

MINUTES OF THE COMMITTEE MEETING OF THE DERBY ROAD FUND

16 DECEMBER 2020 at 7 pm via Zoom

Meeting started at 7.10pm

Present

Lyn Anthony-Higgins (Chair), John Mullaney (co-Chair), Liz Westerlund, James Harcourt, Brain Cairns.

David Moro (Treasurer), joined the meeting after 10 minutes, Gillian Vooght, co-opted non-voting committee attendee, joined the meeting after 10 minutes

Members of the DRF community joined the meeting at various stages.

1. WELCOME AND INTRODUCTION JOHN MULLANEY, CO-CHAIR

1.1 Co-Chair Lyn Anthony chaired the meeting.

2. MEETING PROCEDURE

2.1 Noted by Committee.

3. VOTING

3.1 Noted by Committee.

4. APOLOGIES FOR ABSENCE.

4.1 None noted. DM on arrival apologised for lateness.

5. MINUTES OF THE DERBY ROAD FUND AGM MEETING HELD ON THE 13th NOVEMBER 2020

5.1 Minutes of the Committee meeting held on the 13th Nov 2020: Approved

6. MINUTES OF THE INFORMAL MEETING HELD FOLLOWING THE COMMITTEE MEETING HELD ON THE 13TH NOVEMBER 2020

6.1 On a point of clarity, two attendees said that they were not happy with the location of the PP, the way in which the consultation was handled with special reference to responsibility for that section of the road where the PP lies.
as published on the minutes on the website.

6.2 Minutes were Approved.

6.3 ACTION

JM to amend the minutes of the Informal meeting, reflecting 6.1.
JM to send Minutes to LW to be posted on the website.

ACTIONED ON 17TH DECEMBER 2020

7. MATTERS ARISING NOT ON THE AGENDA

7.1 None noted.

8. TREASURER'S FINANCIAL REPORT

8.1 Due to BT internet difficulties over a period of time, the Treasurer has been unable to prepare his report but will report to the next DRF Business meeting on 13th January 2021.

8.2 ACTION

DM to prepare the Treasurer's financial report which will be included with the papers accompanying the agenda.

9. THE WRITING AND ADOPTION OF A CONSTITUTION: TERMS OF REFERENCE

9.1 The next item on the agenda is the Constitution and as a newcomer to the road I would like to make the following observations

- Your voluntary Committee over the past 3/4 years has had five plus chairpersons and a number of changes of membership. Throughout that period Committee members have worked hard producing various drafts and iterations of a Constitution that have been discussed but for whatever reason never came to fruition.
- You will already know that the legal situation is extremely complex.
- You need trust and together we need to build that trust.
- You need clear channels of communication and communication is the golden thread to realising your aims and objectives for the Derby Road Community.
- You need to be clear about the aims, objectives, and legal status of the Fund, Derby Road and the side roads and how to protect those aims and objectives in perpetuity.
- you need an authentic and compelling vision
- You need community, and stakeholders engagement. Listening and engaging
- You need a Legal and Financial framework for the Constitution and you together with the voluntary Committee are now going to discuss how you plan to deliver that.
- Brian will now introduce the item on the agenda

Items 9.1 - 9.9

BC gave an outline of the legal questions, such as the responsibilities of those who have proprietary interests, the history of the Fund and why it was started. There is a clear need for legal clarity.

(DM and GV joined the meeting).

The Constitution will need to address such questions as:
membership, voting, level of the voluntary annual contribution.

For example the Constitution should address

Aims and objectives, - Ownership the road e.g. whether DRF should seek to buy the road. Because it was such a complicated issue, an attendee questioned the wisdom of seeking legal advice, and the committee should concentrate on the maintenance of the road, and the questions surrounding the contribution.

BC identified several aspects of the road such as its status, according to the Reading Borough Council (RBC) Derby Road is 'prospectively maintainable' (**See attached RBC letter dated 1997**). It is necessary to come to a clear understanding of these elements, along with the legal status and responsibilities, if any, that DR residents and non DR residents may, or may not, have.

A timeframe for these actions depends on the availability of both Committee members, and community volunteers.

First of all it will be necessary to identify the key tasks.

DM said that RBC has clarified their stance as to DR's legal status.

BC. RBC's letter to be included in the Constitution. There is also the issue of "rights of way and rights of access" for all the whole community.

JM pointed out the right of RBC to step in and maintain the road if DRF does not ensure reasonable upkeep. If RBC decided to step in it would not be at their cost.

BC and the Chair identified four workstreams:-

1. LEGAL FRAMEWORK
2. MEMBERSHIP
3. VOTING
4. AIMS/OBJECTIVES

The following volunteered to be involved in the following:

LA, JM, BC all workstreams

One attendee, Legal Framework and Aims and Objectives

Another attendee, Membership

JM suggested first creating the working party group, then dividing up the tasks.

BC commented that the east end of DR is disproportionately represented on the committee.

