forward Plan (to be published on 1 August) and I'll catch up with you about it nearer the September meeting date.

Also just to let you know, that, having discussed it with Philip and Andy here, I'm going to add into the Resources Decisions, a formal minute (where the normal minute would have appeared) saying that Cllr Elkin reported that he was withdrawing the item for the reasons given. It doesn't change anything and we'll keep the note at the top of the minutes.

I'll send you a copy so you can see what I mean - probably later today.

Kind Regards

Margaret

Democratic Services Officer

Telephone:

---

Dear all,

Please be VERY careful not to place in the public domain that we are considering September LM....this will only happen if we have found a way forward. Margaret this will be a bit of game to get the dates right and we have to get permission as a late from Cllr Blanche.

Regards,

Melanie

Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117584
email: melanie.griffin@eastsussex.gov.uk

We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

Please do not print this email unless necessary
Smashing – thank you

Chris – dates for your diary in respect to submission of the draft report and LM Meeting date – can you diarise accordingly please.

Cheers

F Floor, West Block, St Anne’s Crescent, Lewes, BN7 1UE
Tel: 1234567890, Mobile: 0987654321, Fax: 0123456789

From: [Redacted]
Sent: 18 July 2013 07:50
To: [Redacted]
Cc: [Redacted]
Subject: RE: Lead Member Resources - St Anne's Disposal Report

Hi

No problem - the next Forward Plan is published on 1 August and the report will appear on the Plan listed for the September Resources Lead Member meeting. The currently published Forward Plan (published on 1 July) will of course still have it listed for 16 July, but the minutes of the Lead Member meeting this week make it clear that the report was withdrawn. The mins are now with Cllr Elkin for agreement and, if he comes back promptly, will be on the website at the end of the day.

Draft reports for the 17 September meeting will be due to Michaela/Me about 29/30 August and final reports on 6 September.

Kind Regards

Democratic Services Officer

Telephone: [Redacted]

From: [Redacted]
Sent: 17 July 2013 17:59
To: [Redacted]
Subject: Lead Member Resources - St Anne's Disposal Report

Hello
Having spoken to Melanie Griffin I wanted to check if the above report has formally been slipped from the 16th July to the meeting in September.

I am conscious it is better to be in the forward plan than to risk a late submission, I am also aware we are keen to progress the outcome of the report but that it is a sensitive issue.

If it has not been put in the September Forward Plan already, please could this be arranged.

Many thanks

[Address and contact information redacted]
Kevin Foster
18 July 2013 12:27
Melanie Griffin
Chris Reed; Kevin Molloy
RE: response from Cllr Elkin - St Annes

Melanie

I think there needs to be a bit more detail. I think it should come from David and would need to be cc'd to to those in the letter – obviously needs agreeing and signing off by David.

Dear

Former St Anne’s School site

Thank-you for your letter dated 15th July 2013 concerning the Former St Anne’s School site.

I can confirm that due to the receipt of recent information, the reports relating to the Former St Anne’s School, Lewes, were withdrawn from the agenda of the Lead Cabinet Member for Resources meeting on 16th July 2013 at the request of Officers. This is obviously an important decision and the County Council must ensure that procedures were thorough.

The East Sussex County Council Assistant Director for Property and Capita Investment, Melanie Griffin, will be considering the issues raised in your letter and is reviewing the process undertaken. Melanie will be in contact with all applicants as soon as possible to provide the Council’s reviewed position on the disposal of the site.

I trust this response shows due consideration of the need to respond to the receipt of recent information

Yours Sincerely

xxxx

Melanie Griffin
17 July 2013 17:10
Kevin Foster
Chris Reed; Kevin Molloy
FW: response from Cllr Elkin - St Annes

Following many iterations I have settled for the following to go as a holding statement to LCLT. Are you okay with this, it will be signed on behalf of David Elkin I suggest?

Dear

Thank-you for your letter dated 15th July 2013 concerning the Former St Anne’s School site. You will be aware that the Lead Member, in response to Officers’ request, concluded at his meeting on the 16th July 2013 to review the Council’s position with regards to the Former St Anne’s School site. As a result all papers were withdrawn and not considered. Melanie Griffin, AD for Property and Capital Investment, will be in contact with all applicants as soon as possible to provide the Council’s reviewed position on the disposal of the site.
Regards,

Melanie
Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk

We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

⚠️ Please do not print this email unless necessary
From: [Redacted]
Sent: 18 July 2013 13:53
To: Chris Reed
Cc: Melanie Griffin; Lynn Harris
Subject: FW: response from Cllr Elkin to [Redacted] St Annes

Chris – could let Lynn have [Redacted] address and copy of the. Lynn will then put in letter format for Cllr Elkin to sign.

Many thanks

From: Kevin Foster
Sent: 18 July 2013 12:27
To: Melanie Griffin
Cc: Chris Reed; Kevin Molloy
Subject: RE: response from Cllr Elkin to [Redacted] St Annes

Melanie

I think there needs to be a bit more detail. I think it should come from David and would need to be cc’d to to those in the letter – obviously needs agreeing and signing off by David.

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Melanie
Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk

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⚠️ Please do not print this email unless necessary
Hi Jane,

It is:

Regards

Chris

-----Original Message-----
From: 
Sent: Thu 18/07/2013 13:52
To: Chris Reed
Cc: Melanie Griffin;
Subject: FW: response from Cllr Elkin to - St Annes

Chris - could let Lynn have [redacted] address and copy of the. will then put in letter format for Cllr Elkin to sign.

Many thanks

Jane

From: Kevin Foster
Sent: 18 July 2013 12:27
To: Melanie Griffin
Cc: Chris Reed; Kevin Molloy
Subject: RE: response from Cllr Elkin to - St Annes

Melanie
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I trust this response shows due consideration of the need to respond to the receipt of recent information

Yours Sincerely

[Redacted]

From: Melanie Griffin
Sent: 17 July 2013 17:10
To: Kevin Foster
Cc: Chris Reed; Kevin Molloy
Subject: FW: response from Cllr Elkin to [redacted] - St Annes

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Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk

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P Please do not print this email unless necessary
Hi Kevin,

What do you think?

Regards

Chris

Dear [bidder]

Further to the withdrawal of the recommendation at last week’s Lead Member meeting held on the 16th July 2013, East Sussex County Council are reviewing the processes undertaken with a view to implementing a new and more robust process. Whilst this review is underway we regret we are unable to provide you with any more detail, suffice to say that we are endeavouring to have a new process in place over the coming weeks.

We would ask you kindly to be patient in the meantime and hope that you understand this revision is in the best interests of all to ensure a sound and safe final decision.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Hi Kevin,

As per our meeting (with Melanie and Roger last week) attached are the marketing particulars and Argus advert for St Annes. Note there is no mention of restricting the bidders to organisations who do not promote religious/political activities. Also, the caveat at the bottom of the page which maintains our right to alter the requirements as we see fit.

This tied in to the conversation as to whether or not we needed to re-market on the grounds that our original marketing was in fact a robust process. Expressions of interest were then sent the bid application questionnaire, where the preamble and mention of religious/political activities creeps in. I understand the discussion on what point to recommence the process is still open.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
SALES PARTICULARS

FORMER ST ANNE’S SCHOOL
ROTTEN ROW, LEWES BN7 1LJ

FOR SALE

OFFERS INVITED FOR COMMUNITY USE

Expressions of interest are sought on the basis set out herein. In particular, interest is invited from local community groups, the voluntary sector and other users seeking to create an asset for the community.
Property Description:

- A former Victorian school building originally constructed in 1873 with extensions from the 1960s and later as ancillary outbuildings. The grounds amount to approximately 4 acres.
- **The external grounds are let to 3VA**, a group providing support and advice to the local voluntary and community sector. This lease runs for one year from 13th August 2102 at a yearly rent of £1 (one pound). The intention is for this lease to continue, if 3VA so wish, for a further two years. A copy of the lease is available on request. More information on the tenant is available at [www.3VA.org.uk](http://www.3VA.org.uk). The grounds are open to the public between 10 am and 6 pm and are currently hired out to community groups, such as a butterfly bank with Sussex Wildlife Trust.
- The **buildings are available with full vacant possession**.
- The Council is open to proposed uses, **subject to obtaining any necessary planning consent**, but would be interested in receiving proposals which involve broad-based community use.

Please see the attached plan showing the area to be sold, as well as the adjoining holdings of the Council. The Council will consider any application that provides additional site access through County Hall grounds.

Condition:

- The buildings have been largely vacant since 2005 and whilst they have been maintained on a ‘wind and water tight’ basis, there has been some damage caused by weather and vandalism. A specification of repairs likely to be required prior to re-occupation has been drawn up and is available on request.

Location:

- The property is situated on the north of Rotten Row, Lewes, just behind County Hall in a predominantly residential area. Vehicular access is from Rotten Row.

Please see the attached Site Plan and Location Map.

Accommodation:

- The subject property is arranged on ground, first and second floors and comprises a mixture of classrooms, staff rooms, offices, halls and WCs.

  The Gross Internal Area (G.I.A.) is in the region of **1,815 sq. m.** (19,537 sq. ft.)

See attached floor plans.
Amenities:

- Oil heating (Not Tested)
- Mains electricity (Not Tested)
- Mains water (Not tested)

Terms:

For sale freehold with vacant possession.

Bid Assessment Criteria:

Expressions of interest will only be considered from properly constituted voluntary, community or not for profit organisations. Applications will be appraised on a variety of key criteria including:

- the proposed use and its potential to obtain planning consent
- the business case in support of the proposed use
- details as to how the relationship with the tenant of the grounds will be managed
- the price offered and any conditions attached

Rates:

The property has been de-rated.

Viewings:

Open days will be held in January (dates to be confirmed) when interested parties can view the exterior of the premises. This will be by appointment only and interested parties are asked to contact the individual below to arrange attendance at one of the Open Days. Limited internal access will be available although more detailed internal viewings will only be available to qualified personnel with the relevant safety equipment.

Contact details:

Archie Cowan – Estates Surveyor
01273 335459
stannesleuwes@eastsussex.gov.uk

Conditions:

The sale will be subject to the necessary County Council formal approvals.
South elevation

1974 extension behind main building
Ancillary buildings to north west

Disclaimer:
East Sussex County Council acting for itself as agent and lessor gives notice that: 1 These particulars are only a general outline for the guidance of intending lessees and do not constitute in whole or in part an offer or a Contract. 2 Reasonable endeavours have been made to ensure that the information given in these particulars is materially correct but any intending lessee should satisfy themselves by inspection, searches, enquiries and survey as to the correctness of each statement. 3 No statement in these particulars is to be relied upon as a statement or representation of fact. 4 Nothing in these particulars shall be deemed to be a statement that the property is in good repair or condition or otherwise nor that any services or facilities are in good working order. 5 Any areas, measurements or distances are only approximate. 6 There is no implication from the Council that premises can be used for any particular use.

02/11/2012/agc
LOCATION PLAN

East Sussex
County Council

ST ANNES SCHOOL, LEWES
ST ANNES SCHOOL, LEWES
FORMER SCHOOL FOR SALE, LEWES

AVAILABLE FOR SALE FOR COMMUNITY USES

Approximately 1,825 sq m of freehold buildings

East Sussex County Council invites expressions of interest for the purchase of the former St Anne’s School, Rotten Row, Lewes for a broad-based community use, by local groups, voluntary organisations or local commercial organisations. Redevelopment potential subject to necessary consents.

For a sales pack or further details please contact:

Archie Cowan
tel. 01273 335459
e-mail. stanneslewes@eastsussex.gov.uk
From: Chris Reed
Sent: 23 July 2013 13:05
To: Kevin Molloy
Subject: RE: draft holding email for st annes

Kevin, as per your comments...

Dear [bidder]

Further to the withdrawal of the recommendation at last week's Lead Member meeting held on the 16th July 2013, East Sussex County Council are reviewing the processes undertaken with a view to ensuring the Council's objectives are met in the most effective manner. Whilst this review is underway we regret we are unable to provide you with any more detail, suffice to say that we are endeavouring to have a new process in place over the coming weeks.

We would ask you kindly to be patient in the meantime and hope that you understand this revision is in the best interests of all to ensure a sound and safe final decision.

Regards

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

From: Chris Reed
Sent: 23 July 2013 10:29
To: Kevin Molloy
Subject: draft holding email for st annes

Hi Kevin,

What do you think?

Regards

Chris

Dear [bidder]

Further to the withdrawal of the recommendation at last week's Lead Member meeting held on the 16th July 2013, East Sussex County Council are reviewing the processes undertaken with a view to implementing a new and more robust process. Whilst this review is underway we regret we are unable to provide you with any more detail, suffice to say that we are endeavouring to have a new process in place over the coming weeks.
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Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Thanks Melanie,

I have the pathway for St Annes pretty much sorted (using the briefing note) but will put in to place once I have Roger/Kevin’s ‘ideal pathway’.

Also, I am working with Kevin on wording for a holding email to be sent to the bidding parties.

Regards

Chris

Christopher Reed  
Principal Estates Surveyor  
Business Services Department  
East Sussex County Council  
County Hall  
Lewes BN7 1SF  
T: 01273 336237  
E: chris.reed@eastsussex.gov.uk

From: Melanie Griffin  
Sent: 23 July 2013 12:55  
To: Chris Reed; Kevin Molloy  
Cc:  
Subject: RE: marketing particulars - st annes

Just a reminder all that my deadline to report back to david Elkin and Kevin is this Friday on pathway for land sales good practise and then pathway followed by St Annes.

Regards,

Melanie  
Melanie Griffin  
Assistant Director Property and Capital Investment

Business Services Department  
East Sussex County Council  
Phone: 01273 335819  
Mobile 07879117564  
email: melanie.griffin@eastsussex.gov.uk

We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

Please do not print this email unless necessary
Hi Kevin,

As per our meeting (with Melanie and Roger last week) attached are the marketing particulars and Argus advert for St Annes. Note there is no mention of restricting the bidders to organisations who do not promote religious/political activities. Also, the caveat at the bottom of the page which maintains our right to alter the requirements as we see fit.

This tied in to the conversation as to whether or not we needed to re-market on the grounds that our original marketing was in fact a robust process. Expressions of interest were then sent the bid application questionnaire, where the preamble and mention of religious/political activities creeps in. I understand the discussion on what point to recommence the process is still open.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Hi Melanie,

Below is a draft email I have prepared with input from Kevin, to be issued to the bidding parties as a holding email:

Dear [bidder]

Further to the withdrawal of the report at last week’s Lead Member meeting held on the 16th July 2013, East Sussex County Council are reviewing the processes undertaken with a view to ensuring the Council’s objectives are met. Whilst this review is underway we regret we are unable to provide you with any more detail, suffice to say that we are endeavouring to be able to clarify our requirements over the coming weeks.

We would ask you kindly to be patient in the meantime and hope that you understand this revision is in the best interests of all to ensure a sound and safe final decision.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
That’s fine go ahead.

Regards,

Melanie
Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk
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Please do not print this email unless necessary

From: Chris Reed
Sent: 23 July 2013 14:27
To: Melanie Griffin
Cc: Kevin Molloy; [REDACTED]
Subject: draft holding email to bidding parties - st annes, lewes

Hi Melanie,

Below is a draft email I have prepared with input from Kevin, to be issued to the bidding parties as a holding email:

Dear [bidder]

Further to the withdrawal of the report at last week’s Lead Member meeting held on the 16th July 2013, East Sussex County Council are reviewing the processes undertaken with a view to ensuring the Council’s objectives are met. Whilst this review is underway we regret we are unable to provide you with any more detail, suffice to say that we are endeavouring to be able to clarify our requirements over the coming weeks.

We would ask you kindly to be patient in the meantime and hope that you understand this revision is in the best interests of all to ensure a sound and safe final decision.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
From: Chris Reed
Sent: 23 July 2013 15:27
To: Melanie Griffin
Subject: RE: draft holding email to bidding parties - st annes, lewes

Thanks Melanie

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

-------------------------------------------------------------

From: Melanie Griffin
Sent: 23 July 2013 15:25
To: Chris Reed
Subject: RE: draft holding email to bidding parties - st annes, lewes

That’s fine go ahead.

Regards,

Melanie
Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk
We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

Please do not print this email unless necessary

-------------------------------------------------------------

From: Chris Reed
Sent: 23 July 2013 14:27
To: Melanie Griffin
Cc: Kevin Molloy;
Subject: draft holding email to bidding parties - st annes, lewes

Hi Melanie,

Below is a draft email I have prepared with input from Kevin, to be issued to the bidding parties as a holding email:

Dear [bidder]
Further to the withdrawal of the report at last week’s Lead Member meeting held on the 16th July 2013, East Sussex County Council are reviewing the processes undertaken with a view to ensuring the Council’s objectives are met. Whilst this review is underway we regret we are unable to provide you with any more detail, suffice to say that we are endeavouring to be able to clarify our requirements over the coming weeks.

We would ask you kindly to be patient in the meantime and hope that you understand this revision is in the best interests of all to ensure a sound and safe final decision.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
From: Chris Reed
Sent: 23 July 2013 15:31
To: st annes - update 2

Dear [REDACTED]

Further to the withdrawal of the report at last week's Lead Member meeting held on the 16th July 2013, East Sussex County Council are reviewing the processes undertaken with a view to ensuring the Council’s objectives are met. Whilst this review is underway we regret we are unable to provide you with any more detail, suffice to say that we are endeavouring to be able to clarify our requirements over the coming weeks.

We would ask you kindly to be patient in the meantime and hope that you understand this revision is in the best interests of all to ensure a sound and safe final decision.

 Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Dear All,

Further to the withdrawal of the report at last week’s Lead Member meeting held on the 16th July 2013, East Sussex County Council are reviewing the processes undertaken with a view to ensuring the Council’s objectives are met. Whilst this review is underway we regret we are unable to provide you with any more detail, suffice to say that we are endeavouring to be able to clarify our requirements over the coming weeks.

