

Committee members

PRESENT: Co-Chair: Lyn Anthony-Higgins (LA) and John Mullaney (JM)
Treasurer: Helen Savidge (HS)
Committee: Rob Halpin (RH), Jon Lloyd (JL)
David Moro (DM) and Brian Cairns (BC) (not seeking re-election;
in audience)

Independent observer and votes adjudicator: Cathy Barnes.

Membership present: Because of COVID we were limited to 30 seats and 30 people were registered.

(When referencing the above, first and second name abbreviations will be used throughout)

THIS MEETING WAS HELD AT QUEEN ANNE'S SCHOOL and OVER ZOOM and transcribed by Sue Feather.

1

Welcome and introductions

Welcome by JM who co-chaired the meeting with LA.

JM thanked QAS for hosting the meeting. He also thanked all past members of the committee and in particular retiring members Elisabeth Westerlund, David Moro, Brian Cairns and Gillian Vooght. He acknowledged the work of previous committees, especially Simon Scaddan (SS) and all those who took part in composing a draft constitution including members from Balmore Drive. He also thanked Ian Lawson and Sean Mitchell for having previously served as chair.

Notes were taken in case of technical failure.

JM welcomed Cathy Barnes who was acting as an independent observer and votes adjudicator.

JM said the last few years have been difficult for the community as there have been deep divisions which have caused upset across the board with people taking sides. He felt there is only one side and that's us here together. He stated that the AGM was an opportunity to put past hurts behind us.

The committee members were asked to give their names to the audience.

Introduction to committee members: John Mullaney and Lyn Anthony-Higgins (co-chairs), Helen Savidge (treasurer), Rob Halpin, Jamie Harcourt (not present), Jon Lloyd, Brian Cairns (not seeking re-election) and David Moro (not seeking re-election).

2

Apologies for absence

Jamie Harcourt and Peter Foster

3

Minutes of meetings the AGM held on 17 October 2020

The minutes were agreed and accepted with no amendments.

4

Statement of accounts

HS took over being treasurer from DM at the end of February 2021. JM thanked DM for the work he did on the accounts. HS said the 2020 accounts were circulated to all houses in March including a report by the accountant. DM asked if the accountant's bill had been paid. HS confirmed payment. The accounts were agreed and accepted.

5

Appointment of accountant/bookkeeper for 2021

HS advised that the fee for the accountant used this year was £360. A quote was sought from the previous accountant which was £400. Following research into other voluntary groups, and taking into account the fact that as our income is less than £25,000 per year, there is no legal requirement to have an accountant sign off on accounts. HS approached a bookkeeper for a quote which was £66. HS advised that the process was similar to that which was in place with

the accountant with similar technical jargon employed. This was discussed at Committee and it was agreed to propose that the Fund would go forward with the bookkeeper to make a saving of a few hundred pounds. This was agreed with the proviso that it be reviewed after one year.

Draft Constitution and Code of Conduct

LA took over the chair and presented the draft final version, which has had an enormous amount of work done to it including building on the work of the previous committee chaired by SS. She stated it was important to note that we are not a residents' association – we are just here for a fund and nothing else. That said, there may be things that we can do to alleviate some concerns of members: perhaps changing the status on Google Maps to that of a private road, more signage saying the same and warning of pedestrians in the road. Or any tiny adaptations that would not incur too great a cost.

Kathleen Childs expressed concern about not being able to walk in the road and said that she had been told twice by motorists on Derby Road to move out of the way when she was walking in the road.

LA said the characteristics of the road are: street lights, lampposts, drains and soakaways, signage and boards around the Peppard Road and Derby Road ends. We are required to make sure there is regular maintenance of the road that is done in a timely way to maintain the quality of the road surface. BC said he was very happy to accept the Constitution so long as there was the ability to amend annually as there are several areas that need clarification and that need future work. LA said that the possibility for review is enshrined within the Constitution.

Serge Dussert said he was not happy that people who did not pay were still able to vote and it had always been a problem. Andrew Taylor (AT) countered by saying that some residents had experienced problems in the past with the Committee and that perhaps not all could afford to pay but more importantly that we are trying to build bridges, that we should be careful about excluding people and that we should try to bring people together first.

JL pointed out that it had been pretty much established and accepted by everyone that the contribution is voluntary and that it was the committee's job to try and take people with them by consent. DM claimed that not all contributions are voluntary and that Field View had an obligation written into a deed. He presented a document to the chairs. He said he had written confirmation from the previous owners in which it confirmed that the current owners are or have been informed of this situation. JL said to his knowledge no-one had received the information referred to and so could not comment on its veracity. Dialogue continued with no agreement. JM said this issue is disputed. He proposed that an independent person come and make a judgement – someone who both parties could accept. AT said he was unsure whether this was important for the Constitution or for what the committee was trying to achieve. BC said the situation is not absolute but he argued that the Constitution does need to have a position on it because it affects how the trees are maintained.

There was more discussion regarding what was and was not considered to be in the deeds. AT thought Field View Management should be approached regarding the trees as it is a separate issue and not for individual households. He felt that everybody should be managed the same: if it's voluntary for one then it should be for all.

