

MINUTES

of meeting held on
Wednesday 7 April 2021
at 7pm
(meeting started at 7pm)

Committee members

PRESENT: Co-Chair: Lyn Anthony-Higgins (LA) - to chair meeting
Co-Chair: John Mullaney (JM) - will take minutes
Treasurer: Helen Savidge (HS)
Committee: Brian Cairns (BC), Rob Halpin (RH), Jon Lloyd (JL)
David Moro (DM)

Co-opted non-voting committee attendee: Gillian Vooght

Other DRCF members present: 4 members

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

1

Welcome and introductions

Welcome by the co-chair LA. LA chaired the meeting.

2

Apologies for absence

None received. Jamie Harcourt (JH) not in attendance

3

Minutes of meetings of 1 March and 12 March

3.1

1st March minutes approved via email and for publication on website when operational.

3.2

12th March Minutes recirculated as slightly amended and approved via email and for publication on the website when operational.

3.3

Minutes of this meeting are subject to confirmation at the next meeting as a correct record of the proceedings and any amendments arising will be recorded in the minutes of that subsequent meeting.

4

Draft Constitution and Code of Conduct: consultation response

4.1

The closing date for responses was 5 April. The comments in the document are the comments word for word of residents. The responses were circulated on 6 April.

4.2

In her introduction the chair stated that the response to the draft constitution was not as underwhelming as she thought it might be, There were 18 residents responses plus three organisations; QAS, Mander Court and Michael's Chase Residents Ltd. She stated that the meeting was time limited to 1 hour and that as such she wanted to concentrate on the areas that had most comments about: indemnity; contributions; responsibilities and membership. There would be another meeting to go through the remainder.

Indemnity clause direct from consultation draft:

13.1 The members of the Association shall indemnify the Officers of the Association, Members of the Committee and volunteers against all liability incurred by them acting in good faith and in the name of the Association if acting within their authority.

13.2 Members should take independent professional advice in all matters affecting their interests or where possible conflict could arise between members.

LA asked the question for general discussion: If you keep it in, should we clarify? Should we expand? Should we delete it?

Clarification is needed as some comments asked why there was a need and that it was thought it could be a burden which members were not prepared to accept. It could be considered a contract rather than a document as a framework and if the committee was carrying out its full duties regarding the maintenance of the road then no liabilities would be incurred. Therefore

the clause is unnecessary, others concurred and felt it might be a reason for new members not to join.

Some views were that it should be deleted. Others thought that it could be worded more simply to say the officers were indemnified by way of the two insurances that are in place which could in turn alleviate residents' concerns over having two insurances. One view was that the committee was protecting themselves from any repercussions of anything happening in the road, otherwise why would anybody volunteer?

Items 1.1 and 1.4 need to be considered in regard to insurance cover. The wording regarding members needs clarification as to whether it refers to committee members or members of the association in general. It was thought that the word "committee" should be added but it was stated also that in the terms of an unincorporated association it affects all the membership of that association.

ACTION: As there were no clear-cut answers and the issue regarding the insurances was going to the AGM in any case it was concluded that there could be two options given. One, to take the clauses out and two, to change the wording to make it clearer. There was agreement that it needed more work.

Responsibility clauses:

The committee needs to know its responsibilities and what the wider community thinks they should be.

One committee member stated that restriction of non-residential traffic by way of a pinch point should be included as it had been seen as a duty in the past to co-ordinate with Grosvenor Road over closure dates. That same member suggested that the sole objective of the committee is the collection of money and there is no mention of that. Others thought it was not the main duty but a means to an end ie the payment and oversight of the maintenance of the road. As the collection of the money is a voluntary contribution it is important for residents to understand the benefits of collectively maintaining the road. There was discussion about whether the pinch point should be part of the constitution or not. The pinch point issue is still being investigated as one way of stopping the road being used as a rat-run but it is important to make sure whatever is implemented is done in a completely legal way and cost effective. The pinch point is a divisive issue with some for inclusion and others not. One view is that aims can be "woolly" and perhaps should not go into a codified document such as the constitution. Actions as aims could leave the committee open to possible different interpretations and possible bad feeling among residents. A few views were that it should not be in the constitution. One member said there were no legal issues regarding road closure and gave the opinion that a majority voted in favour of a pinch point and that he categorically noticed a reduction in traffic and felt there was no need to continue the investigation. This was countered by a member saying that although there had been numerous votes on the pinch point none had involved more than 50% of residents. So, in fact there is no majority that has voted in favour of it. Another point was that the members had been polled four times and although there were faults in the method at some stage you have to take a majority of those that bother to reply. A response was that it is a difficult issue but doesn't mean we should stop trying. HS stated that the committee has received legal advice which says that it is not legal to obstruct the road. One member did not believe this to be true and that there were caveats to take into account.

ACTION: JL will formulate some wording for the committee to consider. JM will report back on the pinch point investigation. Maybe that we add a sentence: "do whatever is practicable and legal to minimise the use of the road by others unauthorised". The pinch point issue needed to be discussed at a further meeting. Proffered statement: "We do all that is legal to minimise traffic movements on the road to minimise wear and tear and to optimise the spend"

Membership clauses:

It is unclear how many votes Queen Anne School, Greycoat Court and Mander Court will be entitled to. Queen Anne is different as they have a lot of traffic related to a school of that size.

One point raised was that in 3.1 and 3.2 it was felt that it should read "full annual contribution" as it stands people who only contribute a minimum amount would still have full voting rights and could become a member of the committee and this would not be fair and there would be no incentive to contribute. Greycoat Court contribute as a committee (4 units); Mander Court is one contribution from the owners of the Building, similarly QAS is one contribution - equivalent to 31 properties. An issue that has not been fully addressed is those members who have a "frontager" responsibility for the road written into their deeds. Associate membership is to enable tenants and household members to be included as there is a one vote per household policy. The question was asked regarding how many people did not pay - the answer was a minority. It should be considered that those who only offer part payment may have good reasons for doing so and excluding them could have an adverse effect.

Another point raised was does paying automatically make you a member. Because some people might be willing to contribute but not wish to have the responsibility conferred on them by being a member. Is it automatic membership if you pay or do you have to join? So perhaps there is a need to state how you become a member. It seems to hark back to liability.

ACTION: Clarify what membership groups mean to engender confidence and get people on board. Possible names for membership could be full, Associate and Contributor. There is also some doubling up which needs to be corrected.

There was no time available to discuss other elements of the constitution particularly contributions as it attracted a lot of comments.

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Next meeting

Decided since the meeting to be Wednesday 14 April at 7pm for 1 hour to discuss contributions.

Meeting ended at 8pm