



## WELCOMES & UPLANDS ROAD ASSOCIATION

### MINUTES OF THE ANNUAL GENERAL MEETING HELD IN KENLEY MEMORIAL HALL ON WEDNESDAY JUNE 10th June 2015 at 8:00 pm

#### Chairman's Opening Remarks

The Chairman welcomed the residents present and thanked them for attending. No new members attended.

#### Apologies for Absence

Apologies were received from Mr and Mrs Rundle, Mr and Mrs Hollis, Mr and Mrs Mc Callum (Committee Member), Mr and Mrs Dixson-Smith, David and Lynn Smith, Mike Mulvey and Glynis Meredith, Ann and David Jones, Mary Amin, Peter Darnell, Andrew and Alexandra Stillwell, Mr and Mrs Herring, Pat and John Magnus and Cllr Steve O'Connell

#### In attendance

Committee: Colin Brown (Chairman), Richard Russell (Secretary), Erik Haar (Outgoing Treasurer), Janice Scully (Incoming Treasurer), and Michael Lott (Uplands Road Representative)

Residents: 13 (12 in 2014, 34 in 2013, 17 in 2012, 10 in 2011) attended representing 9 (9 in 2014, 27 in 2013, 11 in 2012 and 8 in 2011) households. **Quorum: 10 voting members present.**

#### Minutes of the Last Meeting

The Minutes of the Annual General Meeting held on 24th June 2014 were adopted.

Proposed by Hartmut Klein and seconded by Betty Runacres.

#### Matters Arising

The Chairman updated the meeting on the dispute with the contractor who resurfaced Welcomes Road in 2012 and the written report sent round to all residents. The current position is that we await a decision from DAS, the insurers indemnifying our legal costs, on the acceptability of our counter offer to settle in the sum of £60k in response to the defendant's offer of £40k payable in 6 equal monthly payments. The Chairman read out the actual contents of the offer letter. The offer has so far taken about 10 days to deal with and we have recorded our concern with the solicitors on the loss of momentum in dealing with the matter. The legal position regarding our claim for legal expenses is not understood and the solicitors have been asked for an explanation.

The contractor's expert has a road building background and his case for the seal and chip failing is built on the lack of drainage on Welcomes Road. His arguments have been robustly countered by our expert and on this basis we believe the contractor would like to stop further legal proceedings. The Court (Technology and Construction) hearing is set for 23<sup>rd</sup> and 24<sup>th</sup> November. Our expert, Andrew Munro, noted that some 30% of the chips have disappeared when he re-visited the site in May this year, much the same as when he first saw the road in March 2013. He estimates the remedial work as costing £45-£55k.

Chairman visited the contractor's yard near Maidstone earlier this year and noted that the name on the plant there was being changed and the business is now being focused on home driveways.

Mrs Page (31 WR) wondered if any future resurfacing could be carried out at night as well as noting that traffic seemed to be using the road very early after the new surface had been laid. (It needs to be noted here that the seal and chip system requires traffic limited to a steady 20mph to help the chips embed and this only can happen if the weather is warm enough). Chairman felt it was early days to be talking about the possible remedial work but thought it is unlikely night work would be feasible. Due to the number of houses along the road some disruption and inconvenience to residents is inevitable.

Brian Page (31WR) asked why we cannot pursue settlement in the sum of £60k which is the amount of the original claim and it explained that whilst this would be ideal we have to be realistic in terms of what we think we can get out of the defendant as a final settlement.

Marc Fresko (12 WR) asked about the original amount of the claim and was advised it was £58,940. He also wanted to know what we would do if the insurers decline to pay our costs. It was thought that this was very unlikely to happen given the terms agreed with our solicitors who are part of a panel and selected for us by DAS. The Committee would have preferred a firm of solicitors based nearer London than Cardiff. Mike Lott suggested that we might have to pay the Expert fees of c£3,000.

Gary Lowe (163WR) asked about other claims against the contractor and it was explained that it appears some leased plant has been repossessed and other machines sold off. It was also mentioned that there is a bank facility secured (we think) on the land buildings from which the contractor operates. The new direction of the business following the shrinking of the balance sheet is mentioned above.

