

REPORT TO PICKMERE PARISH COUNCIL

9th July 2019

AGENDA ITEM 9.3 CORRESPONDENCE RECEIVED RE MEMORIAL BENCH

1. Report

- 1.1 Your Clerk has received a letter from a member of the public who recently provided a sum of money to the Council, in accordance with your Council's policy, to enable the acquisition of a memorial bench in memory of her husband, and its siting on the IROS. This bench has been installed in the last couple of months.
- 1.2 A receipt was sent to the person concerned acknowledging receipt of her donation. However, the local resident concerned has now written expressing concern that the money she provided was not a donation, as mentioned on the receipt but "payment for the all-weather bench that I purchased and had installed at the lake". She goes on to make reference to her late husband and his presence in and contribution to the Pickmere community in which he lived. She states that she "wishes to avoid any misunderstanding in regards to the ownership of this memorial" and requests a letter correcting the wording "as this was not a donation as suggested".
- 1.3 From an operational point of view, it is considered that any funds provided by persons in compliance with the Council's policy for memorial items take the form of donations to the Council. With such donations, the Council commissions and installs the item, and the item is of course fixed on Council-owned land; the policy states that the Council reserves the right to remove the item if it deteriorates to the point that it cannot remain in situ. Items such as this one are included in the Council's Asset Register. The item remains on Council owned land only while its presence complies with Council policies and wishes. The Council does not operate its policies on the basis that private individuals can keep their own possessions on its land more or less permanently and treat them as their own possessions. That raises issues of insurance, duty of care etc which might require resolution.
- 1.4 Payments for such items from members of the public are therefore logically treated as donations within the Council's accounts.
- 1.5 In this particular case there is no wish to cause a problem or distress, and indeed whether one considers the bench to be owned by the Council or by the person who asked for the siting of the bench, the situation remains that the bench continues to sit on the Council's land to the benefit of both parties. However, it is felt that items, once provided in accordance with the Council's policy, fall within the ownership and control of the Council.

2 Recommendation

2.1 That Council considers the points made and decides how to respond.

Jack Steel
Clerk to Parish Council