

Queen Elizabeth Park Residents' Association

Minutes of the Annual General Meeting held on the 6th December 2006.

1 Welcome.

Grace Blake, Chairman, welcomed approximately 80 residents to the Meeting on a very cold evening. Grace thanked the Outgoing Committee, Dick Moody and his Summer Fayre Committee, and Budgens and Esporta who had provided financial support for the Fayre.

2 Minutes of previous meetings.

The Minutes of the Inaugural Meeting of the Association on the 10th December 2004 and of the Residents' Meeting on the 19th July 2005, which had been made available to all residents prior to the Meeting, were approved unanimously.

3 Chairman's presentation.

Grace reported on "the Good" which including success in getting the Council's agreement not to bring the bus route into QEP and to keeping permanently closed the proposed access into Goddard Close.. The pressure maintained generally by residents on Trinity had resulted in a change of the landscape and gardening contractor and a steady improvement in the appearance of QEP. Trinity had now appointed an electrical contractor who had taken the trouble to get to know QEP and the standard of lighting maintenance had improved significantly. On the social side, there had been two successful Summer Fayre's despite poor weather affecting this year's event.

"The Bad" began with the approval of planning permission for an "ugly" building adjacent to Budgens to house the proposed Community Centre and offices. Positive news on this was that a covenant exists which would prevent it being built as approved!

The Meeting approved the Committee's Policy of resisting the Community Centre in general and this particular building.

The saga of whether or not there will be a teenage provision/hard play area on the flat area of The Green continues with QEPRAs continuing to press for its omission or relocation off-site. The Survey of residents showed they were willing to accept the children's play equipment on The Green (the LEAP) with the proviso that it should not introduce a nuisance into QEP. (Similar local facilities have experienced problems which have required them to be permanently closed or secured at night). QEPRAs will seek an acceptable solution with the Council. **The Meeting approved the Committee's Policy of resisting the hard play area completely and seeking measures to prevent the children's play area attracting nuisance or pressing for its location elsewhere.**

Vandalism and anti-social behaviour are still problems with the damage to bollard lighting potentially costing each household as much as £50 this year. The Committee considered that this form of lighting was not fit for purpose in certain areas and was pressing the Developers to replace it with lighting columns. If the Developers were unwilling to accept our argument, we could take the matter up legally - but that would require money to be put at risk - or we could try an alternative (which had been suggested by the police) of turning most of the bollard lighting off from say 7pm, where homes could be accessed via lit streets, to see whether the vandalism reduced without increasing nuisance. **This suggestion was put to the Meeting and it was agreed that it could be tried.**

Grace then described the Issues arising from the current relationship between the residents, The QEP Residents' Management Company and the Managing Agents (Trinity) resulting from control of the Residents' Management Company being retained by the Developers currently. Grace showed this diagrammatically and explained how it should work; but there is little likelihood of this being possible until control of the Company is passed to the Residents - this may not be for two years or more.

Grace explained the problems which had arisen following incorrect Local Searches provided to most purchasers by Guildford BC and QEPRAs subsequent referrals to the Local Government Ombudsman and the Office of the Deputy Prime Minister. John Hamilton Williams would explain the current position in more detail later.

Purchasers had provided information which indicated it might be possible to show mis-selling had occurred and QEPRAs had taken this up with the Developers. As mis-selling is a criminal offence the Committee had to tread carefully.

Finally, Grace described the somewhat complicated relationships and interactions between the QEP Residents' Management Company Ltd, the Managing Agent (currently Trinity), external parties such as GBC, Surrey CC or SCA, the Residents and QEPRAs's involvement in upholding the Residents' interests.

Grace then presented a proposed committee structure for QEPRAs in the coming year that would enable the Committee to monitor what was going on and respond accordingly.

The Proposed Structure was approved by the Meeting.

Copies of diagrams and charts shown in Grace's presentation are available upon request.

4 Resolutions.

Notice had been given of the following Resolution which was put to the Meeting:

(1) Amendments to Rules. Proposed by the Committee.

Rule 4 OFFICERS. Delete "The Officers of the Association shall be: Chairman, Vice-Chairman; Secretary, Treasurer, Membership Secretary, Information Manager, Legal Advisor and Social Secretary, all of whom shall be elected by the members at the Annual General Meeting. They shall hold office until the next Annual General Meeting when they shall retire, but shall be eligible for re-election."

Substitute "The Officers of the Association shall be the Chairman, Hon. Secretary and Hon. Treasurer who shall be elected by the members at the Annual General Meeting. They shall hold office until the next Annual General Meeting when they shall retire, but shall be eligible for re-election".

Rule 5 MANAGEMENT. Delete "The management of the Association shall be vested in a General Committee consisting of the Officers, as stated in Rule 4, three-Ordinary Members and Area Representatives. The number of Area Representatives shall be decided by the General Committee to ensure adequate representation. Both Ordinary Members and Area representatives shall be elected by the members at the Annual General Meeting. They shall hold office until the next Annual General Meeting, when they shall retire but shall be eligible for re-election". **Substitute.** "The management of the Association shall be vested in a General Committee consisting of the Officers and 10 Member representatives". The Member representatives shall be elected by the members at the Annual General Meeting. They shall hold office until the next Annual General Meeting, when they shall retire but shall be eligible for re-election".

Rule 5a Frequency. Amend "The quorum shall consist of six members" to "five members".

Rule 10. Delete "Legal Advisor" in last sentence.

The Resolution was approved unanimously.