Geoffrey Banister (27 UR) wondered about the reality of the threat to go bankrupt. Clearly the contractor's balance sheet has been shrunk since 2012 though exactly how is not clear but some assets have been moved to the new company. For this reason the Committee consider it unwise to push for too high a settlement amount although the solicitors/insurers seem to want to recover some of their costs from the defendant and in a sense are undermining our negotiating position as a result. The Chair mentioned that we had tried to reach a mediated solution in February 2013 when both sides met in Gullands office in Maidstone. After a 20 minute recess for the other side to consider our offer, which was to allow the defendant back to carry out remedial work (reluctantly on our part), it seemed that after some argument, the MD decided not to accept this solution. As a result legal costs of some £45k, as the Court noted at the last hearing, are now disproportionately large in relation to the amount of our claim of c£59k. These costs are in addition of course to any costs incurred by the contractor for their own legal team.

Marc Fresko (12WR) said he was impressed with what the Committee have achieved so far and hoped for ultimate success. The Chair thanked him for his support.

### **Chairman's Report**

**6WR.** Residents may have noticed that the trees along the frontage have been cut down pending creation of a hard standing for vehicles and materials whilst the 2 houses approved for this site are built. A formal agreement has been signed with Reg Coote, the developer, and Bob the builder (seriously!) is the building contractor. All access will be via Valley Road and there should be no parking of tradesmen vehicles in Welcomes Road. Residents need to report violations to the Secretary or Chairman.

Work will commence at the end of June 2015 or early July. Work would have started sooner but for the time taken to capture and remove some slow worms seen on the site by an Environmental Officer from the London Borough of Croydon Council.

**7-9 WR** (sub division of Kenley Lane). No further developments with the planners to report.

**Side roads levy.** Following the decision made at the 2014 AGM the road levy was raised by 50% wef 2015/16. It was also directed that the Committee pursue all residents living in feeder roads for a full contribution to the upkeep of the roads. The approach is being made on the basis of fairness to the majority of paying residents rather than seeking legal redress where the judgements have varied between judges. As we understand matters in common law if someone makes use of a facility they should make a financial contribution for its upkeep.

### **Secretary Report.**

The battle to reduce costs and speed up communication with residents by getting all available email addresses continues. There are still nearly 100 residents who have not supplied their email addresses. If you are reading this and have not already emailed your name and house details to [weluplandsroads@aol.com](mailto:weluplandsroads@aol.com) please consider doing so now. Recently for example there has been a spate of burglaries in the area and we have been able to email residents who may not have been aware of them. Emails are also used to advise about road works whether because utilities are digging up the road, a developer bringing in a large lorry load of materials or our own contractor mending potholes. In addition residents often email me with information about the road including the

location of developing potholes, suspicious activity and vehicles inappropriately parked on the road. The latter information we can and do pass on to the police. All this helps to foster a community spirit within the Association and a sense that we are looking after each other.

We try to put Newsflashes on the web site if there is something important coming up but the email system is more effective in keeping in touch with residents almost instantly and getting feedback.

**The resident statistics are as follows:-**

Total number of houses served (may rise by up to 6 houses in next 18 months)- 221

Number of email addresses on file- 110

Number of residents who have specifically asked for hard copy- 17

**Number of residents who have not given the Secretary an email address or asked for hard copies of AGM papers or any other information- 94. Email addresses are not shared outside the Association.**

**Newsletters:** All residents receive the twice yearly Newsletter delivered to their door. A German printing company is printing 250 x 4 sided copies (minimum order) for £87 or about 40p a copy in full colour on gloss paper. Given the number of residents for whom we do not have email addresses this is an important means of keeping in touch with everyone.

**Email traffic:** Approximately 1500 emails were received over the year 2014/15 most of which needed a response. Obviously quite a number of these emails relate to the ATL case which we hope will tail off shortly.

**Insurance:** WURA remains a member of Private Roads Services through whom the Association is insured at a favourable premium. If you want to access the site please contact me for the password.

**Web site - WURA.org.uk.** The use of the site is a repository for all our key records continues to be hampered by the ATL affair. However it is hoped when this is concluded we can update the web site properly by filing outstanding Minutes and Newsletters on it.

