

Statement from Cllr Rodney Goldsmith

Introduction

In my absence from the full council meeting on 15th October 2018 I was criticised publicly by Ms Sally Johnstone. This and follow-up demands and criticisms from Cllrs Lloyd, Muggridge and Bowell, plus a member of the public can be heard at the archive.org website from 1 minute 45 seconds to 7 minutes:-

<https://archive.org/details/20181015SteyningParishCouncilFullMeeting>

A slightly inaccurate version is also in the draft minutes of that meeting which are before us for approval this evening. I have copied them as Appendix 1 to this statement.

Ms Johnstone explained that she is a former SWAB and current Steyning Neighbourhood Plan Steering Committee member. She said she was “upset” that my private emails of 11th and 15th October 2018 had made what she considered to be unfair criticisms of the SWAB neighbourhood plan processes and procedures which had contributed to its collapse. Copies of those emails are shown at Appendix 2.

All who spoke demanded that at tonight’s meeting I should justify what I had written, and this has been followed up by a formal request and a recent chaser from the clerk to the Parish Council.

I am more than happy to give the following explanation which I also intend reading into the public’s recording device after the meeting. The recording of the full meeting will then be uploaded in the usual way to the archive.com website for anyone to listen. I have given the Clerk a copy of this statement to attach as an appendix to SPC’s minutes.

Private emails wrongly made public

First, my emails of 11th and 15th October were private internal messages and if Ms Johnstone was upset about what I had said it would have been courteous for her to email me privately for

my explanation instead of trying to ambush me publicly. She could even have offered me her own explanation for SWAB's failure on her watch – though as she failed to attend the only 2017 SWAB meeting, and also she neglected to attend any of its 2016 meetings except one, perhaps that explains her expressed ignorance about why SWAB collapsed.

Second, as the chairman of the 15th October full parish council meeting, Cllr Lloyd should have explained to Ms Johnstone that it was very inappropriate for her to read out parts of private internal emails addressed to councillors and to members of one of its committees, and then demand a public response. This has never been permitted before and I am in no doubt that this witch-hunt against me would not have been allowed if any other councillor was the target of public criticism made in this way. Cllrs Muggridge and Bowell should have kept quiet rather than publicly attacking one of their colleagues, and they should have sought my explanation privately if they were genuinely interested in the information.

Was this ambush all orchestrated and it failed only because of my unexpected absence? Ms Johnston may wish to give me her assurances and explanation about any degree of collaboration with others.

My colleagues demanding that tonight I must publicly address the criticisms which should never have been made in public in the first place is in stark contrast to their refusal on 23rd October to let me publicly respond to Mr Kelly's further inaccuracies in his publicly published email he sent to SPC's Amenities Committee.

False Accusations Against Me

Mr Kelly who has long been an ignorant and damaging apologist for a small cabal of unduly influential SPC councillors, plus Cllr Lloyd and Cllr Muggridge, all accused me falsely of trying to blur the old plan with the new, while Mr Kelly with no facts at all to back him, accused me falsely of trying to block the new plan. See Appendix 2 for what I actually said.

As senior members of the new Steyning Neighbourhood Plan committee will know and could confirm, I had not tried to block the new Plan. To the contrary, I have been very encouraging of them achieving what the SWAB team failed to do – create a successful neighbourhood plan

which reflects our community's wishes and aims. That is why I have consistently pressed for the new team to have proper paid-for clerical support and why in my private emails shown at Appendix 2 I sought to ensure that SWAB's mistakes were not repeated and so tried to ensure that the new team's October meeting was lawfully convened and that the statutory requirements for public meetings were complied with.

I suggest that my encouragement contrasts well with the morale-sapping lack of support and interest from the bulk of Steyning councillors. Perhaps ebbing morale explains the reported diminishing attendances of the new plan's Steering Committee members at meetings - including the October one being inquorate necessitating discussion about changing the terms of reference to reduce the number for a quorum. History is seemingly repeating itself as my comments at the seventh point below will show - SWAB also changed its terms of reference to chase ever diminishing attendances as the preparation of the SWAB Plan increasingly fell into the hands of two individuals while morale and enthusiasm ebbed away.

Increasingly, in the light of the obvious lack of interest by most councillors and the cyclical hold-ups, the SPC councillors' vote to undertake a new plan looks like nothing more than a fig-leaf to stave off public disquiet about the failure of SWAB by creating the illusion that something good was going to come out of all the public money and volunteers' time wasted on that. There appears to be no desire from the bulk of councillors to drive the new plan with enthusiasm, good will and involvement or to interest themselves in understanding the issues which face the new Committee.