JM commented on the inequitable nature of the voluntary contribution.

HS commented that asking for personal information is a sensitive matter.

DM residents don't have "any enforceable responsibility." "They have an obligation to maintain (the road) but not an enforceable duty".

BC this is the sort of problem that needs addressing, we need to gather in the evidence and document it. This will put an end to the problem.

An attendee said that taking legal advice needs to be investigated, but seeking definitive legal advice might prove an impossible task, but it may be worth looking at.

If we do not get a Constitution, at least we should agree to a base level of understanding about how the road fund should be managed.

BC referred to the Private Road booklet.

JH we are members of the Private Road Association.

DM there is a forum in this membership which we can draw on.

BC We need to gather information ourselves, once gathered then could get legal advice. An attendee suggested circulating a note to ask for help in the areas we are researching. The Chair asked DM what were the objections to payments and could we have a list of objections without personal details.

DM advised that the objections were to the tone of the letter regarding payments of the annual contribution, not the content. He said that they thought that they were in position to enforce it, whereas we now know that this is not the case.

A resident asked if there is an intention in the Constitution to firm up the procedural side of the DRF.

The Chair confirmed that this will be one of the workstreams.

A resident said that subscriptions are one way of raising money but there are also social ways of achieving this.

BC posed the question whether we are purely a legal road fund raiser or an DR association?

Another resident agreed to let the Committee know, within 24 hours, if they were also able to volunteer?

The Chair advised that a letter will be delivered to the DR community asking for volunteers to help with the workstreams. As part of this we will also look at the DRF community preferred channels of communication and to seek their permission to use their personal details for communication.

JM advised that we needed to get together as a group then divide up into the workstreams.

Chair accepted an attendee's offer of revamping a previous DRF logo.

JH asked if anyone has any legal qualifications they can share?

9.10 ACTIONS

9.11 An attendee's offer to revamp Logo was accepted.

9.12 Chair to set up Constitution Working Party

9.13 Chair to draft letter to the DR community as outlined above.

10. NEW COMMITTEE MEMBERS

10.1 Helen Savidge submitted her nomination as a new voluntary Committee member. Proposer, Carole Kingston, and Seconder, Liz Westerlund.

10.2 DM informed the Committee that he had not received the email notification and felt that suitability should be discussed by the whole committee before anyone is appointed to the committee.

10.3 The Chair advised DM that JM had sent out email to all Committee members on Tuesday 15th December at 12.05.

10.4 JM asked if all other Committee members had received this email and all acknowledged its receipt.

10.5 An attendee asked what are the criteria of suitability?

10.6 DM said that we should discuss the nomination after the meeting.

10.7 JM as there is no Constitution there are no rules regarding procedure, we are looking for a way to go forward.

10.8 DM in the past this (discussion by the committee of suitability) has been due process.

10.9 JM at previous meetings at AGM this had not been the case.

10.10 DM at other meetings, other than at AGMs, this had been the process.

10.11 When asked if DM had anything contrary to say about the nominated person, he replied ... "I am not saying I have anything bad to say about Helen".

10.12 An attendee said that as there is no Constitution, and we are operating under different procedures.

10.13 JM (to DM). "My understanding is not that you object to HS, but the process by which she is being asked to join"

10.14 DM "That is correct, 'yes'".

10.15 BC we have no process, as we have no Constitution.

10.16 DM another factor is that the membership of the committee is limited.

10.17 JM no constitution, therefore no number.

10.18 The Chair and BC only on the basis of criminality can we turn down the nomination.

10.19 DM I am not saying I do have an objection, "I am objecting to the process not to the person".

10.20 The Chair proposed we accept Helen's offer, and we look at the process when we come to write the Constitution.

10.21 BC "I second that"

10.22 LW agreed

10.23 DM “So do I”.

10.24 The Chair welcomed the new voluntary Committee member.

10.25 BC “If there is any doubt, welcome Helen with a warm embrace”.

11. DATES & TIME OF FUTURE MEETINGS

11.1 The following dates and times of future meetings were agreed:

Wednesday, 13th January 2021 @ 7pm

Wednesday, 24th February 2021 @ 7pm

Wednesday, 24th March 2021 @ 7pm

Wednesday, 28th April 2021 @ 7pm

11.2 The Chair suggested that these meeting dates could also be used for the work of the Working Party workstreams. The Committee agreed.

11.3 Until further notice all meetings will be held by zoom and will be recorded and minuted.

11.4 The DRF Business Committee meeting scheduled for Wednesday 13th Jan 2021 at 7pm, will now also include the operation and work of the workstreams. The agenda will be published by the 6th Jan 2021.

12. ANY OTHER BUSINESS

12.1 As per notification by Friday 8th January 2021 (midnight)

13.1 CONCLUSION OF MEETING

13.2 The Chair thanked everyone for their contribution. The meeting ended at approximately 8.30 pm.