

Questions from Cllr Northam 25 August 2019 and Response from Chairman of SPC

NB

The first part of this answer was drafted by the Vice-Chairman at the Clerk's request. It was then uploaded to his Facebook site by Cllr Northam who then failed to attend the meeting of the Council on 2nd September to hear the answer, meaning that in addition to missing all the committee meetings to which he has been summoned, and missing the team-building meeting, he has now missed four and a half of the six full council meetings to which he has been summoned.

When uploading to his site, Cllr Northam added commentary on the answer which called for a further response however he declined to upload that saying it was "pointless". The reader can judge that from the second part of this document. That has also been drafted by the Vice-Chairman and is endorsed by the Chairman.

Introduction

If Cllr Northam put as much effort into serving the public which voted for him as he does into pursuing his vendetta against many of his co-councillors, he would know the answer to his questions. It is noteworthy that this councillor who holds himself out as the great defender of democracy has missed two of the five full council meetings to which he has been summoned. Not invited, note - attending meetings is a duty. He left early on a third. He has not attended a single meeting of either of the two committees he is supposed to serve on and he was the only councillor bar one who did not attend the team-building meeting arranged by the Director of SSALC at the Vice-Chairman's initiative in an attempt to prevent the factionalising of the Council. Cllr Northam has contributed not one single piece of work to this Council since he was elected. Nearly every other councillor has put in huge amounts of time and effort. Cllr Northam seems utterly unconcerned that he was elected to SPC to serve the public of Steyning which necessarily requires attendance at meetings and participation in working parties etc.

These questions raised by Cllr Northam are not genuine requests for information. If they were, as a councillor he would have asked the Clerk. He could even have asked the Vice-Chairman who he writes about in the preamble to his questions. Their sole aim, as with previous questions, is to use innuendo to suggest incorrectly that there is something improper or undemocratic with SPC's decision-making processes and thus to undermine the public's confidence in the council of which he is a member and its neighbourhood plan steering committee. Cllr Northam seems not to care that in SPC's Code of Conduct it is stated: -

"7 Members should promote and support these principles by leadership, and example, and should act in a way that secures or preserves public confidence".

Cllr Northam's repeated absences from meetings, his failure to contribute to the Council in any positive way, and his repeated attempts to undermine public confidence in the Council through

innuendo-laden questions and comments raises serious questions about this councillor's judgment.

There is no obligation on anyone to answer questions in these circumstances; nevertheless, answers are given below.

Cllr Northam's Questions of 25 August 2019

"In his revision to the NPSC terms of reference Cllr Campbell wrote "*Decisions can only be made at a properly constituted meeting through a motion on an agenda which has been passed by a majority vote*". Only right and proper, and indeed normal practice for committee meetings

However, in the briefing paper dated 24 July 2019 presented to Full Council and referring to a decision to adopt the course of action he was proposing to Council, he writes "By informal show of hands on the 15th it was unanimous that we would be minded to adopt something along the lines of the draft motions A and B".

Later in that briefing paper, Cllr Campbell, referring to the meeting of the 15th wrote that "The actual discussion took place in private after the Full Council meeting had concluded"

So my questions are: -

- 1 Where is the agenda for the "properly constituted meeting"?
- 2 Was the proposal on this agenda?
- 3 Was the proposal seconded and by whom?
- 4 What exactly does "minded to adopt something along the lines of..." Mean?
- 5 Was the so-called meeting quorate for the "informal show of hands"?
- 6 Where are the minutes?"

Answer to Cllr Northam's questions of 25 August 2019

As Cllr Northam should have realised from his own quotes in his preamble, the meeting to which the briefing paper of 24 July 2019 referred was the Full Council meeting of 15 July 2019. One of the many meetings he has failed to attend. Accordingly, his questions should not have been directed to the Steering Committee which has made all its decisions at duly constituted meetings, but to Full Council.

The answer to question 1 is that Cllr Northam was sent the agenda when he was summoned to the meeting on 15 July which he did not attend. It is also on the SPC website and the relevant item is Agenda Item 12.