Far from me trying to blur the old plan with the new, my comments at every stage have been aimed at the opposite - to try to ensure the two plans remain completely distinct. Only if the old SWAB mistakes are not repeated can the new plan be successful.

Blurring the two plans is exactly what Cllrs Muggridge, Northam, Hanson and others have done as they continue to refuse to accept any responsibility for what went wrong, and they pretend that the SWAB failure was nothing to do with them and that all its work is useful to the new team.

Because they were so embarrassed by how poor the dismal final SWAB draft plan was, these councillors continued to describe the SWAB neighbourhood plan as a "live" document from

which the new Steyning plan would carry on, long after they knew in truth that SWAB was dead.

This deliberate and cynical blurring of the two plans was used to resist my May 2017 Freedom of Information Act request which was trying to bring the SWAB failed document into the public domain. Not even all SPC councillors had been permitted to see it. Disclosure was resisted for more than a further year on the false claim that the SWAB draft plan must remain confidential as it was a live document with work to continue on it.

The SWAB Q and A document signed off by Cllrs Muggridge, Northam and Hanson in March 2018 was more of the same. They continued to blur the old plan with the new as more of their face-saving attempts over the SWAB fiasco.

Here is a quote from their Q and A document showing the blurring of the two plans by these councillors. A blurring they now claim to deprecate as unhelpful:-

“Question - Will a Steyning NP start afresh, with a blank sheet of paper?”

Answer - No, definitely not. A Steyning NP will build on the comprehensive work already undertaken by the SWAB teams, and start work from the existing documents, evidence and recommendations. All changes, additions & deletions must follow due NP process.”

Just two weeks previously, HDC had said the exact opposite of this claim by Cllrs Muggridge, Northam and Hanson. HDC had said that in fact the old SWAB documents were irrelevant to the new plan. These are the HDC words: -

*“Following [re-designation], the parish would need to prepare **new evidence and supporting documentation**. As this older [SWAB] information is **no longer relevant** it has not been retained on file by the Council.” - 15 February 2018.*

The claim by Cllrs Muggridge, Northam and Hanson is the exact opposite of HDC’s position.

This blurring by SPC of the old SWAB plan with the new Steyning Plan continues to this day – why else does SPC continue to have a link to the SWAB plan on its home page which is given equal prominence to the link for the new plan?

So, do not accuse me falsely of trying to block the new plan or of blurring it with the old when I have done no such thing. It is only the councillors accusing me of this who have done exactly that for their own self-serving ends.

Further False Accusation by Mr Kelly

Although he has not, or should not, have seen my emails about which Ms Johnstone complained, Mr Kelly subsequently wrote to the Council and that letter was uploaded by our clerk to SPC's website as one of the agenda documents for the Amenities Committee meeting on 23 October 2018.

Mr Kelly presumed to comment on what was in my private emails by saying in his letter “ *In relation to Sally Johnstone's question from the floor last night, regarding the actions of Cllr R Goldsmith and his criticisms of the Neighbourhood Plan Steering Group.....*”.

As those who received the private emails will know, and as Appendix 2 shows– there was no criticism by me of the Steering Group. My criticism was of the processes being adopted by our clerk which I believed threaten the success of the new plan. I was seeking to ensure that the mistakes of SWAB were not repeated.

And to answer Cllr Muggridge – I do not need permission from him or anyone else, and nor do I have to give justification for expressing my opinion on matters concerning parish council business. That is my role as a parish councillor. And if he had listened to my opinions when I expressed them about SWAB, he might not have had to face accepting the bulk of responsibility for that undoubted embarrassing disaster.

Also, it should be noted that while Cllr Muggridge demands to know on what basis I presumed to offer advice, he was not himself slow in offering his own. He has no more authority than me. But at least my advice was well-meaning and I am also confident that my advice was correct while his was wrong.

It is noteworthy that at the Amenities meeting when I responded to Mr Kelly's letter and put the record straight about the nature of my criticism in the private emails, Cllrs Lloyd and Howell who had been perfectly happy on 15th October for Ms Johnstone to make public these emails, and had been happy to join in the public criticism of me and demanded that I respond publicly to Ms Johnstone, were then critical of me on 23rd October for clarifying publicly that my emails had concerned the clerk rather than the committee and they demanded that my response to Mr Kelly's further public criticism should be made to him privately. They tried to stop me speaking.

