

Minutes of a General Residents Meeting of Four Oaks Estate Limited (Company Number: 00224411) Held at Four Oaks Tennis Club on Thursday 30^h September 2021 at 7.30pm

PRESENT

Mr R.W.Forrest (Chairman), Mr A.N.Andrews (Chairman of the Grounds Maintenance Committee), Mr S.R.Tullah (Secretary). In addition the attendance register records 34 residents present representing 27 residences.

The meeting was live streamed over You Tube and in all around 160 residents viewed the stream.

1. Apologies for absence

Apologies for absence have been received from Mr K.V.Patel, Mr M.Chitty, Mr A.Parsons, Mr & Mrs A.Weaver, Mr & Mrs W.Lees, Mr & Mrs B.Noone and Mr & Mrs B.Whibley.

2. Introduction to the meeting and Report from the Chairman of the Board

The Chairman, Mr Ron Forrest, welcomed everyone and outlined the format and purpose of the meeting. He explained that it had been almost two and a half years since a general meeting could be held to which residents could be invited and that due to Covid-19 restrictions it had not been possible to invite residents to the 2020 and 2021 AGMs. He explained that at these AGMs the trustee shareholders, who hold the shares in trust for all Estate residents, had dealt with the necessary formalities only, including the appointment of three directors to replace two who had moved off the Estate and one who had passed away. He asked the current directors to introduce themselves to the meeting which they then did.

The Chairman paid tribute to Mr Bill Colman who passed away in July 2019 having served on the committee and the board for around thirty years. He added that Mr Colman had been a very strong advocate for the conservation of the Estate and been largely responsible for the introduction of the Residents Guide Book in 2017. He also paid tribute to Mrs Liz Guest who had served on the committee and the board since 2003, had looked after financial oversight for many years and remained a trustee shareholder.

3. Report of 2020 & 2021 AGMs

The Secretary explained that the 2020 and 2021 AGMs had been held on a 'formalities only' basis, due to Covid-19 restrictions, to comply with legal requirements. He added that residents had been notified about this through the newsletters and that the company's audited accounts had been uploaded to the website following their adoption for residents to view. He also added that both sets of accounts had received clear auditor's reports and contained nothing unusual. He added that besides the appointment of directors that the Chairman had indicated, the only other resolutions passed were the re-appointment of the company's auditors and solicitors.

4. Secretary's Report

The Secretary started his report by thanking the board of directors for their unremunerated service. He added that the current board is a very pro-active and supportive body which gives its time freely to pursue the company's vision and mission. In particular he thanked the Chairman who spends a very significant amount of his time attending to Estate matters and the Chairman of the Grounds Maintenance Committee, Neil Andrews, who also spends a significant amount of his time attending to Estate matters, including monthly grounds maintenance meetings and regular 'Estate walks'. He also thanked Craig Johnson who administers the residents' WhatsApp groups, has spent a great deal of time researching full-fibre broadband options and set up the You Tube live stream for this meeting. He mentioned that gating, broadband and grounds maintenance matters were the most topical and important matters to residents and these would be covered later in the meeting.

The Secretary explained that one very difficult problem he has to deal with regularly is trying to limit unauthorised parking and damage to verges caused by inconsiderate parking, especially where building projects are being carried out. He reported that most residents are very helpful in ensuring as little damage as possible is caused when building works are carried out and action repairs promptly, but that some do not. This mixed response also applies to trying to limit unauthorised parking. He added that enforcing no-parking rules is extremely difficult and that there is no ready legal deterrent available. The number of contractors' vehicles and delivery vehicles mean that some verge damage is inevitable and that this is repaired on a regular basis.

The Secretary reported that in general terms the Estate's finances were sound, but that in the last three financial years the capital account had dwindled from £425,000 to £293,000. He explained that road frontage charges are set at a level to meet all routine maintenance and administrative expenses and also to provide a surplus that is transferred to the capital account and that in the last three years this had amounted to £100,000. He added some historical context that periodically consent and development fees have provided significant sums and that over the years these sums have in effect supported the road frontage charge and provided the necessary funds to meet capital costs, such as roadway re-surfacing where over £300,000 has had to be spent in the last five years. The financial plan that has been followed in recent years has been to increase the road frontage charge by one percent or so above inflation to provide additional funds for capital expenditure, rather than waiting for a capital cost to arise and then having to increase the road frontage charge very considerably to meet it. He reported that there is currently only case of arrears and that expenditure is very closely monitored.