We would ask you kindly to be patient in the meantime and hope that you understand this revision is in the best interests of all to ensure a sound and safe final decision.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
From: Chris Reed
Sent: 23 July 2013 15:31
To: 
Subject: St Annes update

Dear [Redacted] Chris,

Further to the withdrawal of the report at last week’s Lead Member meeting held on the 16th July 2013, East Sussex County Council are reviewing the processes undertaken with a view to ensuring the Council’s objectives are met. Whilst this review is underway we regret we are unable to provide you with any more detail, suffice to say that we are endeavouring to be able to clarify our requirements over the coming weeks.

We would ask you kindly to be patient in the meantime and hope that you understand this revision is in the best interests of all to ensure a sound and safe final decision.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
From: Chris Reed
Sent: 24 July 2013 09:46
To: 
Subject: st annes briefing note
Attachments: briefing note - Former St Annes School.docx

As discussed. This was the 'crib sheet' I prepared for Melanie covering 'what we did'. There are sections not relevant for 'what we did' but this covers the whole process as far as I can glean.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Former St Annes School – Site Disposal briefing note (MG)

Background
• St Annes School closed in 2005
• Initial intention was to redevelop site in tandem with County Hall. Failure to relocate County Hall has left St Annes in ‘limbo’.
• Following illegal encampment, 3VA took a lease on the grounds from the 13th August 2012 (rolling for 3 years).
• Decision taken early November to openly market for community use.

Marketing Process
• 23rd October, LM for Corporate Resources declared site surplus and authorised the marketing of the property for community uses in order to achieve best value for this purpose.
• November 2012, Sale of site to be in accordance with stage 2 of the Community Asset Strategy Policy NB. this policy makes no reference to refusing religious/political users.
Advertised in Argus on 16th January 2013. Marketing particulars stated site was “Available for Community Uses...for a broad-based community use, by local groups, voluntary organisations or local commercial organisations”. Further wording stated:
“Expressions of interest will only be considered from properly constituted voluntary, community or not for profit organisations. Applications will be appraised on a variety of key criteria including:- the proposed use and its potential to obtain planning consent, the business case in support of the proposed use, details as to how the relationship with the tenant of the grounds will be managed, the price offered and any conditions attached”
• Initial bids invited 5pm Wednesday 20th March 2013 (this was extended from 8th March).
• 3 bids received in first stage (YMCA, LCLT, SUBUD) with a further brief EOI from the NCDA.
• ESCC passed bid documents on to Michael Pyner on the 28th March for feedback.
• Feedback from Michael Pyner and Bid Panel members were given to bidders on the 13th May (after Purdah) and bidders then given until Friday 7th June.
• ESCC sought permission from each bidder to pass on contact details of the NCDA.
• All bids received on time.

Review Process
• A member from St Annes Steering Group (SASG) was required for bid panel. Clr Susan Murray initially sworn in as Bid Panel member on 1st March, and later forced to cancel on basis of political involvement.
• After discussions with the SASG we requested 2 members to join the bid panel. Katherine Perrin and Rosey Eggar were invited. Other members included:
  • James Harris (Head of Economic Development, Skills and Infrastructure; Acting Assistant Director for ET&E)
  • Paul Rideout (Third Sector Policy Manager)
  • Russell Bright (Finance)
  • Christopher Reed (Estates)
  • David Baughan (Head of Strategic Property)
• 2nd stage bid documents were distributed to all members of the Bid Panel Assessment team on 10th June and given a week to consider prior to Bid Panel meeting on the 17th June.
• Chris Reed sought to clarify funding arrangements, bid openness, partnership agreements etc in the week prior to the Bid Panel convening.
• Bid Panel met (17th June) and scored unanimously in favour of SUBUD Lewes.
• The Bid Panel then met with the SASG the following day (18th June) and provided details of the make-up of each bid. The SASG comments reflected comments made by the Bid Panel.

Appeal Process
• Should the LM approve the sale as per the report recommendation, the decision will be confirmed by the 20th July.
• Any appeal should be submitted in writing to Christopher Reed at County Hall within two weeks of this date.
• The appeal should state the following:
  o Name of applicant/organisation appealing decision
  o Grounds for appealing the LM decision
  o Data supporting appeal
• Heads of terms will be discussed with the selected bidder and aim to be concluded following this 2 week deadline.
Hi

Would you possibly limit today's minutes on the sale update to something along the lines of:

"The group were aware that the Lead Member Report recommended the sale of the site to SUBUD was withdrawn following an indication to appeal from another party. Chris Reed advised the group that ESCC were now reviewing procedures undertaken with a view to ensuring the Council's objectives are met. Chris was unable to comment further but stated that there would be further updates in this regard as this matter progresses."

Thank you

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
From: David Baughan  
Sent: 11 August 2013 10:33  
To: [redacted]  
Cc: [redacted]  
Subject: Re: S Annes

David,

Thank you for your note.

The St Annes disposal process continues to be subject internal review. I hope to be in a position to contact you further shortly.

David Baughan  
Head of Strategic Property.

From: [redacted]  
Sent: Friday, August 09, 2013 11:59 AM GMT Standard Time  
To: Chris Reed; David Baughan  
Cc: [redacted]  
Subject: S Annes

Dear David and Chris,

**St Annes former school site - bid process**

I believe [redacted] is away on leave and due back at the end of next week and I have tried calling the Estates department but no reply.

I realise you may well still be in some sort of due process after the appeal against the Lewes Subud group bid. However, we have not heard anything since the process appeared to be shut down and then cloaked in secret.

I am sure you can appreciate the complexity of the bid, the time, research and costs that went into it and the requirements of organising a national charity, Subud Britain, and getting approvals and legals signed away. We have a series of meetings coming up, including a National Congress on the 19th August and it would be very helpful to get an indication of what is happening and a time line when some sort of resolution will be made.

If it would be helpful we are also more than happy to supply more information or meet in person.

I look forward to hearing from you.

Yours Sincerely,

[On behalf of St Annes Community / Subud Lewes project]
From: Melanie Griffin  
Sent: 14 August 2013 15:52  
To: CE & Leader Enquiries and Complaints; David Baughan  
Cc: Kevin Foster  
Subject: RE: B290.13 - YMCA re St.Anne's site

David, this will need a draft letter for Kevin F to see which will be a holding position prior to LM on the 17th Sept. Please deal in my absence.

Regards,

Melanie  
Melanie Griffin  
Assistant Director Property and Capital Investment

Business Services Department  
East Sussex County Council  
Phone: 01273 335819  
Mobile 07879117564  
email: melanie.griffin@eastsussex.gov.uk

We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

Please do not print this email unless necessary

From: CE & Leader Enquiries and Complaints  
Sent: 14 August 2013 15:43  
To: Melanie Griffin  
Subject: B290.13 - YMCA re St.Anne's site

Dear Melanie

Becky has received the attached letter today from the YMCA regarding the St.Anne's site. I believe this comes under your umbrella - (if not, perhaps you could let me know who the correct person would be).

Could a response be drafted for Becky please.

Many thanks in advance.

Kind regards  
Julia

<< File: B290.13 - ltr frm YMCA re St. Anne's site bid 14.08.13.pdf >>
Chris,

Text as promised.

Looking at this statement and use of text like "I am satisfied" I would suggest you send the following with the following covering message to make it clear that this review has been considered at the highest level.

Following the recent withdrawal of the report to Lead Member of Resources regarding the disposal of the Former St Anne’s School a review of the disposal process has now been concluded. Kevin Foster Chief Operating Officer has asked that the following statement be passed to all bidders:

Dear Sirs,

As you will be aware following the receipt of further information the Lead Member for Resources agreed that reports due to be considered on the 16 July 2013 be withdrawn whilst a review of the disposal process of the former St Anne’s School be undertaken. It has always been recognised that this is an important decision and that the County Council wanted to be assured that it had followed fair, thorough and appropriate procedure.

The review of the disposals process has concluded and has identified that the following statement which was included in the Community Asset Transfer Application form had the potential to mislead applicants;

"The questionnaire applies to requests for the purchase of a Council asset by voluntary, community or not for profit organisations, unless the organisation is promoting political or religious activities."

This statement was placed in order for the Council to meet it’s public sector equality duty (PSED) under the Section 149 of the Equality Act 2010. This requires an authority when exercising its function to have due regard to those with protected characteristics and in this instance to ensure fair access to the sale process; i.e. ensuring that bidders were not disadvantaged as a result of their protected characteristic by the way the Council conducts the process. Thus excluding bidders from the process on the basis of any of the protected characteristics could be contrary to the PSED. For the avoidance of doubt those relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

However it has been identified that the above statement was not sufficiently clear so as to ensure the Council’s PSED was appropriately discharged. Accordingly I would like to confirm that the above restriction is removed, and any organisation 'promoting religious activities' may submit a bid in the usual way.

This statement was not included in the initial advert for sale or subsequent sales particulars and all parties that were sent the Application form with this incorrect statement submitted initial bids.
Thus I am satisfied that no bidders were inadvertently excluded through that statement. Nonetheless the statement was potentially misleading and I am sorry for any confusion and delay in the process that this may have caused.

The PSED also requires that the Council has "due regard" to its equality obligations when evaluating the tenders that have been submitted. I would be grateful if you can confirm if you wish in any way to amend your bid in light of the above change or if you are happy for your bid to remain as previously submitted. In the interests of fair competition between all parties the Council will only allow amendments to submitted bids where it can be evidenced that these bids were either influenced by the interpretation of this statement or that bidders wish to make further submission relevant to the specific information contained within this letter.

I am grateful for your patience whilst this review has been conducted and I am seeking to gain LM consideration to the officer recommendations on the 17th September and therefore we will require your confirmation by 5pm on the 27 August 2013.

David Baughan
Head of Strategic Property
Business Services
Property and Capital Investment
East Sussex County Council
Telephone - 01273 336680
Mobile 07825 403002

“We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.”
From: Chris Reed  
Sent: 16 August 2013 16:38  
To:  
Subject: St Annes School site - disposal update

Dear David, Chris,

Following the recent withdrawal of the report to Lead Member of Resources regarding the disposal of the Former St Anne’s School a review of the disposal process has now been concluded. Kevin Foster Chief Operating Officer has asked that the following statement be passed to all bidders;

Dear Sirs,

As you will be aware following the receipt of further information the Lead Member for Resources agreed that reports due to be considered on the 16 July 2013 be withdrawn whilst a review of the disposal process of the former St Anne’s School be undertaken. It has always been recognised that this is an important decision and that the County Council wanted to be assured that it had followed fair, thorough and appropriate procedure.

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This statement was placed in order for the Council to meet its public sector equality duty (PSED) under the Section 149 of the Equality Act 2010. This requires an authority when exercising its function to have due regard to those with protected characteristics and in this instance to ensure fair access to the sale process; i.e. ensuring that bidders were not disadvantaged as a result of their protected characteristic by the way the Council conducts the process. Thus excluding bidders from the process on the basis of any of the protected characteristics could be contrary to the PSED. For the avoidance of doubt those relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

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I am grateful for your patience whilst this review has been conducted and I am seeking to gain LM consideration to the officer recommendations on the 17th September and therefore we will require your confirmation by 5pm on the 27 August 2013.
Regards

Chris

Christopher Reed  
Principal Estates Surveyor  
Business Services Department  
East Sussex County Council  
County Hall  
Lewes BN7 1SF  
T: 01273 336237  
E: chris.reed@eastsussex.gov.uk
Hi Martin,

This is not a public statement, but this message has just been issued to the three bidding parties on St Annes – fyi:

"Dear Sirs,

As you will be aware following the receipt of further information the Lead Member for Resources agreed that reports due to be considered on the 16 July 2013 be withdrawn whilst a review of the disposal process of the former St Anne’s School be undertaken. It has always been recognised that this is an important decision and that the County Council wanted to be assured that it had followed fair, thorough and appropriate procedure.

The review of the disposals process has concluded and has identified that the following statement which was included in the Community Asset Transfer Application form had the potential to mislead applicants;

“*The questionnaire applies to requests for the purchase of a Council asset by voluntary, community or not for profit organisations, unless the organisation is promoting political or religious activities.*”

This statement was placed in order for the Council to meet its public sector equality duty (PSED) under the Section 149 of the Equality Act 2010. This requires an authority when exercising its function to have due regard to those with protected characteristics and in this instance to ensure fair access to the sale process; i.e. ensuring that bidders were not disadvantaged as a result of their protected characteristic by the way the Council conducts the process. Thus excluding bidders from the process on the basis of any of the protected characteristics could be contrary to the PSED. For the avoidance of doubt those relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

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The PSED also requires that the Council has “due regard” to its equality obligations when evaluating the tenders that have been submitted. I would be grateful if you can confirm if you wish in any way to amend your bid in light of the above change or if you are happy for your bid to remain as previously submitted. In the interests of fair competition between all parties the Council will only allow amendments to submitted bids where it can be evidenced that these bids were either influenced by the interpretation of this statement or that bidders wish to make further submission relevant to the specific information contained within this letter.

I am grateful for your patience whilst this review has been conducted and I am seeking to gain LM consideration to the officer recommendations on the 17th September and therefore we will require your confirmation by 5pm on the 27 August 2013."

344
Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Dear All,

Thank for all your help so far in the disposal process of the former St Anne’s School. As you will be aware following the receipt of information it was decided that the report to Lead Member of Resources should be withdrawn and a review of the disposal process be conducted. That review has been concluded and Kevin Foster Chief Operating Officer asked that the following statement be issued to each of the bidding parties.

I was therefore anxious that you be made aware of the following as soon as possible. Following the receipt of any further representations from bidding parties it will be necessary to reconvene the Evaluation panel to consider:

1) The potential impact of the statement within the Community Asset Application Form that has now been found to be incorrect upon each bid.
2) The impact of the Council’s Public Sector Equality Duty when considering those bids.

When we have had the opportunity to consider the above it will then be necessary to ascertain if you are happy to confirm your previous decision. However please note that bidders have not been invited to further submission on any other matter other than that specified in the following statement.

I will be back in contact with you early next week to arrange a mutually convenient time for us all to meet between the 28 August and the 5 September.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
From: David Baughan  
Sent: 16 August 2013 17:49  
To: Kevin Foster  
Subject: FW: St Annes School site - disposal update

FYI.

Note gone out to all bidders, comms and evaluation panel.

David Baughan  
Head of Strategic Property  
Business Services  
Property and Capital Investment  
East Sussex County Council  
Telephone - 01273 336680  
Mobile 07825 403002

"We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you."

From: Chris Reed  
Sent: 16 August 2013 16:38  
To: 'Pru Rowntree'; 'Peter Clarke'; 'John Stockdale'  
Subject: St Annes School site - disposal update

Dear All

Following the recent withdrawal of the report to Lead Member of Resources regarding the disposal of the Former St Anne’s School a review of the disposal process has now been concluded. Kevin Foster Chief Operating Officer has asked that the following statement be passed to all bidders;

Dear Sirs,

As you will be aware following the receipt of further information the Lead Member for Resources agreed that reports due to be considered on the 16 July 2013 be withdrawn whilst a review of the disposal process of the former St Anne’s School be undertaken. It has always been recognised that this is an important decision and that the County Council wanted to be assured that it had followed fair, thorough and appropriate procedure.

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I am grateful for your patience whilst this review has been conducted and I am seeking to gain LM consideration to the officer recommendations on the 17th September and therefore we will require your confirmation by 5pm on the 27 August 2013.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Dear All,

Statement to bidders omitted from Chris’s last note in error.

Katherine – Could we discuss on Monday how the St Anne’s Steering Group can be updated. Thanks.

“Dear Sirs,

As you will be aware following the receipt of further information the Lead Member for Resources agreed that reports due to be considered on the 16 July 2013 be withdrawn whilst a review of the disposal process of the former St Anne’s School be undertaken. It has always been recognised that this is an important decision and that the County Council wanted to be assured that it had followed fair, thorough and appropriate procedure.

The review of the disposals process has concluded and has identified that the following statement which was included in the Community Asset Transfer Application form had the potential to mislead applicants:

“The questionnaire applies to requests for the purchase of a Council asset by voluntary, community or not for profit organisations, unless the organisation is promoting political or religious activities.”

This statement was placed in order for the Council to meet its public sector equality duty (PSED) under the Section 149 of the Equality Act 2010. This requires an authority when exercising its function to have due regard to those with protected characteristics and in this instance to ensure fair access to the sale process; i.e. ensuring that bidders were not disadvantaged as a result of their protected characteristic by the way the Council conducts the process. Thus excluding bidders from the process on the basis of any of the protected characteristics could be contrary to the PSED. For the avoidance of doubt those relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

However it has been identified that the above statement was not sufficiently clear so as to ensure the Council’s PSED was appropriately discharged. Accordingly I would like to confirm that the above restriction is removed, and any organisation ‘promoting religious activities’ may submit a bid in the usual way.

This statement was not included in the initial advert for sale or subsequent sales particulars and all parties that were sent the Application form with this incorrect statement submitted initial bids. Thus I am satisfied that no bidders were inadvertently excluded through that statement. Nonetheless the statement was potentially misleading and I am sorry for any confusion and delay in the process that this may have caused.

The PSED also requires that the Council has "due regard" to its equality obligations when evaluating the tenders that have been submitted. I would be grateful if you can confirm if you wish in any way to amend your bid in light of the above change or if you are happy for your bid to remain as previously submitted. In the interests of fair competition between all parties the Council will only allow amendments to submitted bids where it can be evidenced that these bids were either influenced by the interpretation of this statement or that bidders wish to make further submission relevant to the specific information contained within this letter.
I am grateful for your patience whilst this review has been conducted and I am seeking to gain LM consideration to the officer recommendations on the 17th September and therefore we will require your confirmation by 5pm on the 27 August 2013.”