If he had been present, but he can listen to the recording to confirm it if he wishes, <https://archive.org/details/20190715steyningparishcouncilfullmeeting> Cllr Northam would have known that his former co-councillor, Mr Philip Bowell, intervened at the beginning of the

meeting to claim, incorrectly, that the Council was not entitled to go into confidential session (a pre-condition imposed by HDC) because it was not discussing a contractual issue. Presumably because of his blustering and over-confident manner and his status as a former chairman of the Council, our Clerk accepted Mr Bowell's incorrect statement. In fact the Public Bodies (Admission to Meetings) Act 1960, which is the relevant legislation, provides that the public can be excluded "whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings". It would have been perfectly proper to go into private session to honour the HDC pre-condition which would have been a "special reason".

The HDC officer was publicly asked by the Chairman of the Council to reconsider the pre-condition so that the discussions could be held in public, but he declined. Councillors were thus faced with no choice but to discuss these matters informally at the end of other business while sitting as a private meeting unable to make decisions, rather than sitting as a confidential meeting of the Council at which the decisions required by Agenda Item 12 could be made.

This potential loss of time through being unable to make a decision was very prejudicial because of the need to respond to the HDC letter of 13 March 2019. There are profound ramifications from this letter which should have been discussed by the previous council of which Cllr Northam was vice- chairman but were not. As a result of the new council knowing nothing until mid-June of the letter's relevance, and that it had not been addressed, there have had to be a series of extraordinary meetings of both the Steering Committee and Full Council to make the necessary difficult and delicately-balanced highly consequential decisions against a very tight time-table. The meeting on 15 July 2019 was intending to make the most difficult and pressing of these decisions, but could not. Necessitating a further extraordinary meeting on 24 July 2019.

So the answer to question 2 is "Yes".

And the answer to 3 is "no". No decision was made. That is precisely why the briefing paper refers to being "minded" at the next meeting to make a decision along the lines discussed in the private meeting. This was necessary because the almost impossibly tight NP time-table imposed by the 13 March 2019 letter (which had only just been made known to the new Council and was never revealed by the old Council under Cllr Northam's vice-chairmanship) meant that the Steering Committee and the Focus Groups needed to carry on working extremely hard against the clock in the meantime. These hard-working volunteers needed to be given some confidence that their work which would be undertaken at great pace and with very significant commitment of personal resources up to the next EoM on the 24th July 2019 would not be wasted. This was necessitated only by Mr Bowell's incorrect intervention which prevented the actual decisions at agenda item 12 being made.

And to anticipate Cllr Northam's likely next point as he has previously indicated publicly that he does not understand the difference between being predetermined (improper) and being

predisposed (proper and approved by the Localism Act). It was perfectly proper for all councillors present on the 15th July 2019 to have formed a preliminary view based on what they had heard from HDC and had discussed that evening and by informal show of hands to give the volunteers the indication that they should carry on with confidence because their work was unlikely to be wasted. To have done anything else would have been the end of the neighbourhood plan there and then.

As a result of the discussions on the 15th July 2019, those councillors who had been present were likely to have varying degrees of perfectly proper pre-disposition on the 24th July 2019. The fact that they had the intervening period to ponder matters and to consider the Vice-Chairman's briefing paper means that the degree of proper pre-disposition was likely to have increased in most cases. Only someone who had not read the letter of 13 March 2019 or who had failed to give its implications any real thought before the meeting would be likely to have arrived on the 24th July 2019 without some degree of predisposition. The issues were just too complex for any responsible councillor to have arrived with a completely empty mind about what was likely to be best for the community. There is nothing whatsoever to suggest improper predetermination.

So the answer to 4 is that the sentence means what it says. The background to that is as stated above.

For the reasons stated above, there was no decision made on 15 July 2019 because there was only an informal private meeting of the councillors who had been present at the full council meeting. They gave an informal show of hands at the end. An informal private meeting has no quorum so the answer to 5 is "Not Applicable". And the answer to 6 is that the draft minutes of the 15 July 2019 meeting, which include Mr Bowell's incorrect intervention, are in the usual place. On the SPC website.

