

Committee members

PRESENT: Chair: Lyn Anthony-Higgins (LA)
Treasurer: Carole Kingston (CK)
Committee: Jamie Harcourt (JH), Jennifer Hooper (Jen H), Jon Lloyd (JL),
Tanya Pynn (TP), Sue Feather (SF: attended via Zoom)

(When referencing the above, first and second name abbreviations will be used throughout)
THIS MEETING WAS HELD AT QUEEN ANNE'S SCHOOL.

1

Welcome and introductions

At 6.55pm LA welcomed everyone to the second constituted DRFA AGM and stated she would be chairing the meeting. She noted that the meeting was quorate.

LA thanked Queen Anne's School (QAS) for their generous hospitality over many years and their continued support in the hire of their facilities. She also thanked Andrew Lawson for loaning his microphones for the meeting. She asked residents to stay seated during the meeting unless they wished to get refreshments or take some fresh air on the balcony.

LA introduced Richard Stainthorp, who was acting as the independent Adjudicator and would be overseeing the counting of proxy votes, votes in the room and declaration of votes cast. She reminded attendees that there was only one vote per household. Only full members as set out in para 3.2 of the DRFA Constitution would be eligible to vote.

LA stated that the Committee had been informed by a resident on 5th June that they wanted to make a presentation of legal advice at the AGM they were in the process of seeking but had not yet received.

She said the Committee had since received a letter dated 26th June from Messrs Rowberry Morris on behalf of a number of unnamed residents of Derby Road, insisting that this legal advice be presented at the AGM.

However, she said the letter of 26th June went on to state that a barrister was in the process of producing a written summary of his opinion on behalf of these unnamed residents, who wished to present this to the Committee, its membership, and residents. She noted that to date the Committee was still waiting to receive the legal advice and the AGM would go ahead as planned.

LA explained the procedure for the AGM:

- Anyone wishing to speak to raise their hand and be invited to speak before doing so.
- Only one person to speak at a time.
- Anyone speaking to give their name for the record before doing so.
- Anyone asking a question to be clear who they were addressing it to.

She stated that disruptions would drown out valid points that could be made.

The DRFA Committee members then introduced themselves, after which LA gave the following opening statement from the Chair:

'I want to start by reminding residents about the remit of this Committee and how we make decisions. Firstly, of all we are all committed volunteers but not experts. Members sign the agreed Constitution and Code of Conduct. As far as it is possible, the Committee aims to reflect the representation of Derby Road and the off-shoot roads. The Constitution is the framework by which the Committee operates and spells out its responsibilities as follows:

To ensure that regular maintenance is carried out in a planned and cost-effective way to preserve the surface of Derby Road in a safe, economic and environmentally sustainable manner.

To top dress Derby Road as and when required and to ensure the quality of the road surface is maintained as far as is practicable and lawful.

To ensure that regular maintenance is carried out in a timely and cost effective manner to preserve:

- a) the signage, gates and walls at the Peppard Road end of Derby Road;
- b) the streetlights, lamp posts, drains (soakaways) and kerbs;
- c) To collect voluntary contributions from residents in order to pay for the responsibilities listed and to undertake all lawful acts in relation to these objectives.

We have a very complex relationship, not only on Derby Road itself, but also with the side roads. We have a number of unique circumstances with two adopted side roads, and two unadopted side roads plus businesses with 200+ households all of which contribute to the Fund. However, we must not only think in terms of 200 + households but in terms of individuals, so did you know that Queen Anne School has approx 420 students of which 200 are boarders, Mander Court - 43 flats with 63 residents and a number of Property Management Companies all of which have different legal requirements and rights that must be taken into consideration when making decisions on behalf of the community and businesses. As custodians of the Fund the Committee has a fiduciary duty to act lawfully and to ensure that all decisions are lawful and in compliance with regulations and to avoid and/or mitigate against any risks so as not to invalidate our insurance. We also have to avoid any liabilities against the Fund. The preservation of the reputation and integrity of the DRFA is crucial.

As an unincorporated association, although Committee members have indemnity cover by our insurers, it is on the basis that Committee and AGM decisions are lawful and that when decisions are made individual members are personally responsible for any debts and contractual obligations. Hence it is important to record in minutes the clear decision and the votes on each decision. The Committee and AGM's decisions also inform TA6 forms which are used when buying or selling properties.

Committee meetings are held quarterly and residents who are interested could listen to the Committee's discussion, details of the date and time etc are published on the website. Minutes of meetings are also on the website.

I am very aware of how passionate some residents are about Derby Road, However, we need to be very careful on how we communicate that passion.

