

MINUTES OF GENERAL MEETING OF FAIRFIELD PARK RESIDENTS ASSOCIATION

held on

24th NOVEMBER 2016 AT 7.30pm, FAIRFIELD COMMUNITY HALL

1. Chairman's Report

The chairman welcomed about 40 residents to the meeting and thanked them for their attendance.

He reported that the Residents Association had become virtually moribund earlier in the year and it was decided that it needed to be reinvigorated.

'Management Transfer' of Fairfield Park Residents Company Limited (FPRC) to its members was still not likely in the foreseeable future. Fairfield Redevelopments Limited (FRL) and the developers are still not even able to begin the adoption process of critical roads and footpaths. Two key areas outstanding are Elliot Way and Eastern Shelter Belt Footpath where legal process has not yet begun, as FRL have not been able to establish defined boundaries to the satisfaction of the Land Registry. This means that adoption agreements cannot even be drafted since the land areas concerned, being undefined, are not capable of legal transfer to the local authority. In turn, the land adjoining, which is to be transferred to FPRC as part of 'Communal Assets', also cannot be defined and transferred to FPRC.

Peter Nash said that it was supposition on his part but he believed one developer, who has been unhelpful in the past in connection with other land use and ownership issues affecting the Hall and the Parish Council, was probably causing the main Land Registry problem for FRL.

The developers are under obligation to transfer all 'Communal Assets' at the time of 'Management transfer'. FRL have promised that transfer of assets and management will happen "within the year" for the past 5/6 years. 'Management Transfer' still remains outstanding and experience leads to the conclusion that it is unlikely to happen in the foreseeable future.

That situation made a strong effective residents association very important to members of FPRC. Whilst FPRA does not have direct authority it does have considerable influence over FPRC's rentcharge account and that influence extends to the rate of rentcharge collected from each member property and over how rentcharge funds raised are used on behalf of members.

The committee therefore decided that FPRA must be run in future as if it was the board of directors of FPRC. To that end responsibility of committee members has

been allocated in a portfolio system. This approach, it was hoped, would lead to eventual 'Management Transfer' in a seamless manner and committee members should immediately be able to provide a knowledgeable new board of FPRC in that event.

Portfolio holders to date of General Meeting had been:-

Communications and IT – Barrie Dack

Planning and covenants – Silke Gruner

Shelterbelts – David Kaye

Management Transfer and roads adoption – Peter Nash

Public areas, footpaths and play areas – Nick Reynolds

Treasurer – Ray Robbins

Rentcharge accounts and budgets – Peter Nash and David Kaye

The rent charge account currently has £420,000 in reserves. This sum, given the fact of aging equipment on the play areas, the prospect of significant work over the years on the shelterbelts and the need to provide funds against possible legal action against developers, is actually a modest contingent amount.

Scanlans continue to be employed as managing agent to oversee the care and maintenance of the Park. Dennis Carter resigned recently from FRL on his retirement and has been replaced in that capacity by Mr Thomas Lee, who is also Commercial Director of Linden Homes. FPRA has not yet had any meeting with Mr Lee.

The chairman said that the immediate objective is to increase the size of the committee to twelve members; a need for six new members to cope with churn of membership, to act as back up for existing portfolio holders and to provide real prospect of succession.

2. Treasurers Report.

Ray Robbins said we have £905.24 in the bank and £38.24 cash in hand. Peter Nash said FPRA had no known need for use of this money. He envisaged that FPRA would quite properly use the rentcharge account for any future expenditure necessary to fulfil its role as now defined and organised.

3. Election of Officers

Chairman – Peter Nash was nominated and seconded; there being no other nominations he was duly elected in that capacity.

Vice Chairman – David Kaye was nominated and seconded; there being no other nominations he was duly elected in that capacity.

Treasurer – Ray Robbins was nominated and seconded; there being no other nominations he was duly elected in that capacity.

Secretary – Carolyn Kaye was nominated and seconded; there being no other nominations she was duly elected in that capacity.

4. Election of committee members

The nominations for election of committee members received prior to the meeting were – Steve Carrington , Arthur Creighton, Barrie Dack, Silke Gruner and Nick Reynolds.

The chairman asked for further nominations from the floor; Jenny Laing and John Tyler agreed to stand and were duly nominated.

All nominations above were seconded and unanimously elected to the committee.

5. Any other business

There was a wide range of questions and topics raised from the floor, to which the chairman responded.

The most substantive of these were about the delay in Management Transfer and concern about whether the cost of any legal action against the developers, should it prove necessary, would be met from the Rentcharge Account given the fact that FRL still effectively controlled those funds.

The chairman expressed the view of the committee on legal action against the developers to get completion of ‘Management Transfer’ about which they are clearly in breach of their agreement with each individual member of FPRC. He pointed out that for all practical purposes the present situation met all aspects of that agreement except for the actual transfer. Rentcharge funds were being properly applied to meet FPRC’s obligations to members under the agreement. The ‘Communal Assets’ were being properly, indeed excellently, cared for in general terms.

The pragmatic view of the committee was that in those circumstances there was little real benefit to members in pursuing legal action, indeed the opposite would be the consequence in terms of cost and the stress and disruption of litigation. He also expressed the opinion that, should circumstance change such that legal action was the only way forward, FRL would have no choice but to release funds to finance such action since they controlled those funds in a fiduciary capacity on behalf of members of FPRC.

The chairman thanked everyone who attended the meeting for coming and closed the meeting.