

MARLBOROUGH TOWN COUNCIL

SPECIAL MEETING OF TOWN COUNCIL

Minutes of a SPECIAL Meeting of the Marlborough Town Council held on Monday, 27th March, 1995 in the Council Chamber, Town Hall, Marlborough at 6.00 p.m.

PRESENT

Councillor I. J. Perryman

Town Mayor

Councillor M. P. Cooper

Councillor S. R. Dobson

Councillor Mrs J. M. A. Goodfellow

Councillor C. M. Green

Councillor D. I. Smithers

Councillor Mrs J. E. White

Mr. J. Nixon

Litigation Advisor -

The Merriman Partnership

Mr. A. W. Skittrall

Town Clerk

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APOLOGIES

Apologies for absence were received from Councillor Mrs O.L. Delyle-Turner, Councillor L. H. Bulley, Councillor Mrs H.A. Castle, Councillor Mrs J. C. Evans, Councillor A. V. Gray, Councillor R.S. Notton, Councillor S.A. Radnedge, Councillor J.S.T. West and Councillor Mrs J. E. Western.

At this point the Town Mayor proposed 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 Local Government Act 1972.

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NIGEL CLARK ARCHITECTS -v- MARLBOROUGH TOWN COUNCIL

The Town Mayor referred to a meeting that he had with Mr. Nixon on the 22nd March, 1995 when a decision was taken to offer the Plaintiff £8,025.00 as a starting figure in the negotiations to settle this dispute. He also reported that the Plaintiff has applied to the Court for a Notice of Application which was due to be heard on the 28th March, 1995 at 10.00 a.m. To defend this application it would need the services of Counsel at a cost to the Town Council of £800.00.

In reply to questions Mr. Nixon said that he made the first offer to the Plaintiff on the 22nd March, 1995 after his meeting with the Mayor as the instructions from the Town Clerk dated 14th March, 1995 did not contain a minimum figure for him to commence negotiations.

In reference to the Notice of Application made by the Plaintiff he said that Mr. Birch was trying to get an advantage. As a result of a letter written to the Court by Mr. Nixon on the 22nd March, 1995, Mr. Nixon advised members that the action has been adjourned to a later date to which the Plaintiff has agreed. This is to allow negotiations to take place between the parties.

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A pretracted discussion followed resulting in Councillor Smithers proposing, seconded by Councillor Mrs J.M.A. Goodfellow and unanimously RESOLVED that Mr. Nixon makes an approach to the Plaintiff's Solicitor for a meeting to be held "Without Prejudice" with Nigel Clark Architects to try to reach a settlement within £12,000.00 without the Legal Advisors being present. The Town Mayor, Councillor S.R. Dobson and Councillor C.M. Green to represent the Town Council at the meeting.

The meeting ended at 7.10 p.m.

HP Perry

Chair. 24th/95.