I hope this very brief summary gives you an insight as to some of the key elements needed to protect the Fund for its main purpose and the framework under which the Committee has to operate.'

2 Apologies for absence

Two households had sent their apologies.

3 Minutes of meetings the AGM held on 16 June 2022

LA asked residents to vote on approving the 2022 AGM minutes. Paul Higgs (a member of Tanya Pynn's household) asked if the meeting was quorate. Richard Stainthorp (the adjudicator) confirmed that the combined number of full member votes in the room and proxy votes was 77, so the meeting was quorate.

David Moro raised three objections to the 2022 minutes where he disagreed with points made at that meeting. He was reminded that the minutes were a record of what happened in the meeting and so the vote was on whether the minutes gave an accurate record of that meeting, not on whether individuals disagreed with what was said at the meeting.

LA again asked residents to vote on the 2022 minutes. Susan Harcourt (a member of Jamie Harcourt's household) asked to speak about legal advice she had received which she said had cost a lot of money. She said that if the information was not shared now, the Chair was not doing her job. LA said the item being dealt with at present was the vote on the 2022 minutes.

JH asked how a proxy vote could be used if the person giving the proxy vote hadn't heard the argument. Richard Stainthorp said that the person who had been given the proxy vote at the meeting had been appointed to vote on behalf of the resident as they saw fit.

Rita Morrison asked whether Mander Court residents had sufficient mental capacity to vote at the AGM. James Merritt, Regional Manager for Southern Housing attending the AGM on behalf of Mander Court, clarified that Mander Court was not a care home and a meeting had been held with residents to discuss their views in advance of the AGM.

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The vote was then held to accept the minutes: 26 in favour and 2 against. The 2022 minutes were agreed and accepted with no amendments.

Treasurer's report and Summary of accounts for period ended 31 March 2023

Helen Savidge had moved away and so had to step down as Treasurer. LA thanked Helen for her efforts in carrying out her duties. She noted that Helen had reduced printing costs down to below £100 by using a firm that was independent of Committee members. She said Helen had also ensured that reports were given at each Committee meeting covering itemised expenditure incurred since the previous meeting as a matter of routine, ensuring transparency on expenditure.

LA thanked CK for taking over the Treasurer's role. She asked residents to vote on accepting the Treasurer's report and Summary of Accounts for the period to 31st March 2023. These were accepted with 32 votes in favour and 0 votes against.

CK explained that there had been a total of 184 contributions received for 2022. JL clarified that 174 contributions had been received before the end of the financial year in March 2023, but that following the last DRFA Committee meeting in May, it had been agreed to allow an extra window for those who hadn't realised they needed to contribute in order to vote at the AGM. Five extra contributions had been received before the final cut-off date, but a further five had also come in afterwards, by which time the accounts had already been printed, so these were not included in the accounts.

CK stated that there had not been any substantial expenditure in 2022/23. She noted that bigger expenditure might occur in the next year, but had been deferred until the CityFibre work on the road was completed.

CK said a couple of surveys had recently been done by companies that could resurface the road. They had commented on the good condition of the road and that resurfacing would only be necessary in 4-5 years' time. However, there were smaller works which were of more immediate concern, such as re-instating white lining and remedial works to parts of the road. She said some repairs were also required to the brickwork on the pillars. She stated a complete resurface at today's prices would be in the region of £96,000. She confirmed that three quotes would be sought when the time came. Annie Lee asked how much the last road resurfacing had cost. JL believed it had been in the region of £60,000.

David Moro said the amount received from contributions had fallen since his time as treasurer. JL noted that both the accounting year and the timing of the request for contributions had been changed in 2021 to try and ensure contributions for each calendar year fell into one accounting year rather than across more than one year. He confirmed that the number of households contributing each year had stayed broadly the same since 2019. David Moro said it was not the number of households contributing but the amount received that was relevant. JL noted that the amounts received in some previous years had also included sums received as a result of former Committees chasing households for unpaid contributions from previous years or chasing new residents for unpaid contributions by previous owners. He noted this practice had stopped in 2020.

George Rozgonyi asked for the numbers of contributors in previous years. JL said this information was given at the bottom of the accounts that had been sent out to all residents.

Paul Higgs asked how many households were asked to contribute. CK said she believed it was around 225, but JL explained that this was complicated by QAS paying a fixed amount for a set number of households. Mr Higgs said he sat on several boards that provided such information and he thought it was important for residents to have this detail.

CK stated that the Committee recommended keeping the contribution levels for the fund the same for 2023/24 as for 2022/23. This was put to a vote: with 75 votes in favour and 0 against, it was approved.

