



WELCOMES & UPLANDS ROAD ASSOCIATION

MINUTES OF THE ANNUAL GENERAL MEETING HELD IN KENLEY MEMORIAL HALL ON TUESDAY 5th June 2018 at 8:00 pm

Chairman's Opening Remarks

The Chairman welcomed the residents present and thanked them for attending.

Apologies for Absence

Apologies were received from Jill and Andrew Dixson- Smith, Mark and Susan Diviani, Simon Hunter and Rachel Dickson, Pete and Jenny Davis, Martyn Last, Richard Coles, Mary Amin, Pat and John Magnus, and Derek Jenkins Robin and Susan McCallum, Sally Pococke, Ray Eccles, Dave and Ann Jones.

In attendance

Committee: Colin Brown (Chairman), Richard Russell (Secretary), Janice Scully (Treasurer), and Michael Lott (Uplands Road Representative), Stuart Prior (Lower WR representative)

2014	2014	2015	2015	2016	2016	2017	2017	2018	2018
12	9	13	9	18	14	20	16	27	19
Residents	Houses	Residents	Houses	Residents	Houses	Residents	Houses	Residents	Houses

Quorum 10 voting members (paid up). Maximum two votes per household.

A warm welcome to Phil Meakin, 6a Welcomes Road, and Jim Elston, 21 Welcomes Road who have recently moved to the area.

Geoff James Planning Officer, Kendra attended as an observer and adviser for which many thanks.

Minutes of the Last Meeting

The Minutes of the Annual General Meeting held on 16th May 2017 were adopted.

Proposed by Mike Lott and seconded by John Phillips.

Matters Arising

The Chairman updated the meeting regarding some of the new housing developments. 9WR sold and conveyance in progress, 40WR 2 houses completed and one definitely sold, 3 on Cumnor Rise; 2 may be sold, 42WR sold to a land bank, 1a Simone Drive; Kendra have objected to the 30% increase in the dimensions of the house with 46 others.

Levy defaulters: Default rate is now very low and would be lower but for the un-neighbourly attitude of some residents in Simone Drive and Kearton Close. The Association will continue to serve accounts on defaulters showing arrears. Defaulters will be reminded of the need to complete Solicitors declaration form TA6 when selling their houses. This form requires disputes to be declared to purchasers. The Association's position on defaulters also recognises the effect of an Appeal Court decision in 2013 (Goodman v Elwood) upholding the principle of Benefit and Burden in a case involving sharing the cost of maintaining a private road.

It was mentioned that we have used the Small Claims Court (now Money Claims on Line) 3 times with one win, one draw, when the defaulter paid before the case went to Court, and one loss (Simone Drive when the law may have been different).

Chairman's Report

Road Surface: The roads are holding up reasonably well and all damage from last winter has been made good by Kirtasha Stone at a cost of c£4500. There remains the problem of the leak near 159WR which is undermining the road surface. The water company is revisiting the problem having in the past dismissed the leak as being a spring of some kind. Our contractor felt that he could hear water flowing through a pipe when he was examining the road at this location. A member suggested that if the problem is from mains water we get the utility to pay for the road repairs, a strategy the Committee will adopt if appropriate. It was mentioned that UR will need attention in 3 or 4 years time.

Mr Bertorelli 25WR raised the issue of flood water running across the road at the lower end of WR making life very hard for pedestrians.

Mr Vucinic 27WR suggested that major re-profiling of the road might be avoided if the frontagers on the even numbered side who have blocked the gully at the end of their drives be made to replace them with culverts. He also suggested we might ask the Council highway engineers for advice.

Mike Lott (Committee) suggested that residents are free to research projects near them that might improve water flow etc and get them costed for consideration by the Committee.

The Chairman promised to address the issue but pointed out that we are pretty much at the mercy of major storm events. A recent storm led to the flooding of Kenley Lane (once more) showing that the Council has still not solved the problem in spite of their efforts at the that location. (They do not seem inclined to address the root causes of these floods in spite of all the money spent on consultants but are happy to keep approving planning applications for building on the Bourne flood plain.)

