

**Elsa Park Community Trust Annual General Meeting Minutes  
Wednesday 17<sup>th</sup> September 2014**

<b>Present:</b>		
Angela Bailey	AMB	Resident Director ( Chairman )
Jono Brough	JB	Resident Director (Vice Chair)
Matthew Upex	MU	Resident Director (Finance Director )
John Kirkman	JK	Elsa Park Primary School Representative
Dan Browne	DB	Kier Representative
Paul Fellows	PF	Bourne Town Council Representative
<b>In attendance:</b>		
Barry Cook	BC	Trust Manager
Rebecca Jones	RJ	Finance and Admin Officer
Liam Dodd	LD	Assistant Administrator

The meeting opened at 19:00

### **1. Welcome & introductions**

AMB welcomed all members, residents, directors, and staff to the meeting and thanked everyone for their attendance.

Apologies for absence had been received from Adam Cooke, Judy Smith, and Jane Whitehead (directors) and from Mr & Mrs Crawford-Clarke, Mr & Mrs Ward, and Mr Wilson (Trust members).

### **2. Approval of the Minutes of the last AGM held on 21<sup>st</sup> October 2013**

The minutes of last year's AGM were reviewed. It was proposed by Marion Jordon and seconded by Maureen Benjamin that the minutes be accepted as an accurate record of that meeting. Carried unanimously.

### **3. Chairman's Report**

AMB delivered the Chairman's presentation, which is attached at Annex A.

AMB advised that the welcome meetings had been poorly attended. Approximately one hundred personal invitations had been sent out to new members, but only ten people in total attended the three meetings. In view of the low take up, no further meetings are planned, but members can call into the Trust Office at any time during normal business hours for any information they might require, or to discuss any matter.

JB delivered a presentation on the Green Transport Initiative, which is attached at Annex B.

Mrs Buy asked if the Green Transport Fund could be used to supply every resident with a new bicycle. JB responded that this was impractical given the costs involved, and that the monies would be used to fund a number of other green transport projects.

Mr Youngman asked what would happen to the footpath along the western edge of Wherry's Spinney when Kier build Phase 5 of Elsea Park. DB advised that the footpath would be upgraded to a footpath / cycleway in accordance with the original Section 106 stipulation.

AMB advised that the Events Group have put on a range of events and activities which have been successful. There is a grant system in operation (administered by the Events Group) that can provide start-up funds for any member who wants to set up an activity or interest group.

AMB informed the meeting that there had been some great work from the Project Group (members Dave Forrest and Brian Summers) regarding ditch and drainage issues and they will be taking their findings to the Board to progress further.

#### **4. Finance Directors Report and Approval of Annual Accounts 2013 – 2014**

MU gave an overview of the financial position of the Trust, the annual accounts, and the outcome of the independent audit.

MU then presented the financial statements for the year ended 31 March 2014. These had been discussed and agreed at Board level. They have been audited by Robert Anderson and his team at Streets and a copy of the financial statement is available for download from the Trust website, or for viewing at The Trust office.

MU identified a number of areas that he felt members may have queries on and followed with explanations of each one. He went on to summarise the Profit and Loss Account.

**Staff Costs:** These are higher this year due to an increase in staff numbers, with the pay review having a minimal impact. MU and the rest of the Board feel that the Trust is getting good value from its staff.

**Repairs and Maintenance:** As the Trust take on more of the green areas, more grounds maintenance work is required. Some ditch dredging was also undertaken, with the associated increase in costs comparative to the previous year.

**Legal And Professional Fees:** The Trust had engaged in developing a maintenance schedule and ecology report through LDA in order to safe guard the future of Elsea Park. Other major costs included the work on the new Articles of Association as we prepare to move away from the control exercised by Kier.

**Q.3** Dave Forrest asked why is there a loss and why was it not budgeted for?

**A.3** MU explained that the loss was expected and was budgeted for.

**Q.4** Mr Leech asked why there was a 61% increase in the repairs and maintenance and why the increase was so high.

**A.4** MU explained that The Board would generally expect a straight line increase in these costs, but that step increases will occur every time the legal transfer of amenity land and assets (from the developers) takes place until all building on Elsea Park ceases.

**Q.5** Mr Leech asked why there was a 19% wage increase. What increase did the staff get?

**A.5** MU explained it was unreasonable to outline specific increases in pay, but that the overall increase in salaries was 1%.

**Q.6** Bob Welch asked why the annual charge had to go up each year, and wondered why the increase was taken from The Retail Price Index (RPI) rather than The Consumer Price Index (CPI), which is generally lower.

**A.6** The Deed of Covenant established the requirement to use the RPI. It states that an alternative index can be substituted if the RPI “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”.

**Q.7** Bob Welch said that he thinks that the Board do have the power to set the charge up or down.

**A.7** AMB advised Mr Welch that The Board review the % change in the index each year. AMB added that whilst she appreciates what Mr Welch is saying, she does not believe The Board has the power to use an alternative index other than in the circumstances detailed in the previous answer.