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Appointment of accountant/bookkeeper to 31 March 2024

LA asked if members agreed to the Appointment of DRFA Independent Examiner Account for the period 31 March 2024. This was approved with 74 votes in favour and 0 against.

Susan Harcourt interjected at this point. She said she was entitled to speak under the DRFA Constitution and wished to give a speech on the legal advice she had been involved in seeking. LA said this was not the forum for a discussion as the legal advice had not been received prior

to the AGM so no one has had time to examine the information, and to speak about it now would be out of context. Susan Harcourt approached the front of the room and continued to address the meeting despite being asked to return to her seat.

In order to resolve the impasse, LA agreed to hold a vote on whether to deviate from the agenda and include Susan Harcourt's speech. Frank Acton commented that it appeared that audience members around him were attempting to direct others in the audience on how to vote. JL also noted that members of the same household were both attempting to vote at this point. With 9 votes in favour and 23 against, the speech was not added to the agenda.

LA repeated her statement from the beginning of the meeting concerning the legal advice. Simon Scaddan asked whether Susan Harcourt might be able to speak at the end of the meeting once the agenda items had been completed. LA agreed to this.

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Election of Committee members

All current Committee members had put themselves forward for re-election. There had been no new nominations received.

Paul Higgs stated that nominations from the floor were allowed under the DRFA Constitution. LA said the current Committee would be voted on first as there had been no previous nominations and that there was a procedure to be followed for new nominees, as their proposer and seconder had to be confirmed as full members and the Constitution and Code of Conduct also had to be signed. This would be undertaken at the next Committee meeting. George Rozgonyi expressed interest. LA asked anyone wishing to put themselves forward to contact the DRFA so that the nomination process could begin.

With 69 votes in favour and 6 votes against, the current Committee were re-elected.

Sean Mitchell again raised the question of Mander Court residents voting, who he said were elderly and most were confused. LA said this point had already been addressed by James Merritt earlier in the meeting.

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Presentation of the report and recommendations following the Road Safety Visit to Derby Road conducted by Tony Griffiths of Thames Valley Police on 27 March 2023

LA said she hoped members had had an opportunity to read the report that had been posted on the DRFA website.

She said the report had been sent to the three Caversham Ward Councillors who had attended the audit and had received the following response from them sent by Cllr Matt Yeo , which she then read out:

"Dear DRFA Committee Members,

The Derby Road Safety audit on the 27 March was helpful in understanding the various complexities of Derby Road and its spur roads. It was also a good opportunity to meet with residents.

Mr Griffiths's report is a very detailed and precise report, I hope your residents will find it as useful as we have.

We hope that the DRFA will build on that report and give consideration to taking advice from a Specialist Transport adviser."

LA then made her statement about the report

She said the Committee were in agreement on the following recommendations in the report:

1. The signage at the Peppard Road gates: changing the signs on the left gate pillar to a speed sign and a priority arrows sign (which would then mirror the signage on the gates entering Grosvenor Road from Henley Road).
2. Putting a 'pedestrians on road ahead' and 'speed humps' sign on the first right-hand post when entering Derby Road from Peppard Road, so that any vehicles turning into the road would know what to expect when driving down it.
3. Putting an 'elderly people' sign near Mander Court.
4. Re-instating the give way markings at the junction of Grosvenor Road and Derby Road, which could include a design layout to mark a tighter curve into Derby Road and a pedestrian refuge.

LA said Committee members would get quotes and would update residents and businesses on this.

Re the suggestion in the report on moving the pinch point, in light of the fact that full legal advice was due to be received and might have a bearing on this issue, LA said no decision would be made on this until the full legal advice and supporting documents had been received and considered.

Mr Griffiths had hoped to attend the AGM and in his absence had asked that his communication be read out to the AGM. LA did so. Below is TVP response.

Dear Derby Road Fund Association (DRFA) and residents of Derby Road,

Apologies, unfortunately due to operational reasons I am not going to be able to make the AGM in person.

On the 26th May 2023, I received an e-mail from Mr Moro containing a report raising a few issues/inaccuracies with my report and I would like to address them for DRFA, who I believe also received a copy of the report.

Firstly, I'd like to point out that DRFA did not commission me. I offered my services to advise on potential road safety improvements for Derby Road. My report is just options for DRFA and the residents to consider and implement at your discretion.

After reading the report from Mr Moro I see that it raises several questions about my report.

1. Inaccuracy of descriptions
2. Positioning and visibility of the planters
3. Peppard Road junction
4. Closure of Derby Road for maintenance

I'm not prepared to adjust my report, as requested, as it is my report and contains my opinions and advice.