David Baughan
Head of Strategic Property
Business Services
Property and Capital Investment
East Sussex County Council
Telephone - 01273 336680
Mobile 07825 403002

“We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.”

From: Chris Reed
Sent: 16 August 2013 16:52
To: James Harris; Paul Rideout; Russell Bright; [redacted]
Cc: David Baughan
Subject: St Annes disposal - update

Dear All,

Thank for all your help so far in the disposal process of the former St Anne’s School. As you will be aware following the receipt of information it was decided that the report to Lead Member of Resources should be withdrawn and a review of the disposal process be conducted. That review has been concluded and Kevin Foster Chief Operating Officer asked that the following statement be issued to each of the bidding parties.

I was therefore anxious that you be made aware of the following as soon as possible. Following the receipt of any further representations from bidding parties it will be necessary to reconvene the Evaluation panel to consider:

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When we have had the opportunity to consider the above it will then be necessary to ascertain if you are happy to confirm your previous decision. However please note that bidders have not been invited to further submission on any other matter other than that specified in the following statement.

I will be back in contact with you early next week to arrange a mutually convenient time for us all to meet between the 28 August and the 5 September.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Hi David / Chis

Given the change, would it be useful to have an Equalities Officer at the Evaluation Panel meeting. Or for someone to run though the final decision with an Equalities Officer to make sure we haven’t missed something. A couple of weeks ago I received some useful Equalities Training and now feel Community Asset Transfers is an area they should be involved in. Sarah Feathers is the contact.

Regards
Russell Bright
Principal Finance Officer
Business Services Department
East Sussex County Council
Tel: 01273 482523
e-mail to: Russell.Bright@eastsussex.gov.uk

From: David Baughan
Sent: 16 August 2013 17:52
To: Chris Reed; James Harris; Paul Rideout; Russell Bright;
Subject: RE: St Anne’s disposal - update

Dear All,

Statement to bidders omitted from Chris’s last note in error.

Katherine – Could we discuss on Monday how the St Anne’s Steering Group can be updated. Thanks.

“Dear Sirs,

As you will be aware following the receipt of further information the Lead Member for Resources agreed that reports due to be considered on the 16 July 2013 be withdrawn whilst a review of the disposal process of the former St Anne’s School be undertaken. It has always been recognised that this is an important decision and that the County Council wanted to be assured that it had followed fair, thorough and appropriate procedure.

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David Baughan
Head of Strategic Property
Business Services
Property and Capital Investment
East Sussex County Council
Telephone - 01273 336680
Mobile 07825 403002

"We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you."

From: Chris Reed
Sent: 16 August 2013 16:52
To: James Harris; Paul Rideout; Russell Bright; [REDACTED]
Cc: David Baughan
Subject: St Annes disposal - update

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I will be back in contact with you early next week to arrange a mutually convenient time for us all to meet between the 28 August and the 5 September.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Dear Chris Reed,
Thank you for your letter. I believe [Name] is away until Monday and I am now away until the 1st September but I am in the UK and can be available by email and mobile although reception is not great. We will discuss and get back to you.
Kind Regards,
David Anderson

Sent using BlackBerry® from Orange

Following the recent withdrawal of the report to Lead Member of Resources regarding the disposal of the Former St Anne's School a review of the disposal process has now been concluded. Kevin Foster Chief Operating Officer has asked that the following statement be passed to all bidders;

Dear Sirs,

As you will be aware following the receipt of further information the Lead Member for Resources agreed that reports due to be considered on the 16 July 2013 be withdrawn whilst a review of the disposal process of the former St Anne's School be undertaken. It has always been recognised that this is an important decision and that the County Council wanted to be assured that it had followed fair, thorough and appropriate procedure.

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Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 338237
E: chris.reed@eastsussex.gov.uk

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You can visit our website at http://www.eastsussex.gov.uk
From: Chris Reed  
Sent: 21 August 2013 15:01  
To: Paul Rideout  
Subject: RE: St Annes disposal - update

thanks Paul - have booked 2 hours but we could conceivably finish in 20 minutes...

-----Original Message-----
From: Paul Rideout  
Sent: Wed 21/08/2013 15:00  
To: Chris Reed  
Subject: RE: St Annes disposal - update

In the diary

Paul Rideout  
Third Sector Policy Manager  
Governance & Community Services Department East Sussex County Council County Hall St Anne’s Crescent Lewes East Sussex  
BN7 1UE

T: 01273 482911  
M: 07785453329  
Twitter: @ESCCCommunity

-----Original Message-----
From: Chris Reed  
Sent: 21 August 2013 14:59  
To: Chris Reed; David Baughan; James Harris; Paul Rideout;  
Subject: RE: St Annes disposal - update

Update - I will make it 2pm instead of 12pm on the 3d september

regards

Chris

-----Original Message-----
From: Chris Reed  
Sent: Wed 21/08/2013 14:56  
To: Chris Reed; David Baughan; James Harris; Paul Rideout;  
Subject: RE: St Annes disposal - update

Dear all,

Following responses I will book a room at 12pm on the 3rd September.
See you all there.

Thank you

Chris

-----Original Message-----
From: Chris Reed
Sent: Tue 20/08/2013 15:49
To: David Baughan; James Harris; Paul Rideout;
Subject: RE: St Annes disposal - update

Dear All,

We need to agree a date to meet. Can I suggest the following dates:

28th August, 10am
29th August, 10am
3rd September, 12pm

Can I get your responses asap?

Thank you

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

From: David Baughan
Sent: 16 August 2013 17:52
To: Chris Reed; James Harris; Paul Rideout; Russell Bright; 'Katherine Perrin'; 'roseyeeggar@yahoo.co.uk'
Subject: RE: St Annes disposal - update

Dear All,

Statement to bidders omitted from Chris's last note in error.
Katherine - Could we discuss on Monday how the St Anne's Steering Group can be updated. Thanks.

"Dear Sirs,

As you will be aware following the receipt of further information the Lead Member for Resources agreed that reports due to be considered on the 16 July 2013 be withdrawn whilst a review of the disposal process of the former St Anne's School be undertaken. It has always been recognised that this is an important decision and that the County Council wanted to be assured that it had followed fair, thorough and appropriate procedure.

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364
David Baughan  
Head of Strategic Property  
Business Services  
Property and Capital Investment  
East Sussex County Council  
Telephone - 01273 336680  
Mobile 07825 403002

"We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you."

From: Chris Reed  
Sent: 16 August 2013 16:52  
To: James Harris; Paul Rideout; Russell Bright; [Redacted]; David Baughan  
Cc: David Baughan  
Subject: St Annes disposal - update

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I will be back in contact with you early next week to arrange a mutually convenient time for us all to meet between the 28 August and the 5 September.

Regards

Chris

Christopher Reed  
Principal Estates Surveyor
Melanie,

See below.

The attached has been sent to Penny Jones local resident and member of the St Anne’s Steering Committee. She is not a member of the Bid Evaluation panel. Before dispatch I spoke to Kevin Foster and agreed the line that I should follow.

David Baughan
Head of Strategic Property
Business Services
Property and Capital Investment
East Sussex County Council
Telephone - 01273 336680
Mobile 07825 403002

“We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.”

Dear [Name],

Thanks for copying me into your note to Katherine.

I do appreciate your commitment to the St Anne’s Steering Committee and therefore are anxious for an update as soon as possible. However at this stage I regret I am not able to provide you with a full update.

Following the receipt of information regarding the disposal process it was determined that the Council should review the process. This review has been conducted and last Friday each bidder was notified of the Council’s conclusions. Further feedback from each bidder has been invited and responses have been requested to be returned to the Council on 27 August.

The Bid Evaluation Panel has also been notified of the Council’s conclusions and it was been agreed that this panel will meet on the 3rd September to consider any feedback that will be received from bidders. The Council has informed bidders that it intends to present a report on this matter and seek the decision of Lead Member for Resources on the 17 September. Unfortunately until the above process is completed I am not in a position to reveal further details at this stage in order that the integrity of the bidding process is maintained. I appreciate that you may find this response frustrating but the Council’s priority is to ensure that the above disposal process is concluded as fairly as possible.

David Baughan
I would really like an update on what has happened about the Subud bid and what the issues are.
In fact this is another example of ESCC NOT communicating well with the Steering group.
This has been the case throughout the process.
While the local politicians who were involved in the St Annes bid may feel they know what is going on, regular unaffiliated individuals have not been kept in the loop!

Here are some responses to your questions
What’s worked and what hasn’t:
What hasn't worked is holding meetings in working hours - was this to suit ESCC and 3VA workers? It wasn't much good for individuals who work.
Also holding meetings where ESCC employees or affiliates were always in the majority.

Changes you’d make if we were to do the whole thing again
More individual members representing local groups. Fewer ESCC lackeys.

If someone were considering a similar project, what would you advise them
This is somewhat disingenuous. The sale of the site is not yet confirmed. Or at least I haven’t heard that it is!
I would like to hear that the bid that was agreed by the Steering group is going ahead or if not what is going to happen.
More bids or what? The process as far as I understand it is not yet over.

I would like to know how things are progressing
On 24/07/2013 15:15, [redacted] wrote:

Hi all,
Just to give you a quick update on this morning’s meeting.

Firstly though, I am so sorry to whoever it was who was turned away by reception at ESCC – I have absolutely no idea why they couldn’t find the booking, I’ve been assured it was booked and listed correctly. I can’t imagine how frustrating that was and I can only apologise.

I’ve attached the notes from this morning’s meeting. And to action my action point, we’ve agreed to try and capture the learning of the experience of the Steering Group into some kind of report – partly a reflection on this project and partly to assist others who might be considering something similar.

I would be really grateful if, on an individual basis, you could consider your experience being part of this work and send onto me any headlines e.g.

  - What’s worked and what hasn’t:

    - Changes you’d make if we were to do the whole thing again
    - If someone were considering a similar project, what would you advise them
    - What are the keys to success
    - Any other lessons

I’ll amalgamate whatever comes back so that we can discuss together in depth at the next meeting.

Best wishes,

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From: David Baughan
Sent: 27 August 2013 12:38
To: Chris Reed
Subject: Re: St Annes School Site

And LCLT?

From: Chris Reed
Sent: Tuesday, August 27, 2013 12:31 PM GMT Standard Time
To: David Baughan
Subject: FW: St Annes School Site

FYI

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

From: [redacted]
Sent: 27 August 2013 12:11
To: Chris Reed
Cc: [redacted]
Subject: RE: St Annes School Site

Chris

Just to be clear in the light of your below email and the equality obligations of ECC I would re confirm that our bid remains unchanged from the original submission.

From: Chris Reed
Sent: 22 August 2013 14:27
To: [redacted]
Cc: [redacted]
Subject: RE: St Annes School Site

Hi Chris,

We are inviting representations in accordance with the statement already issued, the relevant part I have copied below:

"The PSED also requires that the Council has "due regard" to its equality obligations when evaluating the tenders that have been submitted. I would be grateful if you can confirm if you wish in any way to amend your bid in light of the above change or if you are happy for your bid to remain as previously submitted. In
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That is all.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

From: [redacted]
Sent: 22 August 2013 13:51
To: Chris Reed
Subject: St Annes School Site

Chris

is currently on holiday so on behalf of the Subud bid team he has asked me to confirm as per your request that our bid remains the same, despite the re-bidding requirements that have taken place.

We trust this re-bidding process does not give others the chance to revise their offers as we would feel if that were the case the whole process should be re-scrutinised, having acted in good faith and fairly on our part and entered into considerable costs in formulating our bid.

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You can visit our website at http://www.eastsussex.gov.uk
From: Chris Reed
Sent: 27 August 2013 21:49
To: David Baughan
Subject: RE: St Annes School Site

David

Read this email. Deadline has now obviously passed - did you still want me to contact them?

Regards

Chris

-----Original Message-----
From: David Baughan
Sent: Tue 27/08/2013 13:03
To: Chris Reed
Subject: Re: St Annes School Site

Ok.

Need to circulate an update to Evaluation Panel. Suggest at 4pm if no response from LCLT you contact to remind them today is the deadline and ask if they intend to submit representations. Similar for YMCA if nothing received.

David.

From: Chris Reed
Sent: Tuesday, August 27, 2013 12:39 PM GMT Standard Time
To: David Baughan
Subject: RE: St Annes School Site

No change to my update last week, which was that I called them and they confirmed receipt of the email and that they were not happy.

Christopher Reed
 Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

From: David Baughan
Sent: 27 August 2013 12:38
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And LCLT?

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Sent: 27 August 2013 12:11
To: Chris Reed
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Subject: RE: St Annes School Site

Chris

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Email From

From: Chris Reed [mailto:Chris.Reed@eastsussex.gov.uk]
Sent: 22 August 2013 14:27

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will only allow amendments to submitted bids where it can be evidenced that these bids were
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submission relevant to the specific information contained within this letter."

That is all.
Regards

Chris

Christopher Reed  
Principal Estates Surveyor 
Business Services Department  
East Sussex County Council  
County Hall  
Lewes BN7 1SF  
T: 01273 336237  
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From:  
Sent: 22 August 2013 13:51  
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Chris

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<table>
<thead>
<tr>
<th>From:</th>
<th>David Baughan</th>
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</thead>
<tbody>
<tr>
<td>Sent:</td>
<td>27 August 2013 23:29</td>
</tr>
<tr>
<td>To:</td>
<td>Melanie Griffin</td>
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<tr>
<td>Cc:</td>
<td>Chris Reed</td>
</tr>
<tr>
<td>Subject:</td>
<td>Fw: St Anne's Site</td>
</tr>
</tbody>
</table>

Hi Melanie,

See below.

It appears both losers are joining forces. No further details but I suspect will follow shortly.

Dave

----- Original Message -----
From: Chris Reed
Sent: Tuesday, August 27, 2013 09:51 PM GMT Standard Time
To: David Baughan
Subject: FW: St Anne's Site

Just picked this up too

Regards

Chris

----- Original Message ----- 
From: [redacted]
Sent: Tue 27/08/2013 16:54
To: Chris Reed
Subject: St Anne's Site

Dear Chris,

Further to your email of 16th August we would like to confirm that:

* We are reviewing our bid in the light of the revisited criteria
* We are in conversations with a local Church and a potential partner
* We are together with Lewes Community Land Trust raising a formal objection to the procurement process which we do not feel has been clear, fair and open

We have sent a letter of objection to Becky Shaw and Cllr Grazier as leader of the Council.

Regards,
Find us on Twitter and Facebook!
Sussex Central YMCA is a registered charity offering a range of services for children, young people and families in Sussex. Our main areas of expertise include: housing, youth and family support, sport, counselling and advice. Visit
Company Ltd by Guarantee Number: 3853734 | Registered Office: Reed House, 47 Church Road, Hove BN3 2BE | Registered Charity Number: 1079570 | Registered Social Landlord Number: 4644
From: David Baughan
Sent: 28 August 2013 07:48
To: Chris Reed
Subject: Fw: Letter regarding St Anne's
Attachments: Letter Becky Shaw re St Annes Site 270813.docx

Follow Up Flag: Follow up
Flag Status: Completed

See attached.

Can you review file and comms.

1. Did we encourage housing.

2. Did we ever promise interviews with bidders. E.g. What did the community asset application form say?

Ta,

D

From: Kevin Foster
Sent: Tuesday, August 27, 2013 11:01 PM GMT Standard Time
To: David Baughan; Melanie Griffin
Cc: 
Subject: FW: Letter regarding St Anne's

David /Melanie - Can you consider the attached and liaise with legal services as to appropriate response

Vanessa – I think a response acknowledging receipt and as you suggest – be brought to her attention on her return.

Regards

Kevin Foster
Chief Operating Officer

Business Services Department
East D, County Hall, Lewes
Tel 01273 481412
Email: kevin.foster@eastsussex.gov.uk

From: 
Sent: 27 August 2013 16:56
To: Kevin Foster
Cc: Rupert Clubb
Subject: FW: Letter regarding St Anne's

Hi Kevin

384
In Becky's absence could you please advise on the attached. Are you happy for me to email back just to confirm receipt and that I will bring her correspondence to Becky's attention on her return?

Many thanks

From: [Redacted]
Sent: 27 August 2013 16:45
To: Becky Shaw
Cc: [Redacted]
Subject: RE: Letter regarding St Anne's

Apologies, letter attached.

From: [Redacted]
Sent: 27 August 2013 16:44
To: 'Becky Shaw'
Cc: [Redacted]
Subject: Letter regarding St Anne's

Dear Becky,

Please find attached letter from [Redacted] regarding the St Anne's site which was hand delivered to you today.

Kind regards,
Find us on Twitter and Facebook!
www.Twitter.com/SCYMCA
www.Facebook.com/SussexCentralYMCA

Sussex Central YMCA is a registered charity offering a range of services for children, young people and families in Sussex. Our main areas of expertise include: housing, youth and family support, sport, counselling and advice. Visit www.sussexcentralymca.org.uk for more information.

Company Ltd by Guarantee Number: 3853734 | Registered Office: Reed House, 47 Church Road, Hove BN3 2BE | Registered Charity Number: 1079570 | Registered Social Landlord Number: 4644
Dear Becky/Cllr Glazier,

Re: St Anne’s Site

We wish to notify you that Sussex Central YMCA and the Lewes Community Land Trust wish to raise a formal objection regarding the procurement process for the St Anne’s site. Our concerns are as follows:

- There was a lack of clarity as to the parameters of the bid, and what the Council wanted to achieve through the transfer of the site. We had contradictory advice to whether or not housing might be included on site, for instance.

- We were told that there may be an option to acquire the St Anne’s Crescent overflow car park and develop this as part of the bid. Again, it was not made clear whether this was a definite option.

- We were told that the shortlisted bidders should produce an outline bid and then we would be invited for interview, through which our bid could be refined if necessary. This did not happen.