Supplemental Comment by Cllr Northam and Responses to that

Cllr Northam's comments in black. Cllr Campbell's in blue

As Cllr Campbell well knows, I have given apologies in advance of meetings that I am unable to attend due to work commitments, and I actually attend significantly more than the legally required number of meetings. Which is not much of a boast as the requirement is one every six months to avoid automatic disqualification. The legal requirement is actually to attend every meeting to which one is summoned. What Cllr Campbell describes as a vendetta, I see as speaking up when I see things happening that I don't think are in the best interests of our community, others can judge that and in doing this I believe I am contributing far more than I would be by attending a committee meeting where a 'Steyning First' majority will make the decisions. By implying predetermination that is an unwarranted slur on the integrity of all these councillors who do their best to make decisions in the interests of the community. If Cllr Northam attended these meetings he would see a vigorous level of debate to which he could and should contribute.

In any event, the Planning Committee comprised (until Cllr Bissett-Powell's resignation) Cllrs Bissett Powell, Northam, Rudkin, Saunders, Sullivan, Trundle and Young. Two Steyning First candidates out of seven members. So the argument of being outvoted hardly stacks up as an excuse for not attending these meetings. If Cllr Northam really thinks he can do more from the outside than he can from attending the committee meetings he is legally required to attend then he should resign and allow someone else to represent the community.

The aim of my questions below is to find out why it seems that the NP Steering Committee may have been sidelined when Cllr Campbell's proposals were taken to full council without, apparently, the debate and vote that they should have been allowed

If Cllr Northam was more engaged with the council he is supposed to be serving he would know that the basis of his question is plain wrong. The Steering Committee met on 1st July to make its decision regarding the options in the 13 March HDC letter. Cllr Northam actually attended that meeting to ask an innuendo laden question about the chairmanship and then left.

If Cllr Northam had stayed he would know that the deadline from HDC for a decision about whether the neighbourhood plan was to go ahead with a view to completion by the Autumn had been extended to midnight on that day. He would also have heard a vigorous level of debate from the Committee resulting in a unanimous decision (and therefore supported by Cllr Campbell) that work would continue on the Plan to include housing site allocations.

He would also know that the intention at the Full Council meeting set for 15 July was to discuss (and almost certainly endorse) that decision from the Steering Committee.

What changed was that the consultant became aware from HDC that because the HDC autumn deadline was for Regulation 15 (not Regulation 14 as the Committee had understood) and because the grant application had failed and the Strategic Environmental Assessment had not been commissioned it was now impossible to meet the HDC 30 November deadline for Regulation 15 readiness if the Plan included housing allocations.

The consultant provided a report to that effect on 10 July which included the paragraph:-

“With the above in mind we would therefore have just over three weeks from the preparation of this note to complete all evidence documents, consider and choose housing sites, prepare planning policies, prepare the plan and plan map, commission and prepare the SA/SEA. We would also need to review all documentation once completed to ensure it meet the necessary legal tests. **Regrettably, the Steyning Community Plan as currently proposed will not be ready for submission on 30th November 2019.**”

As a result of the Vice Chairman pressing for it to be done, the full version of this letter was authorised by the Committee on 20 August to be uploaded so that the public could see that the decision not to include housing allocations had been forced on the Council.

This change of advice from the consultant necessitated Full Council re-visiting the 1 July decision of the Committee to try to get the plan completed with housing allocations which was now impossible to do. As that Full Council decision could not be made on 15 July due to Mr Bowell's inappropriate intervention, the decision was made on 24 July.

Sorry Cllr Campbell, but the Agenda you refer to does not include the motions A & B that you refer to, and furthermore does not relate to the 'private meeting' that took place after the full council meeting. So you have failed to answer the question. Where is the agenda for a properly constituted meeting at which the NP Steering Committee agreed that your motions A & B should be put to full council.

As stated above, the Steering Committee discussion of the 13 March letter took place on 1 July under agenda item "6 REPLY TO LETTER FROM HORSHAM DISTRICT COUNCIL To discuss and agree a response to the Horsham District Council letter dated 13th March 2019 (supporting papers)."