This is typical of the lack of even-handedness which I face from these two individuals in particular and from this dysfunctional and two-tier parish council which was factionalised from the outset by policies and practices aimed at side-lining me and two other councillors. These divisive and marginalising policies were adopted with enthusiasm by the bulk of councillors who had sat on the previous council.

Emails are either private or public. Their status cannot properly change from meeting to meeting depending on what best enables these councillors to attack me and give succour to their apologists like Mr Kelly.

Similarly, the appropriate forum for a response to a personal attack in public is a public one. Not a public one if it is considered that I have been ambushed and so might struggle to respond adequately (Ms Johnstone's question of 15th October), but relegated to a private response if it is feared that I am prepared and can make a considered response (Mr Kelly's point of 23rd October).

The public forum session of a council meeting should be used for the public accountability of the Council and its councillors and for addressing the concerns of and suggestions from members of the public. For too long it has been abused by those chairing these meetings, with legitimate concerns and questions evaded and private vendettas pursued.

15th and 23rd October were just the latest examples of abuse of process, with the public forum sessions being used to pursue a vendetta against anyone who raises a legitimate concern. In this case, me.

SWAB's Departures From Proper Process and Procedures

In December 2016, while HDC was undertaking its analysis of SWAB's potential vulnerabilities after the successful judicial review of the Henfield NP, all the following were referred to HDC's legal team by its neighbourhood plan officer, or like the first point, had already been referred to it.

The key thread of concern was that because of its inappropriate enmeshment with the Wiston Estate, the SWAB Neighbourhood Plan had the appearance of being pre-determined so far as housing at the Wiston Estate's Bayards Fields was concerned. See points 3, 4, 5, 9, 10, and 13 below. Cllrs Muggridge and Ms Johnson had played key roles in this as they were both on the housing focus group.

First - While there is no suggestion that he stood to gain personally from his work on SWAB, the Chairman of SWAB, Cllr Nick Mills of Bramber Parish Council, failed to comply with the fundamental procedure that his mandatory declaration of interests should include all his disclosable pecuniary interests. HDC reported him to the police after deciding that he had not shown any reasonable excuse for not complying with this statutory requirement which potentially carries criminal penalties. Cllr Mills then resigned from SWAB and from Bramber Council, citing pressure of work. I have previously provided the HDC decision notice about this to all SPC councillors.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf

Second - The SWAB Steering Group meetings should always have been held with the public present as required by the Public Bodies (Admission to Meetings) Act.

<http://www.legislation.gov.uk/ukpga/Eliz2/8-9/67/contents/enacted>

Although this fact has never been admitted by Steyning's councillors, Wiston let the cat out of the bag in its minutes for 17th May 2017. These state on page 5 that at the "watershed meeting"

(Cllr Northam's description) which took place between SWAB committee members and HDC and SDNPA officers on 5th April 2017 it had been confirmed by HDC that:-

“.....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.....”

Third - In breach of expected standards of propriety, in September 2015 SWAB appointed AirS as its consultants. These were the very same consultants as had in 2012 and 2013 worked with Mr Harry Goring and Mr Richard Goring of the Wiston Estate in producing a document which comprised the Wiston Estate's strategy for achieving housing development on its land at Bayards Fields. A clear conflict of interest thus arose at the heart of the SWAB process right at the outset.

Although there does not appear to be any record of them being appointed, somehow a second firm of consultants, rCOH, also became involved with SWAB. Mr Jon Dowty of that firm attended meetings of SWAB and was sent its housing documents. See for example the SWAB minutes of 30th September 2015. The problem with this, which should have been obvious to all SWAB steering committee members, is that rCOH had also been jointly appointed with AirS for the Wiston Estate's work on the 2013 strategy document for Bayards Fields housing. So the conflict of interest at the heart of the SWAB process was even greater.

The next meeting of SWAB after the appointment of AirS was then wrongly closed to all the public except for one – none other than Mr Harry Goring of the Wiston Estate.

The Wilton Park Organisation has been based at Wiston House for the last sixty-seven years and so has strong connections with the Wiston Estate. Because of/despite these connections with the Wiston Estate, Wilton Park Organisation's chief executive was appointed to the SWAB steering committee.

And who offered to collate and print the plan? The Wilton Park Organisation.

