

Fernwood Residents' Association (FRA)

Minutes of the FRA Committee Meeting
held at 7.00 pm on Tuesday 03 May 2016
Fernwood Village Hall

Present:

Vice Chairman - David Heath (DH)
Secretary - Sue Taylor (ST)
Treasurer - Barry Smith (BS)
Janet Tindall (JT)

Jim Gould (JG)
David Mack (DM)
Mandy Knowlton-Rayner (MK-R)

Parish Council Representative:

Invitees:

- 1 **WELCOME**
DH welcomed everyone for attending.
- 2 **APOLOGIES**
Parish Council Chairman Jim Weale (JW), Cheryle Mack (CM)
DM & MK-R would be late arrivals.
3. **MINUTES OF THE PREVIOUS MEETING – 04th Apr 2016**
The Minutes were accepted as an accurate record.
4. **MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING – 04th Apr 2016**
Conservation Group - JG reported that the group would like to remain as a sub-group of FRA for the time being.
5. **TREASURER REPORT**
Change of address has now been rectified and BS is receiving the statements.
Main FRA Account - Total : £825.17
Please see attached report figures taken from the last AGM to 3rd May 2016. The only movement since the last meeting is that all the petty cash was paid into the account.
FRA Bank Balance: £825.17 (*FRA Committee £585.30 + Conservation Group £239.87*)
FRA Petty Cash: £0.00

The conservation group have requested funds for £89.54 - 4 items for the bird hide & 1 from the general conservation funds. A cheque was issued and the conservation funds now stands at £150.33. JG reported that Cllr Sue Saddington was donating a further £100 to their general funds. The cheque should be received soon.

Fernwood Village Project Fund - Total £3,785.80.
No movement on the statement from this account at £3,947.80 but the fruit trees cheque of £162 is outstanding.

Internet Banking - Main FRA account only
The paperwork for internet banking has now been received, signed and returned to the bank. A payment limit of £400 has been set and a security device will be received. The security device will be held by a Committee member who does not have access to the internet banking codes for the account. Payments made will require internet access and the security device, therefore two FRA committee members will be involved in the transaction.

The Treasurer, Chair & Vice-Chair will have access to internet banking and be able to access the statement & balances via this method.

The Secretary will hold the security device and if on holiday, another Committee member.
6. **REPORT FROM THE PARISH COUNCIL (FPC)**
No report from FPC - There has not been a Parish Council meeting since the last FRA meeting. The FPC AGM is on Monday 9th May at the Village Hall.

ACTION

ST - upload
to website

7. Fernwood Project Proposals

The new land management panel being proposed by FMSG to FPC has not yet been finalised. 3 projects have come forward to the parish clerk. The FRA Committee will discuss and put forward FRA's recommendations to FPC.

Petanque Club - Please attached proposal.

The project and on-going maintenance for a paving and handrail surround of the existing pitch will be fully funded by the Petanque group.

Following discussions a vote was taken on the two parts to the project:

- 1.2m wide paving surround to provide disabled access to all parts **Vote - 7 For / 0 Against** **Recommend**
3' green plastic handrails for disabled/elderly aid **Vote 0 For / 7 Against** **Not Recommended**

ST to write
to Parish
Clerk

The Committee felt that more information is required for this part of the project. Not only the issue as to whether it was the right height for the elderly but the practicality of access and movement of mobility scooters and wheelchairs if the rail fenced in the area as detailed in the drawing. The issue of 3rd party liability also needs to be addressed in case of accidents due to the rail visibility/height etc. However, in principal if the handrail design and positioning could be shown as fit for purpose, the majority (vote 5/2) of the current committee would recommend this part of the project.

Points to address:

- 3rd party liability responsibilities
- Points of access from outside/inside
- How will it help?
- Height, colour and type (photographic example)
- Why the full surround like a fence?

Conservation Group - Please see attached proposals

JG has an interest in these proposals and therefore abstained from voting.

Project 1: FERNWOOD in Flowers

The group would create the area and purchase the necessary on-going bark and flowers for all year display. On-going maintenance by First Port of the edging would be a minimal cost to residents.

