



Gareth Fairhurst <garethfairhurst@googlemail.com>

Legal Opinion

1 message

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To: Alison Mckenzie-Folan <a.mckenzie-folan@wigan.gov.uk>, Leader@wigan.gov.uk, Raymond.Whittingham@wigan.gov.uk, T.Mugan@wigan.gov.uk, "Parkinson, Debbie Councillor" <Debbie.Parkinson1@wigan.gov.uk>

Dear All,

I write to you after a very successful public meeting, which you were all invited to last night at the community centre in Standish. This was around the issue of Kilhey Court housing economic migrants.

I think it will be useful to recognise hostilities between yourselves towards me and others. But all sides need to put those to one side on this matter and with this possible solution for the benefit of the residents of Standish this issue is too important to let things like that get in the way. I hope you agree.

Legal Solution

I have done some research into the legal angle and to see if there is a way that anyone, individually or collectively, could take legal action. We both will know that a number of council's have tried to take injunction's out and have not been successful in this area. However, Great Yarmouth has been successful in this area and when I have looked into this area they were successful due to having a neighbourhood plan, which Standish has already.

In that case it was down to how the neighbourhood plan recognised a certain area and what it could be used for. That centred around tourism. I understand this may not be the very same for Kilhey Court. However, if Standish neighbourhood plan was amended, if required, if it does not have it in already, to have the area for Kilhey court designated for a purpose or how hotels can be used in the neighbourhood that could stop the hotel being used for the purpose that we both agree should be then this could be a route to stop this.

Neither yourselves or myself could say for certain in this specialist and complex area if this could be done and therefore we (Standish residents) believe that the first step would be to get a Barristers legal opinion whether this could be done, and if so how and what are the chances of success? Or if a leading barrister view is that there is nothing we can do legally? Either way we need to know one way or another.

Solution

When I look at the Great Yarmouth case the barrister that won that case was a barrister called Richard Wald KC. I have contacted his chambers and he does not have capacity at this time to provide a legal opinion. However, he has recommended his colleague Paul Stinchcombe KC. chambers have spoken with him and he does have capacity to provide us with legal opinion on any legal routes inc using Standish neighbourhood plan or amendments to it or other legal ways.

Chambers has been able to provide a quote of £6,000 + VAT for this and once instructed he would be able to provide his legal opinion in 2 working days.

Way forward

The residents of Standish think it would be best for the council to get this legal opinion. I have heard, and if this is incorrect I apologise now, but it was said at the council meeting earlier this week that a figure of £30K was quoted by a Cllr and this would be a waste of taxpayers money. If that was said and you feel £30K is a waste of taxpayers then that would be disturbing. I say this as this issue is a massive issue for the residents of Standish and I when read your press statements where you also say you don't want this situation because you think it is not suitable for the asylum seekers for a number of reasons. Why would it be a waste of money?

Even if it was £30K this is a small change in terms of the revenue Wigan Council get but I, and the residents of Standish, do recognise every penny counts. So if you have had a quote of £30K for legal opinion then having a leading Barrister like the one I have found at £6K is a lot cheaper. But if you believe that you have another Barrister that could do the legal opinion that is fine.

We hope you agree getting a legal opinion from a specialist like the one we have sourced, who has extensive knowledge in this area, would be a great first step. They may come back with nothing we can do legally. If that is the

case then Standish residents, including myself, would have to accept that. If they come back with a possible solution then that provides the council and residents the options open to them and how to achieve it.

We also ask if you do think it is a great idea to go and get a specialist leading barrister opinion then you publish that instruction and show what you are asking. And then their response in full. that way it will be in the open and fully transparent.

If you would like me to share the emails between me and the Barristers chamber and what I asked for and the questions, I am happy to do this, if you are looking to go ahead with this route.

As I said at the beginning there may be dislike, hatred or simply don't like each other but this issue is too important to let any of that get in the way. The people of Standish are the most important people here and also, if we are able to stop the hotel legally then that could help the economic migrants being housed in unsuitable accommodation as well. It's a winner all round.

Given the urgency of the matter I ask that you are able to look, review and discuss this option and come back to me as soon as possible please/

I look forward to hearing from you.

yours Sincerely

Gareth Fairhurst
Standish Views Matter