

Ashgrove Croft Planning Judicial Review

Lessons Learned

<u>Category</u>	<u>Issue Identified</u>	<u>Lesson Learned /Solution</u>
Advice	A lot of the initial advice was given by an individual who had been directly involved prior to the request to the PC.	Ensure all advisors are neutral and impartial. May need to pay for advice from another advisor.
	Barrister an unknown. First met face to face at court.	Important to meet those representing Parish Council prior to engagement, if necessary paying costs to achieve this.
	Relied on limited number of people.	Seek to gain a broader base of knowledge prior to making decisions.
Cost assumptions	There is never a free lunch. Ultimately pushed us into a position that meant it appeared less costly to proceed.	Be wary of offers of reduced costs “no win / no fee”. Need to understand the true implication on the decision making process.
	Cost assumptions proved to be incorrect. Cannot assume data given in good faith is accurate. Led to always under estimating final cost impact.	Continue to question figures used. Find similar comparisons externally. May need to involve other experts and pay for advice.
	No control over final total cost. Cost continued to rise even after case lost.	Should not debate issue to long once legal decision made.
	Need reserves to pay off costs.	Good – we had enough uncommitted reserves. Bad – we should not have had that level of uncommitted reserves.
	Without the uncommitted reserves it is likely a different decision would have been made.	Develop a Reserves Policy that requires a reserves strategy to be incorporated in the annual budget process.

Process / Decision Making	Councillors should not abstain on critical issues.	Training to understand when it is appropriate to abstain.
	Deciding if meetings should be held in private potentially problematic to parishioners who require transparency.	Need to be clear on reasons for closed door approach and make it clear to parishioners.
	No guarantee Judge has the detailed knowledge required.	Need to factor into decision process.
	Recognise that unexpected increased costs at last minute may need to be addressed. In this case a rate change the day before court hearing	Although we brought this to the attention of the barrister and advisor on the first day of the hearing, they stated this would all be dealt with later and played down the issue. Therefore we did not properly understand the consequences until after the case was lost.
	Thirty minutes into the court hearing we realised items were stacking up against us.	Improve decision making process but relies on many of the above mentioned improvements. Recognise one person is making the final ruling and it could go either way.
	Continuing argument about final bill details led to continued increase in cost. Offering a greatly reduced amount seen as derisory and affected Herefordshire's willingness to negotiate early on.	Improve decision making process and know when defeated. Offer reasonable figure, accepting reality of situation (ie. that increased rate was going to be charged).
	Decision to try and speak direct increased risk of Herefordshire getting Bill of Costs done.	Do not try and circumvent local government decision making processes.
	Wider context needs to be identified.	Need to consider specific issue in wider Herefordshire Council context.