Agenda Item 5

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

Date: **Wednesday 5 March 2014**

Subject: **Management Report**

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

1.0 Annual Charge Variation

1.1 At the Board meeting in January 2014 a query was raised about the scope for the Trust varying the annual increase from the link with the Retail Price Index (RPI). There was no intent to vary the charge increase for the 2014-15 year.

1.2 The wording from the restrictive covenant is reproduced below:

In this Deed the following expressions shall unless the context requires bear the following meanings:-

"the Yearly Payment" means the sum of One Hundred and Eighty Nine Pounds (£189) Index Linked

"Index Linked" means an increase or reduction in the same proportion as the final figure for the Retail Price Index (All Items) published in the month immediately preceding relevant Payment Date bears to the final figure for the Retail Price Index (All Items) published in May 2001 In the event that the Retail Price Index (All Items) ceases to be published or if the said Index or the basis on which it is calculated or published is altered to a material extent then there shall be substituted a reference for another Index decided on by the Trust acting reasonably

1.3 As the RPI is still in place and has not been materially amended. In 2012 the Office of National Statistics did carry out consultation on the method of calculation of the RPI given the increased use of the Consumer Price Index (CPI). They recommended that no changes be made to the method of calculation of the RPI. This means that the link between the charge and the RPI under the restrictive covenant remains in place.

1.4 Previous informal legal advice indicated that a move away from the terms of the restrictive covenant may constitute a breach of contract between the Trust and homeowners. This may have implications for future increases.

1.5 Given the potential implications of moving away from the RPI linkage, it is recommended that should the Board wish to vary the increase in the future, they take legal advice before doing so.

Recommendation

None – for information

2.0 Drainage Update

2.1 This report provides an update on two elements of drainage:

- The work of the working group on drainage; and
- The complaint from a resident of Tennyson Drive/Betjeman Close

2.2 The working group, together with the Trust Manager, produced a brief for their work which was agreed by the Trust Chairman. This is reproduced below:

Elsea Park Drainage Review

- *Current Position - Presentation by Wormald.*
- *Future Strategy - Kier*

The current position and the future strategy are defined in the two recent reports provided by Wormald: one presented to the Board dated 4th December 2013, the other commissioned by Kier dated September 2013.

- *Check the status of the Kier report in the planning process.*
- *Confirm responsibilities for Foul Water Drainage.*
- *Explore Options the Trust may take for obtaining specialist information on drainage.*

Implications for the Trust will be covered in the report as follows:

a). Identifying the Authority responsible for the Drainage area covering Elsea Park and its' role and responsibilities.

(b). Source of information regarding changes to drainage with rationale for changes in legislation.

(c). Role and responsibilities of the trust in managing the drainage system.

(d). The process required to ensure the drainage system is maintained at its' designed capacity.

(e). Cost to the Trust of maintaining the Drainage system.

2.3 The working group will produce a report to the Board based on this brief but this interim report is to inform the Board of positive early progress. We met with the SKDC Project Officer (Land Drainage and Flood Prevention), Chris Maw. Chris has been in his role for around 20 years and was able to provide us with a comprehensive account of roles and responsibilities for drainage across the district and for Elsea Park in particular. This was invaluable and he is able to offer on-going support and advice. The meeting, followed by an inspection of the drainage system currently in the Trust's ownership will provide a sound base for the group's work.

2.4 Turning to the complaint from the private owner on Tennyson about the ditch parallel the linear park, complaints have continued, primarily about water flows. The complaints have been made to Chris Maw at SKDC and copied in to a range of people and organisations. A response is to be made to the complainant by the South Kesteven Flood Risk and Drainage Management Group.

This is a group that is responsible for an integrated approach to drainage including both approval of new strategies and schemes and enforcement on drainage problems. Its membership comprises the County and District local authorities, the Environment Agency, Anglian Water and the Internal Drainage Boards. The Group is to inform the complainant that they are satisfied with the drainage of the ditch close to the Linear Park and its maintenance.

None – for information

3.0 Grounds Maintenance Update

3.1 Following consultation, Ground Control is introducing new operational arrangements for the contract at Elsea Park. They are using a field team based in South Lincolnshire. At the same time the management arrangements for the operational work have been changed.

3.2 They are introducing a Key Account Manager and a client portal on which the team will log their site visits and times, together with before and after photos.

3.2 The arrangements started this week.

None – for information

4.0 Welcome Meetings

4.1 The second of the Welcome Meetings was held on Wednesday 26 February 2014. Personal invitations were sent out to around 35-40 new residents. A week's notice was given with RSVP requested. The response to the invitation was extremely limited but at the time of writing the numbers attending is not known.

Recommendation

None – for discussion

5.0 Monthly Log

Type	Issue	Comment
Anti-social Behaviour	Tree on The Centre play park has been snapped down	It will be replaced in the Spring
Parking	Complaints have been raised about contractors on the Tilia Way site parking vehicles on The Pollards and Campion Way	Issue raised with Kier Homes requesting that they take up the matter with their partner contractors

Vehicular nuisance	Misuse of Centre car park by youths	Service of traffic offence notice by Police, in Tesco car park, following a report by the Trust Youth Worker. Police action supported by footage from Trust CCTV

Recommendation

None – for information