

MISTERTON PARISH COUNCIL

Minutes of a Meeting of the Strategic Review Committee held on the 8th March 2011 in the Church Rooms, Misterton, Nottinghamshire.

Present: Cllr. A. Stead (Committee Chairman), Cllr. M.Trossell, Cllr. J. Wilkinson, Cllr. A. Wilkinson, Cllr. P. Potter, Cllr. I .Trossell, Cllr. B. Cooper

Mrs A. Harrison, Parish Clerk

3 members of the Public

10/11/397 Apologies for Absence

Cllr. R. A. Simpson. Cllr. B. Cooper (late arrival)

10/11/398 Declarations of Interest

The following standing personal interests were made;

Cllr. Trossell	Friends of the Victoria Institute	Member
Cllr. Cooper	Primary School Governors Joint Burial Committee Friends of the Victoria Institute	Governor Parish Council Rep. Member
Cllr. Potter	Friends of the Victoria Institute	Member
Cllr. Simpson	North East Bassetlaw Forum Bassetlaw Parish Councils Liaison Group A1 Housing Board	Parish Council Rep Parish Council Attendee Member
Cllr. Stead	Friends of the Victoria Institute Joint Burial Committee	Member Parish Council Rep.
Cllr. M.Trossell	Friends of the Victoria Institute	Member
Cllr. A. Wilkinson	Friends of the Victoria Institute Joint Burial Committee	Member Parish Council Rep.
Cllr. J. Wilkinson	Friends of the Victoria Institute	Member

The following further declarations of personal interest were made:

Cllr. P. Potter Item 3 on the Agenda

10/11/399 Complaint Re Insurance Claim – Packet Inn Picnic Tables

Cllr. A. Stead summarised the Council's Complaints Procedure for the benefit of Mrs Potter and the members. The letter of complaint was read to members. The Council's initial correspondence in reply, prepared by the Clerk, was summarised.

Mrs Potter summarised her complaint and expressed her dissatisfaction that the village had lost the benefit of the picnic tables at the Packet Inn site and that she understood the insurance company

would no longer consider the claim due to the time that had elapsed. She expressed her desire for a public apology for the loss of the amenity and failure to seek the cost of the tables from the Insurance Company within a reasonable time. She asked for an explanation in writing and details of when the insurers settled the claim. She expressed her dissatisfaction that it now appeared that the Council would have to replace the tables out of their capital reserves.

Members and the Clerk were invited to put questions to Mrs Potter. Questions were raised regarding evidence of this matter in the minutes and the number of times Mrs Potter had raised this issue with the Council in public meetings. Mrs Potter confirmed she had done so several times, probably once or twice each year.

Mrs Potter further indicated she had been advised that the claim was on hold until the site was developed but now she was concerned that there was a requirement for the Council to obtain the new land owner's permission to re-site the tables.

It was noted by one of the members that the previous Clerk's response in public meetings was that the matter was "in hand".

The current Clerk reported on the Council's position including her investigations with the Insurer. She confirmed the Insurance Company acknowledged that they had held the claim on hold initially when the claim was made in April 2003 but had settled the claim at nil in March 2004 and that they had not been contacted thereafter about the claim until the current Clerk had contacted them. The Clerk reported that the insurance company has refused to consider paying the claim now in light of the 8 years that has elapsed.

The Clerk summarised references to the picnic tables and/or insurance claim in the minutes and Accounts since 2006. Reference was made to minutes 06/07/228, 07/08/339, 06/07/408, 08/09/164 and correspondence to Mrs Potter dated 1st August 2008.

The Clerk was of the opinion that from the evidence available to her, it appeared the claim was initially on hold due to concerns about replacing the tables whilst the site was being developed. There was a risk of further theft. However it appeared that subsequently there were negotiations with the developer of the site to replace the tables and thereafter with the new landowners of the common land, Wykeham Estates Ltd. It appeared however that neither of these negotiations had secured replacement of the amenity.

The Clerk could not offer an explanation why the claim was not pursued initially with the funds being held by the Council until the site was developed. In addition it appeared there had been no contact by the Council in the intervening years with the insurers as the Council

records illustrate that the claim was considered to be “pending” when clearly the claim had been closed since 2004.

Members and Mrs Potter were invited to put questions to the Clerk. Mrs Potter stated that she understood there were discussions with the developer and land owner but that these were another issue. Her complaint was in respect of the failure to claim the insurance and such negotiations did not excuse the Council from making the claim, the value of which had now been lost.

Mrs Potter and the Clerk left the room during deliberation by the members of the complaint.

Members considered the complaint.

Resolved: Unanimously that the Complaint be upheld.

Mrs Potter and the Clerk in attendance. Cllr. A. Stead reported that the complaint was upheld and acknowledged fault on behalf of the Council for loss of the right to pursue the insurance claim in the sum of £1081.20. An apology was provided to Mrs Potter.

It was additionally reported that in future any insurance claims would not be put on hold and left in abeyance for any period of time.

10/11/400 Fifteen Minute Public Discussion Period

Mrs Potter thanked the Council for the opportunity to air her complaint and reiterated that she would like the details to be publicly known. It being acknowledged that full details would be recorded in the minutes.

Mr White complained of the previous treatment of Mrs Potter in meetings.

The Clerk advised she did not believe the picnic tables were currently listed in the asset register or formed part of the Councils assets under the insurance policy.

10/11/401 Public Bodies (Admissions to Meetings) Act 1960

Resolved: that due to the confidential nature of the business about to be transacted it is advisable in the public interest that the public be excluded.

CONFIDENTIAL MINUTES

10/11/402 Clerks Contract

Resolved: Clerks contract be approved

Meeting ended 7.30pm

Signed

Dated.....