Minutes of the Annual General Meeting of Four Oaks Estate Limited (company number: 00224411) Held at Four Oaks Tennis Club on Tuesday 16th April 2024 at 7.30pm

PRESENT

Mr M.McCollum (Chairman), Mr A.N.Andrews (Chairman of the Grounds Maintenance Committee), Mr S.R.Tullah (Secretary), Mr D.W.Farnsworth & Mr J.Fleet (Feltons (B'ham) Ltd) & Mr M.Green (Trowers & Hamlins Solicitors). In addition the attendance register records 49 residents present, in all representing 35 residences.

1. Apologies for absence

Apologies for absence were received from Mr A.Parsons, Dr & Mrs P.Arora, Mr & Mrs K.V.Patel, Mrs J.Hassall, Mrs S.Fortes Mayer, Mr & Mrs A.Guest, Mr & Mrs P.Barclay, Mr & Mrs J.Laird, Mr V.Chadha, Mrs L.Payne, Mr F.Dolan & Mr S.Morrough.

2. To seek approval of the Minutes of the Meeting held on Tuesday 18th April 2023

The Minutes of the Annual General Meeting held on 18th April 2023 were distributed prior to the meeting. Mr S.Broomhall proposed that they are approved. This was seconded by Mrs P.Dewsbery and carried unanimously.

3. Matters arising from the Minutes

There were no matters arising from the Minutes.

4. Chairman's Annual Report

The Chairman, Mr Mike McCollum, welcomed residents to the meeting and thanked them for attending as representatives of the Four Oaks Estate community. He thanked his board colleagues for their time and commitment and paid special thanks to Mrs Penny Dewsbery for organising last summer's Coronation Party.

The Chairman reported that prior to the meeting a resident has asked to raise the matter that he believed the Estate should manage and fund the security patrol service, rather than only those residents who have subscribed to it, on the basis that all residents receive a benefit from the service and that enrolling all residents would considerably reduce its cost. The Chairman explained that the board had considered this matter on several occasions and that it is not feasible for the Estate to fund the service as a majority of residents choose not to subscribe to the service, may wish to make their own security-related arrangements and that in addition the covenants between the Estate and residents mean that road frontage charges are for the funding of maintenance and administration of Estate land only and that providing a security service is outside of its reasonable scope of activities. He added that there are significant insurance and liability risks for a landowner to fund such a service. He also added that the board supports the service and that he personally subscribes to it.

The Chairman mentioned the potential gating of Estate roads which is a matter that regularly arises on the residents' WhatsApp group. He reminded the meeting that the board's position on the matter is that to legally challenge Birmingham City Council's assertion that Estate roads are highways, and thus that planning permission is required to install gating, could cost around £250,000 and with only a limited chance of success would be an unacceptable financial risk with potential negative unintended consequences. He confirmed that he is aware of the viewpoint that because of Birmingham City Council's well-publicised financial distress it may not be in a financial to contest a legal action, but that the due to the high-profile objections to gating Estate roads, the wide negative publicity the application for a Certificate of Lawfulness generated and the lengthy and considerable research the council carried out in refusing the application, it is highly likely that it would do so. He concluded by saying that the board's position that the gating matter remains closed is ongoing.

The Chairman reported that efforts to bring fibre broadband to Estate roads have not been successful and that two private providers, Hyperoptic and Lit Fibre, had decided not to proceed with installing a private network due to the civil engineering costs involved, the possibility of Openreach upgrading its network and leaving a smaller marketplace of customers that is unviable and advances in wireless technology that may lead to wired broadband becoming obsolete. He added that Openreach continue to install fibre broadband to residents on an 'ad hoc' basis following individual applications. He explained that strenuous efforts to establish a formal and pro-active relationship with Openreach has proved impossible.

The Chairman concluded his report by thanking residents for attending and added that any questions could be raised under Any Other Business.

