

DRAFT EDITH WESTON PARISH COUNCIL – SGB Committee

Minutes of the meeting of the Edith Weston Parish Council (EWPC) St Georges Barracks (SGB) Committee held on Monday 17 August 2020.

Attendance: Paul Boggust (PB), Julie Gray (JG) - Chair, Juliet Stuttard (JS), Peter Coe (PC), Cathie Gwilliam (CG) - Clerk

Visitors: 1 members of the public.

SGB 28/20.	Apologies
	None
SGB 29/20.	Declarations of interest in items on the agenda.
	None
SGB 30/20.	Public Open Forum
	Norman Milne reported that Fight 4 Rutland were struggling with issues in setting up a bank account.
SGB 31/20.	Minutes of the last meeting held on 30 July 2020. Please see attached Appendix A
	Item 15/20 was incomplete and should read. Will the alterations at the end of Pennine Drive and the new roundabout at the Wychley Warren Lane junction need planning permission?
	As a result of that question asked in item 15/20, it was agreed that RCC would have statutory powers to make road improvements without the need for planning permission.
	Item 23/20 Clarify that the appointment was based on Itemised billing, funding being available and can be used for this purpose.
SGB 32/20.	Matters arising from the minutes not on the agenda
	Marrons invoice has now been paid.
SGB 33/20.	SGB Lorry park planning, implications.
	There are concerns about how much time the applicant is being given to comply with the planning conditions and details highway report.
	Complaints passed on to this committee by EWPC include people who are kept awake at night by lorry movements.
	If they are causing environmental issues, then we may be able to get a stop notice issued.
	Resolved. To put tighter some advice to affected residents and go door to door offering advice and collect complaints to pass on to Environmental health, Planning and highways copying EWPC and the ward members in on their responses. CG to draft and PB/JS to action.
SGB 34/20	Reg 19 – Village response
	Key points from Scrutiny Committee
	<ul style="list-style-type: none">• Councillors are resigned to the fact that the Conservatives are pushing

things through anyway.

- The chairperson's input was all prewritten.
- No report as yet

Tomorrow we should learn the start dates of the Reg 19 consultation.

We need a six-week plan to gather representations.

CG is compiling a list of key stakeholders. EWPC will have a representation back up by our barrister. Do we want to set up Zoom meeting to help people make representations? We can share our mechanism for doing that with other parish councils.

Representations will remain separate to gathering local opinion as to what is best for our village. We must support the village first and the wider community second.

SGB 35/20 Newsletter

- Distribution list is being compiled. 49 separate houses signed up at the moment.

That take up has not been as extensive as we had hoped.

Resolved. To go door to door encouraging people to sign up for the email newsletter.

- First addition.

Donation requests will be launched with the first newsletter.

Resolved. To go ahead with the first addition.

SGB 36/20 Village Teams for prep work

- Methodology, gathering representations

Task/project Groups. Asking different people with different expertise to look at different areas of the local plan.

Resolved. To add to the report issued to EWPC full council for discussion.

SGB 37/20 Legal Representation

- Draft report to EWPC. See **Appendix B**

It was confirmed that we will be seeking three separate contracts for three separate items of work. Each contract will only be entered into if the funding/donations are in place to do so.

Resolved. To present the report to EWPC full council for approval of the expenditure.

SGB 38/20. Fund raising

Advice from LRALC. See **Appendix C**

LRALC advice was confused and Jake later admitted his reply to EWPC was actually the reply to another council with a similar question. The advice in the message dated 7 August was specific to EWPC.

Following other research carried out by JG we can ask for donations to EWPC as councils can accept donations. The money has to be then treated as precept so can only be used as public funds and only spent on projects for the benefit of the community. Any donations not spent on SGB will be spent in accordance with the Grants and Donations policy to be reviewed at the Annual Parish Meeting.

Resolved. To attempt to go for the full £30,000 in donations.

SGB 39/20. To confirm the date of the next SGB Committee

Tuesday 1st September, 7pm Via Zoom meeting.

DRAFT EDITH WESTON PARISH COUNCIL – SGB Committee

Appendix A

Minutes of the meeting of the Edith Weston Parish Council (EWPC) St Georges Barracks (SGB) Committee held on Thursday 30 July 2020

Attendance: Paul Boggust (PB), Julie Gray (JG) - Chair, Juliet Stuttard (JS), Cathie Gwilliam (CG) - Clerk

Visitors: 2 members of the public.

SGB 13/20. Apologies

Peter Coe (PC)

SGB 14/20. Declarations of interest in items on the agenda.

