Agenda Item 4

Report to: **Elsea Park Community Trust Board**

Date: **Wednesday 5 February 2014**

Subject: **Management Report**

From: **Sally Waltham – Community Trust Manager**

1.0 Management Plan – Taking Forward

1.1 Following the LDA Design presentation the Board gave initial thought to consultation as outlined below:

It was agreed that there should be consultation on the management plan, taking place over two weeks, possibly in the Spring, with a one day event on a Saturday to seek residents' views in the manner suggested by LDA Design. A visual exhibition with Directors, staff and LDA Design being on hand was felt appropriate. The consultation should be over 2 weeks. It was agreed that this should be considered further by the Board.

1.2 Having reflected on my workload up to my final day with the Trust at Easter, I feel that any contribution I will be able to make to planning of the consultation exercise will be minimal. Additionally the workload for other staff is particularly high at this time of year. From this perspective the Board needs to decide how the Trust is to take this forward.

Recommendation

Board decision required

2.0 Springbank Consultation

2.1 Following the Working Group's presentation to the last meeting the Board agreed that:

- A letter from the Board be sent to all residents outlining the consultation results, making the report available and outlining next steps
- The fencing be removed from around the play area as soon as possible
- Given the synergy between the LDA Design management plan and the working group's recommendations on Springbank, it was agreed that the next step should be to include the Springbank consultation and recommendations in the management plan consultation.

2.2 The Working Group have reflected on the decision to remove the fence and wishes the Board to consider the following:

There is *something that Bryan and I discusssed following the board meeting, which was the point raised to remove the fence to show Springbank residents that the trTust were taking some immediate action. Our thoughts are that this should not be done in isolation from the other points that the majority of respondents agreed on.*

The reasons we believe the fence should not be removed are:

1. It would cause disturbance to the mulched area.

2. Dogs and cats would have easy access to the play and mulched areas with the prospect of dog and cat mess.

3. Encourage access from all points particularly through the laurel hedge which is close to the Terraced houses, causing more disturbance to those residents close by.

4. Further deterioration of the laurel hedge.

5. Creation of further access paths.

At the moment the fence forms a slightly visual barrier which at the least gives some barrier for the residents of Terrace Houses.

2.4 The other points, in addition to removal of the fencing, are:

- Replacement with low child-friendly fencing as used elsewhere on Elsea Park play areas
- Replace the mulched area with a suitable hard-wearing surface
- Review the play equipment provision to ensure it is all suitable for younger children

There is broad agreement on these points.

2.3 Having considered removal of the fence in the immediate future it will require an external contractor to remove it at a possible cost to the Trust and additionally turf will be requires prior to removal to replace some/all of the mulch.

2.4 The way forward may be to ask the residents of Springbank their view on whether they would like to see the fence removed ahead of consultation i.e. in isolation or prefer to wait until the wider consultation has taken place.

Recommendation

Board decision required

3.0 Charges for Grant of Consent

3.1 The Board has previously decided that it should review whether to levy a charge for the grant of consent on house sales. The Trust holds a restrictive covenant on each property at Elsea Park to ensure payment of the annual charge. If a property is sold then the Trust's consent is required to transfer the title with the restrictive covenant. This transfer is registered with the Land Registry using the Land Registry Form TP1 - Transfer of part of registered title.

3.2 The process is as follows:

New build:

1. First contact from the buyer's solicitor or developer solicitor informing us of the sale and sends across the TP1 document. At times we are dealing with 3 solicitors, two acting for the seller and one for the buyer. Eversheds outsource the work to individual firms.
2. TP1 checked and sent for signing by Directors, at this point the property is set up in the file
3. TP1 signed and returned to solicitor and marked in the file
4. Then receive the Deed plus member's application and payment
5. At this point we quite often get asked to provide information such as; full set of accounts, AGM minutes, and general information on the Trust and sometimes requested to fill out questionnaire forms.
6. Deed checked and sent for signing
7. Once signed deed sent back to buyer's solicitor and copy taken
8. Once buyer's solicitor has taken a copy for their file, the original deed is returned to us.
9. As long as payment and all other paperwork received we then proceed to send the consent to register (this is only on a few and has started recently, normal practice is that it is not required for new builds as done through TP1)
10. New property is then set up on the Member's register, new file created, and set up on SAGE
11. This is then filed away with all paperwork

12. The member's certificate is then created and send for signing by Directors

13. A copy of the member's certificate is then placed on file

14. A welcome pack with the certificate and copy of Deed is then sent to the buyer

Resale:

1. First contact is received from either seller's or buyer's solicitor.

2. We then send a pack that includes, covering letter, copy of deed, membership application form and blank consent to register

3. At that point we notify of the buyer's amount to pay on completion and any arrears on the property. The arrears are proportioned to completion date

4. We await the copy of Deed, application, payment from both sides

5. As points above 6 – 14

3.3 The scale of the numbers involved is:

129 properties completed from 1st April 2013 to 27th January 2014, of that:

- 87 are new build completions
- 42 are resale completions

New sale completions extrapolated to year end would be 105 which would mean about 35 completions per developer for the year. The developers estimated about 40 properties each per year.

3.4 It is difficult to be precise about the time taken to process each transfer given the wide variability. Typically for each transfer the time expended is estimated at 2-3 hours each, some more, some less.

3.5 Based on planning permissions there are over 1500 new homes yet to be built.

3.6 If the Board is minded to introduce a charge the figure of £100 exc. VAT would seem reasonable based on staff and Directors time plus consumables. Currently the cost of carrying out the work related to transfers falls on charge payers generally. Based on, say a charge of £100 and current figures, this equates to £11+ on each charge payer or a total of £10,500.

3.7 The Board is asked to consider whether to introduce a charge for this service from 1 April 2014

Recommendation

Board decision required

4.0 Monthly Log

Type	Issue	Comment
Ditch – Linear Park	One owner on Tennyson Drive is claiming that he holds riparian rights over the ditch and objects to the ditch maintenance	A claim to riparian rights over a ditch is not founded where there are land ownership rights. This position is endorsed by the Environment Agency. The Trust owns the land including the ownership of the ditch. The owner has been informed accordingly
Wake Ponds	An enquiry was received about whether the ponds could be used for boating	The request was denied mainly on H & S grounds, lack of suitability for boating and disturbance to neighbours. This position was endorsed by Kier
Bin – linear park	One resident of Pimpernel Walk has requested that the bin close to his home be resited	The request has been refused. The bin has been in place for 2 years, is 6 metres from his property, the other side of a fence and. the linear park footpath. It is sited at the junction of two footpaths/cycle ways and so is convenient to walkers and cyclists

Recommendation

None – for information