- We were told following the withdrawal of the proposal to award the site to Subud from the Council meeting on 16th July that the bids were to be considered through a more rigorous process.

- We then received the attached email, which merely says the restriction on organisations promoting political or religious activities has been removed. It seems to us that the only reason to change the criteria at this point is to enable the Council to proceed with the award of the site to Subud.

- Sussex Central YMCA and the Lewes Community Land Trust have asked for feedback from our bids which has not been received to date. We presume the scoring of the bids will be available to evidence your decision.
Clearly this is a valuable site which has considerable potential to benefit the community, and we would expect the County Council to seek assurance that they have secured the best offer for the site that can create a sustainable provision that will benefit the community for years to come. From our point of view, we do not feel this has been a fair and rigorous process, giving senior officers and elected members a chance to consider the merits of the shortlisted bids sufficiently to enable them to make an informed decision.

In summary:

- It was not clear what was admissible/inadmissible in the bidding process (changing the rules re religious organisations as an example of this).
- The process was not clear and rigorous. We were not interviewed although we had been told we would be.
- We are still not clear how the decision is to be made regarding the successful bidder and by whom.

As bidders we have put a lot of work and incurred considerable costs into preparing our bids, and do not feel we have had sufficient engagement with the County Council as the Commissioning body through a fair and open bidding process. We would urge that you review the process before making your final decision and we are keen to talk with you regarding ways in which we might be engaged in a fair, open and transparent process. We look forward to hearing from you.

Yours sincerely,

David Standing
CEO
Sussex Central YMCA

Pru Rowntree
Chair
Lewes Community Land Trust

CC Cllr Keith Glazier
Leader of the Council
Bramleys
Pett Road
Pett
TN35 4EY
From: David Baughan  
Sent: 28 August 2013 08:27  
To: Chris Reed  
Subject: Re: Letter regarding St Anne’s

Thanks clear.

D

From: Chris Reed  
Sent: Wednesday, August 28, 2013 08:14 AM GMT Standard Time  
To: David Baughan  
Subject: RE: Letter regarding St Anne’s

Hi David,

I do not know what Archie/you have told the bidders, but I have not suggested housing, nor have I made mention to the overflow car park.

I do know that Archie and/or you had made comments to the bidders that there could be a land swap involving the car park, which could make a decent capital receipt for ESCC (hence our valuation) but I have not been party to these discussions.

With regards to the interview with bidders, the bid procedure form does not make mention of an interview with bidders, but I do not know what you/Archie have communicated prior to my involvement in this case.

Regards

Chris

Christopher Reed  
Principal Estates Surveyor  
Business Services Department  
East Sussex County Council  
County Hall  
Lewes BN7 1SF  
T: 01273 336237  
E: chris.reed@eastsussex.gov.uk

From: David Baughan  
Sent: 28 August 2013 07:48  
To: Chris Reed  
Subject: Fw: Letter regarding St Anne’s

See attached.

Can you review file and comms.

1. Did we encourage housing.

2. Did we ever promise interviews with bidders. E.g. What did the community asset application form say?
From: Kevin Foster  
Sent: Tuesday, August 27, 2013 11:01 PM GMT Standard Time  
To: David Baughan; Melanie Griffin  
Cc:  
Subject: FW: Letter regarding St Anne's

David /Melanie - Can you consider the attached and liaise with legal services as to appropriate response

Vanessa – I think a response acknowledging receipt and as you suggest – be brought to her attention on her return.

Regards

Kevin Foster  
Chief Operating Officer  
Business Services Department  
East D, County Hall, Lewes  
Tel 01273 481412  
Email: kevin.foster@eastsussex.gov.uk

From:  
Sent: 27 August 2013 16:56  
To: Kevin Foster  
Cc: Rupert Clubb  
Subject: FW: Letter regarding St Anne's

Hi Kevin

In Becky's absence could you please advise on the attached. Are you happy for me to email Liz Rogers back just to confirm receipt and that I will bring her correspondence to Becky's attention on her return?

Many thanks
Apologies, letter attached.

Dear Becky,

Please find attached letter from David Standing, CEO of Sussex Central YMCA and Pru Rowntree, Chair of Lewes Community Land Trust regarding the St Anne’s site which was hand delivered to you today.

Kind regards,

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www.Twitter.com/SCYMCA
www.Facebook.com/SussexCentralYMCA

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From: Melanie Griffin
Sent: 28 August 2013 15:47
To: Kevin Molloy
Cc: David Baughan; Chris Reed
Subject: URGENT Letter regarding St Anne’s
Attachments: Letter Becky Shaw re St Annes Site 270813.docx
Importance: High

Kevin, please see attached and also comments below from David.

Can you please advise as to the next steps we need to take including reference to the next LM meeting and the report recommendations and a response for Becky.

Regards,

Melanie
Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk
We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

Please do not print this email unless necessary

---

From: David Baughan
Sent: 27 August 2013 11:55 PM
To: Melanie Griffin
Subject: FW: Letter regarding St Anne’s

Hi Melanie,

Just as I sent previous note the below came through from Kevin. As you know I am on leave and not around tomorrow but I have attached following comments on the letter for your consideration and have not shared with others. I hope it is of assistance,

- There was a lack of clarity as to the parameters of the bid, and what the Council wanted to achieve through the transfer of the site. We had contradictory advice to whether or not housing might be included on site, for instance. **My review of the file records did not reveal any contradictory written advice. Therefore I think further evidence should be requested**

- We were told that there may be an option to acquire the St Anne’s Crescent overflow car park and develop this as part of the bid. Again, it was not made clear whether this was a definite option. **Bidders were informed that the**
Council would welcome bids that allowed for the creation of an alternative staff car park in the grounds of the St Anne’s grounds. There was no indication in any of the bid material that the Council was including the St Anne’s Crescent in the disposal. Archie wrote very clearly when Pru Rowntree indicated that she would be including in this the bid and advised that such a much “was unlikely to be looked on favourably by the bid assessment panel” (or words to that effect the precise quote was in an earlier version of my Bid assessment report)

- We were told that the shortlisted bidders should produce an outline bid and then we would be invited for interview, through which our bid could be refined if necessary. This did not happen.— This again was not indicated in the disposal papers or file records what did happen was Michael Pyner analysis of all outline bids, that was fed back to each bidder so they could make refine their bids. All three final bidders adjusted their bids accordingly particularly the YMCA and the LCLT. There was no complaint at the time with the support we provided them with.

- We were told following the withdrawal of the proposal to award the site to Subud from the Council meeting on 16th July that the bids were to be considered through a more rigorous process. — I have no comment on this point

- We then received the attached email, which merely says the restriction on organisations promoting political or religious activities has been removed. It seems to us that the only reason to change the criteria at this point is to enable the Council to proceed with the award of the site to Subud. — YMCA is a religious organisation and therefore on the basis of this statement should have been excluded. In addition we have clear advice from Rebekah Herring that previous statement in bid papers was not in accordance with Section 149 Equality Act 2010 and the definition of the Public Sector Equality Duty.

- Sussex Central YMCA and the Lewes Community Land Trust have asked for feedback from our bids which has not been received to date. We presume the scoring of the bids will be available to evidence your decision. — The Evaluation Bid scoring is available when you deem it right to publish. Both Roger and I are satisfied that the weighting is in accordance with assessment criteria specified in the Community Asset Transfer Application Form.

Clearly this is a valuable site which has considerable potential to benefit the community, and we would expect the County Council to seek assurance that they have secured the best offer for the site that can create a sustainable provision that will benefit the community for years to come. From our point of view, we do not feel this has been a fair and rigorous process, giving senior officers and elected members a chance to consider the merits of the shortlisted bids sufficiently to enable them to make an informed decision.

395
In summary:

- It was not clear what was admissible/inadmissible in the bidding process (changing the rules re religious organisations as an example of this).
- The process was not clear and rigorous. We were not interviewed although we had been told we would be.
- We are still not clear how the decision is to be made regarding the successful bidder and by whom.

As bidders we have put a lot of work and incurred considerable costs into preparing our bids, and do not feel we have had sufficient engagement with the County Council as the Commissioning body through a fair and open bidding process. We would urge that you review the process before making your final decision and we are keen to talk with you regarding ways in which we might be engaged in a fair, open and transparent process. We look forward to hearing from you.

From: Kevin Foster  
Sent: Tue 27/08/2013 23:01  
To: David Baughan; Melanie Griffin  
Cc:  
Subject: FW: Letter regarding St Anne's

David /Melanie - Can you consider the attached and liaise with legal services as to appropriate response

Vanessa – I think a response acknowledging receipt and as you suggest – be brought to her attention on her return.

Regards

Kevin Foster  
Chief Operating Officer  
Business Services Department  
East D, County Hall, Lewes  
Tel 01273 481412  
Email: kevin.foster@eastsussex.gov.uk

From:  
Sent: 27 August 2013 16:56  
To: Kevin Foster  
Cc: Rupert Clubb  
Subject: FW: Letter regarding St Anne's

Hi Kevin
In Becky's absence could you please advise on the attached. Are you happy for me to email Liz Rogers back just to confirm receipt and that I will bring her correspondence to Becky's attention on her return?

Many thanks

---

From: [Redacted]
Sent: 27 August 2013 16:45
To: Becky Shaw
Cc: [Redacted]
Subject: RE: Letter regarding St Anne's

Apologies, letter attached.

---

From: [Redacted]
Sent: 27 August 2013 16:44
To: 'Becky Shaw'
Cc: [Redacted]
Subject: Letter regarding St Anne's

Dear Becky,

Please find attached letter from David Standing, CEO of Sussex Central YMCA and Pru Rowntree, Chair of Lewes Community Land Trust regarding the St Anne's site which was hand delivered to you today.

Kind regards,
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www.Twitter.com/SCYMCA
www.Facebook.com/SussexCentralYMCA
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PRIVATE & CONFIDENTIAL

Dear Becky/Cllr Glazier,

Re: St Anne’s Site

We wish to notify you that Sussex Central YMCA and the Lewes Community Land Trust wish to raise a formal objection regarding the procurement process for the St Anne’s site. Our concerns are as follows:

- There was a lack of clarity as to the parameters of the bid, and what the Council wanted to achieve through the transfer of the site. We had contradictory advice to whether or not housing might be included on site, for instance.

- We were told that there may be an option to acquire the St Anne’s Crescent overflow car park and develop this as part of the bid. Again, it was not made clear whether this was a definite option.

- We were told that the shortlisted bidders should produce an outline bid and then we would be invited for interview, through which our bid could be refined if necessary. This did not happen.

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Yours sincerely,

David Standing  
CEO  
Sussex Central YMCA

Pru Rowntree  
Chair  
Lewes Community Land Trust

CC  
Cllr Keith Glazier  
Leader of the Council  
Bramleys  
Pett Road  
Pett  
TN35 4EY
first email from SUBUD

-----Original Message-----
From: [redacted]
Sent: Sat 17/08/2013 07:34
To: Chris Reed
Subject: Re: St Annes School site - disposal update

Dear Chris Reed,
Thank you for your letter. I believe I will be away until Monday and I am now away until the 1st September but I am in the UK and can be available by email and mobile although reception is not great. We will discuss and get back to you.
Kind Regards,

Sent using BlackBerry® from Orange

-----Original Message-----
From: "Chris Reed" <Chris.Reed@eastsussex.gov.uk>
Date: Fri, 16 Aug 2013 16:37:59
To: [redacted]
Subject: St Annes School site - disposal update

Dear David, Chris,

Following the recent withdrawal of the report to Lead Member of Resources regarding the disposal of the Former St Anne's School a review of the disposal process has now been concluded. Kevin Foster Chief Operating Officer has asked that the following statement be passed to all bidders;

Dear Sirs,

As you will be aware following the receipt of further information the Lead Member for Resources agreed that reports due to be considered on the 16 July 2013 be withdrawn whilst a review of the
disposal process of the former St Anne's School be undertaken. It has always been recognised that this is an important decision and that the County Council wanted to be assured that it had followed fair, thorough and appropriate procedure.

The review of the disposals process has concluded and has identified that the following statement which was included in the Community Asset Transfer Application form had the potential to mislead applicants;

"The questionnaire applies to requests for the purchase of a Council asset by voluntary, community or not for profit organisations, unless the organisation is promoting political or religious activities."

This statement was placed in order for the Council to meet its public sector equality duty (PSED) under the Section 149 of the Equality Act 2010. This requires an authority when exercising its function to have due regard to those with protected characteristics and in this instance to ensure fair access to the sale process; i.e. ensuring that bidders were not disadvantaged as a result of their protected characteristic by the way the Council conducts the process. Thus excluding bidders from the process on the basis of any of the protected characteristics could be contrary to the PSED. For the avoidance of doubt those relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

However it has been identified that the above statement was not sufficiently clear so as to ensure the Council's PSED was appropriately discharged. Accordingly I would like to confirm that the above restriction is removed, and any organisation 'promoting religious activities' may submit a bid in the usual way.

This statement was not included in the initial advert for sale or subsequent sales particulars and all parties that were sent the Application form with this incorrect statement submitted initial bids. Thus I am satisfied that no bidders were inadvertently excluded through that statement. Nonetheless the statement was potentially misleading and I am sorry for any confusion and delay in the process that this may have caused.

The PSED also requires that the Council has "due regard" to its equality obligations when evaluating the tenders that have been submitted. I would be grateful if you can confirm if you wish in any way to amend your bid in light of the above change or if you are happy for your bid to remain as previously submitted. In the interests of fair competition between all parties the Council will only allow amendments to submitted bids where it can be evidenced that these bids were either influenced by the interpretation of this statement or that bidders wish to make further submission relevant to the specific information contained within this letter.
I am grateful for your patience whilst this review has been conducted and I am seeking to gain LM consideration to the officer recommendations on the 17th September and therefore we will require your confirmation by 5pm on the 27 August 2013.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

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You can visit our website at http://www.eastsussex.gov.uk
From: Chris Reed
Sent: 30 August 2013 14:58
To: Melanie Griffin
Cc: David Baughan; ********
Subject: FW: St Annes School Site

second email received from SUBUD

-----Original Message-----
From: ********
Sent: Thu 22/08/2013 13:51
To: Chris Reed
Cc: ********
Subject: St Annes School Site

Chris

is currently on holiday so on behalf of the Subud bid team he has asked me to confirm as per your request that our bid remains the same, despite the re-bidding requirements that have taken place.

We trust this re-bidding process does not give others the chance to revise their offers as we would feel if that were the case the whole process should be re-scrutinised, having acted in good faith and fairly on our part and entered into considerable costs in formulating our bid.
third and final email from SUBUD

-----Original Message-----
From: [redacted]
Sent: Tue 27/08/2013 12:10
To: Chris Reed
Cc: [redacted]
Subject: RE: St Annes School Site

Chris

Just to be clear in the light of your below email and the equality obligations of ECC I would reconfirm that our bid remains unchanged from the original submission.

Hi Chris,

We are inviting representations in accordance with the statement already issued, the relevant part I have copied below:

"The PSED also requires that the Council has "due regard" to its equality obligations when evaluating the tenders that have been submitted. I would be grateful if you can confirm if you wish in any way to amend your bid in light of the above change or if you are happy for your bid to remain as previously submitted. In the interests of fair competition between all parties the Council will only allow amendments to submitted bids where it can be evidenced that these bids were either influenced by the interpretation of this statement or that bidders wish to make further submission relevant to the specific information contained within this letter."

That is all.

Regards

Chris
From: [Redacted]
Sent: 22 August 2013 13:51
To: Chris Reed
Cc: [Redacted]
Subject: St Annes School Site

Chris

[Redacted] is currently on holiday so on behalf of the Subud bid team he has asked me to confirm as per your request that our bid remains the same, despite the re-bidding requirements that have taken place.

We trust this re-bidding process does not give others the chance to revise their offers as we would feel if that were the case the whole process should be re-scrutinised, having acted in good faith and fairly on our part and entered into considerable costs in formulating our bid.

[Redacted]

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You can visit our website at http://www.eastsussex.gov.uk
Chris Reed has just pointed out that I missed off an entire section of my initial email on this subject:

it should read, "...i chased them to confirm they had received the briefing note from Kevin Foster -
they confirmed they had".

Regards

Chris

-----Original Message-----
From: Chris Reed
Sent: Fri 30/08/2013 14:50
To: Melanie Griffin; David Baughan
Subject: RE: St Annes

Hi Melanie,

I have sent all across to [redacted] as they came in, but we have had email responses from SUBUD. I
will forward a copy to you after this email.

The only communications from LCLT came via the joint letter with the YMCA and a telephone
conversation in which i chased them to confirm they had received the

Regards

Chris

-----Original Message-----
From: Melanie Griffin
Sent: Fri 30/08/2013 14:02
To: Chris Reed; David Baughan; Dennis Thomas
Subject: St Annes

All,

Can I confirm please that by the close 27th August, we only received a response from YMCA from
the letter and that response was in the form of email to Chris and a letter to Becky. I have not
seen anything from Subuds or LCLT.

Melanie
Hi Melanie,

I think the letter proposing to object was from YMCA and LCLT together.

Regards

Chris

-----Original Message-----
From: Melanie Griffin
Sent: Fri 30/08/2013 16:42
To: Kevin Molloy; David Baughan; Chris Reed
Subject: RE: St Annes

Dear all,

My starter for Becky's response therefore is as follows:

Dear ......

Thank-you very much for your letter dated xxxxx in response to the correspondence received by all bidders as part of the St Annes disposal process. It is certainly very unfortunate that we concluded that there was an issue with the initial process concerning the Equalities Act but, we then immediately took the necessary steps as advised by our legal department to ensure transparency in procedure.

The Council must clearly operate in a robust and fair way using the appropriate legal statues to ensure it gains best value for the County's population. A full internal investigation from the date of Lead Member's approval to dispose of the site in October 2012 has taken place. It concludes that protocol was duly followed for an informal tender procedure and each bidder has been given the same opportunity to provide its case for consideration by the Assessment Panel.

