

RESPONSE TO CLLR.GOLDSMITH'S STATEMENT

GIVEN TO MEMBERS OF THE PUBLIC AND COUNCILLORS AT THE

STEYNING PARISH COUNCIL FULL COUNCIL MEETING OF THE 19TH NOVEMBER 2018

On the 19th November, prior to the full Council meeting, Cllr. Goldsmith presented a lengthy statement to members of the public and, Councillors, in answer to a member of the public's question on his email to Councillors regarding SWAB (the now disbanded Steyning, Wiston, Ashurst and Bramber Neighbourhood Plan). Cllr. Goldsmith declined to make any comment about his statement at the meeting or, answer any questions from fellow members of the Council.

Although I would have preferred that SWAB was behind us, and that we could all move forward in the spirit of cooperation to support the excellent work that the new Neighbourhood Planning Committee is doing, his allegations against SWAB, individual members of it, individual Councillors and members of the public, are sufficiently serious I felt it necessary and, in the wider public interest, to respond to these allegations in public.

On reading this document a member of the public might reasonably assume that it is a true and accurate record of why SWAB came to an end in the latter part of 2017. However, I suggest, this assumption would be wrong, as it contains almost no credible evidence to support the allegations made and even more concerning are the personalised, inflammatory and unsubstantiated remarks made about members of the public and other Councillors.

Firstly, a member of the public has the democratic right to ask a question in the public forum of question time. In this case Cllr. Goldsmith was not present at the meeting when the question was tabled, and declined to answer the question at the meeting on the 19th. November, relying solely on his statement, in which he launched an unwarranted personal attack questioning the resident's right to do so; unfairly attacking her lack of attendance at SWAB meetings as justification for his comment that, *'perhaps that explains her expressed ignorance about why SWAB collapsed'* without making any effort to find out the reasons why she couldn't attend and assuming that her non-attendance signified her disengagement with the plan without a shred of corroborative evidence; compounding it all by inferring that the question was *'orchestrated'* and that she collaborated with others, which was simply not true.

The statement goes on to unpleasantly accuse another resident of being an *'ignorant and damaging apologist for a small cabal of unduly influential Councillors'*.

All Councillors are accountable for what they do and say. The email in question was not marked private and confidential, and the resident is a member of the public co-opted onto the NP committee who clearly felt that in the wider public interest and transparency, of which Cllr. Goldsmith has been a vocal advocate, his serious allegations over SWAB should be made public.

Cllr. Goldsmith criticises me, the Chair of the Council, for allowing the resident to ask the question in the public forum claiming that had he been at the meeting, he would have been '*ambushed*' by the question and may have struggled to respond adequately. Any Councillor, I suggest, who makes a statement whether by email or, other means, should be in a position to hold all the facts and evidence to support that statement and should be able to respond accordingly and adequately. If those statements are indeed his own.

The comments about members of the public are unbecoming a Councillor. I apologise sincerely on behalf of the Council to those members of the public who have been singled out for these vituperate comments.

The statement goes on to make allegations about the '*obvious lack of interest by most councillors and the cyclical hold-ups*'; '*ebbing morale*'; '*a new plan looks like nothing more than a fig-leaf to stave off public disquiet*' without any knowledge or, evidence, that what he purports is actually true. In fact the contrary is true as the public are already engaged with the new plan, through an initial survey and the two public events and one at the Grammar School, held so far to outline the plan and its sites, which were received positively.

Cllr. Goldsmith's claim that the Council has tried to blur the new plan with the old by claiming that HDC had said that '*old SWAB documents were irrelevant to the new plan*' is again, not true. In a closing statement from HDC it was stated at that; '*There will be a formal review of the existing evidence base and where appropriate it will be carried forward to support emerging Neighbourhood Plans*'. "This was also confirmed by our new consultants who currently in the process of looking at all the Steyning related data from SWAB to see what, if anything, can be re-used.

Cllr. Goldsmith asserts, a number of times, in his statement that it was because of HDC's criticisms of the SWAB plan that SWAB disbanded but this, again, was not true because, following a judicial review of the Henfield Plan, HDC made the decision to change its position from a more 'hands off' approach to Neighbourhood Plans to a 'hands on' approach and were making changes as to how NPs would proceed in the future to AVOID the possibility of Judicial Review. This advice was given to ALL parishes – not just SWAB as erroneously stated!

At no time had HDC criticised SWAB and I have had that confirmed by the NP coordinator at HDC.

Any allegation that SWAB collapsed because of the threat of judicial review or, incorrect procedures is misleading and not true.

