

**Minutes of the Extra-ordinary Meeting of the Harlestone Parish Council  
that place on  
Monday 23<sup>rd</sup> October 2017 at 7.30pm in the Village Institute**

**MINUTES**

**The Chairman welcomes the members of the public and thanks them for such a good turnout. The reason for the short notice meeting is outlined and the chairman explains that the council need to make an important decision tonight as we have a 27<sup>th</sup> of October deadline to meet**

**Admin matters**

64. To receive and approve apologies for absence

**Apologies received by:**

**Cllr Davies:           pre-planned unavailability**

**Apologies accepted by the council**

**Councillors in attendance:**

<b>Cllr Dobbs</b>	<b>Cllr Perryman</b>
<b>Cllr Stock</b>	<b>Cllr Flynn</b>
<b>Cllr Halliday</b>	<b>Cllr Hammond</b>
<b>Mr P.Thomas EO/Clerk</b>	

65. Members are requested to make any declarations of personal or prejudicial interests, in line with the 2015 code of conduct, relating to items on this agenda.

<b>Cllr Perryman:</b>	<b>lives in the Conservation Area</b>	<b>Form Completed</b>
<b>Cllr Flynn:</b>	<b>lives in the Conservation Area</b>	<b>Form Completed</b>
<b>Cllr Halliday:</b>	<b>lives in the Conservation Area</b>	<b>Form Completed</b>
<b>Cllr Hammond:</b>	<b>lives in the Conservation Area</b>	<b>Form Completed</b>
<b>Cllr Dobbs:</b>	<b>does not live in the Conservation Area</b>	<b>Form Completed</b>
<b>Cllr Stock:</b>	<b>lives in the current Conservation Area but not in the new extension</b>	<b>No Form Completed</b>

66. Parishioners are invited to address the council. Parishioners will be limited to **15 minutes** combined and is strictly limited to 3 minutes per person(s).

The Chairman will invite comments; in line with **the Standing Orders agreed on the 15<sup>th</sup> July 2010 by the Council.**

**Standing Orders relaxed for the MOP**

**MOP – reads an email from Alan Wilson**

- **I received an email at 13:26**
- **This is insufficient notice**
- **Should have been brought forward and not left to the last minute**
- **Any decision made will be contested and subject to an enquiry**

**MOP Comments:**

- **Thank you to all the councillors**
- **What are the council actually challenging**

- **We are in a very special place that we live**
- **Do the council still want this area to be protected**
- **Dismayed that we have got to this stage, there was plenty of notice**
- **The NHP and the CA are totally unique and do not work together**
- **Lynn.D and I went around the whole village to drop leaflets**
- **Look at the prize**
- **This is the last bastion against development coming this way**
- **We moved here 3 years ago as it was a special environment with a great history and a great community**
- **I believe that if the result didn't matter then the council wouldn't go down the route of a JR**
- **I understand that due process has not been completed, but what is the challenge, it is unreasonable that the HPC were not consulted**
- **I recommended that the HPC should extend the CA**
- **At the CA meeting there was a lot of information shared about the process and procedures.**
- **This JR has only been brought about due to a couple in the village who wanted to convert their property into two.**
- **I feel very strongly about this decision as only 2 people have asked for a JR**
- **Would the JR for the CA extension affect the original CA order in Lower Harlestone?**
- **Spent most of my life working with Lawyers and I don't trust them**
- **There is a lot of tension in the room**
- **Everyone knew about the CA and we are all here to fight for the same thing**
- **How many parish councillors do not want to be in a CA**

#### **Discussion Items:**

67. Council are requested to make a decision to challenge DDC by means of a Judicial Review. This relates to the decision taken by DDC on the 27<sup>th</sup> July 2017 in relation to the **'Harlestone Conservation Area Appraisal and Management Plan and Conservation Area Designation.'**

Advance papers have already been supplied to all Cllr's including costs. This request for a review relates to the above plan imposed on the Parish as of the 27<sup>th</sup> July 2017. The window to challenge the decision taken by DDC is 3 months, resulting in the deadline for any challenge to be made by the 27<sup>th</sup> October 2017.

