

**MINUTES OF THE EXTRA-ORDINARY MEETING OF ODIHAM PARISH COUNCIL
HELD IN THE OLD SCHOOL, LONDON ROAD, ODIHAM ON
TUESDAY 20 MARCH 2018 COMMENCING AT 7.35PM**

Present: Cllrs Faulkner (Chair), Bell, David, Fellows, Fleming, Robinson-Giannasi, Stewart and Worboys

In attendance: Mrs Weir (Clerk)

Also present: 1 member of the press; Approximately 74 members of the public

The Chair reminded the meeting that as a corporate body, the council makes all decisions by the majority of the Cllrs voting. He also reminded everyone that the council must follow rules, which are Standing Orders, Financial Regulations and the Code of Conduct - all of these are available on the website.

He reminded the meeting that the role of the Clerk as the proper officer is to advise the council. The Clerk had advised the council that the legislation had been breached as the agenda sent to Cllrs for this meeting was not signed by the Cllrs calling the meeting. This made the summons invalid. He stated that in the spirit of cooperation he had attended the meeting in the knowledge that it was flawed.

1/18 RECEIVE AND ACCEPT APOLOGIES FOR ABSENCE

Apologies were received and accepted from Cllrs Hale and Harris. Apologies were also received from District Cllr Crookes.

2/18 RECEIVE DECLARATIONS OF INTEREST RELATING TO ANY ITEM ON THE AGENDA

Cllrs Faulkner and Fellows declared an interest in agenda item 9/18.

3/18 PUBLIC SESSION

A resident addressed the council about his concern of the actions and decisions of several Cllrs, particularly with regards to the decision made on the planning application for the development of the Deer Park (Appendix 1).

A member of the former NH Plan SG addressed the council regarding OPC's response as a statutory consultee in respect of the recent Albion Farm and Deer Park planning applications (Appendix 2).

A resident addressed the council regarding item 6/18 on the agenda (Appendix 3).

4/18 RESOLUTION TO AMEND THE COUNCIL'S STANDING ORDERS SO THAT TWO COUNCILLORS CAN REQUIRE AN ITEM TO BE PLACED ON THE AGENDA OF THE NEXT MEETING OF FULL COUNCIL, OR ANY COMMITTEE OF WHICH THEY ARE MEMBERS, WITHOUT THE NEED TO HAVE RECOURSE TO THE EXISTING STATUTORY RIGHT OF TWO COUNCILLORS TO CALL AN EGM OF THE FULL COUNCIL IN ORDER TO GET AN ITEM DISCUSSED BY FULL COUNCIL

Cllr Fellows had circulated a report to all Cllrs on Sunday evening regarding this agenda item (Appendix 4).

The Clerk advised the council that she had previously refused this item having taken advice from HALC for both the December and January meeting's and after consultation with the Chairman. The reason given was the motion was not relevant to the responsibilities of the meeting that it was tabled

for as all policies are reviewed at the annual meeting in May. She had advised that changing standing orders to request that motions can be added by two Cllrs could be seen as predetermined as they could appear to be in cahoots. Standing orders currently allow any Cllr to put forward motions.

The advice given from HALC is to not amend standing orders as it surely makes it difficult for members to request motions. It could also be suggested by a third party that Cllrs have already discussed and agreed the motion to be jointly raising it. You then have an issue with predetermination.

The Clerk reminded Cllrs of Standing order 9 (e) which says “subject to standing order 9 (d) above, the decision of the proper officer as to whether or not to include the motion in the agenda shall be final.

Each Cllr was given 3 minutes to comment on the agenda item. Cllr Stewart responded to the comment about the summons being flawed by stating that “the proper officer of the council shall sign the summons”. The Clerk reminded him that the summons had been sent by Cllr Fellows and was not signed by anyone. Cllr Stewart was asked to modify his behaviour by the Chair and Cllr David had to ask a member of the public to refrain from the use of foul language towards him during the debate. He requested that he be treated with the common courtesy that he treats the public with.

Cllr Fellows put forward a motion to amend standing orders so that two Cllrs can require an item to be placed on the agenda of the meeting of the full council or any committee as per this agenda item. Voting in favour of this motion was Cllrs Fellows, Fleming and Stewart. Voting against the motion was Cllrs Bell, David, Faulkner, Robinson-Giannasi and Worboys.

Cllrs were reminded of standing order no 25 (b) a motion to permanently add to or vary or revoke one or more standing orders not mandatory by law shall not be carried unless two-thirds of the Cllrs at a meeting vote in favour of the same.