57 WR: Following an email from the Development Manager at the local Council received subsequent to the AGM, a meeting with the Council over the future development of Welcomes Road now seems possible and the issue of flooding, HGV traffic and gas pipes will be raised along with the vital issue of parking space given the narrowness of Welcomes Road.

Government policy is to get people out of their cars so on that basis parking issues do not exist as far as the planners are concerned. Even if that policy had any basis in reality the site at 57WR has no space on site for delivery vehicles including refuse lorries, leading to the obstruction of the highway with adverse implications for emergency vehicles. It is not an exaggeration to say that chaos is likely to result if the 7 flats are ever built given the lack of on site parking.

Whilst the Council has approved the building of 7 flats no Construction Method Statement has been made available yet and the calculation of 164 HGV trips in unsupported by any evidence from a QS and in the absence of the CMS does not mean much. The issue of off site parking during the construction phase which is a reserved matter has not been properly addressed.

Jenny Davies no 153 asked if 57 had been sold and as far as we can tell the property is in the process of being conveyed presumably in terms of the option agreement to Aventier Landbank. Chair noted that 3 or 4 members *may* have entered into option agreements with Aventier.

Chair also mentioned our exchanges with Aventier's solicitors, Seddons, regarding the developer road levy. The last offer on the table was for £12,000 with a £5,000 bond to cover damage to property. ML explained that the bond was likely to be hard to exercise in reality and we sought an agreement to make good 50 metres either side of the frontage based on photographic evidence plus £2,000 per flat or £14,000. We have not heard anything more from Seddons since making that counter offer. What is paid in the end is down to any developer who actually invests in the plot with its flawed planning permission.

Traffic management including pedestrians: There was general discussion on this topic;

Pedestrians are being struck (clipped by wing mirrors), verges are overgrown as are hedges forcing all traffic to middle of the road, walking at the bottom of WR is extra difficult given the cobble stoned gully, the camber and the narrowness of the road with no refuges. Suggestions were made about closing WR at the Hayes end. This would be illegal as WR is subject to the Highways Act as well as being a designated footpath.

More vicious speed ramps might slow drivers but the Council no longer espouse speed humps. Point made about accelerating and braking hard between humps equals more noise and pollution. Militant pedestrians and aggressive drivers- have a responsibility to share the road safely. On road parking by tradesmen's vehicles has forced impatient drivers to mount verges and damage private property.

This discussion was partly prompted by an email from a resident suggesting the Committee does not do enough to ensure the safety of pedestrians but gave no guidance on how this would be achieved.

Protection of verges: Geoff James said the most you can do legally to protect verges is to erect 4ft wooden posts with reflectors. Concrete bollards and heavy rocks can be used but householders could find themselves liable for damages if hit.

CCTV: We have had a quote for £14,000 inc VAT. Camera locations have been visited with the MD Tidy Solutions Ltd which company was introduced to us by Peter Bertorelli who mentioned that the house owners (121WR) at the UR/WR junction were willing to host cameras and the other hardware needed. Mr Vucinic 27WR and Mike Mulvey of 2 UR also offered to host cameras. Geoff James suggested we tread carefully in considering CCTV as we could be in breach of Data Protection laws as the data will be accessible via an app using the internet. Keeping the system private however presents many practical difficulties as the host may find visits to check the system and/or examine pictures irksome. If the hardware is in the loft which seems to be the practice access is likely to be a problem. On the other hand hosts would benefit from their own free CCTV system to compensate for the nuisance and use of their internet system and power supply. The legality of dash cams was raised but as they are private property for individual use as opposed to a road association it seems they situations are not comparable according to Geoff James. The benefits of CCTV warning notices and use of infra red cameras even if not fully working were noted as a means of deterring opportunistic crime. It was not clear whether or not the Webb Estate CCTV system installed by Tidy Solutions is currently legal in terms of Data Protection law. The cost of ANPR was investigated by the Chairman and found to be £25,000 plus VAT and a high maintenance charge. These systems show drivers what speed they are going and their registration number as well as recording those numbers. Simple speed alert signs are also very expensive and add up to more clutter in WR. How urban is the road going to look in the end. It already cluttered with street furniture. Simple speed read out machines of the type used on Hayes Lane might help and not be too costly.