5. Secretary's Annual Report

The Secretary, Stuart Tullah, opened his report by thanking the Chairman for his first year in office. He explained that the Chairman takes a 'hands-on' approach and devotes a considerable amount of time and care to Estate matters. He said that the financial position of the company is sound and that there is currently only one case of Road Frontage Charge arrears which is now the subject of legal action.

The Secretary explained that Cadent Gas are carrying out replacement works to the existing gas mains in Wentworth Road, Bracebridge Road, Ladywood Road, Hampton Drive and Kenilworth Close. The first phase of the works is planned to commence on 10th June in Ladywood Road and on 1st July in the first stretch of Bracebridge Road and to finish on 9th August. The second phase is planned to commence on 23rd September and includes the second stetch of Bracebridge Road, Wentworth Road, Hampton Drive and Kenilworth Close and is planned to finish on 15th November. He added that planned re-surfacing works to Ladywood Road and Bracebridge Road had been postponed until the works are fully completed.

The Secretary reported that there is an ongoing problem of unauthorised parking on Wentworth Road and that recently multiple taxis operating as Hotline Cars have been parking in the parking bay. Hotline Cars has been contacted and has said that their drivers will be asked not to park on Estate land, but this has not resulted in the problem reducing or ceasing. Hotline Cars is adamant that the taxis are owned by the individual drivers and that it has no responsibility or liability for resolving the problem. Legal advice is being sought as to whether some form of action against Hotline Cars can be taken, as taking action against individual drivers is not feasible. The legal advice received will be important in knowing how to tackle unauthorised parking in the future. Prior to the meeting a resident raised the question of potential unauthorised and nuisance parking on Ladywood Road and Hartopp Road should Birmingham City Council introduce everyday parking charges to Sutton Park as has been publicised as a likelihood. The Secretary reported that the board is aware of this possibility and should the decision to introduce everyday parking charges be confirmed research will be carried out as to what remedies are available to prevent the problem arising.

The Secretary concluded his report by thanking the board of directors for their commitment and for giving so freely of their time. He added thanks to Mr Neil Andrews and Mr Nick Humphrey for their duties on the Grounds Maintenance Committee and also thanked the Estate's professional advisers, Mr David Farnsworth and Mr Jamie Fleet of Feltons Accountants and Mr Michael Green of Trowers & Hamlins Solicitors.

6. Grounds Maintenance Committee Chairman's Annual Report

Mr Neil Andrews, Chairman of the Grounds Maintenance Committee, pointed out that the list of the grounds maintenance activities detailed in the Minutes of last year's AGM remains the same, but he highlighted the following specific matters:

* Potholes regularly develop, not least due to the volume of heavy vehicle traffic that uses Estate roads. The road surfaces are monitored and potholes are filled on a regular basis.
* There is a two-yearly tree survey for safety and tree-stock management purposes and the 2023 Tree Survey led to works being carried out to over two hundred trees.
* At last year's AGM it was announced that upgrades to lighting columns would be trialled as an affordable way to improve lighting levels. Twenty three columns have been upgraded with higher power LED lanterns and this has led to a significant improvement. Twenty four columns will be upgraded shortly and two older columns in Bracebridge Road have been replaced.
* The red bag garden waste service operated by Edges & Hedges is used by around half of all residents. To reduce the number of instances that bags are left on the roadside prior to collection day there are now two weekly collections. Residents are asked though to only put bags on the roadside on the evening before a collection or early on the morning itself.

7. To receive and adopt the financial statements for the year ended 30th September 2023, together with the report of the directors and auditors thereon

Mr David Farnsworth of Feltons (B'ham) Ltd presented the Company's 2022/23 audited accounts. He stated that the company's financial affairs are properly and soundly conducted, that accounting procedures are in order, that all expenditure is carefully scrutinised, that no restriction was placed on his firm's audit duties, that a clear Report to Management has been issued and that an unqualified clear audit report will be signed.