AMB summarised that The Trust may make a large profit one year, then a loss the next and so on whilst our expenditure remains one of peaks and troughs. Until we get to a steady state, own all intended assets, and know the real costs of maintaining those assets it will be difficult to review the charge with a view to reducing it.

**Q.8** Can we approach the Town Council to ask for support financially? Can we also ask for assistance for the bins etc?

**A.8** BC explained that the land and assets are owned by the members and that the Section 106 agreement was set up by the Local Authority specifically so that members would bear the costs of such things as the provision and emptying of bins and the up keep and repairs of the play areas, amenity land, and Meadows.

BC added that he had contacted two similar developments to determine how they operate and how they had been set up. The first has a similar charge to ours (and they own far less assets) but the fee for the second was approximately £400 this year.

At the development where charges are broadly in line with those of Elsea Park, The Board are permitted to vary the annual charge (up or down) as they see fit. Whilst that means that there may be a reduction in fees one year, the increase the following year could be massive if a major expense had to be met during the year or was anticipated for the coming year.

PF confirmed that the parish council has limited funding and perhaps less than what the Trust has. South Kesteven needs to have questions posed to them on a way forward. JS is aware of the current situation but the Board will approach it again.

**Resident Comment:** Sue Buy said she feels that the charges are minuscule compared to another estate that her friends live on.

**Q.10** Dave Forrest suggested the Board should develop a five year business plan and evaluate the costs to the Trust so they are aware of the oncoming costs.

**A.10** AMB advised that we are already in the process of creating a five year forecast. It will be made available to members once completed.

MU moved on to explain the Balance Sheet.

MU stated that one of the key areas where the Trust can be seen to be improving year on year is with the collection of debt. It is the lowest it has ever been at 12.1%. Of the figure of £27,000, £18,000 was aged debt (from a number of hard core debtors) and we have now recovered £16,000 of that £18,000.

MU advised that the Trust is now managing £1.2 million worth of assets.

Robert Anderson gave a background on Streets and advised how their audit was conducted and invited any questions.

MU then proposed that the residents approve the accounts for the year ending 31 March 2014.

Proposed: Mr Leech

Seconded: Kevan Bailey

The accounts were approved by a majority vote.

MU proposed that Streets Accountants be re-appointed as The Trust's auditors.

Proposed: Dave Forrest

Seconded: Alicia Cook

The motion was carried by a majority vote

## **5. Moving Forward**

AMB gave an overview of the achievements of The Trust over the previous year and the key issues for the future (these are covered in the presentation attached to these minutes).

## **6. Questions from the floor**

**Q.11** Mr Penny: How much longer is the Trust going to have Kier on the Board? Can we make sure that before we accept any more land etc. from any of the developers that expert advice is sought?

**A.11** AMB replied that The Board has learnt some lessons over the years, especially concerning the costs of maintaining the drainage structures. The Board will ensure that The

Trust obtains proper, independent advice prior to taking on any future assets, especially when maintenance costs are likely to be high. This will, however, give rise to considerable professional fees as the Trust will be usually need to employ subject matter experts to provide this advice.

AMB advised that once The Trust is no longer in the overall control of Kier, The Board will still like a representative from the developer(s) until the last house is built, and all assets have been handed over. There is a possibility that Kier will not have a material interest in Elsea Park when this occurs.

**Q. 12** Bob Welch said surely it is in the best interest for The Trust to take land and assets on at the last minute?

**A. 12** On land that is owned by the developers they tend to be in a bad state. If the Trust owns the areas then they can be maintained to a higher standard. For example, the Badger Lane play area is not yet owned by the Trust, and the bins therein are not emptied frequently enough. Members and residents in that area pay the same annual fee as everyone else, and expect to see the bins emptied. On some areas and structures (such as the Wake Pond), the Trust would rather take those on as late as possible whereas there are other areas of amenity land that the Trust want to accept earlier to enhance the environment and to benefit the members.

**Q. 13** Stuart Benjamin said the roads are tired and dirty and some roads are never swept. He would like to see them swept more frequently.

**A. 13** AMB advised historically the Trust have treated the weeds on all roads. AMB said this is largely an issue for Kier. DB said it would be more beneficial for the Trust to treat the weeds on the roads etc and recharge the costs back to Kier. DB said he will arrange for the roads to be swept more frequently and investigate which areas are swept at the moment.

**Q. 14** Kevan Whalen stated that he would like to see a 20mph speed limit throughout Elsea Park. The speed bumps are awful and create a lot of noise. He added that some people speed along the cycleway on mopeds, and would like to see a kissing gate near Russell way on the entrance to the cycle path / footway.

**A. 14** AMB advised that until the roads are adopted there is nothing the Trust can do. We plan to contact the appropriate authorities as the roads near adoption to try and get a 20 mph speed limit imposed.

AMB asked why we still have speed bumps on some of the roads. BC advised that he had tried to get some of the speed bumps removed, but had discovered that the developers are obliged to install them on the haul routes taken by delivery vehicles until building work concludes on a particular phase. DB confirmed that Kier will be finished in that area soon and the speed bumps on Russell Way and Sandown Drive to which Mr Whalen was referring will then be removed.