**Purchase of new lap top:** At the last Committee Meeting approval was given to spend up to £400 on a lap top which will be dedicated to WURA business and records including the Treasurers records as a back up. Back ups of Association data are made at regular intervals on DVD. The lap top will facilitate hand over of the Secretary's duties for whatever reason.

If possible we will buy the laptop from Amazon via the Kendra link.

**Treasurers Report.**

Erik Haar mentioned that he had served on the Committee for 8 years and has been Treasurer from 2007-9. With the previous Treasurer's recent illness Erik was asked to hold the fort until a permanent replacement could be found and Erik kindly agreed to this. The meeting thanked Mr Davis for his services as Treasurer and wished him well.

Erik tabled a comparison of the Association's accounts covering the past 8 years. From this table he drew members attention to the amount of levy collected in the last 12 months of £12,800 with only £180 in arrears, a record performance. Interest earnings of £318 have suffered a 20% tax. Maintenance costs were 50% lower in 2014/15 than the previous year whilst £1400 has been booked so far for the 2015/16 year. The honoraria costs include 50% paid to Mr Davis for his work up to his resignation date and the bonus awarded to the Secretary at the last AGM. A surplus of income over expenditure of £5,865 was achieved. The budget for 2015/16 projects levy income of c£17,000 but with more support from residents living in feeder roads it is hoped we might pass this figure. Projected reserves in 2015/16 should reach a conservative £51k or nearer £90k if we obtain a satisfactory outcome of the ongoing legal proceedings. There were no questions from the floor.

The Chairman thanked Gary Lowe for once again auditing the accounts and the meeting voted approximately £100 to purchase 12 bottles of wine for Mr and Mrs Lowe's wine cellar.

**Flood Management.**

Chairman mentioned the well known flooding problems in the district centred along the A22 from Whyteleafe to Purley. A survey is being carried out to determine the contributing factors to the flooding. The Chairman recently contacted the local environmental officials concerned to remind them of the problems suffered in

Welcomes Road because of the pluvial water that comes off the common land and airfield area nearby and which ends up flooding Valley Road by the railway station. There is funding for both the consultation and the engineering work required to slow the rate that flood water comes off the higher ground.

Janice Greenwood (54WR) commented that surface water from Park Road also contributes to the flooding in the area near the junction with the A22.

Brian Page (31WR) noted that stone chips were blocking the few drains we do have along WR. The Chairman pointed out that since 2012 these drains have been cleared twice but more or less fill up immediately there is a flow of flood water down the road. The cost of a lorry capable of clearing these drains is considerable. **Contact will be made with Cllr Steve O'Connell** to see if he can approach the relevant department to have the drains cleared by the Council on the basis that this measure would reduce the amount of water ending up in Valley Road.

#### **Election of Committee.**

The following offered themselves for re-election:- Chairman: Colin Brown, Secretary: Richard Russell, Mike Lott: Committee member for Uplands Road and Robin Mc Callum: Committee Member. They were returned unopposed.

Erik Haar : Acting Treasurer, resigned from the Committee. There was a vote of thanks for his valuable services over 8 years and his contribution as Treasurer.

Mrs Jan Scully was introduced by the Chair to succeed Mr Haar as Treasurer and become a full Committee member. Mrs Scully was introduced by Gary Lowe our Auditor and was elected unopposed and welcomed to the Committee.

A request was again put out for a new member of the Committee possibly with an engineering or project management background but anyone interested would be welcome to attend a Committee meeting to see if it is for them.

#### **Any other business.**

The constantly encroaching hedge on Hayes Lane near the junction with Welcomes Road was noted as a continuing hazard to traffic especially walkers. Mr and Mrs Runacres have been active in approaching the Council to have this hedge cut back regularly. In reality this happens twice a year and a long term solution is needed to improve sight lines for turning traffic especially and to slow down speeders. **Cllr O'Connell to be approached** for a long term solution. The use of a mirror and reintroducing speed ramps was discussed though the survey of frontagers on Hayes Lane done 3 years or so ago suggested they are opposed to speed ramps and experience with mirrors is mixed.

#### **Closure of Meeting.**

The meeting closed at 9.00 pm with thanks from the Chairman to the residents who attended the meeting and for their valued input.

Peter Runacres from the floor proposed a vote of thanks to the Committee for their work during the year.