

MINUTES OF EXTRAORDINARY MEETING OF OCKHAM PARISH COUNCIL
THURSDAY 23RD MAY 2019
THE ROVERS DEN
Commenced at 8pm

PRESENT: Miss Lofthouse (Chair) Mrs Jamieson Mr Waldman Mrs Walton Mr Walton	In attendance: Mrs Blackwell (Parish Clerk) 2 Local Residents – Helen Jefferies and Hugh Gear
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19/68 Apologies for Absence

Apologies from Dr Travers and Dr Aish. Miss Lofthouse was elected as Chair for the meeting.

Dr Aish joined the meeting by phone for information purposes as there are no provisions to cast votes by proxy.

Agreed the meeting would be recorded.

19/69 Disclosure of interest.

Miss Lofthouse declared an interest as Honorary Secretary of the Wisley Action Group and attends the meetings.

19/70 To approve the resolution -

1. There is widespread support among the parishioners of Ockham and neighbouring villages for the decision by GBC to adopt the Local Plan to be challenged by way of a S.113 action.
2. Substantial funds have been and will be available by way of donation of which £30,000 has been deposited with Richard Buxton Solicitors.
3. It is proposed to seek a Protection of Costs Order (PCO) limiting costs to £10,000.
4. Conversations with Richard Harwood QC indicate a reasonable chance of success.
5. Further costs will be incurred by the extra time of our Clerk

That the Council should take a lead in instructing Richard Buxton to implement the action.

Discussion took place on the motion:

- i.) Question raised about the costs beyond £10k in the event WIPL prevaricate and the costs increase who would be liable. The Chair advised that the Parish Council as the Applicant intends to seek a Protection Order from the Courts to limit the costs to £10K. Assuming an order is granted the Parish Council would only be liable for GBC costs up to value of the Protection Order. Not liable for interested party costs. The Parish Council is only being asked to agree the costs for the next stage for a 2-3 day Hearing in the High Court. In the event it goes to an Appeal this would be subject to separate discussions at a later date. Councillors conveyed the need to contain the costs for the Parish Council.
- ii.) Noted the request from the Solicitors Richard Buxton to sign the terms of business. Acknowledged that the funds of £30k from donations to cover the cost would be deposited to the Client account before commencing

- proceedings, subject to approval from the Parish Council. Agreed that without the protective order the Parish Council cannot proceed with the litigation.
- iii.) Question raised by Councillors as to how the funding raised through donations is accessed for the costs incurred. Received advice from the Solicitors that the funding will be held in the Client account and drawn down by invoice to pay the Solicitor and Barrister fees. The funds will not be paid from the Parish Council except for any agreed contribution, as we do not have the General Power of Competence to make the payments. Councillor asked if there is any risk on the Parish Council about the transparency of the arrangement. Advice received from the Solicitor that the arrangements have been used for other Parish Councils.
 - iv.) Query raised about other actions being taken by Guildford Local Plan Challenge on behalf of other affected villages and raising funds as to whether the Parish Council should join them. Advice received from the QC that the Parish Council should make its own application as the interest is purely related to the Three Farm Meadow Site in Ockham Parish. Recognise there maybe other Judicial Review or Section 113 applications by the deadline of 6th June 2019 but they are unknown at this stage. Reiterated costs outlined are to get through the first stage of the High Court and fund raising will continue. Based on the Legal advice received there is no evidence of risk of insolvency for the Parish Council.
 - v.) Questions raised about a worst case scenario risks assessment for the Parish Council. Legal advice sought and the Parish Council will not proceed without the Protective Order to limit the cost, Legal fees for the Barrister are set in advance for the first stage to High Court and donations have been made for the costs. Option to withdraw at the 2nd stage, would be re-assessed at the time. Advised High Court proceedings are shorter in timeframe normally limited to 2-3 days as confined to legal issues. Councillors were satisfied that measures are in place to contain the risks.
 - vi.) Question raised from a Local Resident about costs in the event OPC win. Advise in the event there is no party contesting there would be no party to recover the costs from.
 - vii.) Question raised on whether it is within the rights of the Parish Council to make the decision, as we do not have the General Power of Competence. Advice sought from the Solicitor and the decision to proceed is based on the legal advice that OPC can proceed on this basis and the Solicitors have represented other Parish Councils in similar circumstances. Councillors were satisfied that there is clear evidence from Local Residents through the Neighbourhood Plan consultations of strong objections to Three Farm Meadows for OPC to take the decision on behalf of the Parishioners and with the appropriate measures in place to limit the risks based on the legal advice received that OPC has the authority to make the decision. The advice from the Solicitors confirmed that Parish Councillors are not personally liable for the costs.

Following the debate on the resolution there was a vote with unanimous support of 5 in favour of the resolution. In favour: Miss Lofthouse, Mrs Jamieson, Mr Waldman, Mrs Walton and Mr Walton. No votes against or abstentions.

Agreed that the decision would be ratified at the next meeting with Dr Travers and Dr Aish in attendance but instructions would be given on the basis of the vote today.

There being no further business the meeting ended at 8.50pm
Alyson Blackwell, Clerk to Ockham Parish Council