Maria Clift said her original lease had obliged her to pay and asked a question regarding the percentage of people who have paid and those who have not. She also wanted to know what happens when maintenance needed to be carried out in the road. Is the money there to pay for it?

HS replied that based on the old way of accounting, 70% of the income was received in 2020. The figures are not available for this year as the letter has yet to be sent out. Currently there is £47,000 in the bank. The road has been resurfaced roughly every 10 years so there will be a resurface in about 4 years' time, because it was last done in 2015. HS believed the committee was on track to accomplish that. She said she would emphasise the moral responsibility for residents to contribute, but is open to any other suggestions.

JM said it has been a legal minefield trying to take into account all the different situations that exist in the road. A lot of work has been done and is ongoing but there is still a long way to go. He asked for patience and co-operation and hoped that residents could work together on this. He said that committee meetings on Zoom would be open to residents so that they could contribute to the discussions. BC asked how non-committee members would be informed

about when a committee meeting is taking place? JM replied that it will be on the website but that not everyone is on the internet. The minutes of meetings will be posted on the website.

LA re-took the chair and asked if all agreed to the Constitution as it stands. A unanimous vote was received.

It was then clarified that on the proxy voting form in resolution 3, the Constitution and the Code of Conduct were combined as a single vote and that the vote in the meeting should follow the same format. The vote was re-held on both the Constitution and the Code of Conduct. All but two households voted in favour – the Constitution and the Code of Conduct were approved.

7

Election of committee members

LA gave the nominations for re-election. Rob Halpin, Jamie Harcourt who had given his apologies, Jon Lloyd, John Mullaney, Helen Savidge and Lyn Anthony-Higgins and a new nomination for election, Carole Kingston. She asked if everyone was in favour? BC asked about committee member roles. JM said the Constitution reserved the right for the committee to decide on these roles.

All were elected unanimously.

8

Traffic management

JM introduced the subject by saying that in 2018/19 the then committee concerned about the increase in unauthorised traffic, installed a pinchpoint to act as a simple way of controlling the regulated use of the road. In January 2020 the committee sought legal advice regarding its use. In October the committee undertook another review including seeking legal advice and that of our insurers. That review is still underway. All legal comments received so far indicate that though it may be lawful to build a barrier, it is probably unlawful to lock it without fulfilling certain conditions including the agreement of all who have a right of way (quoting solicitors). As such, actionable charges could be brought against the committee and possibly any individual who locks or authorised closing or locking the barrier. The committee's insurers said they would not cover us for this. In light of this, the committee needs to consider the risks of incurring damages arising from actionable charges which would run into many thousands or £1,000,000 or so. JM stated that he urgently needed to complete his enquiries on how we as a community can best, legally and lawfully (he clarified that 'legally' is a criminal act that is against the law of the land, while 'lawfully' is a civil act to be heard in a civil court), control vehicular access on the road. He said that a paper consultation would be circulated amongst the membership in due course to consider and comment upon once the investigations are completed. He welcomed input into the process. BC said Grosvenor Road has done some work on rising bollards. JM said it is expensive but could possibly be shared.

Chris Latto raised the question of closing the pinchpoint at the same time as Grosvenor Road as it prevents traffic from using both roads and he felt it was more effective. JM said this is something that needs to be considered in the enquiries. BC said he thought an agreement had been made with Grosvenor Road in the past so we should be careful of going over old ground. He stated that the lawfulness of closing the road was an issue that required further work and clarification. He felt it was all about how this could be executed in a way that is lawful, legal and works for our road users.

Anthony Clift asked whether the committee was going to proceed with the annual closing of the road to protect the private status of the road. JM stated that legally it is only required to close the gates once every 20 years. He stated that the legal advice appears to say that locking them except once every 20 years could be unlawful if it's impeding a right of way. The right of way is of the resident or people coming to the road. This would need to be clarified to make sure we are not acting unlawfully and cause an action to be brought against us.

DM presented a document by the Private Roads Association to the chairs. He went on to say that previous committees had looked into every other alternative proposed over the past 10–20 years and due to hesitancy or nervousness expressed by previous committees about being taken to court, nothing has been done with regard to the closure of Derby Road. He added that he had acquired 15–20 deeds of residents living on the road and that none of these mentioned

a right of way. BC disputed this and stated that his deeds state he has rights giving him access along the road.

SS said it is a very complex issue which requires much more thorough work. He stated that during his time as chair, the committee did not spend much time on this issue and he was glad the committee was looking into it. He confirmed he had spoken to the previous chairman of the Grosvenor Road committee regarding the rising bollards. He said that the cost would be in the region of £30,000 for the project, but that this had not been put to Grosvenor Road residents yet and was still being looked into.

Sue Feather said she was unhappy with the situation where she was told of her responsibility for the road outside her property but was never consulted when the pinchpoint was put there and would like to know what the committee proposed to do for the people who don't want it outside of their property.

Serge Dussert said it was outside his house and he had not been consulted on its location either, but he felt the pinchpoint improved road safety.

SS thanked the committee on behalf of all those present for the enormous amount of work done in the last 2 or 3 months.

Meeting ended at 7.45pm