

**MINUTES OF THE EXTRAORDINARY SPROUGHTON PARISH COUNCIL MEETING HELD AT THE BARLEY ROOM,
TITHE BARN, LOWER STREET, SPROUGHTON ON 12TH FEBRUARY 2016, AT 09.00AM**

Councillors present:

Cllr S.Curl (Chairman), Cllr K.Barwick, Cllr H.Davies, Cllr P.Powell, Cllr I.Selby

Mrs S. Frankis, Clerk & Responsible Financial Officer

234 APOLOGIES FOR ABSENCE TO BE RECEIVED
None received.

235 TO ACCEPT MEMBERS DECLARATIONS OF INTEREST
Cllr S.Curl, Cllr K.Barwick, Cllr H.Davies, Cllr P.Powell and Cllr I.Selby advised they had been granted a dispensation which allowed them to participate, or participate further, in any discussion relating to the anticipated mixed development by Taylor Wimpey at Chantry Vale (the land bordered by A1071, A1214 and A14), and to participate in any vote, or further vote, taken on that business by that body.

236 PLANNING APPLICATION B/15/00993; TO CONSIDER LEGAL ACTION OPTIONS
Cllr S.Curl advised that at the Babergh District Council (BDC) Planning Committee meeting of 25th November 2015, members resolved to refuse planning application no: B/15/00993 by a vote of 7/6. It is the understanding of the Parish Council that a complaint was received by the BDC Monitoring Officer, regarding allegations of a folded piece of paper being passed to a Committee member, during the meeting.

Cllr H.Davies advised that she had been contacted by Louise Humphries, of -BDC, and had confirmed to her, in the interest of 'wrapping up' her investigations into the allegation, that she, Cllr H.Davies had passed a note to Cllr B Gasper who, without reading it handed it straight to Cllr D.Busby, enquiring if we would be permitted to ask any more questions. Cllr D Busby held the note in the air to show he had received it then put it on the desk beside him without reading it.

Cllr S.Curl advised that at a re-visit to the application by a BDC Planning Committee on 10th February 2016, members unanimously resolved to grant permission for planning application no: B/15/00993.

Cllr S.Curl circulated copies of an email he had received from Cllr Hinton to the meeting.

He advised that a letter had been sent to BDC by Prettys solicitors, on 4th February 2016, on behalf of the Parish Council, instructing the District Council to provide an undertaking that planning application B/15/00993 would be removed from the agenda for the 10th February 2016 Planning Committee hearing; to explain in writing the basis in law for the Monitoring Officer's purported decision to refer the application back to the Committee; and to explain, in writing, the basis upon which the CEO alleged the Monitoring Officer's actions to be reasonable.

Cllr S.Curl read aloud part of the BDC response received by Prettys on 8th February 2016, "... the Council puts SPC on notice that it will contest any such claim and application in full and expects SPC to bring this letter to the attention of the Administrative (Planning) Court. The Council will also seek to recover its costs of defending the Claim and any application for interim relief from SPC".

Cllr S.Curl read aloud the concluding paragraph of the letter sent by Prettys, on 4th February 2016, "..... we [Prettys] place on record our view that any future decisions purportedly taken in relation to Planning Application B/15/00993 are null and void and of no effect because the decision of the Planning

Committee meeting on 25th November 2015 stands (there being no power for the Babergh District Council Monitoring Officer to overturn it)".

In order for the Parish Council to consider a decision regarding any future actions, the Council unanimously agreed to instruct Prettys to;

- (i) Write to BDC to pursue a response to the letter of formal complaint sent by the Parish Council to Ms Adan on 26 January 2016, the Parish Council request for information from Ms Binjal of 28 January 2016 and the Parish Council request to Ms Adan of 28 January 2016.
- (ii) Determine with BDC the date on which they decided to put application B/15/00993 back on the agenda; determination to be evidenced by a copy of the report/meeting at which the decision was taken. (Louise Humphries of BDC notified the Parish Council in a response email on 28 January 2016 that the application would be on the agenda for 10 February 2016. However we are assuming the 6 week window to pursue a Judicial Review will start from when BDC made the decision, a date unknown to the Parish Council).