The Full Council discussion of the 13 March letter which was intending to endorse the steering committee's decision before it was overtaken by events was on the 15 July agenda as "12.2 To discuss and agree whether to endorse the letter sent to HDC from the Steering committee in response to the Letter received from them dated the 13th March 2019. (Supporting papers)"

This had to be adjourned to 24 July because of Mr Bowell when it was dealt with under:-

9.1 Update from the Neighbourhood plan steering committee representative (Supporting papers)

9.2 To discuss and agree response to the HDC letter as of 13th March (Supporting papers)

9.3 To discuss and agree other actions based upon the new Timeline proposals within the Supporting papers.

These were all decisions which full Full Council had to make urgently. As the consultant's letter had made clear – at 10 July there was only three weeks left to get all the evidence in place etc. There was simply no time after 15 July to call another meeting of the Steering Committee to make a decision and then for full council to meet to discuss that. The suggested wording of the motions A and B was there to ensure that the actual decisions required from HDC had been properly extracted from the mass of information and that councillors were discussing the correct issues. They merely put flesh on the bones of the agenda items 9.2 and 9.3

Where a meeting is held in confidential session, that does not release the council from the obligation to provide minutes of the meeting. Where confidential matters are concerned, the minutes do need to be carefully worded to avoid breaching confidentiality, but the recording of decisions cannot be avoided

Exactly so. But the point being made is not understood. There has been no confidential meeting, thanks to Mr Bowell's incorrect intervention. There was merely a private meeting at which no decisions were made.

The proposal does not appear on the agenda for the meeting of the 15th July (or indeed any other agenda that I can find). Cllr Campbell's own V3 Terms of Reference for the NP committee states that "*Decisions can only be made at a properly constituted meeting through*

a motion on an agenda which has been passed by a majority vote”, and this does not appear to have happened

This is going round in circles again. See above and previous replies. The meeting on 15 July was the Full Council one so the terms of reference for the committee are irrelevant. All decisions of both the full council and the committee have been made at properly constituted meeting. Both bodies have responded to the 13 March HDC letter on the basis of matters properly on their respective agendas. 15 and 24 July for Full Council and 1 July for the Committee.

So, in summary, it still seems that there is no record of the NP Steering Committee having considered Cllr Campbell’s proposals as a motion on an agenda or having taken a vote to recommend these proposals to full council. This was the very crux of my concern and the reason for my asking these questions, and it has not been satisfactorily answered by Cllr Campbell.

That was not how Cllr Campbell understood the concerns were being expressed by Cllr Northam. He seemed then, and seems now even on a re-reading, to have been suggesting that an improper decision was made on 15 July. This further answer should satisfy any reasonable person that there has been no conspiracy to exclude or machinations or improper decision-making.

The Committee, including Cllr Campbell, voted on 1 July to continue with the neighbourhood plan to include housing allocations with a view to completion by the autumn or such later date as could be negotiated with HDC.

On 10 July the consultant advised that this was not possible.

Decisions then had to be made urgently by full council which the two motions A and B on 24 July reflected.

1 Does SPC stop the Plan and await the outcome of HDC’s review or does it carry on and salvage what it can? The Council decided to salvage what it can, partly to try to benefit from the enhanced rate of Community Infrastructure Levy and partly so that all the tax payers’ money and all the work put in by volunteers was not wasted. The detailed factors taken into account are in the 13 March letter and in the briefing paper for the 24 July meeting which are both on the SPC website.

2 HDC also required SPC to choose between committing now to try to satisfy HDC’s new housing figures when it reviews the neighbourhood plan, without knowing what those figures will be, OR pause the housing element pending the outcome of the HDC Local Plan review when SPC will know what allocations HDC has made and what is required of it by HDC and decide then. The Council decided to wait, knowing that it can review the NP policies, including housing allocations, once the reviewed local plan has been adopted.

Anyone is entitled to a different view on the wisdom of these decisions but they were properly made and just as Cllr Campbell is prepared to accept that Cllr Northam honestly believed that it was in the community’s best interests to commit on 24 July to trying to fulfil HDC’s housing

allocation without knowing what the number is, Cllr Northam should accept that Cllr Campbell and others who voted the opposite way honestly thought it in the community's best interests to wait and see what the HDC housing allocation is before making any commitment to meeting it.

Councillor Northam's Response and Consent to Uploading

Just to let you know, I'm not getting drawn further into a pointless ongoing exchange of views with Cllr Campbell, so will not be posting his 'comments on my commentary'.

I have no objection to Cllr Campbell posting his comments below in the public domain wherever he wants.

Cllr Paul Campbell. Vice-Chairman of Steyning Parish Council
Cllr Rodney Goldsmith. Chairman of Steyning Parish Council
4 September 2019