The latest correspondence requested that by 5pm on the 27th August, each bidder must state whether or not it has reason to review its bids in the light of the change in emphasis to reflect the Equality Act 2010. The YMCA has stated that they wish to review in light of the clarification. As a result we will need to determin a timeframe for this review with the YMCA to ensure we can conclude the process in a timely manner. The bids will then be reassessed against the original criteria.

Yours sincerely,

Becky
All comments please on the above

Chris, I suggest that the Assessment steps down for now as it will need to sit again with the reviewed bid from YMCA.

David, we will need to respond to YMCA with a timeframe for review ..... I suggest 14 days. Whatever timeframe is set it will need to align with LM process.

David, we will need to cancel the LM report for September ??????

Regards,

Melanie

____________________________________
From: Kevin Molloy
Sent: Thu 29/08/2013 16:59
To: Melanie Griffin; David Baughan
Subject: RE: St Annes

Melanie

yes I think we just need to kick around a draft response as soon as we can next week. the points raised in the letter though will need I think in the first instance to be rebutted by your team, as these are questions of fact eg you told us A, then did B. I can then comment upon whether our responses are sufficiently robust to justify proceeding to LM with no further delay.

regards

Kevin Molloy
Senior Solicitor
Governance and Community Services Department East Sussex County Council P O Box 2714, County Hall, Lewes, East Sussex BN7 1UE DX 97482 Lewes 3
Tel: 01273 481770 Fax: 01273 483496
Email: kevin.molloy@eastsussex.gov.uk

____________________________________
From: Melanie Griffin
Sent: 29 August 2013 16:46
To: David Baughan; Kevin Molloy
Subject: St Annes


Heads up Kevin will be seeking on Monday a quick catch up on this to include Becky. Line is we are sure that we have undertaken all necessary in the property process and that it is a political reputational matter for handling.

If Kevin Molloy concludes in the letters that have been received this week to Becky that they do have grounds to review their bids we will need to consider timeframes for this to happen, how we evaluate any reviewed bids etc. I am hopeful that this will not be the case and that we continue with the LM report and its recommendations and that it is turned into a communication/PR matter.

Kevin I cannot draft a full response until I understand from you whether or not they have a case to review their bids. Holding letters have gone out from******

Regards,
Melanie
Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk
We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

P Please do not print this email unless necessary
Dear All,

Please note that due to recent further communications with the parties we will be cancelling this meeting with an anticipation to reconvene at a later date.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

-----Original Message-----
From: Chris Reed
Sent: 21 August 2013 14:59
To: Chris Reed; David Baughan; James Harris; Paul Rideout; Russell Bright;
Subject: RE: St Annes disposal - update

Update - I will make it 2pm instead of 12pm on the 3d september

regards

Chris

-----Original Message-----
From: Chris Reed
Sent: Wed 21/08/2013 14:56
To: Chris Reed; David Baughan; James Harris; Paul Rideout; Russell Bright;
Subject: RE: St Annes disposal - update

Dear all,

Following responses I will book a room at 12pm on the 3rd September.
"We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you."

From: Chris Reed
Sent: 16 August 2013 16:52
To: James Harris; Paul Rideout; Russell Bright; [redacted]
Cc: David Baughan
Subject: St Annes disposal - update

Dear All,

Thank for all your help so far in the disposal process of the former St Anne's School. As you will be aware following the receipt of information it was decided that the report to Lead Member of Resources should be withdrawn and a review of the disposal process be conducted. That review has been concluded and Kevin Foster Chief Operating Officer asked that the following statement be issued to each of the bidding parties.

I was therefore anxious that you be made aware of the following as soon as possible. Following the receipt of any further representations from bidding parties it will be necessary to reconvene the Evaluation panel to consider:

1) The potential impact of the statement within the Community Asset Application Form that has now been found to be incorrect upon each bid.
2) The impact of the Council's Public Sector Equality Duty when considering those bids.

When we have had the opportunity to consider the above it will then be necessary to ascertain if you are happy to confirm your previous decision. However please note that bidders have not been invited to further submission on any other matter other than that specified in the following statement.

I will be back in contact with you early next week to arrange a mutually convenient time for us all to meet between the 28 August and the 5 September.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
From: Chris Reed
Sent: 10 September 2013 09:01
To: Melanie Griffin; David Baughan
Subject: FW: St Annes - final decision

Hi Melanie, David,

Please see below correspondence from SUBUD.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

From: [redacted]
Sent: 10 September 2013 08:29
To: Chris Reed
Subject: St Annes - final decision

Dear Chris Reed,

I just wanted to let you know that a few of the key team on the St Annes Community / Subud Lewes bid will be away on September 17th. I have copied everyone in and would be grateful if you could 'cc' them when you get news of the final decision. We also understood the original view of ESCC, confirmed by the planning department, was that they were not in favour of any housing component [mixed, affordable or otherwise] on the site. We presume this is still the position but wanted to say if views or circumstances have changed in anyway in the light of the extended bid process, or for any other reason, we are open to discussion and collaboration as we have previously worked on proposals that included this component. However, as things currently stand our bid with the phased stages of the community project still indeed remains the same.

As you can imagine the delays, and what we presume was a legally required lack of communication and information, lead to some concern on our side but we are assuming now an open, fair and transparent process and we very much look forward to hearing from you.

Kind Regards,
Dear John

Here is the link to the agenda

http://www.eastsussex.gov.uk/yourcouncil/about/committees/meetingpapers/cabinetresources/2013/17september.htm

As far as I know St Annes is not on this agenda. The next meeting is in October.

kind regards

Ruth

Ruth O’Keeffe
Independent Town and District Councillor, Lewes Priory Ward
Independent County Councillor, Lewes Division
07941151989
01273 476720

On 10 Sep 2013, at 16:28, John Stockdale wrote:

Dear Chris

I looked for the Agenda for the LM Resources Meeting on 17 September and couldn’t find it. The St Annes site disposal is in the key decisions list with your name against it. Can you please let me know when the report will be made available.

Regards
John

Cllr John Stockdale
Lewes District and Town Councils - Bridge Ward
61 Old Malling Way, Lewes, BN7 2EP - G8 t: 01273 476151; m: 07929 893024; e: john@plantpress.com
FYI

-----Original Message-----
From: John Stockdale [mailto:john@plantpress.com]
Sent: Tue 10/09/2013 16:28
To: Chris Reed
Cc: 'Pru Rowntree'; 'Peter Clarke'; 'Andrew Simpson'; ~Z Ext Cllr Ruth O'Keeffe; Rosalyn St Pierre
Subject: Lead Member for Resources Meeting

Dear Chris

I looked for the Agenda for the LM Resources Meeting on 17 September and couldn't find it. The St Annes site disposal is in the key decisions list with your name against it. Can you please let me know when the report will be made available.

Regards

John

Cllr John Stockdale
Lewes District and Town Councils - Bridge Ward

61 Old Malling Way, Lewes, BN7 2EP - GB t: 01273 476151; m: 07929 893024; e: john@plantpress.com
FYI

-----Original Message-----
From: Ruth O'Keefe [mailto:roklewes@gmail.com]
Sent: Tue 10/09/2013 23:33
To: John Stockdale
Cc: Chris Reed; 'Pru Rowntree'; 'Peter Clarke'; 'Andrew Simpson'; Rosalyn St Pierre
Subject: Re: Lead Member for Resources Meeting

Dear John

Here is the link to the agenda

http://www.eastsussex.gov.uk/yourcouncil/about/committees/meetingpapers/cabinetresources/2013/17september.htm

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kind regards

Ruth

Ruth O'Keefe
Independent Town and District Councillor, Lewes Priory Ward Independent County Councillor, Lewes Division
07941151989
01273 476720

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> Cllr John Stockdale
> Lewes District and Town Councils - Bridge Ward
> 61 Old Malling Way, Lewes, BN7 2EP - GB t: 01273 476151; m: 07929
> 893024; e: john@plantpress.com
> 
>
Thanks Chris. You can confirm St Anne's is not on the agenda for the 17th. Melanie

Sent with Good (www.good.com)

-----Original Message-----
From: Chris Reed
Sent: Wednesday, September 11, 2013 07:40 AM GMT Standard Time
To: Melanie Griffin
Cc: David Baughan
Subject: FW: Lead Member for Resources Meeting

FYI

-----Original Message-----
From: Ruth O'Keeffe [mailto:roklewes@gmail.com]
Sent: Tue 10/09/2013 23:33
To: John Stockdale
Cc: Chris Reed; 'Pru Rowntree'; 'Peter Clarke'; 'Andrew Simpson'; Rosalyn St Pierre
Subject: Re: Lead Member for Resources Meeting

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Ruth O'Keeffe
Independent Town and District Councillor, Lewes Priory Ward
Independent County Councillor, Lewes Division
07941151989
01273 476720

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Regards,

John

Cllr John Stockdale
Lewes District and Town Councils - Bridge Ward
61 Old Malling Way, Lewes, BN7 2EP - GB t: 01273 476151; m: 07929 893024; e: john@plantpress.com
From: Chris Reed
Sent: 11 September 2013 08:01
To: John Stockdale; ~Z Ext Cllr Ruth O'Keeffe
Cc: 'Pru Rowntree'; 'Peter Clarke'; 'Andrew Simpson'; 'Rosalyn St Pierre'
Subject: RE: Lead Member for Resources Meeting

John

St Anne's is not an agenda item for the 17th September.

Regards

Chris

-----Original Message-----
From: John Stockdale [mailto:john@plantpress.com]
To: ~Z Ext Cllr Ruth O'Keeffe
Cc: Chris Reed; 'Pru Rowntree'; 'Peter Clarke'; 'Andrew Simpson'; 'Rosalyn St Pierre'
Subject: RE: Lead Member for Resources Meeting

Thanks, Ruth. The Sept 17 agenda was listed on the ESCC website but sandwiched between Jan and Feb, so I didn't spot it. See http://www.eastsussex.gov.uk/yourcouncil/about/committees/meetingpapers/cabinetresources/default.htm

Apologies for initiating an unnecessary chase.

Chris, is St Annes an item Cllr Elkin will be taking as an urgent under item 3 and dealing with in the exempt session under item 10? Or should I ask him?

Regards

John

From: Ruth O'Keeffe [mailto:roklewes@gmail.com]
Sent: 10 September 2013 23:33
To: John Stockdale
Cc: 'Chris Reed'; 'Pru Rowntree'; 'Peter Clarke'; 'Andrew Simpson'; Rosalyn St Pierre
Subject: Re: Lead Member for Resources Meeting

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kind regards

Ruth

Ruth O'Keeffe
Independent Town and District Councillor, Lewes Priory Ward
Independent County Councillor, Lewes Division
07941 151 989
01273 476 720

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John
Cllr John Stockdale
Lewes District and Town Councils - Bridge Ward
61 Old Malling Way, Lewes, BN7 2EP - GB t: 01273 476151; m: 07929 893024; e: john@plantpress.com

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2013.0.3392 / Virus Database: 3222/6653 - Release Date: 09/10/13
Kevin - We are due to meet tomorrow at 8 on St Annes but I've got a logistical: saga at home - could we meet after CMT awayday instead? Also I would like to invite Simon to join us, he was very directly involved in most of the history and I think the three of us having an initial chat might reduce need for another meeting esp as I'm away next week. That OK both on time and participants?

Becky Shaw
Chief Executive
tel. 01273 481950
becky.shaw@eastsussex.gov.uk
Kevin Foster
Chief Operating Officer

Business Services Department
East D, County Hall, Lewes
Tel 01273 481412
Email: kevin.foster@eastsussex.gov.uk

Becky Shaw
Chief Executive
tel. 01273 481950
becky.shaw@eastsussex.gov.uk

Becky

Yes this is fine on both counts – I am trying to understand history and context and get advice and steer.

Thanks

Kevin Foster
Chief Operating Officer

Business Services Department
East D, County Hall, Lewes
Tel 01273 481412
Email: kevin.foster@eastsussex.gov.uk

---

From: Becky Shaw
Sent: 12 September 2013 10:03
To: Kevin Foster
Subject: St Annes

Kevin - We are due to meet tomorrow at 8 on St Annes but I've got a logistical; saga at home - could we meet after CMT awayday instead? Also I would like to invite Simon to join us, he was v directly involved in most of the history and I think the three of us having an initial chat might reduce need for a another meeting esp as I'm away next week. That OK both on time and participants?

Becky Shaw
Chief Executive
tel. 01273 481950
becky.shaw@eastsussex.gov.uk
From: Chris Reed
Sent: 12 September 2013 12:05
To: David Baughan
Subject: st annes dates

David,

Initial bids invited 5pm Wednesday 20th March 2013 (this was extended from 8th March)
Feedback from Michael Pyner and Bid Panel members were given to bidders on the 13th May (after Purdah) and bidders then given until Friday 7th June.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Slightly spooky timing...

Becky Shaw  
Chief Executive  
tel. 01273 481950  
becky.shaw@eastsussex.gov.uk

-----Original Message-----
From: Ruth O'Keefe [mailto:roklewes@gmail.com]  
Sent: 12 September 2013 15:08  
To: Becky Shaw  
Subject: St Anne's School site Lewes

Dear Becky

Noticing that St Anne's is not yet on the agenda list for the Lead Member meeting (I thought it might come back to the one on 17th September) I wondered what point the process had now reached and also wanted to make a suggestion as the local member.

St Anne's school being sold for community use is something which many residents in my division are eagerly awaiting. I know about the challenge to the process that was made very shortly before the original Lead Member meeting and led to the process being re-evaluated. I would like to say at this point that as someone who was able to see the process develop and be carried through not only as the local member but also as a member of the St Anne's Steering Group I felt that the officers were very careful to put together a process that was as transparent as possible, accessible, and the assessment of the bids seemed to me to be thorough and to take all the necessary factors into account. I feel it would be a real shame if the process could not go through successfully to a conclusion with a community group being able to realise their plans for the site.

I wondered if, bearing in mind that these groups may not have had experience of even an informal bid process in which failure as well as success were possible (perhaps having been a partner to a more formal organisation in the past but not in a position to be chosen or not chosen, a debriefing session for all the bidders with one representative from each present along with someone appropriate from the steering group, myself as the local member and 2 senior officers to go through the process and the reasons for the conclusions might be helpful?

If everyone hears the explanation of process and conclusion together perhaps this might be more positive than all of the separate correspondence otherwise possible.

I am sure that the officers concerned with this will have been working hard to re-evaluate any necessary process etc in the light of the challenge that was sent in and material from this could also be presented wherever possible.
I feel that it is a really good thing that the authority I am a member of is engaging in this quite novel approach to community engagement and the disposal of assets and am very hopeful that all can be positively concluded in the near future.

I hope that this suggestion comes at a point in the process where it can be considered.

kind regards

Ruth

Ruth O’Keeffe
Independent Town and District Councillor, Lewes Priory Ward Independent County Councillor, Lewes Division
07941151989
01273 476720
Sent with Good (www.good.com)

-----Original Message-----
From
Sent: Friday, September 13, 2013 08:35 PM GMT Standard Time
To: Becky Shaw
Subject: Re: St Anne's

Dear Becky

Thank you for your response. We just want to be sure that there is a clear and fair process that will hopefully give the County Council the best outcome with the disposal of the site and we hope that our concerns can be addressed in a satisfactory manner.

We look forward to hearing from Kevin Foster in due course.

Kind regards

David

Sent from my iPad

On 13 Sep 2013, at 17:40, "Becky Shaw" <Becky.Shaw@eastsussex.gov.uk> wrote:

Dear David

I am sorry for the delay in getting back to you. We are considering all the issues you have raised very carefully, as we all know this is a complex issue and we are keen to make sure we get it right even if that takes a bit more time. Kevin Foster, Chief Operating Officer is leading this work for us (and is copied into his so you have his details) and will be in touch shortly. Please don't hesitate to get in touch with him and also to be assured that both Cllr Glazier and I are closely involved in final decisions.

Many thanks, again sorry you had to chase us.
Dear Becky/Councillor Glazier,

Further to our letter to you of 12 August 2013 regarding St Anne’s, we would appreciate it if you could give us some idea as to when we might expect a response to the points we have raised.

We look forward to hearing from you.

Kind regards,

Find us on Twitter and Facebook!
www.Twitter.com/SCYMCA

www.Facebook.com/SussexCentralYMCA

Sussex Central YMCA is a registered charity offering a range of services for children, young people and families in Sussex. Our main areas of expertise include: housing, youth and family support, sport, counselling and advice. Visit www.sussexcentralymca.org.uk for more information.

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You can visit our website at http://www.eastsussex.gov.uk
From: David Baughan  
Sent: 16 September 2013 10:17  
To: Melanie Griffin; Chris Reed  
Subject: RE: ST Annes

Hi Melanie,

Already discussed with Chris and he is on the case. In particular we will be looking at the work the bidders had already presented as part of their bid evidence in terms of planning scope for the site.

Confidentiality restrictions noted.

David Baughan  
Head of Strategic Property  
Business Services  
Property and Capital Investment  
East Sussex County Council  
Telephone - 01273 336680  
Mobile 07825 403002

“We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.”

From: Melanie Griffin  
Sent: 16 September 2013 09:39  
To: David Baughan; Chris Reed  
Subject: ST Annes  
Importance: High

David,

As briefed on Friday I need an absolute yes or no on the ability to get housing planning on the St Annes site. Becky believes she was briefed by John Morris to say with the Conservation Area it would not be possible. Remember keep this confidential. Melanie
Thanks

-----Original Message-----
From: Simon Hughes
Sent: Tuesday, September 17, 2013 12:39 PM GMT Standard Time
To: Becky Shaw
Cc: Kevin Foster
Subject: RE: St Anne's School site Lewes

I decided to ring Ruth and take her through it.