Cllr Fellows' motion was not passed.

5/18 DETERMINATION OF THE PROTOCOL AND APPROACH THAT WILL GOVERN ANY MEETINGS BETWEEN COUNCILLORS AND ANYONE SEEKING ADVICE FROM ODIHAM PARISH COUNCIL OR ITS PLANNING AND DEVELOPMENT COMMITTEE IN RESPECT OF ANY DEVELOPMENT SITE INCLUDED WITHIN THE ODIHAM AND NORTH WARNBOROUGH NEIGHBOURHOOD PLAN SUCH AS LAND NEXT TO CROWNFIELDS

Cllr Fellows had circulated a report to all Cllrs on Sunday regarding this agenda item (Appendix 5).

The Clerk advised the council that a similar item was rejected for the February meeting. Cllr Fellows was advised that the motion was not relevant to the responsibilities of the meeting that it was tabled for based on the fact that the full council has approved the terms of reference for the planning committee. These terms of reference give the committee authority to meet with developers for pre-application consultation and allows the committee to refer planning applications to the full council if they wish to. He was also advised to consider suggestions for the full council to review the update of the terms of reference at the annual meeting in May or to consider being appointed to the committee.

The Clerk reminded Cllrs that OPC's planning committees terms of reference (no 15) state that “the committee will commit to engage in public with residents and developers for pre-application consultation as far as is reasonably practical”.

These terms of reference were last reviewed at the annual meeting of the council in May 2017 as per standing order no 2 which lists things that will take place at the annual meeting - (iii) says that “review of the terms of reference for committee and the delegation arrangements to committee, sub-committee, staff and local authorities”.

Legislation allows a council to delegate the performance of its statutory and legal responsibilities to either a committee, a sub-committee, an officer or another local authority LGA 1972 section 101 (1). The planning committee's minutes from 19 February, state that correspondence had been received

from Bewley Homes regarding Crownfields ceasing communication with OPC as they have withdrawn their interest. Planning correspondence is used to inform the committee of correspondence that the office has received. The minutes from 9 January 2018 state that the developer will be invited to attend a future meeting. This is the process that is followed for all requests. Should sites in the NH Plan be treated differently – or would this be seen as unfair?

The planning committee already has a document “OPC guidance for developers”. The Clerk suggested that perhaps this needs to be updated by the committee with some of the suggestions from Cllr Fellows’ report.

Each Cllr was given the opportunity to comment on the agenda item.

It was resolved by all Cllrs to update the document “OPC guidance for developers” to include the request to send a copy of the NH Plan’s policies to all developers and to ask them if their plans meet these requirements.

6/18 RECEIVE A REPORT FROM THE CHAIR OF THE PLANNING AND DEVELOPMENT COMMITTEE ABOUT THE WORKING PARTY THE COMMITTEE HAS ESTABLISHED TO UPDATE THE ODIHAM CONSERVATION AREA APPRAISAL, THIS REPORT TO INCLUDE ITS PROPOSED TERMS OF REFERENCE, ITS CURRENT AND FUTURE ACTIVITY, AND THE REASONS FOR THE SIZE AND MEMBERSHIP OF THE WORKING PARTY

Cllr Stewart had circulated a report to all Cllrs on Sunday regarding this agenda item (Appendix 6).

The Clerk advised the council that the working party for the Odiham Conservation Area Appraisal had been set up by the planning committee as per standing order no 3 (a) at the meeting held on 29 January 2018, item 154/17 and the terms of reference approved during the meeting held on 19 February 2018.

A report from the working party had been given to the planning committee during the meeting held on 12 March 2018. All committee minutes are brought to the full council once approved and added to the website as a draft when circulated to the committee with the next meeting agenda prior to approval.

It was noted by the Chair that Cllr Fellows was not present at the planning committee meeting on 12 March and had not been a member of the committee prior to requesting to be appointed to the committee by the full council on 5 March.

It was resolved by the majority vote that the council agrees to dismiss the above agenda item as the subject matter of the above has been dealt with in a public meeting of the planning committee. Cllrs Bell, Faulkner, Robinson-Giannasi and Worboys voted in favour of this resolution. Cllrs Fellows, Fleming and Stewart voted against this resolution.

7/18 APPOINTMENT OF CLLR STEWART TO THE PLANNING AND DEVELOPMENT COMMITTEE’S ODIHAM CONSERVATION APPRAISAL UPDATE COMMITTEE

The Clerk advised the council that the planning committee resolved at the meeting on 29 January 2018 to form a working party with a membership of Cllrs Faulkner, Robinson-Giannasi and Worboys.