5 Review of accounts.

In the absence of the Treasurer, Michael Andrews presented a review of the Accounts. The net financial position on the 6th December 2006 was a credit of £583.61 of which £414.86 resided in the General Fund and £168.75 in the Legal Fund.

The Accounts were discussed and approved.

6 Election of Officers and Committee Members.

The following were elected

Chairman: Grace Blake; Secretary: Bill Perkins; Treasurer: Josette Pipe;
General Committee Members: Michael Andrews; Colin Bayman; John Black; Robin Clinch; John Hamilton-Williams; Michael Hanson; Matt Jones; Elizabet Szkoda.

There are two vacancies on the General Committee.

7 Estate Management.

Michael Andrews gave a presentation in which he described the current inter-relationships between the QEP Residents' Management Company, the Residents and all the other parties involved in the management of QEP. He listed the ongoing problems with Trinity. In July 2005 a Residents meeting authorised the QEPRAs Committee to press the QEP Residents' Management Company to terminate Trinity's contract and introduce a replacement with a brief in line with Residents' expectations. The Management Company wished to attempt to improve Trinity's

performance as an alternative to terminating their contract as that was not easy to do. QEPRAs co-operated with the Management Company and maintained a defects list, participated in site inspections, meetings and ultimately brought about the replacement of the gardening contractor. Trinity's performance in other areas such as budgeting and cost-control, remained poor and eventually the Management Company decided that the only satisfactory solution was to replace Trinity. The Company asked for QEPRAs co-operation in continuing to work normally with Trinity whilst alternatives were investigated.

Michael described the Process by which a new managing agent was being selected and said a decision was near. He outlined some of the criteria against which the Selection had been made including; the Residents having a say in how their money was spent; and there being a forward plan to budget for maintaining the quality of the landscaping, trees and major repairs. Achieving this might mean slightly higher bills but would represent much better value for money. If the Service Charge remained at its present level, service would not improve significantly and, at best, things would remain as they were now. When the Residents took over the Management Company, they could decide upon the standards they wanted for QEP.

The Meeting was asked to decide:

- 1 Whether it wished QEPRAs to tell the Management Company to go ahead and replace Trinity; or
- 2 Stay with Trinity and accept the current level of service.

Questions were invited and Michael and other committee members responded. These included a request for an explanation of what had happened since the Residents' Meeting resolved that QEPRAs should seek the replacement of Trinity in July 2005 and the reasons for it taking so long [explanation given]; criticism of Trinity's accounting procedures and the possible use of the levers we might have in replacing them [Trinity's deficiencies were recognised but whilst we could - and have - pointed them out, only the Management Company could act]; requests for assurances that the new company (which couldn't be named at present) would be better than Trinity [whilst no guarantee could be given discussions with other residents' associations had taken place]; a request for more details [as much detail as possible was given within the constraints placed upon QEPRAs by the Management Company]; a request for an estimate of the likely additional costs [explained that this was still being investigated, given the lack of certainty regarding Trinity's budgets it was proving difficult to establish a firm basis upon which to prepare a realistic budget for the future. The only certainty being that Trinity's budget was insufficient.].

After questions, the Meeting voted unanimously in favour of Option 1.

Copies of slides used in Michael's presentation are available on request.

8 Legal and Planning issues

John Hamilton Williams gave a presentation covering the relevant planning issues and the current situation. This included: the Complaints made to the Local Government Ombudsman; and the Office of the Deputy Prime Minister regarding Guildford BC's failure to provide purchasers' with accurate local land searches. There had also been correspondence and discussions with the Developers regarding a potential charge of mis-selling.

John discussed the current planning situation with regard to the Community Centre building for which GBC had approved an application for a four-storey community centre and office building on the plot adjacent to Budgens, by the Developers, despite 138 objections to the proposal from QEP residents. A covenant had since come to light in favour of Budgens which restricted the height of any building near their premises. Unless the Developers' could secure a release from the Covenant it is unlikely that the approved building can be built – the Covenant limits it to 2.5 storeys. The matter is ongoing.

The Ombudsman had issued an interim ruling which was not in our favour but an appeal had been submitted and the Ombudsman's final decision was expected before Christmas. The ODPM had effectively buried the Issue despite the efforts of our MP and there now seemed to be little point in pursuing the matter.

The mis-selling issue had been laid before the Developers but it is a criminal offence which only Trading Standards can take forward. The view had been taken that there was more to be gained currently by the Developers being aware of the potential threat than by pressing the case further.

A question was asked regarding whether the Residents' liability for the external maintenance of the Community Centre was still applicable to a mixed-use building. John said he considered the Covenant applied to the original

150m² Community Centre building and should not apply to the current proposal. Any proposal to apply the Covenant in this case would be challenged.

[After note: The Ombudsman would not find in favour of the Residents as a whole but had made an award of £100 compensation to John for the work he had done. John declined the Award as he had been working on behalf of QEPRA. The Ombudsman then made the Award to John on behalf of QEPRA. The Award has not yet been paid by GBC. As there is a public interest issue regarding the need for local land searches to be reliable the Law Society has been asked to investigate. They have taken up certain issues and additional information has been provided to them.]

9 Safety.

Whilst the recurring vandalism on QEP is unsettling for residents and costly, the police consider it to be a very safe place to live, with no mugging, only one opportunity burglary, and little car crime. Any current incidents are raised with the police at the quarterly neighbourhood police meetings which residents are encouraged to attend. The clear message from those meetings is that police resources are allocated according to the number of complaints received and it is therefore essential that all incidents are reported (0845 125 2222).

Grace thanked everyone for attending and the Meeting closed at approximately 9.45pm.

Bill Perkins
Secretary, QEPRA