There was a suggestion to use Road Watch but Geoff James thought it unlikely they would agree to do WR.

Geoff James mentioned the need for the speed limit signs to be repeated frequently to defeat any legal defence by a driver that he was not aware of the speed limit. A suggestion from the floor was to impose a 10mph limit but a 15mph limit might be realistic. Speed signs must be clear to all drivers at all the entrances to WURA roads. The issue will be discussed further in Committee.

Parking control: Derek Jenkins 149WR mentioned in an email the parking company employed for a cul de sac in Caterham. The Chairman visited the location and found cars parked on the pavement anyway and as the road is a cul de sac the situation is rather different to our highways with their endless visitor (delivery) and transit traffic. It was put to the meeting by the Chairman that at the moment we only have a few parking problems. Repeat offenders have had a polite notice put under their windscreen wipers. The old problem of the wrecked cars parked on UR near 38 has also resolved itself during the last few months.

The general feeling at the meeting was that WURA requires some means of protecting itself from burglary, speeders, HGVs using the wrong routes, long term illegal parking and collecting evidence via clear images desirable and on this basis it was agreed that the Committee would investigate the CCTV options, cost (more than one quote needed) and the legal implications further and report back to members before taking any action to instal CCTV or any other surveillance speed control system.

Mike Lott 5a UR and Committee Member suggested that walkers who do not know the area may think they are safe from cars etc when using WR which on OS map is shown as a footpath when of course it is shared with all kinds of traffic. ML floated the idea of having the road drop its footpath status to avoid ambiguity but it was pointed out that the roads currently have the advantage of not appearing on Sat Navs or Google Maps. In the circumstances it was felt that it was not worth sacrificing this status and it was unanimously agreed to keep the current status of the roads.

Dosan Vucinic 27WR mentioned that farmers were closing footpaths on their land as walkers were straying on to private land. WR is a rather different case and cannot lawfully be closed.

Secretary report:

New residents Welcome letters sent during year to 9WR, 12WR, 6aWR, 18WR, 56WR, 132aWR, 2MHC, 5MHC, 30UR 6KC, 19KC (11).

Houses on database 228 from 225.

Email addresses 64 have not given an address. 6 residents have specifically asked for hard copies of key material though some have email addresses. The Association in terms of the amended Constitution aims to be paperless over time.

Email traffic 1700 (1500). Web site January to May 2018 – 10,877 hits from 1,481 visits.

2 Newsletters were issued on the year and delivered in hard copy to every members' house.

Development of 7 flats: Much time taken writing about 57WR (7 flats) and the saga is not over yet. The full history of this case is recorded on www.wura.org.uk.

Report by Secretary on Zig Zag Road stabilisation: The road works in ZZ were completed in July 2017. The cement stabilisation process worked quite well but the appearance of the road was marred by someone walking on the wet cement with a dog and the heavy rain in the night after the work was done led to white cement being washed down the steep section leaving some ugly streaks. According to the contractors who did the work the road should last 15 to 20 years without major work being necessary and is guaranteed for major defects for 3 years from 1st August 2018. It could be surfaced with tarmac but the new visiting engineer from the Council Highways department felt this might not work well on the steep section.

A road association has been formed and private road signs will be installed at each end of the road.

The meeting was asked for their feelings about WURA taking over Zig Zag Road subject to frontagers paying 100% of the road levy with LC paying 50%. This would increase WURA membership by 29. The idea has been floated to ZZ Committee members who were generally in favour. The meeting considered the idea had some merit as long as a fair financial formula was agreed for the ZZ frontagers to join and there was some assurance about the durability of cement stabilisation which is a fairly new process. So far the road seems to be holding up well and minor cement repairs are quite cheap.

There was some discussion about the use of WR by ZZ frontagers who do not pay a road levy but it was pointed out that as ZZ is on Sat Nav systems it carries a lot of traffic including HGVs into and out of WR (including refuse lorries) so there is a quid pro quo involved. Other spur roads are cul de sacs and maintained by the Council (unlike ZZ which is maintained at the expense of frontagers) so offer nothing to WR and UR. It is noted that some residents in WR are now using ZZ perhaps because it has no speed humps.

