

For the Attention of

Tim Ingham
Chair, Hartlebury Parish Council
and Councillors

Ray Kirby
Chair, Hartlebury Parish Hall Trust
and Committee Members

Sandra Hickman
Leader of the Hartlebury
Community Project
Management Team

Proposer

John Hellens
Resident of Hartlebury

I have been attending council meetings for the last 6 months on an unrelated matter. During that time I witnessed conflict between the Parish Council, the Parish Hall Management Committee and the Community Project Team, which I find deeply disturbing. Hartlebury is a very pleasant place to live and the happiness and wellbeing of the community should be paramount. I am speaking now because my training as a consultant tells me that without intervention the situation can only deteriorate further. I also believe that a way forward is feasible which will remove the root of the conflict.

Proposal

To add the Parish Hall Carpark to the existing lease held by the charity,
Hartlebury Parish Hall thus bringing the site under one management team.

Rationale

- The carpark purpose is to provide parking for users of the Parish Hall. It has very limited utility apart from this function
- The hall and the carpark should therefore be considered as one entity
- The hall and carpark should be managed by one management team
- The Hartlebury Parish Hall charity has been responsible for the hall for nearly 60 years
- The Charity is in an excellent position to take on unified management of the hall and carpark

Current position

- The carpark and hall are owned by the Parish Council
- The charity, Hartlebury Parish Hall have ownership of the hall on a 99 year lease
- Investigations by the Parish Council have revealed problems with the structure of the carpark

- The Parish Council are considering litigation to force a former Parish Councillor who acted as Contract Administrator for the project; the landscape designer and the construction company to pay for remedial works
- However, The National Association of Local Councils recommends:

NALC's Legal Topic Note LTN 15:

5. Councils should remember that litigation, which is lengthy and costly, is only one way of resolving legal disputes. In general, it should be regarded as the last resort for disputing parties.

20. it is likely that a legal action will incur costs for the council that are not completely recoverable from the other side even if successful.

The proposal is therefore for all parties to enter a process of mediation and negotiation and to avoid litigation.

Mutual Objectives

It would seem likely that both parties would agree with the following objectives for their organisations

- To serve the wellbeing of the residents of Hartlebury
- For the Parish Hall to provide a focal point for the community of Hartlebury

History of the Parish Hall

- 1952 Built by volunteers
- 1962 Placed under the management of the charity Hartlebury Parish Hall
- 2006 Leased from the Parish Council to the charity Hartlebury Parish Hall for 99 years
- 2011 Grants raised by the Charity and hall refurbished
- 2017 Grants raised by the Charity and the Parish Council and improvements made to the carpark as part of the Hartlebury Community Project organised by the Parish Council

Timing

The suggestion is that whatever the circumstances only one management team should be responsible for the hall and its parking. This matter should be resolved whether there is or is not concord between the Parish Council and the Management Committee. Otherwise it will from time to time become a possible source of dispute for no good reason.

Benefit of Acting Now

The carpark has been closed since September 7th 2020. Because of the pandemic there has been limited opportunity for the hall to be used. We are possibly approaching the end of these restrictions and the leaders of our community should have as their primary aim offering residents opportunities for celebration. The Parish Hall should be central to this generation of community spirit.

Position of the Parties Involved

Currently, the PC is responsible for the car park. The Parish Council have commissioned a structural survey of the carpark which identifies problems with the structure which need to be remedied. Quite rightly, the PC want to ensure that the residents of Hartlebury do not end up footing the bill for any corrective work required. However, this has already cost the Council over £1,100. The Council could save the Parish considerable expense by avoiding litigation. The NALC's advice is that even if such litigation was successful, there is no guarantee that the PC would recover all the costs incurred in pursuing this course of action.

The team responsible for the planning and implementation of the community project have no opportunity to take remedial action as they have been excluded by the Parish Council from taking any part in resolving the issues. They have useful information and contacts for resolving any issues.

The management committee of the charity face the bleak prospect of planning activity for the community at a time of possible celebration with a hall that is operating inefficiently.

A Mutually Beneficial Solution

The proposal is to set up a mediation and negotiation between the PC and the charity with the objective the PC signing over the car park to the charity to be added to the current lease. They would hand it over in its current state. The charity would accept the car park in its current state. It would sign an agreement stating that they would make no future claim on the PC for any remedial expenditure that may be required.

The benefit to the PC would be to end any risk of future liability for the car park and potential loss of public monies.

The charity would be in position to pursue rectification of the identified faults working with the original planning and implementation team. The charity is able to generate income to pay for the required works. It has also proved itself successful at raising grants when necessary. Indeed it has proved itself a competent and reliable custodian of a valuable community asset for many years.

Interested Parties

Hartlebury Parish Council – owners of the land and landlord of the Hartlebury Parish Hall

Hartlebury Parish Hall Trust – leaseholders of the Parish Hall

The Community Project Management Team – an important resource in resolving any issues with the work undertaken

Either the Parish Council or the Parish Hall Trust will need to work with the Community Project Management Team to remedy any design or implementation faults

The Road Map

1. Appointment of one or more mediators and negotiators
2. Agreement in principle to put the hall and carpark under one management structure
3. Consult with all three interested parties to understand their requirements
4. Preparation of a discussion document for the three parties to consider and respond to
5. Consultation with the three parties involved on matters arising
6. Draft a heads of agreement
7. Heads of agreement to be ratified by the Council and the Management Committee
8. Legal advice to be taken on drafting of the amendment to the lease
9. Finalise and ratify amendment to lease

Proposed Timing

- 17th April – formal proposal for mediation and negotiation circulated to all interested parties and public
- 23rd April – Parish Council, Parish Hall Trust and the Community Project Management Team make their response
- 24th April – Terms of Reference for the mediation and negotiation process confirmed by all parties
- 26th April – first round of mediation meetings take place
- 4th May – Parish Council Annual Meeting at which an announcement can be made that the mediation and negotiation process is underway
- 14th May – Completion of mediation and negotiation process
- 17th May – Parish Hall Opens for Community Celebration
- 1st June – Parish Council formally approves the negotiated settlement

John Hellens BSc, MSc

Read Physics at Sussex University

20 year career as a national retail buyer for Boots and then Do-it-All

20 year career as Management Consultant with Morton Hodson Management Consultants then Director with Stonehouse Management Consultants

Wide range of projects and support for small and medium enterprises in the commercial, voluntary and public service sectors

Retired