And where was one of the main housing sites for the SWAB draft plan after two years of work by SWAB and its consultants? Yes - you guessed it. Wiston Estate's Bayards Fields.

Because of this inappropriate enmeshment from the outset, the resulting suggestion of pre-determination by SWAB was clearly always going to be seriously problematic for its neighbourhood plan and so it is inexplicable to me how SWAB committee members which had included Cllrs Howell, Muggridge, Northam, Toomey and Hanson as well as Ms Johnstone herself had all seemingly been completely unconcerned about this.

Fourth – The SWAB Steering Committee also apparently saw nothing wrong with Cllr John Goring of the Goring Family being appointed to the steering committee even though this would have led him into serious difficulty in functioning because of the Code of Conduct provisions regarding the need to declare/not participate where there are personal/prejudicial interests. His brother and his nephew stood to benefit financially from any development at Wiston Estate's Bayards Fields which came about through the SWAB process and so they were "relevant persons" under the Code - meaning that personal and/or prejudicial interests would be a constant feature as Cllr Goring worked with other committee members to advance the Plan for so long as it included any proposals affecting Bayards Fields.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf

Again, we have Wiston Parish Council (not SPC or SWAB) to thank for this information because it is in its minutes of 15th March 2017 - "*Nick Mills reports that Richard Burge [of the Wilton Park Organisation] has resigned his post on the Steering Group. Councillor Goring has offered to step in. Cllr Newton has also resigned from involvement in the Neighbourhood Plan. The Clerk will inform Cllr Goring that the next Steering Group is on 5th April*".

As it happens, Cllr Goring seemingly did not attend that "watershed meeting" of 5th April 2017 following which SWAB collapsed without any further meeting taking place.

Fifth – SWAB committee members and Cllrs Muggridge and Willett also seemingly saw no impropriety in smuggling Jon Dowty of rCOH (which you will remember had

previously worked with the Wiston Estate in connection with Bayards Fields) into HDC's neighbourhood planning conference on the false basis that he was a Wiston Parish Council representative. The source of this information? Wiston Parish Council again. Note the exclamation mark.

*“On the 25th of January, five members of the Steering Group attended the HDC Neighbourhood Plan Conference in Billingshurst, along with Nick Muggridge and Michael Willett (Steyping Parish Council) and Sid Garner (Wiston Parish Council). Each of the four parishes was represented. **We also managed to get Jon Dowty from rCOH into the conference under the guise of a second Wiston representative!** I believe he was the only consultant in attendance.”*

Sixth - There is no indication that the SWAB Committee ever gave any consideration to the provisions of the “Probity in Planning” guidance document published by the Local Government Association and the Planning Advisory Service, with particular regard to its provisions about note taking and lobbying.

<https://www.local.gov.uk/Pas-probity-planning>

Seventh – SWAB repeatedly departed from its Terms of Reference by purporting to make decisions at meetings which were inquorate. It also repeatedly failed to publish draft minutes, while approved minutes were often published months later because of the inquorate meetings. Like so much, these requirements were treated as optional annoyances.

Even attending committee meetings were apparently seen as optional annoyances by some – with Ms Johnson herself ceasing to attend altogether between December 2015 and April 2017, apart from managing a single meeting in February 2016. These repeated failures to attend by her and others are likely to have had a damaging effect on the morale of those who did continue to attend – and it was a collapse of morale which was one of the main factors in SWAB itself collapsing. If anyone doubts that, please just listen to the recording on 19th April 2017 referred to at point thirteen below where councillor after councillor speaks of the low morale and the difficulty in slogging on after more than two years' work now that HDC was requiring SWAB re-do so much of its work if it was to protect itself as much as possible from the risk of judicial review.

Eighth – Despite having no delegated authority to do so, SWAB repeatedly purported to change its own terms of reference. Twice to change its quorum figure as it chased ever-diminishing committee member attendance figures, and a third time unsuccessfully, and to the concern of the ICO, to try to prevent registers of interests being made public –

Ninth - SWAB inappropriately refused to disclose the registers of interests for its non-councillor housing focus group members, even though the forms had signed consent to disclosure on them. The SWAB committee then inappropriately changed its terms of reference to try to prevent the registers being disclosed. The Information Commissioner's Office (ICO) made plain that this should never have happened, and the registers should always have been open to public inspection.

