

# STRATFORD-UPON-AVON TOWN COUNCIL

## TOWN COUNCIL MEETING

26 May, 2020

### GENERAL PURPOSES OPEN REPORT

#### 1) Remembrance Garden Wall

On 14 January, 2020 a vehicular impact accident caused a portion of the Remembrance Garden wall to collapse.

Following a similar incident that occurred in May, 2019 Stratford-upon-Avon Town Council's insurance provider, Zurich Municipal, was contacted with the request that the Town Council's approved local building supplier be contracted to carry out repairs. The claim was granted, and the repair completed on 28 June, 2019.

Following the latest incident in January, the Town Council's approved supplier provided us with a quote of £4,668 to complete the works. Zurich requested a second quote. The alternative totalled £2,390 and was provided on a like for like basis.

Whilst this is considerably lower than the previous quotation, the first supplier is on the Town Council's Approved Suppliers List and is well versed in dealing with building/repair projects to listed buildings and structures in conservation areas. The Garden of Remembrance is located in a conservation area.

Zurich's response was that the Town Council could appoint their preferred supplier. However, the limit of liability for this claim would be £2,390, as per the second quote. The difference, amounting to £2,278 would have to be borne by the Town Council.

Obviously, concern was raised and questions put to Zurich:

- STC – Q1** I have been asked by a colleague why the Town Council has to pay for this repair, as the damage was caused by a member of the public in a road traffic accident. Surely their insurance company should be paying for the cost of repairs?
- ZM – A1** Yes, you can proceed with this, however you would have to contact the Third Party Insurer

directly and we would not be involved while directly dealing with Third Party Insurer.

**STC – Q2** If the Town Council does have to pay until any other claim is settled, I understand from a colleague that, for a similar incident claim last year, Zurich Municipal contacted Sibbasbridge directly to negotiate a reduction/discount in the quoted repair costs. Is this something you could follow up or would we need to contact them ourselves? - As per the policy we always try to provide the settlement on like for like basis.

**ZM – A2** *If our vendors are involved and they deal on the claim on behalf of Zurich, then they do/might have an option to negotiate as per their expertise.*

**STC – Q3** If the cost of repairs is subsequently recovered from the 3<sup>rd</sup> party motor insurers, will this be returned to the Town Council and will it also cover the Town Council's excess amount?

**ZM – A3** *We can appoint DACB to proceed with the recovery on the claim, however we required the Third Party details to proceed. It is also not guaranteed we would be able to recover the complete amount from the Third Party. If DACB can recover the complete loss amount only then we can initiate the refund for the policy excess.*

*There are four options for the Town Council to consider:*

- a) Council negotiates a potential reduction in the quote from our approved supplier (The Town Council has approached the contractor who has confirmed a 5% reduction to the original quote, but will go no further);
- b) Council pursues a claim against the third party involved. However, it would be Council's responsibility to liaise directly with the insurance provider of this party to obtain the required information;
- c) Council appoints the second contractor with the proviso that the work is overseen by a local specialist (potentially, if he is willing, the Council's former Architect and Buildings Consultant);
- d) A third quote is sought.

The Town Clerk has discussed the situation with the Mayor who has first-hand knowledge of how insurance companies work. He commented as followed:

*It is understandable that if we have two like-for-like quotes then the insurance company will limit their liability to the lower quote.*

*We could instruct our preferred contractor, but we would have to pay the balance which is not insignificant. I think it would be worthwhile going back to them to explain and ask them if they could agree a discount (in the current circumstances they might be amenable).*

*As a general comment we should have (at least) two approved contractors who could undertake this type of work, so I am hoping that the second contractor satisfied our necessary criteria before we asked them to quote (and that they fully understood the 'heritage' aspect of the work required when compiling their quote). As such this will have been a useful outcome of this exercise.*

*Unless our preferred contractor can come back with a reduced figure then my inclination would be to instruct the second contractor.*

Members are therefore requested to consider how to proceed in order to get the wall repaired as soon as possible now that the building and construction industry has been encouraged back to work.

## 2) BT Phoneboxes

- **To note the report**

Following the decision made at the Town Council Meeting held on 28 April, 2020, the Town Clerk signed and returned the contract to BT Telecoms for the adoption of the two telephone boxes:

- Main Street, Tiddington, Stratford-upon-Avon, CV37 7AZ
- Shipston Road, Stratford-upon-Avon, CV37 7LN

On 12 May the Town Council received an email from BT confirming that they had received the signed contract and that they had now arranged for the removal of the telephone equipment. Once this has been confirmed BT will email the completion notice.

At the last meeting it was requested that the GP Clerk contact BT to ascertain whether all the other phone boxes itemised on the Stratford-upon-Avon list were subsequently to be removed. These locations are as follows:

- Corner of Justins Avenue, Birmingham Road, Stratford-upon-Avon, CV37 0AX
- Manor Road, Stratford-upon-Avon, CV37 7EA
- Drayton Avenue, Stratford-upon-Avon, CV37 9PB

BT responded that during the consultation, they received an objection the removal of the kiosk on Justins Avenue/Birmingham Road. Consequently, it will remain in place. They then went on to confirm that they have received interest in the adoption of the other two kiosks which they currently following up.

### 3) Cemetery Kerbing

- **To note the report**

On 15 May the Outside Spaces Foreman confirmed that the second phase of the kerbing at the cemetery has been completed. This phase included work on the pathway from the roundabout to the Chapel. Photographs of the complete works are attached as **Appendix 'A'**.

There are two further phases yet to be completed:

- First island and first island roadway - £6,624 + VAT
- Second island and second island roadway - £6,840 + VAT

Council has yet to agree to proceed with this work, but no additional funds have been allocated in the budget for 2020/21.

General Purposes Clerk  
26.5.2020