

## West Hill Parish Council (WHPC) – September 6<sup>th</sup> 2022 Agenda 22/284

### Seeking resolution with a resident – update for information and decision

#### Background

A paper was submitted to the August WHPC Council (available on WHPC website) and the four options (provided by the resident) for how the resolution process could be advanced with the resident were considered. (Minutes 22/254 and 22/259 refer).

WHPC decisions:-

Following a lengthy discussion two options were considered in-practical (*stet*) and one was considered unacceptable.

Cllrs resolved

- a. to re-state their desire for resolution of the resident's issues with the Council.
- b. to explore the remaining option - mediation with the resident. To provide details of mediation services, processes and costs to Council for consideration at a Council meeting.
- c. to write to the resident advising of the Council's decision and to invite the resident to provide details of mediation services.

#### Letter to the resident dated 3<sup>rd</sup> August 2022 from WHPC Chairman

This letter was sent to the resident the next day to the WHPC meeting advising the resident of the WHPC willingness to engage in a 'mediation' process. The letter reiterated the WHPC commitment to wanting a resolution to the resident's issues, in order to stop the impact on the Council's ability to serve the Community.

The letter stated, "The Council has agreed to identify potential mediation services to be considered to undertake the contract, but also asks that you have the opportunity to also advise us of any 'mediation services' you wish to be considered. Once mediation services are identified, their approaches and potential costs are known, then a paper can go to a WHPC meeting to make the necessary decisions to take matters forward. "

#### Letter from the resident (dated 7<sup>th</sup> August 2022 via email of 16:32 8<sup>th</sup> August 2022) to all WHPC Councillors.

The resident in reply, "Once again she (Chairman) is acting as the Clerk". The resident acknowledges that the paper to the WHPC for the 2<sup>nd</sup> August meeting was published on the WHPC website and states, '... and so was not confidential'. That is correct, the paper is available to the public. The paper did not identify the resident.

The resident further states, "I was not advised as a resident". That is also correct. The paper had been made available to the public on the website and all Councillors received a copy.

The resident states, " I was invited to suggest any 'mediation services' for consideration. I made a further suggestion to you prior to the meeting that it seemed more appropriate for formal arbitration given the history. I do not know if that has been considered. I do not wish to offer

suggestions for a particular mediator or arbitrator. That is entirely a matter for the Council. I do wish to be assured of the qualifications and independence of the professional engaged. Arbitration is of course binding whereas mediation is not but could lead to arbitration or court action. However, given the apparent decision of the Council, I see no reason for further delay or another tortuous paper.”

**Letter to the resident from the WHPC Chairman dated 9<sup>th</sup> August 2022.**

The Chairman in this letter explained to the resident that the issue of arbitration had been mentioned in one of the four options (numbered 7b in the paper) and then explained why that was considered by WHPC as impractical. The Chairman then stated, “ Are you now asking WHPC to additionally consider contracting an arbitration service?”.

The Chairman acknowledged the resident did not wish to offer suggestions for any particular mediator.

The letter then stated, “The Council has agreed to identify potential mediation services to be considered to undertake the contract. In order to approach any such services we need to be able to explain to them the nature of what is required in order for them to assess whether they wish to be involved and to be able to quote to undertake the work. Clearly, I wish to be fully transparent in everything that is advised to those services, and so I have drafted a statement for you to consider and suggest amendments before any approach is made to any mediation services.” A draft statement was then proposed for the resident to comment upon.

The resident was asked to respond with regards the query about arbitration and to comments on the proposed draft agreed statement for approaching the potential mediation services.

The resident was reminded that any required decisions on selecting a mediation service, the costs etc would have to be made at a WHPC meeting,

**Update**

The resident has not responded, so matters cannot be taken forward. This is a concern as WHPC wish for the resident’s issues to be resolved to remove impact on the WHPCs resource commitments.

**Decision:**

- I. To note update
- And
- II. Consider what further action (if any) required.