Standing order 7 (a) states that “a resolution shall not be reversed within 6 months except by either a special motion, which requires written notice by at least 2 Cllrs to be given to the proper officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or sub-committee. Therefore this item can’t be discussed.

It was resolved by the majority vote to dismiss this agenda item as it contravenes OPC’s standing orders. Cllrs Bell, Faulkner, Robinson-Giannasi and Worboys voted in favour of this resolution. Cllrs Fellows, Fleming and Stewart voted against the resolution.

8/18 APPOINTMENT OF CLLR FELLOWS TO THE PLANNING AND DEVELOPMENT COMMITTEE'S ODIHAM CONSERVATION APPRAISAL UPDATE COMMITTEE

The Clerk reminded the council of the previous resolution made by the planning committee and advised that as Cllr Fellows is now on the planning committee which is new information, he should ask the planning committee to consider this request.

It was resolved by the majority vote to dismiss this agenda item as it was premature to bring it to the full council rather than the proper platform which is the planning committee. Cllrs Bell, Faulkner, Robinson-Giannasi and Worboys voted in favour of this resolution. Cllrs David, Fellows, Fleming and Stewart voted against it. Due to the equality of the votes, the Chair exercised his casting vote to pass this resolution.

9/18 RESOLUTION TO GIVE CLLR FELLOWS A STATEMENT OF THE REASONS WHY THE COUNCIL HAS REJECTED HIS CODE OF CONDUCT COMPLAINT AGAINST CLLR FAULKNER, THE PROCESS IT FOLLOWED IN ARRIVING AT THAT REJECTION AND ITS REASONS FOR ADOPTING THAT PROCESS

Having declared an interest in this agenda item, Cllr Fellows and Faulkner gave their comments on this agenda item and then left the room. Cllr Fellows made reference to being called a bully in his complaint and how he had not been given reasons for OPC's decision. He had taken this as a personal attack on himself. Cllr Faulkner referred to the fact that Cllr Fellows was the complainant in this and not the victim, he was a serial complainant. He understood that they both had been given the details of the democratic vote and should accept it.

Cllr David was appointed to Chair this item.

The Clerk advised the council that she had informed Cllr Fellows on 9 February "that as you are aware, the full council reviewed the details of the complaint referred to us from the Monitoring Officer (MO) in a private and confidential meeting. There was no investigating committee. Cllrs had the details in the report circulated to them prior to the meeting along with the information from the MO and correspondence between the Chairman and the MO. They also listened to both Cllrs before they left the meeting".

The minutes from 5 February state the decision that was made by the majority of Cllrs which was sent to both Cllrs. Cllr Fellows needs to accept the decision made and therefore there is no need to discuss it further.

A resolution was put forward to give Cllr Fellows a statement of the reasons why the council had rejected his code of conduct complaint against Cllr Faulkner. Cllrs Fleming, Stewart and Worboys voted in favour of this resolution. Cllrs Bell, David and Robinson-Giannasi voted against it. Due to the equality of the votes, the Chair exercised his casting vote to vote against this resolution. The resolution was therefore not passed.

10/18 IN VIEW OF THE STRONG, EVIDENCED OPPOSITION FROM RESIDENTS TO THE DEER PARK DEVELOPMENT TO DISCUSS, BUT NOT TO RESOLVE ON, WHETHER THE NEXT MEETING OF FULL COUNCIL SHOULD CONSIDER A SPECIAL MOTION TO REVERSE ITS DECISION TO SUPPORT THE DEVELOPMENT

Cllr Fleming had circulated a report to all Cllrs on Sunday regarding this agenda item (Appendix 7).

The Clerk advised the council that as a resolution was made on 28 February, due to standing order 7 (a) as quoted under agenda item 7/18 above, no further discussion should be carried out on this item.

She also advised that resolutions should not be rescinded unless there is new information. To discuss the consideration of a special motion could be seen as pre-determination.

The Clerk also reminded the council of standing order no 9 (a) which states that no motion may be

moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the proper officer at least 7 clear days before the next meeting. Clear days do not include the day of the notice or the day of the meeting. 7 clear days' notice has not been given as this item appeared on the agenda on the day the agenda was set.

A number of Cllrs expressed that they would be willing to consider a special motion to be moved at a future meeting if submitted correctly regarding the decision previously made by the full council regarding the Deer Park planning application.

There being no further business the meeting closed at 9.43pm.

Signed.....

Date.....