

## **MINUTES OF WEEK ST MARY EXTRAORDINARY PARISH COUNCIL MEETING**

held on Thursday 16th July 2015 at 7.00pm in the Parish Hall.

**PRESENT:** Messrs R Harris, P Sachs, W Pearce, S Cluney, P Coulson, Mrs C Slade, Mrs N Johns and the Clerk.

**APOLOGIES** – Mrs M Smith, Messrs J Ward, Mr S May and CC N Chopak

Two members of the public were present at the beginning of the meeting and one more arrived late.

### **APPOINT A COUNCILLOR TO CHAIR THE MEETING**

In the absence of the Chair and Vice, It was unanimously agreed that Mr W Peerce would chair the meeting.

### **CHAIRMAN'S WELCOME**

The Chairman welcomed everyone to the meeting.

### **No DECLARATIONS OF INTEREST**

**COUNCILLOR DISPENSATIONS** – No requests received

### **OPEN FORUM AT THE DISCRETION OF COUNCILLORS**

At the Chairman's request, the Clerk explained the reasons why this extraordinary meeting was called and read the information relating to Rule 6 provided by Mrs S Mason from Cornwall Association of Local Councils and Mr A Towleron MRTPI, Planning Adviser from Society of Local Council Clerks.

Representatives from CARE confirmed that CARE have agreed to apply for Rule 6 status and that if Week St Mary parish council become part of Rule 6, it will strengthen their position and they feel it would give a good signal to other adjoining parish councils and be an indication of a strong united group.

### **REQUEST FROM CARE (CAMPAIGN AGAINST RURAL EXPLOITATION) IN CONNECTION TO THE BIG FIELD WIND FARM APPEAL FORMAL HEARING**

The email from CARE inviting the parish council to become part of the Rule 6 group had been circulated. Rule 6 Guidance had been circulated. The relevant points are:

A Rule 6 group enables them to take an active part in a Planning Appeal/Inquiry to the same extent as the a) appellant and b) CC who are defending their decision to refuse the application. Groups with similar views are encouraged to group together as they can add significant value to an inquiry process. Parish Councils can enter into such an arrangement and there are advantages in doing so in terms of pooling resources and efforts and maximising and formalising the role and input into the appeal process. Parish Councils can make a financial contribution to the costs as part of the planning appeal and the expenditure is covered under Section 137 of the 1972 Local Government Act. Good Energy, the appellant, is appealing against the decision made by CC to refuse the application; if the appellant succeeds, the Planning Inspector could award that costs are paid by CC (the planning application decision maker). CARE would not be responsible for the appeal costs. Normally the parties in an appeal meet their own expenses. In principle, however, any of the parties – the appellant, the Local Planning Authority, or indeed in some circumstances a third party e.g. neighbours, parish and town councils or a campaign group – can apply for costs; where it can be shown that one of the parties has behaved 'unreasonably', for example, they fail to turn up at the enquiry, and it can be shown that this unreasonable behaviour has caused unnecessary expense to the other parties. However, it is exceptionally rare for a third party such as a CARE or a Parish Council to have costs awarded against them, or indeed face a claim against them. Generally speaking, if a third party acts reasonably, i.e. they follow the prescribed procedures, they will not face a claim against them. If the absolute worst scenario possible was to occur and CARE's actions were found to be unreasonable, councillors as individuals would not be liable.

There was a fairly long discussion and each councillor was invited to state their views. The general feeling was to join the Rule 6 group but there was concern about using funds from the precept towards the cost. There was also a discussion about whether the Parish Council could still have a strong impact in their own right or if they joined with other parish councils as they would be entitled to speak at the hearing. A proposal that the parish council join the Rule 6 group with the proviso that the parish council are not liable for any costs incurred by CARE was carried in favour by 6 votes with 1 abstention.

A short discussion followed about whether or not to make a donation and it was agreed to defer to the next meeting.

### **REQUEST FROM CARE TO USE THE FIELD FOR A BARN DANCE.**

Since the agenda was prepared, CARE has decided to hold the event in the Parish Hall.

**ITEMS FOR THE NEXT AGENDA** - Donation to CARE re Rule 6 + see Minutes of 9<sup>th</sup> July

**DATE OF NEXT MEETING:** Thursday August 13<sup>th</sup> at 7.30pm in the Parish Hall