Inaccuracies in descriptions

The descriptions are general and I'm sure that from my description, residents are aware of which premises I refer to. Suffice to say that there is access to those premises, limited or otherwise.

Positioning and visibility of the planters

With regards to the planters. My report states their proximity and visibility could be a potential for collisions and the point about damage already sustained highlights either swept path or visibility (the driver quite clearly didn't see the planter). The visibility I refer to is not the planters reducing visibility splays but the planters not being visible or suitable warning given to drivers using the road. I don't recommend removing them as they are a good aid to traffic calming but moving them. Common sense would suggest that they should not be placed in close proximity to other hazards and they should be marked as clearly as possible (TSRGD indicates that build outs, chicanes or pinch points should be marked with painted tapers, diagram 1040.4.). It would be for DRFA and the residents to decide on their location, and what they look like.

The reference to the Highway Code is just a 'rule of thumb' and gives a starting point for DRFA and the residents to consider when deciding on what any potential new location may be, if they are moved at all.

My opinion is that the planters could be placed at a better location but if the decision is not to move them, then there could certainly be better warning of them (warning signs) and that they could be better marked for visibility.

Peppard Road junction

With regards to the comments made about the Peppard Road gates and Field View junction, I'm not certain as to the implication here. If it is to suggest that the gap between them is the same as the planters I do not dispute this fact and my report does not raise any concerns about the gap between the planters. If it is to suggest they are within the confines of the junction, then this is a different matter as the gates and pinch points are different things altogether. One is a historic entrance to a premise or location and the road was built around them. The planters are a purpose built traffic calming feature which was placed on the road. The gates are dealt with in my report and I believe my proposed changes to the signage will enhance safety by providing a

clearer message to road users, about priorities and how to negotiate the hazard. I have no concerns about the gates position or visibility.

Closure of Derby Road for maintenance

Finally, about closing Derby Road for maintenance. Closing of a road, other than in an emergency is not the remit of the police but the Highway Authority. My previous advice in relation the action of closing Derby Road is that TVP cannot condone a closure of Derby Road, which is carried out by an individual or a group of individuals that does not have the acceptance or backing of all the affected persons.

With any closure of Derby Road, TVP advice is that the road closure should follow the same guidance as any other road closure for a street party etc. albeit Derby Road does not need to seek a TTRO (Temporary Traffic Regulation Order) from Reading Borough Council. But should seek to inform the council of the closure and abide by any advice or objection given. This way the council can advise on any adverse effect the closure may have in relation to planned works etc. Likewise, the council can also inform the relative statutory bodies, fire, ambulance and police.

Should any closure of Derby Road be carried out, then my advice is, that it is signed appropriately in accordance with Chapter 8 of the Traffic Signs Manual and ideally any prolonged closure should be carried out by suitably qualified and trained traffic management operatives.

I hope this provides sufficient information in relation to the issues raised and as always I'm happy to answer any questions.

LA continued with her statement:

She said that whilst it is not appropriate for the police or Mr Griffiths to become involved in the politics over what is essentially a civil matter, Mr Griffiths would be available if the Committee wished to discuss matters about future projects or road safety issues.

Brian Cairns wanted to put it on the record that anything happening in the road outside his property would require his express permission.

Annie Lee asked why the signage at the Peppard Road entrance was being changed. JL said Mr Griffiths had recommended giving motorists sufficient information from the signage to know what to expect when entering the road, and this recommendation was being followed.

Paul Higgs wanted to know who had the responsibility for the planters. LA said it was in the name of the DRFA. Mr Higgs accused the Committee of failing to maintain the condition of the damaged planter which he said was required under the certificate of lawfulness issued by Reading Borough Council (RBC). JL said the Committee had sought advice from Mr Griffiths on the issue because although no one had witnessed the collision, circumstantial evidence suggested the damage had been caused by a vehicle turning out of Field View, so it was necessary to address the specific issue of the proximity of the planter to the Field View junction, to prevent any further incidents and resulting liability.

Paul Higgs said he thought the collision had happened because a pole had been removed from the planter at some stage, which he claimed reduced its visibility. He asked the Committee who had removed the pole and where it was now. The Chair specifically asked the question of all committee members if they had the pole or knew where it was to which all replied no. John Mullaney said he had removed the pole when he was Chair until a resolution on the pinchpoint had been reached. He said that as far as he was aware the pinch point and all its components were the property of the Fund.