Mr Farnsworth reported that the draft accounts showed road frontage charge income of £270,316 and that at year end there were only three cases of arrears due to a sound collection system. There was a surplus in 'ordinary activities' of £29,885 as opposed to £18,174 for the previous year and that £30,000 had been transferred from the revenue account to the capital account. In addition the sale of land had produced a receipt after corporation tax of £52,995 and this has been allocated to the capital account. The capital reserve figure at year end was £278,412 and closing members' funds stood at £286,650 as opposed to £314,413 for the previous year.

Mr Farnsworth explained that Corporation Tax applies to external income only, such as bank interest, filming fees and land sales. Road Frontage Charge income is mutually generated and therefore not taxable. He added that cash is the company's biggest asset and that the financial position of the company is good.

The Chairman proposed adoption of Mr Farnsworth's report and adoption of the financial statements for the year ending 30th September 2023, together with the reports of the Directors and Auditor thereon. This was seconded by Mr P.Jackson and carried unanimously.

8. To appoint the auditors

The Chairman asked for a proposer that Feltons (B'ham) Limited is re-appointed as the company's auditors. This was proposed by Mr R.Forrest, seconded by Mr N.Humphrey, and carried unanimously.

9. To appoint the solicitors

The Chairman asked for a proposer that Trowers & Hamlins is re-appointed as the company's solicitors. This was proposed by Mr S.Broomhall, seconded by Mr P.Sonsale, and carried unanimously.

10. Any other business

Mrs E.Henderson asked when the residents' security survey was conducted and if expected costs were included in the survey. The Chairman replied that the survey was carried out in September 2022 and that residents were asked what level of additional costs they would be willing to pay for a security service. Eighty percent of respondents stated that they would not be willing to pay any or only minor additional charges. Mrs Henderson stated that the cost of the service would be significantly lower and a more comprehensive service could be put in place if all residents contributed to the scheme. Mr R.Wood stated that the cost could potentially be lowered to around £4 per household per week. The Chairman added that if the service were in place for all residents inevitably costs would rise. He repeated that the Estate is not in a position to manage nor fund the service for the reasons he stated in his report and added that he is a member of the service and believes it is an excellent service. Mr R.Forrest, former Chairman, outlined the insurance and liability risks of the Estate operating the service. The Secretary reported that a significant number of residents had informed him that they would object to having to pay for a service they do not want to join and re-iterated the point that Estate covenants with residents do not enable the Estate to fund such a service. Mrs P.Dewsbery pointed out that whilst she is a subscriber of the service, it is notable that only 93 of 335 households have chosen to join the service and the wishes of those of who have not should be respected.

Mr S.Broomhall asked if the board's stance on the potential gating scheme is conciliatory and that installing one gate on a 'test basis' would enable the council's resolve to prevent gating to be tested. The Chairman responded to say that there is no evidence that there is a strong consensus amongst residents to have a gating scheme and the Secretary reminded the meeting that the gate installed on Wentworth Road was never closed, but still attracted considerable negative publicity, including in local media. Mr Michael Green of Trowers & Hamlins Solicitors explained the legal process of making an application to court for a determination of Estate roads' status and added that the possibility of a negative outcome and unintended consequences was significant. The Chairman summed up the debate by saying that the board's position of 'letting sleeping dogs lie' and not proceeding with a gating scheme remains. Due to common misunderstandings voiced on the residents' WhatsApp group, the Secretary gave an explanation of the status of Estate roads in terms of their private and unadopted status and the definition of a highway and interfering with a highway.

Mr S.Singh asked when the footpaths and verges would be upgraded to tarmac or some other form of hard surface to improve appearance and durability. Mr N.Andrews, Chairman of the Grounds Maintenance Committee, responded by saying that there is no plan to replace the grass verges and that whilst there are differing opinions about the matter, the strong balance of opinion is that grass verges re preferable to any other form of surfacing.

Mr R.Forrest congratulated the board on its work over the last twelve months and asked for a round of applause.

There being no further business the Chairman declared the meeting closed at 8.49pm.