

Committee members

PRESENT: Co-Chair: Lyn Anthony-Higgins (LA) – chair meeting
Co-Chair: John Mullaney (JM)
Treasurer: Helen Savidge (HS)
Committee: Carole Kingston (CK), Jon Lloyd (JL), Jamie Harcourt (JH)
(When referencing the above, first and second name abbreviations will be used throughout)
Other DRFA members present: two households

1

Welcome and introductions

Co-chair JM welcomed attendees and reminded everyone that the meeting would be finishing at or as close to 8pm. Normal protocols were to be followed: respecting people when they are speaking and residents attending to indicate their wish to speak by raising their hand either visually or virtually. The chair will decide who speaks and when because of time constraints. He then passed over to LA who chaired the meeting, which was quorate.

2

Apologies for absence

Rob Halpin (RH) had sent apologies and gave his proxy vote to JM.

3

Minutes of meeting of 20 September 2021

3.1

LA asked if the Committee agreed that the minutes of the 20 September meeting could be agreed as an accurate record of the proceedings and be published on the website. JM said for the record that all members present agreed and RH's proxy vote was added.

3.2

LA then asked if there were any matters arising. JM said there had been several responses to the Committee following the circulation of his report on the lawful and legal control of the use of Derby Road in September 2021. A few of these had suggested improving road signage and highlighting road safety (e.g. painting the speed limit on the road, clearer markings at the Derby Road/Grosvenor Road junction). A few had also suggested more traffic-calming measures such as chicanes or more speed bumps.

ACTION TAKEN: contact has been made with the Thames Valley Police (TVP) Safety Officer (Dave Edmunds). The police are adamant that any closure should be manned and advised against undertaking this ourselves. Reading Borough Council (RBC) Highways Officer Jemma Thomas has also been contacted (JM confirmed her full email will be **attached** to the meeting minutes) and she had stated as follows:

“Though there are regulations that govern what we can do on the highway, there may be deeds, clauses or rights of way for access which could apply on private land, which we will not be familiar with. As a local authority, we may object to anything that prevents ease of legitimate/emergency access or that has an impact on the highway.

We would recommend that you seek advice on any clauses that could apply on Derby Road that could have an impact on what type of traffic calming measures you can install, as we are not in a position to investigate this.”

JM said unfortunately the question of the lawfulness, or otherwise, of closing the pinch point has not been resolved to the satisfaction of every resident. He stated that one response to the report had cast doubt on the objectivity of his research and the quality of the legal

advice received from the solicitor employed by the previous Committee in 2020, as well as on the objectivity and credentials of the other legal opinions JM had sought in his inquiries. He wished it to be minuted that he had been careful to pose any questions objectively during his research and, when asking questions, did not know what the answers to these would be. He expressed disappointment that the criticisms of the report had been expressed in the form of personal attacks on his own credibility and the professional credibility of the solicitor and the other legal sources who had been consulted.

JM went on to update the Committee on the Certificate of Lawfulness of 20 March 2019 issued by RBC regarding the pinch point. Contact had been made with RBC's legal team, Patricia Tavernier responding on their behalf (JM confirmed that this email would also be **attached** to the minutes). Ms Tavernier confirmed that the Informatives issued with the certificate of lawfulness did not give permission to lock a barrier and that Rights of Way will trump everything and can only be extinguished by way of a legal order. She stated that RBC has no authority to state whether the barrier may be locked or not on a private road and suggested we seek private legal advice to assist in resolving any disputes between residents.

JM noted that to date, all legal advice received is that barring Derby Rd is most probably unlawful and maybe even illegal. The DRFA's insurers say that in these circumstances we would not be covered should a claim be made following the road being barred. JM urged anyone who wished to know more about this to contact him.

JH asked if the gate should be closed at least once a year for legal reasons. JM said that legally, closure of the gates was required only once every 20 years rather than every year; however, that meant that it could easily be forgotten. JH suggested that once a year would be a good idea. JL said that based on the current legal advice, if there was a closure, then the gates could not be locked and it would have to be manned. JM said that something to take into consideration was the TVP Safety Officer's concern that the closing of the gate could possibly cause a tailback onto the public highway. There was some consensus over the principle of an annual closure of the gates, with the proviso that logistics would need to be worked out, bearing the above points in mind.