Cllr. Goldsmith has on many occasions, and in this statement, criticised the Council for being dysfunctional and two-tier and goes on to state the Parish Council; '*...was factionalised from the outset by policies and practices aimed at side-lining me and two other councillors*'. Firstly, any policies and practices employed by the Council EQUALLY apply to all Councillors and I absolutely refute any suggestion otherwise – he provided no credible evidence that he had been singled out. Secondly, the Council is clearly not dysfunctional as evidenced by the Full

Council and Committee minutes over this 4 year term which, show how effectively the Council has carried out its everyday duties on behalf of the community.

This was despite the best efforts of a small minority of residents who have tried to overwhelm the council with FOI requests in an attempt to disrupt and undermine the normal functions of the Council – this unreasonable behaviour resulted in the resignation of 3 Clerks.

The two-tier Council that Cllr. Goldsmith refers to, is I suggest, self-inflicted as he has sought every opportunity to criticise and harass the council and has failed to engage with his fellow Councillors in a meaningful way.

In his statement Cllr. Goldsmith cites procedural faults of the SWAB process.

He claims that HDC were undertaking an analysis of SWAB's potential vulnerabilities, which is not true. What HDC was doing, that in light of new directives from central government, the NPPF2 and the Henfield JR, they were reviewing their requirements and support for all NPs in the District.

He also claims enmeshment with the Wiston Estate over the Bayards Field site and that HDC had queried this and, again, this is not true. No site was pre-determined as the assessment and selection process involved 30 people, all based on agreed criteria individually assessed, then discussed and a consensus reached. No personal views nor, interests were included or, relevant.

The Chair of SWAB did fail to declare a potential pecuniary interest and HDC did report this to the police following, allegedly, a threat from a member of the public to take legal action against HDC if they didn't. No action was taken by the police. However, the Chair had already advised SWAB of his intention to resign some months previously due to pressure of work and did not resign because of the pecuniary interest issue.

Cllr. Goldsmith repeats his claim that all SWAB meetings should have been held in public but this was NOT the advice given by SWAB's consultants Airs.

His HDC quote of the 5th April Wiston PC meeting minutes where it states; *'it now transpires that Steering Group meetings should have been open to the public. In view of the difficulties now facing SWAB moving forward, Councillors will consider pulling out of the cluster'* is I believe, incorrect as, this was a comment from the new Airs consultant not HDC. I have it on good authority that in fact the HDC and SDNPA representatives at the meeting agreed that most NPs they had worked on did not admit the public to regular scheduled meetings.

Cllr. Goldsmith claims a breach of expected standards of propriety over the appointment of Airs consultants but does not explain that in fact *it was SPC who selected Airs* and it was subsequently that the new SWAB team formerly appointed them.

Although Airs had worked for the Wiston Estate it was not the same consultant and there was no conflict of interest at the outset because no sites had been requested or, offered at that time. More importantly no consultants were remotely involved in assessing or, selecting sites; nor did they interfere in any way.

He also implies impropriety in the appointment of the second firm of consultants rCoh, who had also been involved with the Wiston Estate but *he omitted to say that they were in fact appointed by Airs* and that they were never involved with site selection.

He goes on to allege further impropriety over the attendance of a family member of the Wiston Estate - there was none, as the meeting the family member attended was a cluster meeting, (prior to SWAB), of appointed Councillors, this person was a Wiston resident and it was he who suggested at that meeting that it would not be appropriate for him to join the SWAB steering group. He only did so at the end of the life of SWAB but as far as I am aware attended no meetings.

A further member of the Wiston Estate family was appointed to SWAB but any suggestion that the code of conduct would hamper his ability to function is erroneous as, like any member with a pecuniary interest, he would have had to declare that interest and leave the room and additionally, as far as I am aware, he never in fact attended any meetings, so had no involvement in site selections and, as Cllr. Goldsmith confirms, was not present at the 5th April 2017 meeting.

The Wilton Park Organisation's chief executive was appointed to the SWAB steering group committee because he was proposed by Wiston PC but was not involved with housing, solely concentrating on Business and Economics.

His assumption that the enmeshment with the Wiston Estate was going to be problematical, is just that, an assumption with no basis in fact and impugns the name of a well-respected local family who, for decades, have supported the community of Steyning. As a letter from the Wiston Estate points out, Cllr. Goldsmith's statement; *"appears to be leaning towards the spirit of legalism rather than the purposes of laws to serve people and the common good. This may not be meant but in the tone of accusations of a masterminded approach by the Estate.....(he) endangers the co-operation of neighbouring parishes and partners to work together"*.