I spoke to her today and she is ok with where we are and understands that this is a complex and difficult thing to do. She's asked that we keep her informed and let her know what she can, and can't, say.

I've said I'll get back to her on some milestones/timeline for decision once we know it.

She seems pretty happy.

Simon

From: Becky Shaw
Sent: 13 September 2013 17:41
To: ~Z Ext Cllr Ruth O'Keeffe
Cc: Simon Hughes
Subject: RE: St Anne's School site Lewes

Dear Cllr O'Keeffe,

Thank you for your email. I know we are all keen to get this right and I have asked Simon Hughes to respond to you direct on the detail. Thanks

Becky

From: Ruth O'Keeffe [mailto:roklewes@gmail.com]
Sent: Thu 12/09/2013 15:08
To: Becky Shaw
Subject: St Anne's School site Lewes

Dear Becky

Noticing that St Anne's is not yet on the agenda list for the Lead Member meeting (I thought it might come back to the one on 17th September) I wondered what point the process had now reached and also wanted to make a suggestion as the local member.

St Anne's school being sold for community use is something which many residents in my division are eagerly awaiting. I know about the challenge to the process that was made very shortly before the original Lead Member meeting and led to the process
being re-evaluated. I would like to say at this point that as someone who was able to see the process develop and be carried through not only as the local member but also as a member of the St Anne’s Steering Group I felt that the officers were very careful to put together a process that was as transparent as possible, accessible, and the assessment of the bids seemed to me to be thorough and to take all the necessary factors into account. I feel it would be a real shame if the process could not go through successfully to a conclusion with a community group being able to realise their plans for the site.

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I feel that it is a really good thing that the authority I am a member of is engaging in this quite novel approach to community engagement and the disposal of assets and am very hopeful that all can be positively concluded in the near future.

I hope that this suggestion comes at a point in the process where it can be considered.

kind regards

Ruth

Ruth O’Keeffe
Independent Town and District Councillor, Lewes Priory Ward
Independent County Councillor, Lewes Division
07941151989
01273 476720
From: Chris Reed
Sent: 20 September 2013 11:06
To: RE: St Annes School, Lewes

Yes, will be for at least another 6 months.

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

-----Original Message-----
From: RE: St Annes School, Lewes
Sent: 20 September 2013 11:04
To: Chris Reed
Subject: RE: St Annes School, Lewes

Thanks Chris, so its still vacant I assume?

Assurance Team
Business Service Dept
East Sussex County Council
T:
E:
Team: insurance@eastsussex.gov.uk

-----Original Message-----
From: Chris Reed
Sent: 20 September 2013 11:03
To: RE: St Annes School, Lewes
Cc: Hi
Subject: RE: St Annes School, Lewes

Hi

Site not sold yet.

Regards

Chris

Christopher Reed
Principal Estates Surveyor  
Business Services Department  
East Sussex County Council  
County Hall  
Lewes BN7 1SF  
T: 01273 336237  
E: chris.reed@eastsussex.gov.uk

----Original Message-----
From: [redacted]  
Sent: 20 September 2013, 10:59  
To: Chris Reed  
Cc: [redacted]  
Subject: FW: St Annes School, Lewes

Chris,

Please see below.

Rgds

----Original Message-----
From: [redacted]  
Sent: Fri 20/09/2013 10:43  
To: [redacted]  
Subject: St Annes School, Lewes

Hi,

Would you or one of your team be able to confirm the position on St Annes School only I note it isn't on the latest vacant property list that I have but I still have it on my main asset register. Have we sold it do you know?

Regards,

Assurance Team  
Business Service Dept  
East Sussex County Council  
T: [redacted]  
E: [redacted]  
Team: insurance@eastsussex.gov.uk
From: Kevin Foster
Sent: 23 September 2013 08:05
To: Melanie Griffin
CC: FW: St Annes

Melanie

Happy for you to determine whether you want to leave this to David or attend.

Regards

Kevin Foster
Chief Operating Officer
Business Services Department
East Sussex County Council
Tel: 01273 481412

From: Kevin Foster
Sent: 23 September 2013 08:04
To: Clare Dann
CC: David Baughan; Melanie Griffin
Subject: St Annes

Clare - Can you get me a meeting with David (tomorrow if possible) to go through the next steps and actions on St Anne’s

Thanks

Kevin Foster
Chief Operating Officer
Business Services Department
East Sussex County Council
Tel: 01273 481412
Hi, thought you would want me to action so I have already chatted through with David the following to be detailed this week.

1) Comms plan inclusive of who is responsible, sign off and timeframe for actions
2) Letter to respond to LCLT and YMCA formally
3) All bidders letter to inform of LM meeting date
4) LM report for 29th Oct
5) S77 process
6) Draft terms for negotiation around covenant and overages to protect council and position on car park site
7) Discussion with Simon Hughes around fronting up the community aspects of the decision making, St Anne’s Steering Group wind down/future involvement

Regards,

Melanie
Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk

We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

Please do not print this email unless necessary

__________________________________________________________________________
From: Kevin Foster
Sent: 23 September 2013 8:05 AM
To: Melanie Griffin
Cc: 
Subject: FW: St Annes

Melanie

Happy for you to determine whether you want to leave this to David or attend.

Regards

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Chief Operating Officer
Business Services Department
East Sussex County Council
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Sent: 23 September 2013 08:04  
To: Clare Dann  
Cc: David Baughan; Melanie Griffin  
Subject: St Annes

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Thanks

Kevin Foster  
Chief Operating Officer  
Business Services Department  
East Sussex County Council

Tel: 01273 481412
Hi,

I apologies for the delay in this process. The Assistant Director for Property and Capital Strategy met last week and I am waiting for their update following that meeting so that I can in turn update you.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Hi David, - please can you review this draft?

Dear <Bidder>

I am writing further to my email dated 16th August, which included a statement from the Chief Operating Officer confirming that there had been a review following a challenge over the wording of the bid application pre-amble. The Council has undertaken a thorough review of their processes and are now satisfied that a proper and robust process was implemented and adhered to.

As a consequence we will be reporting to the Lead Member for Resources on the 29th October regarding the sale of this site.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Hi Melanie,

Draft wording for briefing note to Kevin:

Dear Kevin,

I have been forwarded the below note by Chris Reed who has been managing the disposal of this site since only May this year. Prior to that, the disposal process had been carefully considered prior to its implementation in order to ensure a fair selection at the eventual conclusion. The first stage of bidding highlighted expressions of interest. From that, we sought the feedback from specific ESCC officers (covering ET&E, GCS, Estates, Finance) as well as from and independent specialist, Michael Pyner. This feedback highlighted numerous aspects of the LCLT bid which required improvement (attached).

The revised offer forming the second stage of bidding then included a purchase of the St Annes Crescent site owned by ESCC. This information then prompted Chris Reed to clarify the roles played by Hastoe Group, Rydon Construction and the SDEHC. The response from the LCTL satisfied this concern.

Since the email discussions below, Chris has of this afternoon received a phone call from Cllr John Stockdale advising that the first stage bid application pack stated that ESCC were seeking “requests for the purchase of a council asset by voluntary, community or not-for-profit organisations, unless the organisation is promoting political or religious activities”. LCLT intend to appeal the Lead Member decision to approve the SUBUD proposal on this basis at the upcoming LM meeting on the 16th July. We have raised this with our Legal Services who have advised that the LCLT may well have a right to challenge on the basis the preferred bidder, SUBUD, could well be seen to promote religious activities. That said, this wording was originally included in order to avoid ESCC isolating community groups by selecting a distinct religious group. It is clear that SUBUD do not fall in to this category and we would defend the LM decision on this basis.

Should the appeal from LCLT both materialise and be successful, ESCC would then be required to re-market the site, with revised wording on the bid application pack.

If you have any questions regarding the above please do not hesitate to contact me at your convenience.

Regards
From: John Stockdale [mailto:john@plantpress.com]
Sent: 11 July 2013 07:54
To: Kevin Foster
Cc: Chris Reed; ~Z Ext Cllr Ruth O'Keeffe;
Subject: St Anne's School site

Kevin Foster
Chief Operating Officer
East Sussex County Council

Dear Mr Foster,

I append an exchange with Chris Reed following his notification of your report to the Lead Member containing the recommendation of the St Anne’s School Panel. The report states that Subud’s was not the highest offer with the implication that Lewes CLT’s might have been and, if so, may have been judged to be undeliverable.

I understand that the Council are refusing to provide us with both the blank scoring matrix and the completed matrix for the Lewes CLT bid. We are concerned for the following reasons and would like this information so that we can consider whether we should make a challenge.

Chris Reed phoned Pru Rowntree at 2.30pm on Friday 14 June, the day the bids had to be submitted to say that through an error, the feedback to Lewes CLT did not include a requirement that the bid needed to be supported by more detailed confirmation that it had the approval at the highest level of the funding and delivery parties (Rydon Homes and Hastoe Housing Association). She was given the weekend to arrange this. I attach the emails of support we were able to arrange in the very short timescale. But, had we known three weeks earlier, I am confident that we would have delivered an explicit and less conditional endorsement that had been approved by Rydon’s and Hastoe’s boards.

I’d be grateful if you would get back to me on this as soon as possible.

Regards

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61 Old Malling Way, Lewes, BN7 2EP - GB t: 01273 476151; m: 07929 893024; e: john@plantpress.com

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Dear Councillor Stockdale,

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I know the process has entailed a lot of effort from yourselves (to which we are very grateful) and I anticipate that the feedback we provide will include comments from the bid scoring process and will focus on the areas that the bid scoring was separated in to, along with the associated weightings. I will aim to cover these areas and focus also on what we felt could have improved the proposal. This feedback will be made available following the LM decision and will hopefully assist with future endeavours.

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Hi Melanie,

Councillor John Stockdale (a LibDem LDC Councillor) has indicated that he/a colleague will use the Lead Member meeting tomorrow to appeal the ESCC recommendation to sell the site to SUBUD. As per our discussion this morning, the Lewes Community Land Trust could appeal the decision to select SUBUD on the basis that SUBUD may be seen to promote religious activities.

The preamble to the bid application pro-forma states that any organisation promoting political or religious activities, or of a commercial nature, would not be able to purchase this asset.

Furthermore, it is our intention to include a restrictive covenant within the freehold transfer that the site will be used only for community use and shall not promote any political or religious activities. We can therefore state that the sale of the site is to a user which will not be promoting religious activities on this site and thus in compliance with our own imposed restrictions. I would also reiterate that the Community Asset Steering Group were unanimous in their belief that SUBUD represented the most suitable selection.

Regards

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We have raised this with our Legal Service.

Cllr John Stockdale (a LibDem LDC Councillor) may therefore attend tomorrow’s meetings and request an opportunity to speak. Press may also attend. Reception are aware. Chris Reed and I will be present to answer any questions that may arise.

We were in the Argos for this site and also Southover Grange and Malting.- see attached. Martin Fitzgerald is informed for the press statements.

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Melanie
Melanie Griffin
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Business Services Department
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Phone: 01273 335819
Mobile 07879 117 564
email: melanie.griffin@eastsussex.gov.uk
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From: Councillor David Elkin  
Sent: 15 July 2013 14:21  
To: Melanie Griffin  
Subject: Re: LM tomorrow item - St Anne's School site

Hi Mel Many Thanks will ask [redacted] to sort time David

From: Melanie Griffin  
Sent: Monday, July 15, 2013 01:29 PM GMT Standard Time  
To: Councillor David Elkin; Kevin Molloy  
Cc: Kevin Foster; Chris Reed  
Subject: RE: LM tomorrow item - St Anne's School site

Dear David, I am available throughout the morning before LM and happy to meet up at your convenience. I have copied in our legal guidance on this issue Kevin Molloy who can also join the briefing.

I understand that Kevin Foster is unfortunately not available tomorrow due to partnership activities with Surrey.

Regards,  

Melanie  
Melanie Griffin  
Assistant Director Property and Capital Investment  
Business Services Department  
East Sussex County Council  
Phone: 01273 335819  
Mobile 07879117564  
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Cc: Kevin Foster  
Subject: RE: LM tomorrow item - St Anne's School site

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Sent with Good (www.good.com)

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East Sussex County Council

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From: Kevin Foster
Sent: 15 July 2013 17:31
To: Melanie Griffin
Subject: RE: LM tomorrow item - St Anne’s School site

Melanie

I think we need to brief Becky prior to tomorrow – I will do this tonight.

Going forward we need to have an agreed template approach that has been signed off.

I think we probably should / could have made the evaluation criteria / markings available (blank proforma) in order for bidders to structure propositions against and we could make this available now – but being as the lead member is only tomorrow now this is probably left until after.

Kevin Foster
Chief Operating Officer

Business Services Department
East D, County Hall, Lewes
Tel 01273 481412
Email: kevin.foster@eastsussex.gov.uk

---

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Regards

John

From: Chris Reed [mailto:Chris.Reed@eastsussex.gov.uk]
Sent: 09 July 2013 14:35
To: John Stockdale
Subject: RE: St Annes Recommendation

Dear Councillor John Stockdale,

I will enquire as to whether or not this information can be provided and get back to you shortly.

Regards
Dear Chris

Naturally disappointed in the decision taken by the Panel. Would it be possible to see the scoring system they used – obviously without their deliberations? Would it also be possible to have a summary of the proposed developments offered by each tender?

Regards
John

Cllr John Stockdale,
Treasurer, Lewes Community Land Trust
61 Old Malling Way, Lewes, BN7 2EP - GB t: 01273 476151; m: 07929 893024; e: john@plantpress.com

Lewes Community Land Trust is a company limited by guarantee registered in England and Wales Company No 5499655; registered address: c/o Zoe Wangler, 5 Broomans Terrace, Lewes BN7 2BH; recognised as a charity by HMRC No XT2224.
From: Kevin Foster
Sent: 15 July 2013 20:30
To: Becky Shaw; Melanie Griffin
Subject: Fw: LM tomorrow item - St Anne’s School site

Becky - no need for you to rearrange your diary - thanks for your offer.

Melanie - go with approach as we discussed earlier this evening.

Regards

Kevin

From: Councillor David Elkin
Sent: Monday, July 15, 2013 07:00 PM GMT Standard Time
To: Kevin Foster
Subject: Re: LM tomorrow item - St Anne's School site

Hi Kevin, As long as there is no legal reason to change the recommendation in the report then I'm very happy with the normal support. I will as always have an open mind and give all parties the opportunity to put their case. Many thanks David

From: Kevin Foster
Sent: Monday, July 15, 2013 06:09 PM GMT Standard Time
To: Councillor David Elkin
Cc: Melanie Griffin
Subject: RE: LM tomorrow item - St Anne’s School site

David

Was wanting to phone you but I cant find your mobile number!

I have briefed Becky about this and she is happy to rearrange a meeting to come and support if required – I would just need to know tonight so that we can get diary arrangements changed.

I will speak to Melanie tonight about how to introduce the report:

- Acknowledge that an issue has been raised and our intention behind not including promotion of political or religious activities – how we intended it to be understood and acknowledging it may not have read as clearly as this
- Accentuate the very inclusive process of evaluation that has been undertaken
- Highlight that there has not been identified excluded or disadvantaged organisation as a result of any understanding of the criteria
- The bid application pack clearly identified the focus on organisational financial strength, community benefit and relationship management of current tenant.

Happy to discuss David

Regards

From: Councillor David Elkin
Sent: 15 July 2013 13:14
To: Melanie Griffin
Cc: Kevin Foster
Subject: RE: LM tomorrow item - St Anne’s School site
Hi Both, I would appreciate a chat before LM tomorrow just need to be belt and braces on this. David

Sent with Good (www.good.com)

-----Original Message-----
From: Melanie Griffin
To: Councillor David Elkin; Kevin Foster; Paul Barnard
Cc: Chris Reed; David Baughan; Martin Fitzgerald
Subject: LM tomorrow item - St Anne's School site

Dear David and Kevin,

It has been brought to my attention that LCLT are unhappy with the decision for us to appoint SUBUD as the preferred Bidder, primarily on the grounds of the promoting religious activity but also process.

Since the email discussions below, Chris has received a phone call from Cllr John Stockdale advising that the first stage bid application pack stated that ESCC were seeking “requests for the purchase of a council asset by voluntary, community or not-for-profit organisations, unless the organisation is promoting political or religious activities”. LCLT intend to appeal the Lead Member decision to approve the SUBUD proposal on this basis at the upcoming LM meeting on the 16th July.

We have raised this with our Legal Services.

Cllr John Stockdale (a LibDem LDC Councillor) may therefore attend tomorrow’s meetings and request an opportunity to speak. Press may also attend. Reception are aware. Chris Reed and I will be present to answer any questions that may arise.

We were in the Argos for this site and also Southover Grange and Malting.- see attached. Martin Fitzgerald is informed for the press statements.

In the event that the appeal from LCLT both materialise and be successful, ESCC would then be required to re-market the site, with revised wording on the bid application pack.

If you have any questions regarding the above please do not hesitate to contact me at your convenience.

Regards

Regards,

Melanie
Melanie Griffin
Assistant Director Property and Capital Investment
Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile: 07879 117564
email: melanie.griffin@eastsussex.gov.uk

We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

Please do not print this email unless necessary

From: John Stockdale [mailto:john@plantpress.com]
Sent: 11 July 2013 07:54
To: Kevin Foster
Cc: Chris Reed; ’Pru Rowntree’; ’Peter Clarke’; ~Z Ext Cllr Ruth O’Keeffe; ’Jon Watson’
Subject: St Anne’s School site

Kevin Foster
Chief Operating Officer
East Sussex County Council

Dear Mr Foster

I append an exchange with Chris Reed following his notification of your report to the Lead Member containing the recommendation of the St Anne’s School Panel. The report states that Subud’s was not the highest offer with the implication that Lewes CLT’s might have been and, if so, may have been judged to be undeliverable.

