



# **EDITH WESTON PARISH COUNCIL**

**4 Normanton Cottages, Empingham Road,**

**Normanton, Rutland, LE15 8RW**

10 August 2020

The next meeting of Edith Weston Parish Council SGB Committee is to be held on Monday 17 August 2020 at 7pm. The Draft Agenda is set out below.

We would like to offer members of the public the opportunity to submit questions in writing if they are unable to participate online or via phone link. Any questions should be submitted in writing to me at the above address.

To attend the virtual meeting online or via phone link, please follow these instructions:-

**Topic: EWPC SGB Committee meeting**

**Time: Aug 17, 2020 07:00 PM London**

Join Zoom Meeting

<https://us02web.zoom.us/j/89853666531?pwd=bTlqODZYQXdWpValFUeWIQLzRmdz09>

Meeting ID: 898 5366 6531

Passcode: 692905

One tap mobile

+442039017895,,89853666531#,,,,,0#,,692905# United Kingdom

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Dial by your location

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Meeting ID: 898 5366 6531

Passcode: 692905

Find your local number: <https://us02web.zoom.us/j/89853666531?pwd=bTlqODZYQXdWpValFUeWIQLzRmdz09>

***Cathie Gwilliam***

Clerk to the Council

## AGENDA

SGBC 28/20.	Apologies	CG
SGBC 29/20.	Declarations of interest in items on the agenda.	JG
SGBC 30/20.	Public Open Forum	
SGBC 31/20.	Minutes of the last meeting held on 30 July 2020. Please see attached <b>Appendix A</b>	JG
SGBC 32/20.	Matters arising from the minutes not on the agenda	JG
SGBC 33/20.	SGB Lorry park planning, implications.	JG
SGBC 34/20.	Reg 19 – Village response	JG
SGB9 35/20.	Newsletter <ul style="list-style-type: none"><li>• Distribution list</li></ul> First addition.	JG
SGB 36/20.	Village Teams for prep work <ul style="list-style-type: none"><li>• Methodology, gathering representations</li></ul>	JG
SGBC 37/20.	Legal Representation <ul style="list-style-type: none"><li>• Draft report to EWPC. See <b>Appendix B</b></li></ul>	JG
SGB 38/20.	Fund raising <ul style="list-style-type: none"><li>• Advice from LRALC. See <b>Appendix C</b></li></ul>	JG
SGB 39/20.	To confirm the date of the next SGB Committee <ul style="list-style-type: none"><li>• 1 September 2020, 7pm</li></ul>	JG

### 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 - 13<sup>th</sup> 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 25<sup>th</sup> 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 neighbors.

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.

SGB 27/20 To confirm the date of the next SGB Committee

Monday 17<sup>th</sup> August, 7pm Via Zoom meeting.

Tuesday 1<sup>st</sup> 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.**

( ) £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.**

( ) 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.**

( ) £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 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

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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](http://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) <<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

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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