Council to vote in relation to the matter proceeding to a Judicial Review challenge seeking permission for a review and commission the Law-firm presented to Council.

#### **Chairman Cllr Dobbs – Key Points**

- **The HPC has not been able to quote or comment on the CA despite its best intentions to do so.**
- **The final consultation was on the same night as our HPC meeting**
- **We wrote to the DDC to find out exactly how the CA would aid the HPC in making future decisions**
- **During the 6 weeks consultation period, a vast amount of people were not aware in the village, only around 18 people have contributed**
- **Towards the end of the consultation period we contacted the DDC to explain that we had reservations around the details of the CA and we**

would like to discuss further, we were told that the process would be as follows

- Post consultation would go to the strategy group to consider the comments and who had made them
- This would then be fed into the wider council that would have to adopt as part of the process
- We believed that we had till October to comment
- This week we find out that the CA was adopted in July
- The full council met within 10 days of the strategy group, the decision was made and the process was complete by August
- Comments from parishioners made to the council included: I knew nothing about this, I live here and will I be affected, I was not written to, does this affect planning applications?
- We were told to raise our concerns with the deputy chief executive, so our concerns were put into a letter to the DDC, but our comments were dismissed.
- The concerns are that not everyone in the parish has had the opportunity to comment
- The only recourse that the HPC have to change this process is to embark on a judicial review
- We have taken advice from the association of local councils and we will be challenging the process
- All correspondence has been catalogued
- Since the last HPC meeting we have tried again to ask if our views could be considered, only to be told that a meeting was only possible after the deadline date of the 27<sup>th</sup> October

#### **Cllr Halliday**

**Before I explain my rationale for my very firm position on this agenda item I wish it to be recorded I have considered with the upmost care the very helpful albeit some 40 pages of the time line which brings us to this unfortunate position we find ourselves in drafted by you as Chairman of the Council sent to all Cllrs on the 21<sup>st</sup> Oct 2017.**

**In addition I have read the DDC Strategy Document dated the 6<sup>th</sup> July in full in relation to the Harlestone Conservation Area Appraisal and Management Plan and Conservation Area Designation. I note the comments made and also note key omissions of matters highlighted by this Council as part of the consultation process.**

**I further note the letters sent to S Bowers on the 17<sup>th</sup> Oct and following a brief response on the 21<sup>st</sup> Oct to our Executive Officer and our response to this letter dated today.**

**I would also highlight the decision date made by DCC was on the 27<sup>th</sup> July 2017 therefore the 3 month (not 6 weeks for planning matters) will expire on the 27<sup>th</sup> July if as a Council we wished to make representations.**

**My view Chairman is this, having researched the Judicial Review process and the fact by employing legal services to utilise this Doctrine of law we are by definition merely seeking an appeal to this decision and seeking consent to do so. The merits of our case will be tested and it will be for the Judge presiding to give a view if our concerns raised in the 40 page document which I might add consistently express our concerns and willingness to engage in the consultation process but are prevented from doing so. The provenance evidenced leading up to today's decision is remarkable and red flags are raised at every juncture.**

**The Judge will at a very early stage of the JR process determine if there is a case to answer or not and the costs at this stage are low. The Judge will either dismiss or indeed suggest DDC have a case to answer. Either way I feel we have a duty as a Council representing the ENTIRE parish to challenge this decision and sadly the only means open to us by the deadline set is via the JR route.**

**We have a public duty as elected Cllrs to ensure the voices of all our heard and I am not convinced this consultation process leading up to the decision on the 27<sup>th</sup> July has fully taken into account all or the majority of the parish. I would have liked to have seen this piece of work dovetail into the NHP work underway costing this Parish thousands of pounds rather than a silo based piece of work with very little public input. (Not to mention the views of the commercial aspects such as the Golf Club and Estate)**