I understand that the Council are refusing to provide us with both the blank scoring matrix and the completed matrix for the Lewes CLT bid. We are concerned for the following reasons and would like this information so that we can consider whether we should make a challenge.

Chris Reed phoned Pru Rowntree at 2.30pm on Friday 14 June, the day the bids had to be submitted to say that through an error, the feedback to Lewes CLT did not include a requirement that the bid needed to be supported by more detailed confirmation that it had the approval at the highest level of the funding and delivery parties (Rydon Homes and Hastoe Housing Association). She was given the weekend to arrange this. I attach the emails of support we were able to arrange in the very short timescale. But, had we known three weeks earlier, I am confident that we would have delivered an explicit and less conditional endorsement that had been approved by Rydon’s and Hastoe’s boards.

I’d be grateful if you would get back to me on this as soon as possible.

Regards

Cllr John Stockdale,
Treasurer, Lewes Community Land Trust
61 Old Malling Way, Lewes, BN7 2EP - GB t: 01273 476151; m: 07923 893024; e: john@plantpress.com

Lewes Community Land Trust is a company limited by guarantee registered in England and Wales Company No 6484965; registered address: c/o Zoe Wangler, 5 Broomans Terrace, Lewes BN7 2BH; recognised as a charity by HMRC No XT22244.

Dear Councillor Stockdale,

Apologies for not taking your call earlier.

With regards to the scoring matrix, I regret (owing to a need to keep the disposal process stable) we are unable to provide the details of this. We had discussed internally what information could be provided prior to the LM meeting and have limited the report accordingly.
I know the process has entailed a lot of effort from yourselves (to which we are very grateful) and I anticipate that the feedback we provide will include comments from the bid scoring process and will focus on the areas that the bid scoring was separated in to, along with the associated weightings. I will aim to cover these areas and focus also on what we felt could have improved the proposal. This feedback will be made available following the LM decision and will hopefully assist with future endeavours.

Otherwise, all I would say is that the proposal the LCLT put forward was strong. Bid Panel members and members of the steering group were interested in the ideas you put forward, especially around the cooperative housing.

Regards

Chris

Christopher Reed  
Estates Surveyor  
Business Services Department  
East Sussex County Council  
County Hall  
Lewes BN7 1SF  
T: 01273 336237  
E: chris.reed@eastsussex.gov.uk

From: John Stockdale  [mailto:john@plantpress.com] 
Sent: 10 July 2013 10:55  
To: Chris Reed  
Cc: 'Pru Rowntree'; 'Jon Watson'; 'Peter Clarke'  
Subject: RE: St Annes Recommendation

Dear Chris

I was hoping we might be entitled to see the scoring matrix and how our bid was assessed against it. The trustees have a meeting on Thursday night and I would like to be able to present this if possible.

Regards

John

From: Chris Reed  [mailto:Chris.Reed@eastsussex.gov.uk] 
Sent: 09 July 2013 14:35  
To: John Stockdale  
Subject: RE: St Annes Recommendation

Dear Councillor John Stockdale,

I will enquire as to whether or not this information can be provided and get back to you shortly.

Regards

Chris

Christopher Reed  
Estates Surveyor  
Business Services Department  
East Sussex County Council  
County Hall  
Lewes BN7 1SF  
T: 01273 336237  
E: chris.reed@eastsussex.gov.uk

485
From: John Stockdale [mailto:john@plantpress.com]
Sent: 09 July 2013 11:45
To: Chris Reed
Subject: St Annes Recommendation

Dear Chris

Naturally disappointed in the decision taken by the Panel. Would it be possible to see the scoring system they used – obviously without their deliberations? Would it also be possible to have a summary of the proposed developments offered by each tender?

Regards
John

Cllr John Stockdale,
Treasurer, Lewes Community Land Trust
61 Old Malling Way, Lewes, BN7 2EP - GB t: 01273 476151; m: 07929 893024; e: john@plantpress.com

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From: Chris Reed
Sent: 23 July 2013 10:47
To: Kevin Molloy
Subject: RE: marketing particulars - stannes

I will re-word and send back - cheers

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk

From: Kevin Molloy
Sent: 23 July 2013 10:41
To: Chris Reed
Subject: RE: marketing particulars - stannes

Kevin Molloy
Senior Solicitor
Governance and Community Services Department
East Sussex County Council
P O Box 2714, County Hall, Lewes, East Sussex BN7 1UE
DX 97482/Lewes 3
Tel: 01273 4811770 Fax: 01273 483496
Email: kevin.molloy@eastsussex.gov.uk

From: Chris Reed
Sent: 23 July 2013 10:35
To: Kevin Molloy
Cc: Roger Simmons; Melanie Griffin
Subject: marketing particulars - stannes

Hi Kevin,

As per our meeting (with Melanie and Roger last week) attached are the marketing particulars and Argus advert for St Annes. Note there is no mention of restricting the bidders to organisations who do not promote religious/political activities. Also, the caveat at the bottom of the page which maintaining our right to alter the requirements as we see fit.
This tied in to the conversation as to whether or not we needed to re-market on the grounds that our original marketing was in fact a robust process. Expressions of interest were then sent the bid application questionnaire, where the preamble and mention of religious/political activities creeps in. I understand the discussion on what point to recommence the process is still open.

Regards

Chris

Christopher Reed  
Principal Estates Surveyor  
Business Services Department  
East Sussex County Council  
County Hall  
Lewes BN7 1SF  
T: 01273 336237  
E: chris.reed@eastsussex.gov.uk
From: David Baughan  
Sent: 12 August 2013 17:29  
To: Chris Reed  
Subject: FW: St Anne's Bid Process.doc

Fyi.

Please treat in confidence.

David Baughan  
Head of Strategic Property  
Business Services  
Property and Capital Investment  
East Sussex County Council  
Telephone - 01273 336680  
Mobile 07825 403002

“We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.”

From: Melanie Griffin  
Sent: 12 August 2013 17:14  
To: Kevin Foster  
Cc: David Baughan  
Subject: FW: St Anne's Bid Process.doc

Kevin,

Finally I can forward to you a document drafted by David Baughan and for your consideration. In summary it is recommended that we proceed as proposed in the original LM report recommendations following the Evaluation Panel re-sitting to accept the complexities and approve the Officers latest recommendation.

The recommendations are on the LM forward plan if you agree to proceed for September LM.

Regards,

Melanie  
Melanie Griffin  
Assistant Director Property and Capital Investment

Business Services Department  
East Sussex County Council  
Phone: 01273 335819  
Mobile 07879117564  
email: melanie.griffin@eastsussex.gov.uk

We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

Please do not print this email unless necessary
From: David Baughan  
Sent: 12 August 2013 15:05  
To: Melanie Griffin  
Cc: Kevin Molloy  
Subject: St Anne's Bid Process.doc

St Anne's Bid Process.doc

Hi Melanie,

Final version of the St Anne's bid process report that has been agreed with Kevin Molloy.

Over the weekend I was contacted by [REDACTED] and I have responded that this process remains subject to internal review and once complete I will be in contact.

Property Disposal Process.doc
Clare Dann

From: David Baughan
Sent: 12 August 2013 11:15
To: Chris Reed
Subject: St Anne’s Bid Process.doc
Attachments: St Anne’s Bid Process.doc
St Anne’s Bid Process.

Background.

St Anne’s School was closed in 2005. Its closure coincided with a decision by the Council to seek to relocate its County Hall function to a more central location in East Sussex. At that time investigations were carried out that concluded that because of the limited access via Rotten Row that the site should be retained until there was an opportunity to comprehensively redevelop both. An opportunity to relocate County Hall has not arisen and it has been decided that the Council should not seek to relocate its principal administrative building unless able to do at no cost. The prospects for achieving this are limited and therefore it was decided that the Council should seek to dispose of the St Anne’s site.

The site area of St Anne’s is approximately 4 acres; the entire County Hall site, including St Anne’s, amounts to approximately 10 acres.

Following an illegal encampment of the site, the Council has been working with the local community to explore both temporary and long term uses of the site that satisfy community aspirations. The community is represented by the St Anne’s Steering Group a mixed group led by 3VA consisting of local Councillor’s, representatives of local organisations, local residents and officers of the Council. It was agreed that they should be allowed to explore interim uses of the grounds and as a result a lease of the grounds only to 3VA has been completed for a period of one year from 13th August 2012 with an option to extend to three years.

It also become apparent that as a result of this work with the community that interest in the site was such that there was the opportunity to market the site more widely, so that the site could be developed for community purposes.

Disposal Process

A report on behalf of the Interim Director for Corporate resources was presented to a decision meeting of the Lead Member for Community and Resources on the 23 October 2012. Authority was obtained to declare the property surplus to Council requirements and the authority to market the market the property for community uses.
Following that decision it was also requested by the Lead Member that an option analysis be carried to establish if the land were to be sold without restriction for use as a site of community if the value achieved would be significantly in excess of that value achieved with the restriction applied.

A review was therefore carried out internally under the direction and supervision of an RICS Registered Valuer whom concluded that that the market value for such a restricted use would not be significantly less than the full market value because of the sloping nature of the site and the restricted access that meant the value for both uses was likely to be equal. It was therefore reported to the Assistant Director for Property and Capital Investment on the 13 November 2012 that the site value was £600,000 for either use.

As a result of this property being sold in accordance with the requirement of Section 123 Local Government Act 1972 that the property be sold for best value, EU procurement regulations do not apply. Therefore as this disposal process was not required to be in accordance with EU procurement regulations specified rights of challenge created by these regulations therefore do not apply.

The essential difference between a formal and informal tender process is that a formal tender process will include a contract of sale, with the specific intention that if the Council accepts a winning bid in writing that the parties will enter into a legally binding relationship. As this disposal process did not include a contract of sale this process was an informal tender.

Through an informal tender process neither the Council, nor any bidder is legally obliged to enter into a contract for disposal of the land. The informal tender process will be used by the Council to identify one preferred bidder with whom it may then negotiate further detailed terms or proposals to complete a sale. Therefore we are clearly under no obligation to accept any of the bids.

As specified by the term informal tender process there is no prescribed disposal process that a Council or any vendor is required to follow. It is acknowledged that a Council should seek to achieve best practice in managing a competitive disposal process and in reviewing the process the following issues have been considered;
**Time Frame Established** — Although the Expression of Interest Form did not clearly state deadline for response. Case Officers were in consistent contact with all parties to advise them of bid deadlines and there is email acknowledgement confirming timelines from parties.

**Sales Information**

An advert for the sale of the former St Anne’s School was placed in The Argus on the 25 January 2013. A set of sales particulars was also prepared and sent to any interested party, this document stated that bids for community purposes were being sought but no other restrictions were stated. A Community Asset Transfer application form was then made available to parties wishing to submit a bid, it was only this document that contained the erroneous exclusion of religious or political bidders. With exception of phrasing regarding exclusion of religious or political bidders the documentation this documentation was prior approved and was of suitable quality.

**Communications** — Each party who was provided with the Bid pack contacted the caseworker on individual points of clarification. These queries were responded to on an individual basis and as this was an informal tender process there was no requirement to share correspondence between all parties.

A key issue was the status of the St Anne’s Crescent Car Park and the Council’s desire to re-provide these spaces within any redevelopment of the St Anne’s site.

On the 28 February 2013 there was correspondence between the Case worker and regarding their potential inclusion of the St Anne’s Crescent Car Park in their bid. The Case Officer acknowledged the Council’s aspiration to dispose of this site however no encouragement was given to LCLT to include this in their bid.

All parties in their final bids included provision of alternative access via the St Anne’s site and reprovision of ESCC car parking spaces.

**Interim Review.**

Each bid was subject to an interim review by who has supported the Council in advising on the
Community Asset Transfer agenda. Feedback was provided to each bidder. That feedback differed according to the details of their own bid but was provided with the intention of giving every opportunity for each party to provide the best possible bid and did not participate in the deliberations of the final bid assessment process.

There is no requirement in an informal tendering process that all communication between bidder and vendor is shared between all parties. We are satisfied having examined subsequent correspondence between parties that no advantage was gained by a particular bidder or that information was with held that led to an unfair advantage.

**Bid Assessment Process.**

The Lead Member report of the 23 October 2012 stated that bidders will be assessed on their

- Business Plan.
- Commitment to work with the current tenant 3VA.
- Sum offered to purchase the property.

Similarly the Community Asset Transfer Application Form stated that the successful bidder would be identified on a number of factors including;

- The proposed use and its potential to obtain planning consent.
- How the proposed use/owner will manage the relationship with the existing tenant of the grounds.
- The business case in support of the proposed use.
- The price offered.

The Bid Assessment Panel was a joint working group of officers and members of the St Anne’s Steering Group and each member represented a specific area of expertise

Chris Reed – Estate Management.
James Harris – Economic Development.
Paul Rideout – Community.
Russell Bright – Finance.
Final weightings and scores were not shared with bidders. As this was an informal tender disposal process there was no statutory requirement to do so and therefore by withholding this information the process was not invalidated.

**Bidders ability to deliver.**

An assessment of bidders ability to deliver was not included in the final assessment scoring. This was in retrospect an error.

However its exclusion does not therefore mean that the bid scoring was invalid.

The LCLT in its challenge refers to insufficient time to clarify the commitment of its development partners. The bid timetable was compressed in order to attempt to deliver a decision on the disposal of this property before the summer break. As a result there was limited to clarify bid queries before final bid assessment panel. However as there was no weighting of the deliverability of individual proposals We are satisfied that this did not disadvantage the LCLT.

**Equality Act 2010.**

Whilst there are no specific procurement related equality duties, the Council is required to have "due regard" to the equality aims (set out in section 149 Equality Act 2010) when exercising any of its functions (known as the public sector equality duty ('PSED')). The regard that is
required should be proportionate, and should be determined by the relevance of the particular policy or proposal to those with protected characteristics (i.e. where the policy or proposal is particularly relevant to those with protected characteristics, the regard required will be higher).

In this instance, in order to comply with the PSED the Council is required to ensure fair access to the procurement process; i.e. ensuring that bidders are not disadvantaged as a result of their protected characteristic by the way the Council conducts the procurement process. The PSED does not require the Council to restrict who may submit a tender and, as set out above, excluding bidders from the process on the basis of any of the protected characteristics could be contrary to the PSED.

The PSED will also require that the Council has "due regard" to its equality obligations when evaluating the tenders. The equality aims are not a "trump card", they are just one factor to consider alongside all other relevant factors.

The statement in the Community Asset Transfer Application Form "requesting the purchase of a Council asset by voluntary, community or not for profit organisations unless the organisation is promoting political or religious activities" was potentially misleading and could have led to potential bidders being inadvertently excluded.

A careful examination of the case records has been carried out and records were kept as to whom requested sales particulars (that did not include this statement) and then the Community Asset Transfer Application Form. All four parties that requested this form submitted interim bids for comment and three of those submitted final bids for assessment. The fourth party that did not proceed to final bid was non religious organisation that withdrew because it was unable to submit a business case. Therefore we are satisfied that no party was excluded from this process either intentionally or unintentionally on religious grounds.

**Best Value**

The bid process made clear that this disposal would be assessed on a variety of criteria including price.
I am therefore satisfied that disposal to the SUBUD does not represent a sale of the property at an under value.

**Appeal Process** – There was no appeal process identified however as this was an informal tender process there is no statutory/best practice requirement to identify such an appeal process.

I have reviewed other disposal policy documents of other Local Authorities and there is no reference to an appeal process in relation to property disposal processes.

It should also be noted that as the Lead Member report of the 16 July was not considered there was no decision and therefore an appeal cannot be made against a decision that as yet has not been made.
Conclusion

There is no legal definition of how an informal tender process should proceed. The process that has been followed could be improved. However failings identified do not invalidate the process and no party has been excluded on grounds that could result in a breach of the Council duties under the Equality Act 2010. The LCLT challenge seeks to exclude its competitors on grounds of the incorrect statement included within the Asset Transfer Application Form. To allow that challenge to stand could therefore result in a breach of the Equality Act 2010 as both the SUBUD and YMCA could both argue that they have been discriminated against on grounds of the religious aims of their organisations of their bids were to be excluded.

Recommendations

A flowchart of Appendix 1 of this report defines the process for the identification of surplus property and subsequent disposal. This process is supported by relevant Property policies adopted July 2013. This review has identified some development points which are specified as follows;

1) An informal tender is a tender process that does not include a sales contract. It could have therefore benefitted the clarity of the process that this was informal tender proposal and that neither vendor or any bidder would be required to enter into a legally binding at conclusion of process and that there is therefore no appeal process.

2) Sales documents did not clearly specify timelines. Subsequent correspondence did define timelines but this would have been better included in original documentation.

3) In the interests of transparency, weighted scoring scheme could have been shared.

4) Score sheets could have been shared but as this was informal process there was no obligation to do so and could encourage late bidding.

5) An assessment of the deliverability of each bid should have included in the assessment process.

6) Council obligations under Equality Act 2010 should have been made clearer and future disposals should make it clear that bid evaluations will always considers those obligations.
None of the above issues have invalidated the process therefore the following steps are recommended;

1) Inform each bidder that Community Asset Transfer Application Form should not have stated religious or political organisations would be excluded from the process. To exclude a bid on such grounds could result in a breach of the Equality Act 2010.

2) Reconvene the bid assessment panel to inform them of this error and seek to reconfirm that their original bid assessment conclusions.

3) Subject to the above seek the consent of Chief Operating Officer to seek the decision of the Lead Member for Resources.

Appendix 1 Property Disposal Process.
See below letter.

Regards,

Melanie
Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk

We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

Please do not print this email unless necessary

From: CE & Leader Enquiries and Complaints
Sent: 14 August 2013 15:43
To: Melanie Griffin
Subject: B290.13 - YMCA re St.Anne’s site

Dear Melanie

Becky has received the attached letter today from the YMCA regarding the St.Anne’s site. I believe this comes under your umbrella - (if not, perhaps you could let me know who the correct person would be).