“On 29 October 2015 (two weeks after receipt of the information request) the Commissioner is informed that the terms of reference of the SWAB were changed so as to remove the provision that the register of Members’ Interests would be made public. This development (if true) [which it was] would be a cause of serious concern on the part of the Commissioner and totally unacceptable, since it would demonstrate an attempt to avoid due and required transparency and accountability with regard to the registered interests of members”. Letter ICO to SPC’s clerk 16th May 2016.

Cllr Northam subsequently read out a different extract from a different ICO letter to the public at the 13th June 2016 meeting of SPC in order to paint a misleading picture that there had been *“no inappropriate conduct”* by SWAB on this issue.

In the light of this clearly documented distortion, readers can draw their own conclusions when Cllr Northam similarly stated on 19 April 2017 that *“Neither HDC or SDNPA have criticised any of the existing work or the approach that SWAB has taken.”* while at the same time it is recorded in the same schedule to the minutes that there needed to be from SWAB *“More robust evidence for recommended housing sites and green spaces, more work on community needs, improved evidence of housing needs, especially market housing, increased and improved communication with the community and that SDNPA is resisting new housing within the*

National Park. Sorry, but on any ordinary use of language those sound like substantial criticisms to me. So substantial indeed, that SWAB then collapsed because of a crisis in morale.

The ICO went on to say in the same letter:-

“.....It is a matter of concern to the Commissioner that members are apparently “strongly opposed” to the disclosure of this information as such a stance not only contradicts their own explicit signed consent but is in direct contravention of the well understood principles of transparency and accountability as applied to registers of interests”

The ICO pointed out that disclosure of interests is a fundamental requirement *“where decisions have the potential to impact and affect the local community”* as there is an *“important need for transparency and accountability”*. Something the Committee would have done well to have in mind when it decided to hold all its meetings behind closed doors.

Although the registers of interests forms required tenancies and licences to occupy (as well as property ownership) within the area to be declared, Ms Johnstone declared nothing concerning her own housing arrangements. Ms Johnstone may wish to state publicly the good reason for that as her home appears to be on the Wiston Estate. It looks as though Ms Johnstone treated the requirement to disclose as an optional annoyance.

To quote the ICO again in connection with housing focus group members of whom Ms Johnstone was one:-

“Where individuals choose to undertake such public roles, then they should recognise that there is an important need for transparency and accountability and that there can be no suggestion of potential conflicts of interest or undue influence...”

Tenth - The Housing needs assessments needed to be re-done because of fundamental inadequacies in them – outlined by HDC at the 5th April “watershed” meeting.

“More robust evidence for recommended housing sites and green spaces” - HDC

“Improved evidence of housing needs, especially market housing” - HDC

Despite SWAB’s denials, these inadequacies in the work undertaken by the housing focus group - which had included Cllrs Muggridge and Ms Johnstone - were extensive; including claiming not to have found the (inconvenient) planning history for the Wiston Estate’s Bayards Fields despite being offered the documents by another member of the Focus Group (who was then excluded from the Group for “dissent”) - and despite the planning history being freely available on HDC’s website and despite SPC itself having objected to the previous planning application at that site.

The inadequacies also included repeated perversity in scoring by the Housing Focus Group such as giving Bayards housing development a positive score for tourism (!) and a positive score for no impact on conservation area or heritage even though the 2014 SDNPA strategic land assessment (again part of the planning history apparently overlooked by the Focus Group) had rejected the site precisely because of those impacts. HDC’s subsequent conservation area review has rightly flagged up the potential adverse impact on the conservation area.

No scoring was given for negative impact on landscape views. Nor on tranquillity despite both being SDNPA criteria for their own site assessments. There are many more examples of this perversity in the SWAB assessments which HDC had the details of and which therefore led SWAB to be vulnerable to judicial review, but this document is already of sufficient length to have made the point without labouring it further.

Although not strictly relevant to the SWAB criticisms, it is worth pointing out that when the SDNPA came to debate its endorsement of the Wiston Estate’s Whole Estate Plan which includes housing proposals for Bayards Fields, Cllr Northam who had been informed of the meeting because of his position as chairman of SPC and as a senior representative on SWAB says he forgot to tell any of his colleagues about this meeting. So no one attended or made representations.

It was also Councillors Northam and Muggridge who made (unsuccessful) personal objections to HDC about HDC’s draft Steyning Conservation Area review document concerning provisions which might adversely impact on any future planning application for housing at

Bayards Fields. These personal objections were contrary to the democratically agreed representations made by SPC.