HS said she would be interested in seeing the residents' traffic-calming ideas and those of the TVP Safety Officer, and asked if a short report on this could be compiled that could then be discussed at the next meeting. JM agreed to do this.

ACTION POINT: JM to circulate a short summary of traffic-calming ideas received from residents and the Safety Officer amongst Committee members, to be discussed at the next meeting.

4

DRFA combined liability insurance renewal: 7/11/21–6/11/22

LA stated that the Committee's unanimous decision made via email on 29 October 2021 to take out a Combined Liability Policy with Aviva Insurance Ltd via Q Underwriting Services Ltd (Casualty Division) was recorded: the combined renewal premium is £409.12. (The current total cost of the two separate insurance policies is £561.44.) There would be a return premium from the Ashburnham policy of £46.38 – a pro-rata refund less a £20 cancellation fee. This amounted to a saving to the Fund of £178.70.

LA said that normally the large policy documents would be put on the website, but in this instance the insurers have supplied a Verification of Insurance (Vofi) which says what the road is covered for and the liabilities. The Vofi will be added to the website. JL also noted that the full insurance document had previously been on the website and it was too much information in any case. LA asked whether the refund from the Ashburnham policy had been received. HS said no, but that the new policy had been paid for and the road was insured.

ACTION POINT: LA to chase up Ashburnham insurance for refund.

5

Treasurer's Report

5.1

HS said the report had already been circulated to Committee members and asked if anyone had any questions on it.

There was discussion of contribution levels and their implications. A total of 184 households had contributed to the 2021 request, which was in line with the number of households recorded for 2020 (184) and 2019 (186). 19 households that hadn't contributed in 2020 had contributed in 2021 (17 of these were in Council Tax Bands C and D), although 19 households that had contributed in 2020 had not done so in 2021. The majority of the latter group were higher Council Tax band households, so although total number of households contributing was thus far the same as last year, because of the change in the contribution system in 2021, the actual monies received was slightly lower.

Two households gave the pinch point not being closed as their reason for not contributing, while another said they wouldn't contribute unless the Committee confirmed that the pinch point would not be closed again. Three households had given the new Council Tax bands model as their reason for not contributing or had offered part-payment. HS said we have to acknowledge that not everyone thinks the same.

JL said he was reassured that the change in how contributions were calculated had not had a negative impact on the number of households contributing and that it was good to see some households paying who hadn't paid last year. The next task would be to get those who had switched to not paying back on board. He also noted that the historical figures showed that the switch to requesting voluntary payments rather than claiming contributions were compulsory in 2020 had had little effect on the number of households paying in, despite some residents seeming to think that contributions had dropped as a result of this change. JM said it should also be remembered that the last couple of years have been financially difficult ones for many people.

Paul Higgs (a resident) wanted to know if receipts were issued for contributions. He cited the fact that during his house purchase, the previous owners had stated that they had already paid the contribution for that year, but it appeared they had not. HS said that historically this hadn't been the case except when landlords had asked for receipts for tax purposes, but that in future residents would be offered a receipt for their contribution. She would look at how best to organise this.

ACTION POINT: HS to supply receipts of payment to contributors.

6

Derby Road residents working party

6.1

Leaf sweeping: LA asked for feedback on the recent leaf sweep and whether it was something that could be held annually. JL said it went well despite the stormy weather and that some neighbours had said they would be keen to be involved in such things in the future. HS felt the visibility of the Committee doing something for the road may have encouraged more contributions that arrived in the week following the leaf sweep by acting as a reminder of the Committee's existence and work. LA suggested identifying dates in the calendar for the work and to produce publicity sooner. JL said the date might need to be decided nearer the time as the timing of the leaf fall varied from year to year. RBC would have charged £270.54 for the work, so a good value for money saving was made. CK said perhaps there are other projects that could be done to save money and engender a sense of community spirit. JH suggested the maintenance of the railings and gate on Peppard Road would be a good project which didn't need to be done all in one go but over a period of a couple of months. LA asked JH to compile a list of possible projects that could be considered.