Could a response be drafted for Becky please.

Many thanks in advance.

Kind regards
Julia

B290.13 - ltr frm
YMCA re St. ...

Chief Executive Office, Centre E 3
12th August 2013

Dear Becky,

Re: St Anne's

You may remember that I mentioned to you a little while ago that we had put in a bid for the acquisition of the St Anne's School site adjacent to County Hall.

We were told that the site was to be awarded to the SUBUD group, subject to full Council approval. We have subsequently been told that the Council members have asked that the decision be reviewed through a 'more rigorous' process. I have spoken to Chris Reed, but he is unable to say at present what this might mean.

From our experience of the process, we felt it would have been helpful to have had more a dialogue with the Council, possibly through an interview where we could explain our plans, enabling the Council and other potential providers to better understand what we might be able to deliver. I have asked for some feedback on our bid which no doubt we will receive in due course.

We are not clear as to whether the decision is now to be completely reviewed, or whether Members merely want further information to assure them regarding the recommended preferred bidder.

Clearly, we feel we have a strong bid and a good track record of operating community facilities over many years. We do not know the details of the SUBUD bid, but we do feel it is important for us that there is a fair and rigorous process so that Councillors properly understand the merits of the individual bids, and that there is a level of transparency with clearly understood criteria which the bidders need to satisfy.
We have also been in discussions with the Coast to Capital LEP who have indicated their potential interest in supporting our proposal to create training and work opportunities for young people on the site.

Whatever the outcome of this particular process, the YMCA is totally committed to providing good local services for the people of Lewes. In the meantime, any light you can throw on the decision making process for the disposal of St Anne’s would be very much appreciated.

I look forward to hearing from you.

With very best wishes,
Hi Kevin,

I have had a quick word with Chris and so far the response from bidders has been muted.

LCLT – Nothing. (I will ask Chris to contact them again to seek confirmation of receipt I would not wish them to cry foul on grounds of non delivery of message).

SUBUD – Acknowledged and response promised.

YMCA – Acknowledged and comment made along the lines of “looks like you have chosen SUBUD can we have some feedback in due course”. I have asked Chris to go to back to them to make it very clear no decision has been made and that further submission is invited in respect of the specific points made in our letter of Friday.

We have also notified the Evaluation Panel and I have asked Chris to fix a date for the panel to reconvene to consider the impact of those further representations we may receive in respect of the Equality issues previously identified. I have received the following the very helpful suggestion below from Russell Bright who is on the evaluation panel covering finance issues.

For your information Sarah Feathers is in the Chief Exec’s office and is the Council’s Policy Manager in respect of Equalities.

Please let me know how you would want me to proceed.

David Baughan
Head of Strategic Property
Business Services
Property and Capital Investment
East Sussex County Council
Telephone - 01273 336680
Mobile 07825 403002

“We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.”
From: Russell Bright  
Sent: 19 August 2013 10:04  
To: David Baughan; Chris Reed  
Subject: RE: St Anne’s disposal - update

Hi David / Chis

Given the change, would it be useful to have an Equalities Officer at the Evaluation Panel meeting. Or for someone to run though the final decision with an Equalities Officer to make sure we haven’t missed something. A couple of weeks ago I received some useful Equalities Training and now feel Community Asset Transfers is an area they should be involved in. Sarah Feathers is the contact.

Regards
Russell Bright  
Principal Finance Officer  
Business Services Department  
East Sussex County Council  
Tel: 01273 482523  
e-mail to: Russell.Bright@eastsussex.gov.uk

From: David Baughan  
Sent: 16 August 2013 17:52  
To: Chris Reed; James Harris; Paul Rideout; Russell Bright  
Subject: RE: St Annes disposal - update

Dear All,

Statement to bidders omitted from Chris’s last note in error.

Katherine – Could we discuss on Monday how the St Anne’s Steering Group can be updated. Thanks.

“Dear Sirs,

As you will be aware following the receipt of further information the Lead Member for Resources agreed that reports due to be considered on the 16 July 2013 be withdrawn whilst a review of the disposal process of the former St Anne’s School be undertaken. It has always been recognised that this is an important decision and that the County Council wanted to be assured that it had followed fair, thorough and appropriate procedure.

The review of the disposals process has concluded and has identified that the following statement which was included in the Community Asset Transfer Application form had the potential to mislead applicants;

“The questionnaire applies to requests for the purchase of a Council asset by voluntary, community or not for profit organisations, unless the organisation is promoting political or religious activities.”

This statement was placed in order for the Council to meet its public sector equality duty (PSED) under the Section 149 of the Equality Act 2010. This requires an authority when exercising its function to have due regard to those with protected characteristics and in this instance to ensure fair access to the sale process; i.e. ensuring that bidders were not disadvantaged as a result of their protected characteristic by the way the Council conducts the process. Thus excluding bidders from the process on the basis of any of the protected characteristics could be contrary to the
PSED. For the avoidance of doubt those relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

However it has been identified that the above statement was not sufficiently clear so as to ensure the Council’s PSED was appropriately discharged. Accordingly I would like to confirm that the above restriction is removed, and any organisation ‘promoting religious activities’ may submit a bid in the usual way.

This statement was not included in the initial advert for sale or subsequent sales particulars and all parties that were sent the Application form with this incorrect statement submitted initial bids. Thus I am satisfied that no bidders were inadvertently excluded through that statement. Nonetheless the statement was potentially misleading and I am sorry for any confusion and delay in the process that this may have caused.

The PSED also requires that the Council has "due regard" to its equality obligations when evaluating the tenders that have been submitted. I would be grateful if you can confirm if you wish in any way to amend your bid in light of the above change or if you are happy for your bid to remain as previously submitted. In the interests of fair competition between all parties the Council will only allow amendments to submitted bids where it can be evidenced that these bids were either influenced by the interpretation of this statement or that bidders wish to make further submission relevant to the specific information contained within this letter.

I am grateful for your patience whilst this review has been conducted and I am seeking to gain LM consideration to the officer recommendations on the 17th September and therefore we will require your confirmation by 5pm on the 27 August 2013."

David Baughan
Head of Strategic Property
Business Services
Property and Capital Investment
East Sussex County Council
Telephone - 01273 336680
Mobile 07825 403002

"We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you."

From: Chris Reed
Sent: 16 August 2013 16:52
To: James Harris; Paul Rideout; Russell Brighton
Cc: David Baughan
Subject: St Annes disposal - update

Dear All,

Thank for all your help so far in the disposal process of the former St Anne’s School. As you will be aware following the receipt of information it was decided that the report to Lead Member of Resources should be withdrawn and a review of the disposal process be conducted. That review has been concluded and Kevin Foster Chief Operating Officer asked that the following statement be issued to each of the bidding parties.

I was therefore anxious that you be made aware of the following as soon as possible. Following the receipt of any further representations from bidding parties it will be necessary to reconvene the Evaluation panel to consider:
1) The potential impact of the statement within the Community Asset Application Form that has now been found to be incorrect upon each bid.

2) The impact of the Council's Public Sector Equality Duty when considering those bids.

When we have had the opportunity to consider the above it will then be necessary to ascertain if you are happy to confirm your previous decision. However please note that bidders have not been invited to further submission on any other matter other than that specified in the following statement.

I will be back in contact with you early next week to arrange a mutually convenient time for us all to meet between the 28 August and the 5 September.

Regards

Chris

Christopher Reed
Principal Estates Surveyor
Business Services Department
East Sussex County Council
County Hall
Lewes BN7 1SF
T: 01273 336237
E: chris.reed@eastsussex.gov.uk
Hi Kevin,

I have had a quick word with Chris and so far the response from bidders has been muted.

LCLT – Nothing. (I will ask Chris to contact them again to seek confirmation of receipt I would not wish them to cry foul on grounds of non delivery of message).

SUBUD – Acknowledged and response promised.

YMCA – Acknowledged and comment made along the lines of “looks like you have chosen SUBUD can we have some feedback in due course”. I have asked Chris to go to back to them to make it very clear no decision has been made and that further submission is invited in respect of the specific points made in our letter of Friday.

We have also notified the Evaluation Panel and I have asked Chris to fix a date for the panel to reconvene to consider the impact of those further representations we may receive in respect of the Equality issues previously identified. I have received the following the very helpful suggestion below from Russell Bright who is on the evaluation panel covering finance issues.

For your information Sarah Feathers is in the Chief Exec’s office and is the Council’s Policy Manager in respect of Equalities.

Please let me know how you would want me to proceed.

David Baughan
Head of Strategic Property
Business Services
Property and Capital Investment
East Sussex County Council
Telephone - 01273 336680
Mobile 07825 403002

“We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.”

From: Russell Bright
Sent: 19 August 2013 10:04
Hi David / Chis

Given the change, would it be useful to have an Equalities Officer at the Evaluation Panel meeting. Or for someone to run though the final decision with an Equalities Officer to make sure we haven’t missed something. A couple of weeks ago I received some useful Equalities Training and now feel Community Asset Transfers is an area they should be involved in. Sarah Feathers is the contact.

Regards
Russell Bright
Principal Finance Officer
Business Services Department
East Sussex County Council
Tel: 01273 482523
e-mail to: Russell.Bright@eastsussex.gov.uk

From: David Baughan
Sent: 16 August 2013 17:52
To: Chris Reed; James Harris; Paul Rideout; Russell Bright;
Subject: RE: St Annes disposal - update

Dear All,

Statement to bidders omitted from Chris’s last note in error.

Katherine – Could we discuss on Monday how the St Anne’s Steering Group can be updated. Thanks.

“Dear Sirs,

As you will be aware following the receipt of further information the Lead Member for Resources agreed that reports due to be considered on the 16 July 2013 be withdrawn whilst a review of the disposal process of the former St Anne’s School be undertaken. It has always been recognised that this is an important decision and that the County Council wanted to be assured that it had followed fair, thorough and appropriate procedure.

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David Baughan
Head of Strategic Property
Business Services
Property and Capital Investment
East Sussex County Council
Telephone - 01273 336680
Mobile 07825 403002

"We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you."

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From: Chris Reed
Sent: 16 August 2013 16:52
To: James Harris; Paul Rideout; Russell Bright; [REDACTED]
Cc: David Baughan
Subject: St Annes disposal - update

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2) The impact of the Council’s Public Sector Equality Duty when considering those bids.
When we have had the opportunity to consider the above it will then be necessary to ascertain if you are happy to confirm your previous decision. However please note that bidders have not been invited to further submission on any other matter other than that specified in the following statement.

I will be back in contact with you early next week to arrange a mutually convenient time for us all to meet between the 28 August and the 5 September.

Regards

Chris

Christopher Reed  
Principal Estates Surveyor  
Business Services Department  
East Sussex County Council  
County Hall  
Lewes BN7 1SF  
T: 01273 336237  
E: chris.read@eastsussex.gov.uk
From: Melanie Griffin
Sent: 29 August 2013 16:30
To: Kevin Molloy; Chris Reed
Subject: RE: URGENT Letter regarding St Anne's

Kevin I believe all this was emailed to you previously when the first letter of appeal came in. If however you have not got it please ask Chris to Forward.

Regards,

Melanie
Melanie Griffin
Assistant Director Property and Capital Investment

Business Services Department
East Sussex County Council
Phone: 01273 335819
Mobile 07879117564
email: melanie.griffin@eastsussex.gov.uk

We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

Please do not print this email unless necessary

From: Kevin Molloy
Sent: 29 August 2013 15:29
To: Melanie Griffin
Subject: FW: URGENT Letter regarding St Anne's

Kevin Molloy
Senior Solicitor
Governance and Community Services Department
East Sussex County Council
P O Box 2714, County Hall, Lewes, East Sussex BN7 1UE
DX 97482 Lewes 3
Tel: 01273 481770 Fax: 01273 483496
Email: kevin.molloy@eastsussex.gov.uk

From: Kevin Molloy
Sent: 28 August 2013 16:01
To: Melanie Griffin
Subject: RE: URGENT Letter regarding St Anne's
Kevin Molloy  
Senior Solicitor  
Governance and Community Services Department  
East Sussex County Council  
P O Box 2714, County Hall, Lewes, East Sussex BN7 1UE  
DX 97482 Lewes 3  
Tel: 01273 481770 Fax: 01273 483496  
Email: kevin.molloy@eastsussex.gov.uk

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From: Melanie Griffin  
Sent: 28 August 2013 15:47  
To: Kevin Molloy  
Cc: David Baughan; Chris Reed  
Subject: URGENT Letter regarding St Anne's  
Importance: High

Kevin, please see attached and also comments below from David.

Can you please advise as to the next steps we need to take including reference to the next LM meeting and the report recommendations and a response for Becky.

Regards,

Melanie

Melanie Griffin  
Assistant Director Property and Capital Investment

Business Services Department  
East Sussex County Council  
Phone: 01273 335819  
Mobile 07879117564  
email: melanie.griffin@eastsussex.gov.uk

We are committed to providing a professional and quality service. We welcome feedback so please let us know when we have done well and when and how we could improve our service. Thank you.

Please do not print this email unless necessary

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From: David Baughan  
Sent: 27 August 2013 11:55 PM  
To: Melanie Griffin  
Subject: FW: Letter regarding St Anne's

Hi Melanie,
Just as I sent previous note the below came through from Kevin. As you know I am on leave and not around tomorrow but I have attached following comments on the letter for your consideration and have not shared with others. I hope it is of assistance,

- There was a lack of clarity as to the parameters of the bid, and what the Council wanted to achieve through the transfer of the site. We had contradictory advice to whether or not housing might be included on site, for instance. My review of the file records did not reveal any contradictory written advice. Therefore I think further evidence should be requested.

- We were told that there may be an option to acquire the St Anne's Crescent overflow car park and develop this as part of the bid. Again, it was not made clear whether this was a definite option. Bidders were informed that the Council would welcome bids that allowed for the creation of an alternative staff car park in the grounds of the St Anne’s grounds. There was no indication in any of the bid material that the Council was including the St Anne’s Crescent in the disposal. Archie wrote very clearly when Pru Rowntree indicated that she would be including in this the bid and advised that such a much “was unlikely to be looked on favourably by the bid assessment panel” (or words to that effect the precise quote was in an earlier version of my Bid assessment report).

- We were told that the shortlisted bidders should produce an outline bid and then we would be invited for interview, through which our bid could be refined if necessary. This did not happen. This again was not indicated in the disposal papers or file records what did happen was Michael Pyner analysis of all outline bids, that was fed back to each bidder so they could make refine their bids. All three final bidders adjusted their bids accordingly particularly the YMCA and the LCLT. There was no complaint at the time with the support we provided them with.

- We were told following the withdrawal of the proposal to award the site to Subud from the Council meeting on 16th July that the bids were to be considered through a more rigorous process. – I have no comment on this point.

- We then received the attached email, which merely says the restriction on organisations promoting political or religious activities has been removed. It seems to us that the only reason to change the criteria at this point is to enable the Council to proceed with the award of the site to Subud. – YMCA is a religious organisation and therefore on the basis of this statement should have been excluded. In addition we have clear advice from Rebekah Herring that previous statement in bid papers was not in accordance with Section 149 Equality Act 2010 and the definition of the Public Sector Equality Duty.

- Sussex Central YMCA and the Lewes Community Land Trust have asked for feedback from our bids which has not been received to date. We presume the
scoring of the bids will be available to evidence your decision. The Evaluation Bid scoring is available when you deem it right to publish. Both Roger and I are satisfied that the weighting is in accordance with assessment criteria specified in the Community Asset Transfer Application Form.

Clearly this is a valuable site which has considerable potential to benefit the community, and we would expect the County Council to seek assurance that they have secured the best offer for the site that can create a sustainable provision that will benefit the community for years to come. From our point of view, we do not feel this has been a fair and rigorous process, giving senior officers and elected members a chance to consider the merits of the shortlisted bids sufficiently to enable them to make an informed decision.

In summary:

- It was not clear what was admissible/inadmissible in the bidding process (changing the rules re religious organisations as an example of this).
- The process was not clear and rigorous. We were not interviewed although we had been told we would be.
- We are still not clear how the decision is to be made regarding the successful bidder and by whom.

As bidders we have put a lot of work and incurred considerable costs into preparing our bids, and do not feel we have had sufficient engagement with the County Council as the Commissioning body through a fair and open bidding process. We would urge that you review the process before making your final decision and we are keen to talk with you regarding ways in which we might be engaged in a fair, open and transparent process. We look forward to hearing from you.

From: Kevin Foster  
Sent: Tue 27/08/2013 23:01  
To: David Boughan; Melanie Griffin  
Cc:  
Subject: FW: Letter regarding St Anne's

David /Melanie - Can you consider the attached and liaise with legal services as to appropriate response

Vanessa – I think a response acknowledging receipt and as you suggest – be brought to her attention on her return.

Regards

Kevin Foster  
Chief Operating Officer

Business Services Department  
East D, County Hall, Lewes
Hi Kevin

In Becky's absence could you please advise on the attached. Are you happy for me to email Liz Rogers back just to confirm receipt and that I will bring her correspondence to Becky's attention on her return?

Many thanks

Email:

From: 
Sent: 27 August 2013 16:45
To: Becky Shaw
Cc: 
Subject: RE: Letter regarding St Anne's

Apologies, letter attached.
To: 'Becky Shaw'

Subject: Letter regarding St Anne's

Dear Becky,

Please find attached letter from ___________ the St Anne's site which was hand delivered to you today.

Kind regards,

Find us on Twitter and Facebook!
www.Twitter.com/SCYMCA
www.Facebook.com/SussexCentralYMCA
Sussex Central YMCA is a registered charity offering a range of services for children, young people and families in Sussex. Our main areas of expertise include: housing, youth and family support, sport, counselling and advice. Visit www.sussexcentrальнымymca.org.uk for more information.

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