

**Minutes of an Extraordinary Meeting of
Bures St Mary Parish Council
Monday 11th November 2019 at the Garrad Room,
Bures Community Centre, Nayland Road at 7.30pm**

Present: Cllrs G Jackson, J Aries, T Fairbairn, J McCrory, S Pentney,
T Saer, R Warren, M Welch (BHPC), D Monk (BHPC), C Ellis (BHPC)

In the Chair: Cllr G Jackson

Also Present: Mrs J Wright (Clerk) and 18 members of the public

1/11E/19 APOLOGIES FOR ABSENCE

Apologies received from Cllr Alston (work commitment).

Apologies accepted by those members present.

Apologies also received from District Cllr M Barrett, Cllrs Baker and Raymond (BHPC).

2/11E/19 DECLARATION/REGISTER OF INTERESTS/DISPENSATIONS

To declare any 'Pecuniary' or 'Non-pecuniary' interests in respect of items on the agenda.

No Register of Interests declared or Dispensation requests put forward.

To note that Declarations from 4th November stand.

3/11E/19 MINUTES

Minutes of the Parish Council Meeting of 19th September 2019 (previously circulated) were approved and duly signed as a correct record. Minutes of the Joint Planning Committee Meeting of the 4th November 2019 were approved and duly signed as a correct record subject to one amendment – 4/11/19 Judicial Review – 'and Plots 1 – 4 will' to read 'and Plots 1 – 4 may'. Duly amended.

The Chairman asked whether the minutes of the 19th September should include the decision by KBB to go ahead with the JR as this would clarify the first stage.

No response made by members.

4/11E/19 PUBLIC FORUM – Questions or Statements from the Public

15 minutes maximum public participation

3 minutes for individual contributions unless longer required

There were 18 members of the public present. 1 member of the public asked to speak.

That person asked how far through the Judicial Review process was the Parish Council going to proceed. Was it considering proceeding to Stage 2. The Chairman noted that this would be discussed at Agenda Item 5 (b).

4/11/19 JUDICIAL REVIEW

The Chairman asked for Agenda Item (c) to be moved forward. This was agreed by those members present.

(c) To consider available finances and Crowdfunding for moving forward.

The Chairman presented the following: (See attached sheet). It was noted to members that Parish Councillors have a duty to assess all possible risks to public money.

Aarhus Convention does not apply unless the Parish Council finances are available for scrutiny by the Judge.

£5,000 had been transferred from KBB to BSMPC. Costs in the region of £5,800 had been accrued to date. The Chairman considered that a further £7,000 costs was required at this stage. Kenn Butcher presented the Clerk with a current KBB Statement of Finances. The Chairman confirmed that Richard Buxton Solicitors had not presented a time cost sheet to date. However a copy Schedule of Costs had been forwarded showing costs incurred by the Defendant BDC of £3,300 to date.

TF stressed the importance of transparent and accurate recording of the finances of the JR process showing those costs accrued by KBB prior to the Parish Council taking over as Client (date being 5th November 2019) and of those subsequently accrued by the Parish Council.

BDC had filed its Acknowledgement of Service with summary grounds, Witness Statement from BDC Governance Officer and a Statement of Costs. These papers being against the Claim submitted by KBB

Richard Buxton Solicitors had agreed to submit an amended Grounds Claim and proposed Substituted Claimant Bures St Mary Parish Council. These papers required to be presented as soon as possible.

The Chairman noted to the members the possible costs to the Parish Council if the JR was successful or if it failed. (See attached sheet). She referred to the Parish Council Financial Regulations 4.6 stating that the Parish Council must show it has sufficient funds before taking on a motion put forward.

Kenn Butcher confirmed he would ensure funds to date were covered by KBB.

Questions asked:

Would the Parish Council want to take on the Crowdfunding or happy for the KBB to continue?

Would it be legal for the Parish Council to Crowdfund?

Is KBB able to meet all costs throughout the process of the JR?

The Chairman noted that her preference would be for KBB to continue with the Crowdfunding as the KBB had agreed previously that all costs would be honoured by them.

The Chairman considered that the condition of Planning Permission that the work is undertaken within 5 years would not be a problem for the developer as the work had been started.

It was noted that BDC are a planning department and can spend public funds accordingly and are not similar to parish councils who must consider all risks before spend.

A member of the public asked Kenn Butcher if the mentioned 'benefactor' could be a 'guarantor' for the JR costs. However KB advised that the 'benefactor' had not offered to cover shortfall and therefore would not be a 'guarantor'.

Much discussion followed on costs pending and spent. Financial Regulations referred to. No unacceptable risks should be taken by the Parish Council. No expenditure should be taken unless the Parish Council is 'satisfied' that necessary funds are available.

The Chairman clarified that the sheet of financial implications was the Risk Assessment to the Parish Council of the JR process and indicated that the risk was high.

b) Correspondence received to date: The Chairman referred to the clarity of costs made by Richard Buxton Solicitors. (See attached sheet). She also referred to the proposal by Richard Buxton Solicitors to agree to a Conditional Fee Agreement (CFA) for costs incurred between them obtaining permission and through to the end of the JR.

a) To consider the 'Grounds' put forward by the Parish Council's Barrister.

The Amended Statement of Facts and Grounds had been circulated to all members for consideration. No points previously raised by TF had been included.

It was proposed to accept the amended Grounds and the Substituted Claimant as Bures St Mary Parish Council. 5 in favour with 2 against. Proposal accepted.

6/11E/19 BRIEF INFORMATION & EXCHANGE FOR NEXT AGENDA ITEMS

It was acknowledged that the change of claimant and grounds may be rejected by the Court.

7/11E/19 DATE OF NEXT MEETING

Parish Council meeting – Thursday 21st November 2019 – to be held at The Garrad Room, Bures Community Centre, Nayland Road at 7.30pm.

Future dates booked for 2020: 16th January, 19th March, APM 23rd March,
AGM 21st May, 23rd July

The meeting closed at 9.10pm.

Signed:

Chairman

Date