The Parish Council considered the second from last paragraph of the letter of 4th February 2016, sent to BDC by Prettys, and in particular the sentence " Should you fail to take steps required by this letter our client will proceed to an emergency application" In order to diffuse any allegations that the Parish Council may have taken a decision to pursue legal proceedings at the time, the Parish Council agreed to ask Prettys to find a way by which the sentence could be 'unloaded' by correcting the sentence to say 'our client will consider' rather than 'our client will'.

The Council agreed it should focus on the pursuance of a Judicial Review, and to ask Mr C.Harris to submit a letter of complaint to BDC regarding;

- (i) The text message received and read by a Committee member during the meeting. The chairman, advised the meeting the text had been checked with a phone call during a coffee break and found not to be relevant. However the point of concern is that the message was received and read whereas the note passed at the meeting of 25 November 2015 was not read and clearly evidenced by a number of witnesses.
- (ii) There had been a change to the planning application regarding the installation of a sound barrier which was not known about. It is believed the change to the application should have led to a revised application being submitted with the associated notice given.
- (iii) An email received by the Parish Council on 9th February 2016, 09:54 from Linda Sheppard, BDC Senior Governance Support Officer, advised "....As you will be aware, the Chairman of the Committee has discretion under the Charter to allow other speakers.... a Chairman for the meeting will be elected on the day, and he will consider any such requests." However, Sproughton parishioner, Mr C Harris was advised at ~ 09:00 on 10 February 2016, in the BDC Chamber by a Committee Clerk that the Chairman wouldn't allow 2 objectors to speak. How could the Chairman have made that decision if he hadn't been elected at that time?
- (iv) The first business of the meeting was to elect a chairman and vice-chair, neither item was on the agenda.
- (v) The Chairman of the meeting, Mr Clive Arthey has in mind development plans for up to 80 homes at a site in Bildeston; the Parish Council would question the appropriateness of him being a BDC Planning Committee member, and chairing the meeting of 10 February 2016.

- (vi) The planning application proposal included a 4-bedroomed affordable dwelling which was then removed from the application; should notice have been given of a variance to the original application?

The Council unanimously agreed to mandate Cllr S.Curl to consider the content of the letter with Mr C.Harris.

The Council unanimously agreed to advise Prettys of issues (i) to (v).

The Council unanimously agreed to ask Ms S. Sparrow and Mrs A.Brennand to consider if they would submit letters of complaint to BDC.

The Council unanimously agreed to submit a request to BDC for a copy of the sound recording of the Planning Committee meeting of 10th February 2016.

Cllr P.Powell suggested the Parish Council should consider the viability of Legal Insurance protection; in view of the Parish Council's duty to ensure parishioners money is spent prudently, the Council unanimously agreed to ask Prettys for advice regarding insurance to cover legal costs.

Cllr H.Davies suggested the possibility of the services of a pro bono barrister; the Council unanimously agreed to ask Prettys if the Parish Council would be eligible.

The Council considered an updated press statement and agreed on the following;

"Sproughton Parish Council has considered the BDC Planning Committee meeting decision of 10th February 2016, at an extraordinary meeting held today. At this time, we are currently seeking a response from BDC regarding our letters of complaint and requests for information made to BDC in January 2016. Due to the timescales imposed for the pursuance of a Judicial Review, it will be necessary for the Parish Council to receive the requested information without further delay. The Parish Council is mindful of its responsibilities for ensuring public money is spent prudently. We consider the lack of transparency is fueling our lack of trust with BDC."

The Council unanimously agreed to hold a public meeting to be held on 24th February 2016.

The Chairman called an Extraordinary Parish Council meeting to be held on 17th February 2016, at 09:00.

Actions:

The Clerk is to instruct Prettys to write to BDC, to advise them of issues (i) to (v), to ask for advice regarding Legal Insurance protection and to advise on the eligibility of the services of a pro bono barrister.

Cllr S.Curl to consider the content of a letter of complaint with Mr C.Harris.

Cllr S.Curl is to ask Ms S.Sparrow to consider submitting a letter of complaint to BDC.

Cllr H.Davies is to ask Mrs A.Brennand to consider submitting a letter of complaint to BDC.

The Clerk is to request a copy of the sound recording of the Planning Committee meeting of 10th February 2016.

The meeting closed at 10.30am.

Chairman : _____

Date: _____

