

MARLBOROUGH TOWN COUNCIL

TOWN COUNCIL

Minutes of a SPECIAL MEETING of the MARLBOROUGH TOWN COUNCIL held in the Council Chamber, Town Hall, Marlborough on Wednesday, 23rd February, 1994 at 6.30pm.

---

PRESENT

Councillor Mrs. O. L. Delyle-Turner	Town Mayor
Councillor R. S. Notton	Deputy Town Mayor
Councillor L. H. Bulley	
Councillor M. P. Cooper	
Councillor S. R. Dobson	
Councillor Mrs. J. C. Evans	
Councillor A. V. Gray	
Councillor C. M. Green	
Councillor D. I. Smithers	
Councillor J.S.T.West	
Councillor Mrs.J.E.Western	
Councillor Mrs.J.E.White	
Mr. A. W. Skittrall	Town Clerk

---

326/93

APOLOGIES

Apologies for absence were received from Councillors Mrs.H.A.Castle, Mrs.J.M.A.Goodfellow,I.J.Perryman and S.A.Radnedge.

327/93

LEISURE CENTRE - NIGEL CLARK ARCHITECTS - ADDITIONAL FEES - MINUTE 235/93(c)

Proposed by Councillor A. V. Gray, seconded by Councillor S. R. Dobson and RESOLVED that the Public and Press be asked to leave the meeting due to the fact that Confidential Matters were to be discussed. RESOLVED unanimously under Section 100 of the 1972 Local Government Act.

Councillor C. M. Green explained that in August, 1992 the Architect produced a 'definitive' Final Account for work done on the construction of the Leisure Centre. Although the figure exceeded £1.5m the Council agreed to pay the extras with Kennet District Council contributing 50% of the over-spend. Councillor Green said that following the meeting of the Town Council in December, 1992 the Architect was paid the additional fees claimed. However, in January, 1993, Mr. N. Warren of Nigel Clark Architects Ltd advised him that he had forgotten to include a figure of £3,500.00 for Engineer's fees, and Councillor Green told him at that time that the Town Council had no intention of paying this figure, as the final account had been settled. In March, 1993 an account was received from Nigel Clark Architects in the sum of £18,341.98 for additional fees although the final account had been settled in December, 1992. The Finance and General Purposes Committee declined payment of this account as it was in addition to the figure agreed in the Final Account - Minute 346/92 - 1st March, 1992.

*200. Delyle-Turner*

327/93

LEISURE CENTRE - NIGEL CLARK ARCHITECTS - ADDITIONAL FEES - MINUTE 235/93(c) (ctd)

As a result of this allegedly outstanding account, Nigel Clark Architects through their Solicitors have now taken out a County Court Summons against the Council for this amount.

After debate, the consensus of opinion was that the Town Council should fight the Claim and take the opinion of a Counsel expert in Building Litigation in preparation of a defence either by the standard Arbitration procedure or by means of the County Court.

Proposed by Councillor A. V. Gray, seconded by Councillor Mrs. J. E. Western and unanimously RESOLVED that if the Counsel expert in Building Litigation cannot, by Monday, 28th February, 1994 come up with an Opinion then a sub-committee comprising the Town Mayor, Deputy Town Mayor, Chairman of the Finance and General Purposes Committee, Councillor Mrs. J. C. Evans and Councillor C. M. Green be authorised to make a decision on behalf of the Council on the way forward in this matter.

This sub-committee to meet the Council's Legal Advisers and take advice on the matter.

*for Deputy Town*

---

The meeting ended at 7.40pm