Amended Constitution:

The Secretary ran through the main changes proposed including the following:

- all frontagers on spur roads deemed to belong to the Association on the benefit and burden principle and the fact that in nearly all cases the deeds have a covenant to share the cost of maintaining Welcomes and Uplands Roads.
- the Association is an unincorporated non profit making body run by volunteers.
- GDPR policy for the data base maintained by the Committee. Geoff James has kindly assisted with the assessment template (an ICO document) which Kendra is using to establish that our processes allow us to operate on the basis of Legitimate Interest (LI). (An IT and Data Protection policy will also be needed)
- the need to contract with developers and their agents for financial compensation and to control their conduct during building work.
- Reinforces the **joint responsibility** of frontagers and the Committee for the maintenance of the roads and the environment including hedges and verges, and discouraging hard landscaping along frontages.
- recognises the need for road levies to rise with inflation
- aims for the Associations administration to become paperless as far as possible
- annual accounts may be independently examined rather than audited.
- unpaid road levies will form the basis of a dispute declarable on sale of a property in terms of Solicitors declaration form TA6 and annual accounts including interest on arrears will be rendered to frontagers who persist in declining to pay the levy.
- sets parking policy including control of parking

Treasurer's report:

The bank balance is £117,000 and because we get no interest from Barclays (who stopped paying on a deposit without notice) we are in the process of transferring all WURA funds to Lloyds Bank whose instant access account pays .05% per annum interest. This means that we shall exceed the FSA guarantee of £85,000 (pointed out by Dr McKelvie 45 WR) but we consider the risk acceptable bearing in mind the funds are being spent all the time and any larger project will substantially reduce the balance.

Road Levy income is analysed in the latest accounts into that received from households and developers hence the apparent fall in levy income in the latest accounts. In 2016/17 income from Developer Levy was £9,100 and in 2017/8 £5000 with £1000 due from No 9 WR which is in the process of being sold. A further £2,000 is due from Buxworth Homes when the two new builds on 40WR are sold.

Gary Lowe is still auditing the accounts but this work should be completed shortly.

The draft accounts for 2017/18 were adopted by the meeting: Proposed by Michael Lott and Seconded by Peter Runacres

The Chairman thanked Gary Lowe for once again auditing the accounts and the meeting voted approximately £90 to purchase wine for Mr and Mrs Lowe's wine cellar.

AOB:

Jim Elston 21 WR offered to create an online survey (a paper version needed as well) for all residents to respond to covering the most controversial issues. He will need to liaise with the Committee to work out a questionnaire. He pointed out that the AGM is in effect a meeting of the road committee and noted the low numbers at the meeting. There was some discussion about the validity of decisions made by only 5-10% of the membership although it was made clear that members know that decisions made at an AGM are binding on all and are regularly reminded when there major issues involved. Surveys would widen consultation and strengthen the validity of decisions made in general meeting. Jim reminded the meeting about the elderly and infirm who may not be able to attend meetings.

Stuart Prior (Committee Member) noted that the Committee already go to great lengths to reach members via hard copy and email. The Newsletters could be used more to ensure there is the widest consultation.

Brian Page 6 WR: Mentioned that in the past AGM notices have been affixed to street furniture.

Betty Runacres: Noted the historical apathy to WURA affairs amongst most members

Chairman:

The current Committee members offered themselves for re-election and were voted unopposed to continue for another year.

Dr Marion McKelvie 45 WR has provisionally agreed to join the Committee mainly to help fight over development in the roads and is a most welcome addition.

Robin McCallum is always willing to stand down if anyone wishes to replace him.

Closure of Meeting:

The meeting closed at about 10.10 pm with thanks from the Chairman to the residents who attended the meeting and for their valued input and not least the input from our guest, Geoff James, who has given WURA much support in the year and continues to help us in all sorts of ways.

Post meeting note:

The Chairman forgot to thank the Committee for their hard work in the year, being overwhelmed by the receipt of a gift of £200 worth of theatre tokens from the membership in recognition of his approximately 25 years of voluntary service to WURA, much of which has been as Chairman. The Secretary made it clear that the tokens were not a signal for him to step down and that they also recognised Lesley's patience!