JG has been volunteering for the Fight4Rutland campaign.

SGB15/20. Public Open Forum

It was asked if the roundabout proposed

SGB 16/20. Minutes of the last meeting held on 4 June 2020.

Meeting was cancelled

SGB 17/20. Matters arising from the minutes not on the agenda

- Marrons Consultants, Planning advice - £4,380

Confirm approval to Full Council for payment.

Resolved. To hold until it is confirmed if Marrons will be making representations. If not then that element will need to be removed and a new invoice submitted.

SGB 18/20. SCI – Results and Implications

We know there were a lot of responses to the consultation.

EWPC have made formal complaints regarding the SCI and the EIA and have drafted requested that, as the responses given to EWPC complaints have in EWPC opinion unacceptable, that this process be taken further.

Resolved. To send the request that both complaints be taken further in accordance with RCC complaints procedure.

We can act further when the Scrutiny panel agenda is published.

SGB 19/20 Communication Methods

Notification of newsletter and actions required of residents has been circulated to all residents. It has also been posted on the Facebook page, website and at the shop.

Looking at setting up teams to help with communications and use communications as a mechanism for fund raising.

Resolved. To look at this again when we know how many people have responded.

SGB 20/20 Volunteers

JG has prepared a document pulling together the tasks and obstacles that need to be addressed between now and the end of Reg 19. This will give some structure as to our action plan.

We need help to set up groups to work on specific tasks.

SGB meetings to be set fortnightly from now on.

We need letter writers to keep up the pressure.

Resolved. To use the email database to ask for volunteers to help with the teams detailed in the structure document.

SGB 21/20 Next Stage

- Scrutiny
- Reg 19
- Fight 4Rutland
- New CEO?

EWPC arrange to discussion on SGB

- Scrutiny - 13th August. Looking at SCI. We are looking onto getting legal advice about how to launch a judicial review and the implications of doing so.

Resolved. EWPC will only take this on if it is deemed an appropriate thing to do after advice is sought.

Resolved. CG to ask advice of funding that may be available.

- Reg 19.
This will happen after the Cabinet meeting on 25th August to decide on the outcome of the scrutiny meeting. This is likely to be by the end of August. Reg 19 consultation will only be 6 weeks.
- F4R is an independent campaign group. They have an appointment to see the new RCC CEO.

Resolved. To meet with North Luffenham to talk through on an informal basis. We will continue to work with and share information with our neighbours.

SGB 22/20 Closed Session is called.

The Public will be asked to leave the meeting due to the commercially confidential nature of the following items.

Monday 17th August, 7pm Via Zoom meeting.

Tuesday 1st September, 7pm Via Zoom meeting.

Appendix B

Edith Weston Parish Council, SGB Committee Report, 10 August 2020.

Appointment of legal representation for Edith Weston Parish Council in respect to the Reg 19 response and subsequent hearings.

Introduction:

The SGB Committee would like to recommend to the Parish Council that in order to produce an effective argument in favor of a more suitable and sustainable development on the St Georges Barracks site, the Parish Council will require, professional, legal representation.

Quotations:

The committee have shown due diligence in obtaining quotations from three separate companies, however due to the commercially sensitive nature of the information held within those quotes, a summary is provided as follows:

Quote A.

(VH) £25,000 to a ceiling of £30,000+ VAT. Ghost writing Reg 19 representation for Edith Weston Parish Council. Preparing the statements for the inspector. Prepare for and attend an estimated 3-day hearing.

Staged payments can be agreed and with break clauses, should funding not be available.

Quote B.

(Marrons) approx. £20,000. Drafting representations in objection to the Local Plan and SA in relation to a high level planning review and submission of representations.

Quote C.

(King Chambers) have quoted £15,000 to £20,000+ VAT. Preparation of response only. Attendance at examination would be in addition and payable up front.

Other deciding factors:

Having completed great deal of research into legal representatives, the committee and has talked at length with several external sources seeking recommendations, watched briefings and conducted informal interviews with possible candidates. All committee members have been very impressed with Quote A and are happy to recommend Quote a too be the best value for money, when considering experience in the field, success rate and the flexibility in terms and conditions of their possible appointment.

Recommendation:

To appoint Quote A in line with itemised quotes, subject to funding being available.