Eleventh - The same perversity in decision making which made the Plan vulnerable to judicial review applies to the Local Green Space designations also as indicated by HDC at the 5 April “watershed” meeting following which SWAB collapsed.

“More robust evidence for recommended housing sites and green spaces” HDC

For example, the allotments were excluded from LGS designation despite 95.6% of respondents to the survey saying they should be “protected” and despite the expressed wishes of the allotment holders. The allotments were excluded from LGS protection ostensibly because they are “brown field” - which is actually an additional reason why they do need protection - and because they are owned by the council. Again, in fact a good reason to designate as the temptation for a cash-strapped council to develop its brown field assets could become overwhelming.

Also, the SWAB April 2016 newsletter, cited ‘being in the national park’ as one of the main reasons why the allotments did not need added LGS protection – a glaring inconsistency when two of the SWAB preferred development sites (Bayards and Sweetlands) are in the national park but were still put forward for development by SWAB despite their location.

Twelfth - The failure throughout to properly involve the public was another fundamental issue flagged up by HDC at the meeting. This failure has also been acknowledged by the ICO.

“Increased and improved communication with the community” – HDC at meeting of 5th April 2017.

“As the Government’s 2014 guidance about Neighbourhood Planning notes, in preparing a draft neighbourhood plan or order, the qualifying body should ‘engage and consult those living

and working in the neighbourhood area and those with an interest in or affected by the proposals (e.g. service providers)'.

The Commissioner recognises and appreciates that the Council intended to consult with residents at the pre-submission document stage, but more timely and detailed transparency and openness should have taken place with residents earlier in the process. As the Government guidance emphasised, 'It is important that neighbourhood forums go about their business in an open and inclusive way if the neighbourhood planning process is to be transparent, and not generate local distrust and conflict'". ICO letter to SPC 7th June 2018.

Thirteenth - The National Parks Act has two fundamental statutory duties laid down. At no stage in its deliberations is there any indication that SWAB gave these duties any attention at all even though nearly all its housing was intended for National Park sites and even though SPC was fully aware of these duties as a 2012 judicial review application had forced them to re-make a decision which had ignored them.

The report of the “watershed” meeting of 5th April 2017 shows that the National Parks issue was one of the key problems identified at the meeting, with particular reference to the Sweetlands and Bayards Fields housing proposals.

“SDNPA resisting new housing within the National Park” - HDC

Finally- Even allowing for the consistent attempts by SWAB to show that its problems were all due to the faults of others, the schedule to SPC’s minutes of 19th April 2017 which report the 5th April meeting are unable to hide that there were fundamental problems with SWAB’s approach.

<http://steypningpc.gov.uk/wp-content/uploads/2011/08/draft-full-council-mins-19.4.17.-JFdocx.pdf>

Despite more than two years work and despite repeated constructive criticism about these matters from me and others which SWAB had just ignored, and despite SWAB’s claims up to the point of the HDC review that its draft plan was all but complete, this schedule illustrates

that among other things, after HDC's review of the Henfield judicial review implications for SWAB, HDC considered that if the SWAB Plan was not itself to be vulnerable to judicial review there needed to be:-

- *More robust evidence for recommended housing sites and green spaces*
- *More work on community needs*
- *Improved evidence of housing needs, especially market housing*
- *Increased and improved communication with the community.*
- *SDNPA resisting new housing within the National Park.*

The public's recording of the 19th April meeting with Cllrs Northam, Muggridge, Hanson and Willett all giving their explanations for the collapse of SWAB is very informative and can be heard on the Archive website for that date at around 48 minutes in.

<https://archive.org/details/20170419SteyningParishCouncilFullCouncilMeeting>

This all shows unequivocally that SWAB's claims that everything in the garden had been rosy and that any blame falls on those who had constructively criticised SWAB were untrue, and that Ms Johnstone seems to be suffering from faux outrage that I have flagged this up and in doing so attempted to assist the new Steyning NP committee.

I remind any reader who is weighing up the truth of the claims that SWAB collapsed for reasons completely unrelated to the actions, omissions and decisions of its Steering Committee, about what I said at the ninth point above. I illustrated the documented major inconsistency between what Cllr Northam claimed publicly about the ICO's supposed lack of criticism of SWAB and what was in fact said to SWAB by the ICO about the Commissioner's "serious concern" about the "totally unacceptable" action of SWAB's steering committee.