Cllr. Goldsmith's allegation that Councillor Howell was part of the SWAB committee was also incorrect – Cllr. Howell has never been a committee member of SWAB and never even attended any meetings as far as I am aware.

Cllr. Goldsmith alleges; *'that SWAB repeatedly departed from its Terms of Reference by purporting to make decisions at meetings which were inquorate'*, without providing any corroborative evidence. In addition he makes assumptions that some peoples' failure to attend meetings was likely to have had a damaging effect on morale when, in reality, the lack of morale was owing to the changes being made by HDC to ALL the NPs processes as a result of the Henfield JR and HDC's intention to become more robustly involved in the NP process in the District.

The statement claims inadequacies of the Housing Needs assessment owing to the finding of planning history on Bayards Field and that this evidence was ignored. This is not true.

It was considered by the group and was found not to be relevant as the access road on the rejected planning application was considered disproportionate for the only **3** dwellings planned on the site. Cllr. Goldsmith goes on to state that the 2014 SDNPA strategic land assessment had rejected the site and that this had '*apparently*' been overlooked by the Focus Group which again is not true. The FG did consider it and that some answers had changed since their assessment which was for strategic housing need, NOT to satisfy a NP or, local housing need and HDC's conservation area review also indicated that this would not preclude development.

It is interesting that Cllr. Goldsmith has given a quote from a private letter from the ICO which is the only positive point in a letter concerning some Councillors and members of the public and their manifestly unreasonable behaviour in overburdening the Council with FOIs. We shall seek legal advice on whether this is a breach of confidentiality.

SWAB were fully aware of the National Parks Act and the sites for the SWAB plan came as a result of a call for sites and following assessment by the SWAB team no viable sites outside of the SDNP were found.

Finally, let me be clear – there has been no criticism of the SWAB NP by HDC.

Although, I suggest, Cllr. Goldsmith purports that he and others '*constructively*' criticised SWAB and its procedures and processes, the reality was that the majority of these criticisms, questions and comments were negative and far from constructive – a good example of which is his statement. Many were more like directive instructions, and often a complete contradiction to the advice given to SWAB by its professional and experienced consultants. SWAB did not ignore these criticisms but the sheer volume of them forced SWAB to stop replying.

It is ironic that Cllr. Goldsmith should accuse senior Councillors from '*playing the man*' when this statement and many others over the last four years have done exactly that and frankly, he and his own apologists, should show some humility in acknowledging the burden and damage that their self-interest has done to the Council and to SWAB and subsequent cost to the community through their obsessive use of FOIs.

The public have, I believe, been badly served because of the unreasonable intervention by this small number of residents and Councillors, in the running of the Council and SWAB and as a result of this there were consequences; because, when SWAB disbanded (NOT collapsed or, failed as alleged) it left the Steyning community vulnerable to development as no plan existed or, was at a stage where it would carry weight when planning decisions were made. This vulnerability still exists today although the new NPSG is working hard to close the gap so that the point can be reached where the emerging plan will in fact, carry some weight.

In conclusion, I suggest, that Cllr. Goldsmith's statement is unnecessarily combative, and a fallacious attempt to divert attention away from the real reason that SWAB ceased to function and is so disingenuously crafted to paint a false picture that SWAB failed because of its lack

of process; that it had fallen foul of HDC and was vulnerable to Judicial Review as a result; to blur the facts so that culpability for SWAB disbanding was firmly and, falsely, placed at the feet of the SWAB steering group members when in reality, the key factor in the disbanding of SWAB was the pressure put on the smaller Councils by a group of residents, including three members of Steyning Parish Council, through the use of Freedom of Information requests (FOIs) which were used, in my opinion, to stalk and intimidate the Councils and to overburden them sufficiently to handicap their abilities to function as Councils, forcing them to opt out of the SWAB process - in one of the smaller councils, the clerk was so overwhelmed that she resigned.

There is a further troubling aspect to this statement as Cllr. Goldsmith admitted to me on the night, that his statement was 'edited' by a third party and therefore any member of the public, in possession of this fact may well reasonably believe the statement represents that person's personal views and not those of Cllr. Goldsmith. I suggest that if this is the case, it shows their contempt for the Council and it is unpalatable they should use this statement to demean and impugn the integrity of certain Councillors and members of the public and in the process to expose Cllr. Goldsmith to alienation from many of his fellow Councillors.

Tim Lloyd – Chair 16.12.2018