(Information to be redacted)

Appointment of legal representation 10 August 2020v1

Appendix C

Ticket #: 1329383
Subject: Fund Raising And Campaigns Against Local Development
Status: Closed
Priority: Important
Category: Council Business, Law & Procedure
Date: Thu, 06 Aug 2020 11:29:39 +0100
Author: Jake Atkinson

Cathie,

Please see below the advice from NALC legal. Are you clear about how to calculate your s137 limit? Also, please note the comment about the purpose that the funding will be put to. The website of fight4rutland is not clear by any stretch of the imagination about the aims and objectives of the company. I'd suggest that the council needs to understand exactly how its money will be used by this company before considering funding. This needs to be specific and not vague.

We would advise a Parish Council to be extremely careful in providing funds for such groups. Some of these groups can become very political and Councils should not provide such funds for political purposes.

If the group proposes to apply for Judicial Review it is usual in such circumstances to reconstitute themselves as a limited Company in order to reduce liability for costs. There is however power, in certain circumstances, for costs to be recovered from those people or organisations who fund the action.

Regards,

Jake

See NALC's advice here:

Sent: 06 August 2020 09:32

To: Leicestershire & Rutland ALC

Cc: Legal Team at NALC.

Subject: Our ref: Leic 20/447 - General CALC enquiry - Power to make grant to campaign group – limited company

Dear Jake

Thank you for your recent request for advice.

For the purposes of this advice, I am assuming the Council seeking to provide funds does not have GPC. As you will be aware, section 137(1) of the Local Government Act 1972 (the 1972 Act) enables a council to incur expenditure which in its opinion is in the interests of, and will bring direct benefit to, the area or any part of it or all or some of its inhabitants. Expenditure is capped in accordance with the s.137 limit and the direct benefit must also be commensurate with the expenditure to be incurred.

Whilst a Council is able under s137 LGA 1972 to incur expenditure for certain purposes that are not otherwise authorised, this is not without certain restrictions, explained in our Legal Topic Note 31. A Council needs to be certain of the purpose of their gift, as well as the nature of the group it intends to donate to. Where assistance worth £2,000 or more is given to a voluntary organisation, the body must be required within 12 months to state in writing the use of which money (or other help) has been put (s137A LGA 1972). For clarification purposes, a "voluntary organisation"

means a body which is not a public body but whose activities are carried on otherwise than for profit. A Council would need to satisfy itself as to the nature of the group prior to any donation. The status of the group is a decision the Council itself, needs to make.

It is not uncommon for local councils to donate funds to campaign groups in similar situations. A Council would need to consider whether, subject to the limitations, expenditure in "their opinion is in the interests of, and will bring direct benefit to, their area or any part of it or all or some of its inhabitants..." It is this that the Council should satisfy themselves on, quickly followed by the status of the campaign group, as mentioned above.

I would remind any Council that s.137 donations are gifts of public money so they should give careful consideration as to the recipients of such donations. Legal Topic Note 31 is available from our website www.nalc.gov.uk/members-area/legal.

I hope this assists.

Kind regards

Gurvynda Paddan-White

Solicitor

National Association of Local Councils

t: 020 7290 0306 | w: www.nalc.gov.uk <<http://www.nalc.gov.uk>> | a: 109 Great Russell St, London WC1B 3LD Please note my usual working days are Wednesday, Thursday and Friday.

Ticket #: 1329383
Subject: Fund Raising And Campaigns Against Local Development
Status: Open
Priority: Important
Category: Council Business, Law & Procedure
Date: Fri, 07 Aug 2020 13:14:56 +0100
Author: Jake Atkinson

Cathie,

Apologies, we have two similar queries live at the same time, we have shared NALC's view on the other related matter with you. However, much of what I said is relevant.

A parish council is a local authority, and for that reasons they usually do not act as campaign groups. It is usually far more appropriate for a local campaigning group to be set to "fight" such projects because they would be free of the limitations that are placed on you as a tier of government.

Even donations to a "fighting fund" have to be treated exactly the same as the precept, i.e. once you receive the money it becomes "public money" and is not separate from other council finances. There will be no guarantee that donations will be spent on the purpose for which they were received, and money would not be given back to those who had donated if it were not spent.

It also depends on the aims of the PC in terms of the "fight". i.e. how far is the parish willing to go (Judicial Review?), in which case before the council goes any further it needs to take legal advice about the implications of this. There are often news stories about glum looking councillors from small PCs pondering how they will pay the huge legal bill and costs they have been landed with following a failed Judicial Review. Of course the answer is that tax payers will be burdened with the costs on their council tax bill.

We are looking at paying for a specialist solicitor to hold a Zoom briefing for the PCs involved in this issue so that these and other issues could be discussed jointly. Is this something you'd find useful?

Jake