In an echo of this, despite the bulleted points of criticism in the schedule referred to above, Cllr Northam claims in the same schedule that "*Neither HDC or SDNPA have criticised any of the existing work or the approach that SWAB has taken.*". The parallels in denials of the existence of criticism should assist the reader to make their judgment about where the truth lies.

Conclusion Re My SWAB Remarks

As the Royal Town Planning Institute says in pointing out the importance of “getting it right” and thereby minimising the risk of a neighbourhood plan being brought down by judicial review:-

“A strong and robust examination process is vital in ensuring that neighbourhood plans fulfil their statutory duties. Arbitration of conflict at this stage has to be preferable to communities getting their plan ‘past the examiner’ only to find that it does not stand up to scrutiny at appeal or when planning decisions are being made. If this were to happen people would be right to question, what was the point?”

When I and others made constructive criticisms of SWAB as it undertook its work we clearly were always motivated by the desire to see SWAB avoid or correct mistakes so that SWAB could be a successful plan reflecting the genuine needs and desires of our community.

That did not happen as there was no one to “arbitrate the conflict”, the constructive criticisms were ignored, and the plan collapsed largely because SWAB chose to ignore those criticisms, not because the criticisms were made. And so the question being asked since May 2017 when SWAB collapsed has indeed been “what was the point?”.

My most recent criticisms of the processes adopted by our clerk were again intended to be constructive, were directed at the Clerk’s actions and his subsequent mistaken justifications, and were merely aimed at trying to help ensure that history does not repeat itself with the new Plan, which I support.

For far too long, senior SPC councillors and their apologists like Mr Kelly have been permitted to avoid addressing serious issues affecting our community by “playing the man” whenever constructive criticism is made.

Scapegoating needs to stop and there needs to be the humility from these councillors to acknowledge errors and to learn from them.

Failure to recognise this will mean that the public will continue to be badly served by its parish council.

Councillor Rodney Goldsmith. 19th November 2018

Appendix 1

NB Actual wording can be heard here:-

<https://archive.org/details/20181015SteypningParishCouncilFullMeeting>

QUESTIONS FROM THE FLOOR ON 15 OCTOBER 2018 as put in the draft minutes. The quotation marks purport to record aspects which are verbatim, but which are not. Also, some comments by Cllr Lloyd have been omitted. Nothing of great substance turns on the inaccuracies and omissions, but I make the point that it is important that purported quotations should be quotations and I make the point that the omissions mean that part of the picture of antipathy towards me has been omitted.

Q - Sally Johnstone asked:-

‘As a present member of the Neighbourhood Planning group and also a former member of the SWAB Neighbourhood Group I am upset by the allegations made by Cllr Goldsmith as to why the SWAB NP failed.

In an email to the parish councillors and the NP group Cllr Goldsmith alleged that as far as he can make out and understood one of the important reasons the last plan failed was concern by HDC that an aggrieved landowner would have grounds for a judicial review because of SWAB’s failure to comply with fundamental procedural requirements and treating them as optional extras.

Also, today he has asserted that SWAB failed because it was in breach of the Public Bodies Access to Public Meetings Act and was refusing to hold any of its committee meetings in public. Another thing HDC thought would be open to judicial review. Could Cllr Goldsmith please present the evidence he has from the HDC to substantiate these allegations?’

A - Further to this question Cllr Muggridge said he shared the resident's frustration and annoyance because having officially closed down SWAB and published a Q&A that clarified the actual facts, as opposed to people's opinions, that this has been reopened twice by the same councillor and blurring it with the new Neighbourhood plan team which he thought was rather unnecessary.

We will pass this question onto Cllr Goldsmith in his absence and attempt to get a reply back to you before the next Meeting.

Q from Mr Kelly - Could I just add to the previous resident's question that at this time there has been no comment about this allegation made by Cllr Goldsmith, and isn't it about time that this council starts to look at the behaviour of this man as he is now blocking the new Neighbourhood Plan

A Cllr Lloyd - I think in all fairness he is not blocking the new one but is making comments about the previous one that it is blurring the two.

Q Mr Cree - I want to congratulate the Council on making the new Steyning Neighbourhood plan so open to the public which unfortunately SWAB was not, and the way it is following good practice.