5. Introduction of Residents Insurance Scheme provided by NFU Mutual

The Chairman introduced Mr Philip Smith of NFU Mutual who are replacing Howden who have discontinued their participation. Mr Smith introduced the new Residents Insurance Scheme and gave a profile of NFU Mutual, explaining that the company is a mutual society that was founded in 1910 and that won the Which? Insurer of the Year award in 2020. He added that he had worked for NFU Mutual for thirty years and would be the personal contact for all Estate residents who wished to consider the scheme. He also added that the Estate would benefit from commission payments as an introducer member of the society.

The Chairman thanked Mr Smith for introducing the scheme and added that NFU Mutual enjoys a very good reputation within the insurance industry and is renowned for its superior and sympathetic claims service. He added that the scheme, if well supported by residents, could produce useful revenue to the Estate, thus reducing road frontage charges.

6. Report from the Chairman of the Grounds Maintenance Committee

Mr Neil Andrews, Chairman of the Grounds Maintenance Committee, explained how the committee works, adding that it meets monthly with Edges & Hedges', the Estate's grounds maintenance contractors, to review all maintenance related matters. He gave some historical context explaining that since he joined the committee in 2011 the overall standard of grounds maintenance, and in particular the standard of footpaths and verges, had improved very considerably. He explained that improvements to footpaths and verges are prioritised following bi-annual 'Estate walks' and that over the last three years around £130,000 has been spent on these improvements. He mentioned that whilst the Estate refurbishes footpaths and verges it does not install kerbing, but that residents are permitted to do so at their own expense subject to applying for formal consent and agreeing specification. He reported that over the WhatsApp group he had read posts suggesting that the entire Estate should be kerbed. He explained that doing this would cost over two million pounds and is not a realistic option. He re-iterated what the Secretary had said earlier about damage to verges caused by contractors' vans, adding that earlier in the day he had seen a van parked on a verge in Wentworth Road and that due to the wet weather the verge now had a deep rut as a result. He concluded his report by explaining that Estate trees are surveyed bi-annually and that works due to be carried out as a result of the 2021 survey will cost around £20,000 plus vat and will commence shortly.

7. Proposed Gating Scheme

This initiative was started in response to the nuisance of rush-hour traffic using Wentworth Road to avoid queues on Lichfield Road. The Chairman reported that the application for a Certificate of Lawfulness for the installation of gates on Estate roads had been refused by Birmingham City Council's Planning Committee on 2nd September. He ran through the background to the gating project and the history of the application and explained that the council had taken around two and a half years to make a determination. He had attended the Planning Committee meeting where the application had been refused and said that quite rightly the Committee's Chairman had informed councillors present that their decision should be made solely on legal grounds and not on planning grounds, but that some of the councillor's comments suggested this advice had not been heeded, possibly as around two hundred and fifty letters of objection are understood to have been received. He outlined the basis of the application's refusal and pointed out that the principal documents, including the council's thirty one page Highways Report and the planning officer's report, are available on the website for residents to read.

The Chairman explained that since the application's refusal the board had consulted with Mr John de Waal QC who had considered the documents and the council's grounds of refusal. Mr de Waal had stated that he believes the council's legal arguments are not persuasive and the chance of a successful court application to determine the question of whether Estate roads are highways are around two-to-one (67%) in the Estate's favour.

The Chairman reminded the meeting that the board's plan, should the application have been approved, was to install two gates initially, with one on Wentworth Road and the other on Ladywood Road, both near the junction with Blackroot Road. He added that the application's refusal did not mean that additional traffic and speed reduction measures cannot be undertaken, such as the installation of additional speed bumps.

