



HEADLEY PARISH COUNCIL

Minutes of an **Extra Ordinary Meeting** held at
The Octagon, St Mary's Church, Headley at 4.30pm on Friday 9th December 2022

	In attendance	Apologies	Absent
Cllr David Preedy (Chair)	✓		
Cllr Jon Laverty	✓		
Cllr Jane Pickard	✓		
Cllr Paul Furr	✓		
Cllr Nick Woolley	✓		
Cllr Ben Jarvis	✓		

In attendance: Tracy Hamer (Clerk) taking the minutes (arrived 4.50pm), 8 members of the public.
The meeting was chaired by Cllr Preedy.

Agenda Item	Issue	Actions
1	To receive and accept apologies of absence. Nil.	
2	To receive any declarations of interest relevant to items on this agenda. Nil.	
3	<p>To discuss and confirm the decision on whether the Parish Council will initiate a Judicial Review in respect to Headley Court MO/2021/0871 RM appeal decision.</p> <p>Cllr Preedy noted that there are 2 important decisions to take this evening and that the meeting is time limited as Headley Parish Council (HPC) must complete both items and leave the room before 6pm which is pre-booked by a separate hirer.</p> <p>It was noted that members of the public do not have a right to speak; however, if anyone wishes to provide specific new information that is relevant to the decision, they should raise their hand and wait to be asked to speak at the Chair's discretion.</p> <p>Following lengthy discussions with a planning solicitor and barrister during the week, the following information was summarised:</p> <ul style="list-style-type: none"> • The level of disclosure for individual donations is £3,000. • Court papers would need to be lodged no later than 15/12/2022 to ensure time for filing/service before the challenge deadline of 20/12/2022. • Costs to HPC are likely to total £8,000. • Third-party costs will be potentially capped at £10,000 and HPC are advised to allow for this to be used in full. 	

- Angle Property contacted the Clerk on 6/12/2022 to enquire about the JR decisions so it can be surmised from this that they are ready to spend legal fees immediately.
- CrowdJustice is the most suitable platform to use. Its terms state:

Legislation that came into effect in the UK in April 2015 indicates that in judicial review cases, people who donate over a certain amount may have to be identified to the courts. That amount has been set at £3,000. This requirement could expose Backers who give over £3,000 to judicial reviews in certain instances to further costs risks. The requirement brought in by this legislation will exist whether you donate to a Case online or offline.

- The above confirms that the £3,000 disclosure limit is a legal requirement and applies equally to fund-raising.
- Richard Buxton Solicitors (RBS) advised that we would potentially be liable for 3rd party costs of up to £10,000 if HPC are refused ACP or the judge refuses the right to pursue the JR.
- RBS advised there is a window to withdraw without incurring further third-party costs.

The below outlines the sequence of events taken by HPC following the Extra Ordinary Meeting dated 5/12/2022.

- 6/12/2022 – HPC instructed Richard Buxton Solicitors to start work and to brief John Darby as barrister to start preparing papers. As per the resolution on 5/12/2022 they were requested to cap charges at £5,000
- HPC requested a focus on instructing the barrister and securing answers to our key questions. HPC paid the sum of £1,750 to enable them to instruct the barrister.
- RBS advised us on 6/12/2022 that the disclosure limit was £3,000; HPC advised the intermediary who has approached us with a proposal for how the funds would be raised of this situation.
- Early on 7/12/2022 our intermediary informed us that the level of disclosure would prevent large donors from contributing or from underwriting the potential liabilities of the first stage.
- This led HPC to re-assess the risks of the initiative and raised a concern that HPC did not believe requirements for financial guarantees would be in place to cover the potential liabilities of this first phase to HPC.
- HPC decided that it would be imprudent to spend further public funds and instructed RBS to suspend further work. However, it was agreed to complete the work the barrister had started to advise HPC on the strength of the case.
- On 8/12/2022 we received the barrister's advice with the key information for today's decision:
 - the prospects of success are low (25-30%)
 - the prospects of being granted permission to pursue the JR beyond this initial application are slightly higher (30-40%)
 - if the action were successful, it could amount to a pyrrhic victory; the decision would be quashed and remitted (probably to the same inspector) who might very well reach the same conclusions but addressing the errors found

	Members of Headley Parish Council were asked who was in favour of a Judicial Review and the unanimous decision was against a Judicial Review.	
4	<p>To formally review and approve the HPC 2023/24 budget and precept requirement. Headley Parish Council resolved to approve the draft budget for 2023/24 (Appendix 1). The precept requirement for 2023/24 will see a 10% increase, raising to £15,600.</p> <p>The additional legal advice sought for Item 3 and totalling £2,000 has been taken from the Future project Reserve.</p> <p>An additional sum of £1,000 has been added to Professional Fees for 2023/24</p> <p>HPC agreed unanimously to offer the Clerk an ex-gratis payment of £250 to reflect the additional work she had put in undertaking research in the JR process.</p> <p>The aforementioned items were proposed by Cllr Preedy, seconded by Cllr Laverty and unanimously agreed.</p>	

To confirm the date of the next Parish Council Meeting at the Village Hall on Monday 30th January 2023 at 7.30pm.

There being no further business, the meeting closed at 5.20pm.

Signed

Chairman

Dated