A - Thank you for your comments

Further to the residents questions Cllr Bowell suggested Council could provide a clear statement to all Councillors before the next meeting and the Chair agreed and Cllr Muggridge added that to substantiate what a resident asked he was afraid there had been interference with the new Neighbourhood plan and he would like to know under what authority Cllr Goldsmith had to offer legal and procedural advice to the new Neighbourhood planning committee, as it was signed Cllr Goldsmith.

APPENDIX 2 - Emails

All responses omitted for reasons of confidentiality

From: Rodney Goldsmith

Sent: Wednesday, October 10, 2018 12:42 PM

To: Steyning Parish Council – Clerk

Cc: Redacted

Subject: Neighbourhood Plan Committee Meeting

The summons and agenda for the meeting on Thursday 11th October only went on the Parish Council notice board in the High Street yesterday (Tuesday), therefore not providing the necessary statutory three days' notice which has to be given to committee members and the public. Even if the notice went up on Monday there would still only be two clear days. Therefore, no valid decisions can be made at this meeting on Thursday.

Originally the notice was for the meeting to be held on Monday 8th October but it looks as if there has been some sort of mix up regarding the meeting date. Even if this meeting had been held on the Monday 8th, no valid decisions could have been made as the summons and agenda were prepared on Friday 5th only giving one clear day's notice, Saturday, as Sunday doesn't count nor does the day of notice and the day of the meeting.

How has this confusion and mix up of failing to give the proper notice happened? I have been saying to both the N Plan Members and SPC, that this committee needs to be properly funded so that it has a clerk who can be relied upon to get things like this right.

Cllr Goldsmith

From: Rodney Goldsmith
Sent: Thursday, October 11, 2018 5:12 PM
To: Redacted
Cc: Redacted
Subject: Re: Neighbourhood Plan Committee Meeting

Both our clerk and Cllr Redacted - who should know from experience - surely recognise that getting the basics right is important and it's problems like this that the parish council and its committees seem to repeatedly be side lined with.

As far as I can make out and understand one of the important reasons why the last plan failed was concern by HDC that an aggrieved landowner would have grounds for a judicial review because of SWAB's failure to comply with fundamental procedural requirements and treating them as optional annoyances.

That's why things like getting the summons right are so important and everyone who wants the new plan to succeed should be making sure all the "I"s and "T"s are crossed and dotted.

Cllr Redacted's quote is out of context and it refers only to a situation where a Sunday is part of the calculation of the necessary three clear days notice.....this isn't the case here.

Cllr Redacted has chosen not to pick up on a relevant quote "*Failure to give the proper notice to the public may affect the validity of the meeting*"

It's the clerk's role to give advice but my personal view is that the meeting could take place as a working party meeting and any decisions made can then be ratified either by the committee at an EXOM or by full council before they are acted upon.

Cllr Goldsmith

From: Rodney Goldsmith
Sent: Monday, October 15, 2018 9:42 AM
To: Redacted
Subject: Re: Neighbourhood Plan Committee Meeting

Unfortunately I couldn't attend the Neighbourhood Plan steering group meeting last Thursday evening (11th) but was looking forward to listening to the meeting on the community website recording. However, I've been advised that this wasn't allowed because the meeting "was not officially a public meeting".

I would like to bring to everyone's attention that there is a right to record all public meetings of all local government bodies unless they have gone into private session for proper reasons and therefore, the resident wishing to record the meeting had an absolute right to do so.

It's very disappointing that there is no experienced clerk attending these committee meetings to explain that recording is a right and even more disappointing that Cllr Lloyd as Chairman of SPC didn't ensure that the recording was able to take place as he was in attendance.

I have sent the following link to SPC at least twice before and that's why it's disturbing the same problems keep coming up time and time again and history repeating itself.

<https://www.gov.uk/government/news/press-freedom-boosted-by-new-right-to-report>

This was a reason why SWAB failed , because it was always in breach of the Public Bodies Access to Public Meetings Act and refusing to hold any of its committee meetings in public. This was another thing that HDC thought left it open to judicial review.

Was the meeting recorded by any committee member for minute preparation purposes ? And if so I would like a copy please to listen to and then I will forward to the community for uploading in the usual way to Archive.org so others can listen if they wish.

Steypning's new neighbourhood plan has terms of reference included in them which have openness, transparency and public involvement because of the lessons which were supposed to have been learned from SWAB's failure. There should be a positive desire to get information about the plan to the widest possible audience and refusing to allow the recording demonstrates a worrying attitude.

Cllr Goldsmith