The Chairman reported that the probable cost of taking court action to determine that Estate roads are not highways is likely to be around £110,000 and that an unsuccessful action could lead to an award of the other party's costs of a similar amount against the Estate, leading to a potential total cost of well over £200,000. He stated that as Mr de Waal had suggested an approximate chance of success of around two-to-one it would not in his opinion be prudent to proceed with such an action at the current time and that the position adopted, due to these recent events, should be 'to let sleeping dogs lie' and this position will be put to the board at its next meeting. He added though that his board colleagues had already signalled their support for this position. He voiced a concern that Birmingham City Council may consider at some time in the future attempting to use Estate roads as diversions or alternative routes due to their belief, contrary to the Estate's legal advice, that the roads are highways. He made it clear that if this unlikely situation ever arises the option to take court action should be re-considered and that an action of this nature is not time-limited.

The Chairman concluded this item by saying that if this position changed in the future, such as the need arising to re-consider court action if the council attempted to use Estate roads for diversionary routes, a formal residents' consultation process would be put in place, such as a voting system where every qualifying residence receives a numbered ballot paper. In the meantime the board is considering historical archive research in the hope of finding stronger evidence that would be helpful should litigation become necessary.

8. Strategic Plan Update

Mr Craig Johnson, one of the directors, explained that he had been tasked with trying to find a way of bringing full-fibre ultrafast broadband to the Estate. He explained that Openreach had suspended its plan to provide full-fibre to the Estate due to prohibitive costs and it was not known when, or if, the project would re-commence. He summarised several options including partnering with Openreach by underwriting some of the costs or laying a private network independently. He explained that both of these options are unrealistic in costs terms. He explained that he is currently exploring the option of permitting a private operator to install a full-fibre network at its own cost in return for exclusive access to the potential customer base and that these investigations are ongoing, but to date proving unproductive. He added that the board is aware of how important achieving full-fibre broadband is and that investigations will continue exhaustively. The Secretary added that the principal reason Openreach had withdrawn on costs grounds is that the great majority of cabling under Estate roads is laid directly into the ground and not laid in ducts and that consequently an almost entirely new network would need to be laid.

The Chairman mentioned that he and his board colleague Mr M.McCollum are investigating the raising of external capital in this connection so that financing could be phased through the road frontage charge rather than using capital earmarked for roadway and footpath & verge improvements.

9. Any other business

Mr M.Singh stated that he agrees with the Chairman's position to 'let sleeping dogs lie' over the gating issue and Mr R.Langton gave his support to this. Mr Langton asked if the council's assertion that Estate roads are highways means that the 'private road' signs should be taken down. The Chairman responded to say that the council did not dispute in any way that Estate roads are private and do not object to the existing signage. The Chairman also clarified that whilst the council fully accept that Estate roads are private, they are clear in their view that the roads are not maintainable at the public expense.

Mr P.Jackson asked if the board is aware of any likelihood of works at 22 Ladywood Road to bring it back into habitable condition since its fire damage some years ago. The Chairman responded to say that he had met with the house owner a few times and that he is has been carrying out restoration works himself and proposes to continue doing so, although at the current time works are held up by an insurance claim dispute that is the subject of legal action.

Mrs J.Willoughby explained that the frontage to her house meets Hartopp Gate and the frontage in this section has been damaged by users of the park and has not been properly maintained recently. Mr Andrews responded to say that the Grounds Maintenance Committee will ensure this is dealt with shortly and then on a regular basis. Mrs Willoughby pointed out that there is a multitude of signs outside her house and had requested previously that some are removed or re-positioned as her outlook is negatively affected by them. She added that she was told by the Secretary this would be considered when the outcome of the gating project is known as this would have a

material affect on signage and that following earlier items in this meeting this matter should now be considered. The Secretary agreed that this matter should now be considered and would be done so shortly.

Sir Michael .Lyons expressed agreement with the Chairman's position to 'let sleeping dogs lie' over the gating issue but asked for confirmation that no material action to the contrary would be taken without a formal and acceptable consultation process. The Chairman gave this confirmation and thanked Sir Michael for offering to assist in the formulation of a consultation process when they had met a few days prior to this meeting.

There being no further business the Chairman thanked residents for attending and declared the meeting closed at 8.41pm.