Tony Waltham asked whether the Committee had put any effort into looking into traffic-calming measures instead of blocking the road. John Mullaney said discussions on how to do this lawfully been going on for several months. Mr Waltham claimed that the Committee appeared to have previously sought legal advice that accorded with its own views. JL clarified to Mr Waltham that the legal advice currently being followed had been sought by the previous Committee in January 2020 by David Moro and Simon Scaddan, neither of whom was still on the Committee. Simon Scaddan confirmed that this was correct.

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Have Field View re-imbursed the DRFA for the removal of the Lime tree and replacement tree?

Gillian Vooght, had requested the addition of this agenda item but David Moro presented the question in the meeting.

JL said this related to the felling of the tree on the verge by the pinch point near the Field View junction in late January 2021. This was before JL had joined the Committee and before the Constitution was in place. He gave a chronological account of events leading to the removal of the tree based on written records from the time. He noted that the Committee at the time all agreed to felling the tree and that JH had recently confirmed that no one on the Committee attempted to contact Chaney's or anyone on Field View either at the time or afterwards. This he said would have been due process if Field View had been regarded as being responsible for the tree. He noted that David Moro was treasurer on the Committee at the time. He also mentioned that in the official application made to RBC to fell the tree, JH had recorded that the tree was the responsibility of the Derby Road Fund.

JL said Field View remained in ignorance of the situation until David Moro had raised the issue at the 2022 AGM. JL did not believe it was ethical or appropriate for retrospective demands for payment to be made when the Committee at the time appeared not to have followed due process or correct procedure with residents and had assumed responsibility in official documentation.

David Moro said that prior to this event, he had personally sent a letter by registered post to all Field View residents informing them of their responsibilities. This claim was disputed by several residents in the audience.

JL asked David Moro to clarify whether he had contacted anyone on Field View or Chaney's at the time about the felling of the tree or Field View's alleged responsibility to pay for it. JH said he had been unaware of who was responsible for the tree at the time, but that the tree needed dealing with because it was a safety concern. JH accepted that no attempt was made to contact Chaney's or Field View residents, but felt someone from Field View should have asked the Committee at the time about what was going on.

JL said it was for the party in possession of the relevant information to share that with the other party, not the other way round. He noted that the Committee had had dealings with Chaney's beforehand and so already had the details to make contact. At this point, JH shouted at JL and was asked to apologise by members of the audience, which he did.

Brian Cairns said he was on the Committee at the time and confirmed that the Committee had all agreed to fell the tree because it was a safety issue. He said there had been little opportunity to go into the details of responsibility and felt JL made a fair point that to ask for payment retrospectively was unfair, although he wondered if a goodwill contribution could be made. He asked for clarification going forward on whether Field View would accept responsibility for the trees in that area of the road.

David Moro wished to raise the issue of the verges outside Field View. The meeting was already running 35 minutes over time at this point, so he placed the following documents on the table before the Committee:

1. Letter from Peter Yates - Dorrington plc vendor - dated 27 June 2019
2. Land Register of Title Deed for No.1 Field View.
3. Land Registry Title BK 18882
4. Land Registry TP1 Transfer Document - incomplete - for No1 Field View

Mrs Harcourt's statement regarding the new advice sought by some residents

LA said that she had received the new legal advice from Susan Harcourt at this meeting but did not know what was in it yet. She then introduced Mrs Harcourt to give her statement.

Susan Harcourt said her contribution was aimed at resolving the long-running uncertainties over how non-resident traffic could be lawfully prevented on Derby Road. She said definitive legal advice had been commissioned and received by herself and several other residents and should be considered by all residents. She then asked for a 'period of reflection', following which an EGM should be held to remove the current Committee and appoint a new one. She said she would make it her aim at the EGM to remove LA as Chair of the DRFA. She also suggested that the Constitution should be amended as part of this process. She said this would lead to a more 'collegiate', all-inclusive way of managing the road.

Andrew Taylor said that he felt in the last year there had already been an extremely collegiate approach in place and that people could step forward to go on the Committee if they wanted to get involved.

Richard Stainthorp clarified that a single resident could not call for an EGM and that the procedure for doing so was already given in the DRFA Constitution.

LA asked that the Committee be supplied with the full legal advice including all supporting documents for consideration. Gillian Vooght said this would be handed over if the Committee granted them an EGM in exchange. Richard Stainthorp repeated his previous statement about how an EGM could be called.

LA said that residents were also entitled to seek out their own legal advice and that it would be necessary to get all the legal advice together for consideration.

LA thanked attendees for their contributions and announced that the meeting had concluded.

Meeting ended at 9.20pm