**Q. 15** Sarah Hill raised her concerns on vehicles emerging from driveways on some roads without checking the roads were clear and that she frequently sees drivers using hand-held mobile phones whilst driving. She added that she was worried about general road safety on Elsea Park.

**A. 15** JB advised there is a section on the Aykroft / Tilia Way junction where the hedge is lower and that as long as drivers proceed carefully then the road layout and design should work as intended. The Trust can do little about poor driving standards, though we can ask residents to be more considerate through an article our newsletter.

**Q. 16** Mr Whallen asked why, if the developers can post a lower speed limit on a construction site, a similar limit cannot be posted across Elsea Park?

**A. 16** DB advised that Mr Whallen had made a valid point; Kier always insist their own staff and sub-contractors drive with care and consideration, and obey all speed limits. They can, and have banned such drivers from driving on the development. Unfortunately, there is little they can do about drivers that they, or their sub-contractors have no control over.

**Q. 17** Mrs Penny asked if, prior to the adoption of any combined cycleways and footpaths, a line can be painted to clearly mark the section that is for pedestrian use.

**Q. 18** Stuart Benjamin advised that many pavements still need topping out

**A. 18** DB confirmed that there is an adoption agreement now in place and all the topping will take place during that process.

**Q. 19** Stuart Benjamin asked if Kier are building near the Ridings again does that mean the Ridings will be swamped with mud again?

**A. 19** DB confirmed that this may be the case and that Kier will do their best to keep the mud to a minimum by ensuring roads are swept frequently.

**Q. 20** Andrew Youngman asked what could be done to stop vehicles parking on the roundabouts at the junction of The Gables and The Ridings / Greenacres Drive as this can obscure the view of the junction and make it difficult to negotiate the roundabout safely.

**A. 20** DB replied that has worked on other developments where double yellow lines have been painted, but that parking enforcement is not easy. Kier might be able to implement this to help with the traffic problem, but will have to liaise with the Highways Department to make sure that if they provide such road markings, adoption of the roads will not be further delayed.

**Q. 21** A member asked if Taylor Wimpey are responsible for tidying up the areas that they have developed?

**A. 21** DB advised that Taylor Wimpey are responsible maintaining their own areas in an acceptable state until they are handed over to The Trust (or the Highways Department).

**Q. 22** Is there anyway of overcoming the parking issues?

**A. 22** BC replied that he has been in frequent discussion with the neighbourhood policing team about bad parking and obstruction of roads and pavements, but has been advised that the police are powerless to act until the roads and pavements are adopted by the local authority.

**Q. 23** A member complained that there is no continuation of some of the pavements within Elsea Park and that some of the drop kerbs are confusing.

**Q. 24** Mr Leech asked how much the defibrillator that had been installed at The Centre had cost? He had been lead to understand that it had been installed for the benefit of the new school, yet had previously been assured that no costs associated with the provision of the school would fall o9n members of The Trust.

**A. 24** BC advised that the defibrillator had cost just under £2,000 to install. It had been provided for the benefit of everyone in the community who might one day need to call upon it to save their life. The Trust had been considering the purchase of the device for some time, and the opening of the school was a consideration in proceeding with the project sooner rather than later.

**Q. 25** Andrew Youngman asked why the police could not have attended the meeting as he strongly disagreed that they had no powers of enforcement with regard to parking / driving issues.

**A. 25** BC replied that the answers he had provided earlier were correct; the police have assured him that until the roads and pavements are publicly owned, the police are unable to take any action.

**Q. 25** Why do people walk along the footpath that runs adjacent to the play area on Springbank Drive and was intended to serve only those houses immediately net to the play park?

**A. 25** BC believed that the footpath was provided by the developer for the sole purpose of providing access to the front doors of that row of houses; he thought it was a private footpath. One of the reasons the laurel hedge was planted by The Trust was to create a physical screen between the houses and the play park to try and discourage other people from using the footpath.

Questions submitted prior to the meeting:

Only one question had been submitted prior to the meeting; this was regarding the provision of Superfast Broadband on areas of Elsea Park that did not yet benefit from the service.

BC informed the meeting he had already responded to the question via email advising that he was maintaining close liaison with Kier and BT. BT had now programmed in several cabinets for fibre capability, but that he had been unable to get a completion date for the works.

**Q. 26** Dave Forrest advised that there is no consistency in the posting of minutes and financial reports to the website, and that some of the minutes were long overdue for publication.

**A. 26** BC apologised for the delay. He confirmed that he had only recently uploaded the missing minutes / reports to the website and that he would endeavour to upload minutes once they have been accepted as a true copy. This approval can only be given at the Board meeting which follows the meeting at which the minutes were recorded. The minutes will normally be uploaded to the website within six weeks of the meeting to which they refer.

**Q. 27** Can we have an electronic copy of the memorandum on the website.

**A. 27** BC advised that he will source a copy and upload it to the website.

There being no further business, the meeting closed at 21:05.