

MINUTES OF THE  
EXTRAORDINARY MEETING OF UPPER CLATFORD PARISH COUNCIL  
ON THURSDAY 22<sup>nd</sup> APRIL 2021  
At 7.00pm over ZOOM

MINUTES REMAIN A DRAFT UNTIL AGREED AS A CORRECT RECORD AT THE NEXT MEETING

1.	<b>Apologies for Absence</b> Cllr A Lockart
2.	<b>To receive and accept declarations of interest</b> Nil
3.	<b>Public Participation</b> No members of the public attended.
4.	<p><b>Solar Farm – Community Funding</b></p> <p>1. The Chairman introduced the item and asked Cllr Eyre to give an update. Cllr Eyre stated he had sent all Cllrs an email on the matter late that afternoon. He summarised it as follows:</p> <p><b>Background</b></p> <ul style="list-style-type: none"> <li>• The investment on behalf of UCPC by Peter Begg (PB) (<a href="https://rus.wolterskluwer.com/about-us/experts/peter-f-c-begg/">https://rus.wolterskluwer.com/about-us/experts/peter-f-c-begg/</a>) has been very significant, and all of this has been done on a pro bono basis.</li> <li>• There has also been been input from George Lawrence QC (GL) (<a href="https://www.newsquarechambers.co.uk/barristers/george-laurence-qc">https://www.newsquarechambers.co.uk/barristers/george-laurence-qc</a>) on a similar basis.</li> <li>• Other than considerable time dedicated by CCE and PH, UCPC has made no financial investment in the process to date.</li> <li>• Professional misconduct actions against the AGR lawyers for providing misleading information to TVBC and UCPC will not yield any financial reward but may generate information to support the case. Likewise, the FOI request with TVBC.</li> <li>• Our proposed strategy is to: <ul style="list-style-type: none"> <li>○ Submit a statement to the SFO alleging that AGR and its agents fraudulently misled a public enquiry based OR sought to mislead us.</li> <li>○ Engage a Litigation Finance Company to prepare a case for submission to the High Court.</li> </ul> </li> <li>• Both elements of this strategy have to be pursued in parallel due to time limitations.</li> </ul> <p><b>Litigation option needs a small UCPC investment</b></p> <ul style="list-style-type: none"> <li>• Our strategy is to retain the services of a Litigation Finance Company. PB has approached two, Aristata and Apex – both of whom have said that they would consider it should we have a favourable opinion by a Barrister/QC.</li> <li>• Willie Webster of 3PB Barristers (<a href="https://www.3pb.co.uk/barristers/william-webster/">https://www.3pb.co.uk/barristers/william-webster/</a>) has taken a view that there could be a viable case. He is well qualified to do this from his professional background and relevant skills. WW has offered to provide an opinion for £3,000. GL has also agreed that, if WW does provide an opinion, and he has time, he will review this and, if appropriate, add his opinion.</li> <li>• We have to accept that, even with the help of WW, our case may not be accepted by either of the Litigation Finance companies, however this is our best chance of getting something</li> </ul> <p><b>The proposal is that UCPC</b> agree a budget of £3,000 to retain the services of Willie Webster</p> <p>2. The Chairman made the point that this is our last chance to take this forward due to the time limitations. He Endorsed the strategy and recommended it to Council. He then invited questions prior to moving to a vote on the motion.</p> <p>Q1. Cllr Shah. Is there any milage in pressurising AGR on any of their current applications. Cllr Eyre explained that this was unlikely as offers of community benefits are, generally, no longer made and the time factor would count against it being effective.</p> <p>Q2. Cllr Coole. Will the barrister review all the evidence for £3,000. Cllr Eyre stated that our solicitor estimated it would be a single file containing all the publically available and discovered information. Barrister tend to deal with significantly greater numbers of files when providing opinions.</p> <p>Q3. Cllr Kennedy. Sought confirmation about direct communication with AGR. Cllr Heslop confirmed that we had by letters from him (as delegated by Council). AGR response was to refer the Council to their solicitors, refusing to discuss the matter further. The Clerk and Chairman have copies.</p>

Q4. Cllr Bennett. Are GCPC or ATC liable for any share in the benefit and if so can we not get them more involved. Cllr Eyre stated that ATC are no longer involved due to boundary changes and efforts had been made to set-up a small working group with GCPC however after initial briefings they had chosen not to take it forward. Cllr Heslop commented that they were perhaps entitled to a proportion of any benefit. Cllr Eyre was less sure if they were not prepared to get involved at this stage. It was agreed that GCPC should be invited to share with the proposed costs if they wished to retain any claim.

Q5. Cllr Williams. Sought confirmation that this was to be the last and final payment from Council funds. Cllr Heslop confirmed that it would be and that any further costs would initially be borne by the Litigation Funder on the basis of a share if successful.

Q6. Cllr Kennedy. If the barrister's formal opinion is that the case is not strong, does the PC lose the £3,000 fee. Yes.

There being no further questions the Chairman moved for a vote on the motion below, proposed by Cllr Eyre, seconded by Cllr Wilson.

**3. Motion:** To agree funding of up to £3000 for an opinion from a QC on the strength of a case to claim payment of a community funding benefit from the developers of Cowdown Solar Farm offered during the planning process for that development and identify appropriate budget adjustments. **Carried: 7 for and 2 abstentions.**

**4. Motion: To agree funding proposal for the motion above if agreed.**

Following a discussion about budget options it Cllr Wilson proposed, Cllr Williams seconded the motion seeking agreement to make a **virement of £1000 from each of the budget lines for 'BBPF and AVPF' and 'Pavilion' to Legal. Agreed unanimously.**

**5.** The Chairman thanked Cllr Eyre for this work and Cllrs for their attendance and votes and closed the meeting.

**Meeting Closed at 7:35 pm**