**The NHP work includes intense consultation and voting opportunities and this would have been ideal to be incorporated within the overall mapping out of our Parish.**

**In conclusion despite the risks around relationships and a Parish Council being placed in such a position with a heavy heart I fully support a decision to ask our legal advisor to act swiftly in compliance with the law and seek to challenge the decision made on the 27<sup>th</sup> July 2017.**

#### **Chairman Cllr Dobbs – Extra information**

- **We only have this week to respond and act before the deadline**
- **We need to give a voice to the quieter voices in the village and to make sure that the rights to look after our own properties are kept**
- **If only the DDC had previously listened to us, then we would not have to go down this route**
- **We have a common goal to protect Harlestone Village, but must be in a way that we can't be challenged in the future**
- **We are challenging the process and not the result of being in the CA**
- **Object to the fact that the people in the HVI represent the whole village**
- **The whole village should have been written to**
- **The HPC have been silenced by the DDC**
- **We understand the prize but the prize would be the same with full consultation and process**
- **We want a full dialogue with the DDC**

**The Chairman confirms with the MOP that all questions have been answered and that all concerns have been addressed: the MOP are satisfied**

#### **Cllr Halliday: comments on the AW email**

- **We wanted to give more notice, but we were waiting until after an important conference call with the lawyer**
- **We have lawfully arranged this meeting for the right reasons and have acted reasonably. The fact that there is so many people here tonight shows that as a council we have done our best to notify as many people as possible**
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#### **Personal Views of the Cllrs**

##### **Cllr Perryman**

- **I am in full support of the CA**
- **My initial concerns were based on the same reasons as the MOP here this evening**

- I want to be sure that we will be voting to change the process and not to change the end result

#### **Cllr Stock**

- In full support of the CA
- The deadline dates were the same for the council as for an individual MOP
- I believe that the NHP will be an extra layer of protection to work alongside the CA

#### **Cllr Hammond**

- Fully support the CA
- We must stop fighting between ourselves as we are all concerned about the village
- I want to be consulted, many people in the village were not
- I also read the documents and I fully endorse the decision to seek urgent legal advice.
- My position is one which is perhaps more personal and for me I do not feel the entire village has really had an opportunity to understand what has happened here and the implications for many. In all honesty I was even confused what was in and what was out the scope of the project.
- I do remember a meeting taking place next door when we held our Parish Council meeting in this very room at the same time and this was the consultation? This was a disgrace and I still remain confused how this happened.
- I love our village but also respect the need to secure its future both in preserving what we have but also accepting change will always happen and we must also embrace and welcome such change if it's the right thing to do.
- I feel DDC have not listened to us despite being told time and time again we had concerns and I feel this is the only way we can get DDC to sit up and at least listen to us then the small amount of money to be spent is money well spent.
- I support the need to seek a legal remedy ASAP

#### **Cllr Flynn**

- In full support of the CA
- Very disappointed that the DDC haven't consulted with us

#### **Cllr Halliday**

- I am very passionate about this village and support the CA
- I share all of the MOP views
- For the record: I believe that the accusations of gross neglect are misguided, are not fair and are unwarranted against the Cllrs.
- I have considered the whole of the 40 page document and the policy doc for the CA. The comments of the HPC and the letter to Mr S.Bowers have been omitted
- I have taken everything into account and I believe that we have nothing to lose
- The Cllrs have the same passion for Harlestone as the MOP do

#### **The Chairman invites the Cllrs to vote**

- The HPC seeks a Judicial Review in the ways and means discussed
- Proposal order 27<sup>th</sup> July 2017 against the DDC to action a Judicial Review

**Show of hands please**

**3 hands for**

**3 Hands against**

**The chairman uses his casting vote to seek a Judicial Review**

**Meeting Closed: 1hr 51mins**

Next Parish Council meeting date: Thursday November 9<sup>th</sup> at 7:00pm

**Please note this agenda has only been published today (23/10/17) due to the operational urgency of this decision. All registered members of the HPC website have been notified by E mail and encouraged to attend the meeting**