ACTION POINT: JH to compile a list of projects.

6.2 **Gulley cleaning:** LA said she had contacted a company recommended by HS called Rodwell, who said they were unable to undertake the works because they did not have the necessary equipment for the disposal of waste on Derby Road and suggested RBC. The work was last undertaken by RBC in February 2020 at a charge of £275 + VAT for emptying the gullies and catchpits which are deeper than is usual. A quote of £330 + VAT had been given. JH thought it should be done as soon as possible. LA was keen to make sure the rodding was carried out correctly. JH said he would be around if he knew when they were coming.

ACTION POINT: JH to be visible when the gulley clearing takes place.

6.3 **Street lights:** LA said these were installed in 2018 and no maintenance has been carried out since. JM said he had walked the road and noted they were all working. JH said he would check them again and if there were any problems then something could be done at that point. HS did not think it was necessary for them to be inspected on a regular basis. JH said RBC pay the electricity for the lights in an historical agreement with Moss Close. JM added that they paid for it in lieu of paying some fees towards the maintenance of the road. CK asked whether they were on all night. JH said yes and that he was glad of this, as many people wore dark clothing when out at night and he felt that the lighting also helped with security.

ACTION POINT: JH to visually check the street lighting.

7 **Any other business**

JL said the website was currently unsecure and that it needed to be rectified as soon as possible – he would look into the possible costs of this. He stated that the website was not greatly used at present, perhaps because people don't know it's there. He also said it is unwieldy at present and he would like to propose looking through it, removing outdated information and re-ordering to make it more user-friendly. At present it had two main purposes: the keeping of records and archives such as AGM and Committee meeting minutes, and also basic information/news on the road for new residents. He said he would undertake this if everyone was happy with that. HS suggested checking with RH that we are not already paying for the required security certificate. JL said he would contact RH to move forward with this issue.

ACTION POINT: JL to look into making the website secure and updating the content.

8 **Date and time of the next meeting**

No date was set for the next meeting

Meeting ended at 8pm

Attachments referred to in 10 January 2022 minutes

From: Thomas, Jemma

To: [REDACTED]

Sent: Mon, Nov 15, 2021 1:12 pm

Subject: RE: Derby Road

Dear Mr Mullaney,

Thank you for your email. I apologise for the delay in responding to you.

It is difficult for us to give advice in this situation. Though there are regulations that govern what we can do on the highway, there may be deeds, clauses or rights of way for access which could apply on private land, which we will not be familiar with. As a local authority, we may object to anything that prevents ease of legitimate/emergency access or that has an impact on the highway.

I have attached a PDF which shows a number of traffic calming options presented by the Department for Transport which may be of some interest to you, though again this was created for highway land. We would recommend that you seek advice on any clauses that could apply on Derby Road that could have an impact on what type of traffic calming measures you can install, as we are not in a position to investigate this.

You could also engage with a qualified consultancy who is able to design traffic calming measures.

Kind Regards,
Jemma Thomas
Network Management

Tavernier, Patricia Nov 9 2021

To: John Mullaney

Cc: Batteson, Wendi

Good afternoon John,

Apologies for the delay in getting back to you.

There appears to be a misinterpretation of the Informatives. The Certificate of Lawfulness dated 20th March 2019 does not give permission to lock a gate.

Looking beyond the Certificate of Lawfulness, in order to maintain the Private Road status of Derby Road, the residents/landowners amongst numerous other things can prevent access to the road to non residents in the form of locked gates, fences for at least one or more days a year.

Permission from the Council is not required to exercise such action over a private road as locking or unlocking a gate on a private road does not fall within the remit of the Council and it is for those residents to decide how they would like their private road secured/maintained. As such, the Council has no authority to engage in any dispute as to whether gates should be locked or not.

In the interest of clarification, the physical installation of a gate may require express consent from the Council as private roads are not exempt from planning control.

I am very conscious that I cannot provide you with legal advice so please do not hesitate to seek your own private legal advice to assist in resolving any disputes between residents.

Sorry I can't be of more assistance to you with regards to this.

Kind regards Patricia