Discussions followed the line for the need to cut the word FERNWOOD in the bank as opposed to just having a flower bed and spelling FERNWOOD in the bed using the flowers. Concerns revolved around the upkeep of the area especially if the group dissolved. Two votes were taken for this project.

A - To cut the word FERNWOOD and fill with flowers **Vote 0 For / 6 Against**

Not Recommended
Recommend

B - To create a flower bed on the area **Vote - 4 For / 2 Against**

ST to write
to Parish
Clerk

Project 2: Woodland Walk

The group would create a new Woodland Walk behind Cameron Lane to discourage vandalism in the area. The group would absorb all costs through volunteers and there will be no on-going maintenance costs chargeable to residents. **Vote - 6 For / 0 Against**

Recommend

ST to write
to Parish
Clerk

8. Complaint to Newark & Sherwood District Council

Please see attached report and suggested letter

DH gave a précis of the situation. Furthering the complaint to the Local Government Ombudsman will be free of charge and the involvement of the ombudsman is expected to see a report being sent to all NSDC Councillors. The FRA letter will be copied to FPC and the NSDC Councillors that represent Fernwood. It was decided not to involve Robert Jenrick, MP to Newark until an answer had been received.

The Committee agreed with a unanimous vote for the letter to be sent.

DH to send
letter

9. Report from Fernwood Maintenance Strategy Group

DH reported that a proposed joint group of First Port, FPC & FRA representatives has been agreed in principle by FMSG which would meet to discuss and agree additional maintenance, budgets, yearend account review and any projects for the public open spaces. A full worked up proposal will be made to FPC after the group have had a time to discuss the implications in detail.

The financial refund from First Port is still under discussion. Fernwood feel there is a substantial amount of money to be refunded but First Port has advised that BDWH are unlikely to pay for Phase 1. Once the amount is known, the residents could be asked to vote on how the monies should be repaid.

10. FRA Constitution

The Committee voted on proposing changes to the Constitution to the residents at the AGM. The following principles were considered:

Change: Name of FRA to Fernwood Central Residents' Association

Reason: The expansion of Fernwood Village with two new residential sites going to planning. The house owners will have different legal conditions and will not be responsible for the maintenance of the public open spaces within Fernwood Central.

Vote - 6 For / 1 Against

Recommend Change

Change: Addition of the Officer position of Vice Chair within the Committee

Reason: To aid with the running of the association

Vote - 7 For / 0 Against

Recommend Change

Change: Addition for the Chairman of the Parish Council to become 'Acting Chair of FRA' until the next AGM if both the Chair and Vice-Chair Officer positions are vacant

Reason: To aid with the running of the association

Vote - 7 For / 0 Against

Recommend Change

Change: Removal of the named website address for FRA

Reason: The website address has changed and could change in future

Vote - 7 For / 0 Against

Recommend Change

Change: Addition to use On-line Banking and the conditions

Reason: Aid the Treasurer and progress with technology

Vote - 7 For / 0 Against

Recommend Change

Change: Amend the word 'audited' to 'verified' and the turnover amount from £5,000 to £10,000 within the Finance section

Reason: Small associations and business do not have legal requirement of an audit which is an in depth look at the accounts and is costly and lengthy. It is felt that an independent verification that the accounts are correct is all that is required.

Vote - 7 For / 0 Against

Recommend Change

Change: Addition of 'through a show of hands or a secret ballot' within 6.1. - Voting section

Reason: Aid the voting process

Vote - 7 For / 0 Against

Recommend Change

Change: 5.2a - Amend the number of General meetings that must be held from 3 to 2

Reason: General meetings can be held or requested by any resident at any time, so the reduction of the minimum number of meetings that must be held aids the Committee commitments.

Vote - 7 For / 0 Against

Recommend Change

ST to make proposed changes

DH to place on Website and Village Hall notice board giving residents notification of the proposals to be voted on at the AGM

11. AGM 21st June 2016

The current Committee stated they expect to stand for re-election except ST. For personal reasons she felt she would be unable to continue having served her elected year.

Procedure

It was agreed that the Constitution changes should be voted in prior to the Election of the Officers for the coming year and a Treasurer and Chairman's report should be given.

