

Message

From: mandy.talbot [GRO]
Sent: 22/05/2008 16:38:31
To: Stephen Dilley [/O=BOND PEARCE/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=SJD3]
CC: mandy.talbot [GRO]
Subject: RE: Fw: LETTER FROM EX TEMP - MARINE DRIVE [1A.FID18640]

Thanks for the update on the situation with Castleton. I think that is typical that he chooses to put his head in the sand whilst hoping the problem will go away.

We are compiling some information from the business to deal with the allegations made by Day which seem to spring from the delusion that agency law is the same as employment law.

Regards
Mandy Talbot
Dispute Resolution
Company Secretary's Office
Royal Mail Legal Services
148 Old Street
London EC1V 9HQ

Postline [GRO]
Mobile: [GRO]
External Email: mandy.talbot [GRO]

"Stephen Dilley"
[GRO]
22/05/2008 17:24

To: <mandy.talbot [GRO]>
cc:
Subject: RE: Fw: LETTER FROM EX TEMP - MARINE DRIVE [1A.FID18640]

Dear Mandy,

Thanks for forwarding the letter.

Dorothy Day was indeed close to Mr Castleton - she gave evidence on his behalf at the trial in December 2006.

Marine Drive is closing or has already closed as part of Network Change. Tracy Marshall previously confirmed to us that Mrs Day was not eligible for compensation because she held a temporary appointment since about 28th May 2004.

Would you like me to advise on whether POL was obligated to make the contract for services permanent (as she suggests)?

Update on Castleton

In terms of the sale of the property at Marine Drive, the trustee in bankruptcy has spoken to Mr Castleton as neither him or his wife were moving matters forward. He vehemently denied he has an interest in the business or any trading matters at the property and this continues, as the branch is now closed. An agent is valuing the property and the trustee have requested this is done on various basis':

As a residential property; and
As part residential and shop

The trustee will let us know once she has received this valuation report and ascertained the equity. Assuming there is sufficient equity I

suspect we'll then be instructed to repossess and sell the property.

I'll keep you updated.

Kind regards.

Stephen Dilley
Solicitor
for and on behalf of Bond Pearce LLP

GRO

www.bondpearce.com

-----Original Message-----

From: mandy.talbot@bondpearce.com GRO
Sent: 22 May 2008 16:12
To: karen.arnold@bondpearce.com GRO
Cc: john.legg@bondpearce.com GRO; paul.inwood@bondpearce.com GRO
neil.corrick@bondpearce.com GRO; jessica.madron@bondpearce.com GRO
rosemary.king@bondpearce.com GRO; Stephen Dilley
Subject: Re: FW: LETTER FROM EX TEMP - MARINE DRIVE

Karen

I suspect that she has been wound up by the fact that she was friendly with the ex permanent Postmaster Castleton who we sued and who we may possibly bankrupt. She supplied a witness statement in his favour.

Marine Drive was under consideration for permanent closure under Network Reinvention can you advise what its current status is?

In the first instance we would respond that as Day was never employed by POL she merely had a temporary contract for service determinable upon notice that employment law has no bearing upon the relationship between her and POL.

Rosie can you advise if any of the cases in which the status of postmaster as being agents not employees were upheld involved a postmaster with a temporary contract?

I would imagine that there would be no restriction upon her applying for a permanent position as a postmaster with POL as long as she could (a) demonstrate that she held suitable premises from which to run a postoffice branch (b) could provide a satisfactory business plan and (c) could pass the interview process.

Given the problems we had with Castleton I would have thought that POL would be happy if a prospective permanent postmaster had come along? Can the BDM or the contract manager for the relevant part of the country advise whether or not she ever applied for the position at Marine Drive or at another branch and if so what the response was.

As far as we are aware Castleton still owns the premises at Marine Drive.

His contract was terminated and as per usual a temp was appointed to keep the business going pending either the conclusion of the appeal or after termination of the substantive contract alternatively if nobody applied for the position on a permanent basis. Castleton could have carried on running the retail side of his business so perhaps this is what she is talking about when she says that the post office changed part ownership in 2004.

Are temps prohibited from joining the NFSP? if so why?

Can we find out if she has ever contributed anything to the premises at Marine Drive? I am currently dealing with a case where a temp was not only allowed to have subs for the NFSP deducted from her remuneration, but was allowed to apply for a loan to purchase equipment which she then matched and awarded a share in success payment!!

The rationale for compensation under the Network Change programme is to compensate substantive permanent postmasters who have invested in the branch by purchasing the premises and setting up a retail business whilst paying a premium to buy the site from the outgoing postmaster,

for loss of an income stream. The temp has contributed nothing bar her services and as her contract can be determined by 7 or 28 days notice is entitled to nothing.

Stephen

If there are any comments you would like to make which you learned during your conduct of there Castleton case I should be grateful to hear from you.

Thanks

Mandy Talbot
Dispute Resolution
Company Secretary's Office
Royal Mail Legal Services
148 Old Street
London EC1V 9HQ

Postline: **GRO**
GRO
External Email: mandy.talbot **GRO**

Karen Arnold

To: John
Legg/e/POSTOFFICE@POSTOFFICE, Paul
22/05/2008 15:16
Inwood/e/POSTOFFICE@POSTOFFICE, Mandy
Talbot/e/POSTOFFICE@POSTOFFICE, Neil
Corrick/e/POSTOFFICE@POSTOFFICE
cc:
Subject: Fw: LETTER FROM
EX TEMP - MARINE DRIVE

Dear All

Please see the letter attached to the e-mail below, please can you offer any advice/information before I look at pulling together a response to the letter

Thanks

Regards
Karen

Contracts Advisor - North Central England Network Support Post Office Ltd

Upper Floors, The Markets Crown Office, 6 / 16 New York Street, LEEDS, LS2 7DZ

Mobile: **GRO**
External Email: **GRO**
----- Forwarded by Karen Arnold/e/POSTOFFICE on 22/05/2008 15:04 -----

NSA Centrally

Supported To: Karen
Arnold/e/POSTOFFICE@POSTOFFICE

Sent by: Trudy cc:

Finch Subject: LETTER FROM EX
TEMP - MARINE DRIVE

15/05/2008 14:08

Hi Karen

This has come to us via Farnworth

Ta T

>>>> Letter from ex Temp PM - Marine Drive.pdf attachment was removed

>>>> from

this email <<<<

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