It was agreed that a representative of as many Fernwood groups as possible should be invited to speak for up to 5 minutes each to inform the residents of their activities

An agenda will be created and posted on the Website, FRA Notice board, and Face book

12. Dates for Future Meetings

ST has booked the village hall meeting room for the committee meetings every month up to the 2017 AGM except for Oct 2016, Feb 2017 and June 2017. It was expected that these 3 months would be public meetings and require another venue. The in-coming Committee will need to decide the type of meeting required and book a venue for these months.

13. A.O.B

Fanfare Advertising

The Committee agreed the following advertising rates for the new A5 format:

Full Page £60, ¾page £50, ½ page £30, ¼ page £15, ⅙ page £10 for a single issue.

Anyone requesting a subscription for a full year (minimum 4 issues) they should be charged x 3

Full Page £180, ¾page £150, ½ page £90, ¼ page £45, ⅙ page £30

ST to write to groups

DH/BS/ST to action

Fanfare Budget

It was unclear the FPC budget for the Fanfare but thought to be £300 for 1200 copies each print. DM will contact the Clerk to FPC (Emma Thorpe) for confirmation

DM to action

Fanfare Printer

The change of format and number of issues per year may change the current arrangements, if any, with the printer. DM should contact the current printer to find out the arrangements and ensure that this change of format and number of pages is OK.

DM to action

Fanfare Production

A deadline of 16th May has been issued to all previous contributors and production is on schedule for delivery to residents at the beginning of June.

CLOSE –The meeting closed at 10.00pm.

FERNWOOD RESIDENTS ASSOCIATION
STATEMENT OF ACCOUNTS

As AT:- 02/05/2016

<u>Bank Balance B/D</u>	<u>£1,361.12</u>
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Bank Balance by Group

Committee/Bank	£595.65
Conservation	£765.07
Village Projects	£0.40
Petanque	£0.00
<u>Total</u>	<u>£1,361.12</u>

<u>Petty Cash B/D</u>	<u>£26.83</u>
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<u>Total B/D</u>	<u>£1,387.95</u>
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INCOME

Committee	£95.40 (incl. £0.40 from Village Projects)
Petty Cash	£274.00 (Transferred from Committee)
<u>Total</u>	<u>£369.40</u>

OUTGOINGS

Committee	-£346.00
Conservation	-£525.20
Village Projects	-£0.40
Community Event Mar 16	-£60.58
<u>Total</u>	<u>-£932.18</u>

<u>Total Left</u>	<u>£825.17</u>
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AVAILABLE CASH PER GROUP

Committee/Bank	£585.30
Conservation	£239.87
Village Projects	-£0.00
Petanque	£0.00
Community Event Mar 16	£0.00
Petty Cash	£0.00
FYI	£0.00

<u>Total</u>	<u>£825.17</u>
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Petty Cash B/F	£0.00
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Bank Balance B/F	£825.17
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<u>Total Available</u>	<u>£825.17</u>
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Report to the Fernwood Residents Association Regarding the Complaint That Newark and Sherwood District Council Failed to Apply a Planning Condition Relating to the Maintenance of the Village

1 Purpose of Report

Members are asked to consider the current situation with regard to the maintenance of the Village and to determine whether to agree to the recommendation of the Fernwood Maintenance Strategy Group (FMSG) to progress a complaint to the Local Government Ombudsman.

2 Background

Members will be aware that the FRA had significant concerns over aspects of the Planning Permission for Fernwood that had apparently not been followed by the Council in relation to the maintenance of the Village. There are several aspects of this but perhaps the most significant was that the Council failed to apply the condition with regard to:

Condition 02 "No development shall commence within any of the phases agreed above until the following details have been submitted to and approved in writing to the Local Planning Authority for the entirety of each approved phase. (v)The provision of open space in accordance with Policy R4 of the Newark and Sherwood Local Plan and proposals for its future management and maintenance"

This meant that the maintenance scheme that is being operated by First Port that residents are being charged for, under a contract set up by Barratts David Wilson Homes, was not either considered by or approved by the Council.

3 Investigation

The FMSG obtained legal opinion on our contracts and this concluded that many aspects of our contracts cannot be altered. However, one key aspect remains, which is the way in which Newark and Sherwood District Council (NSDC) dealt with the conditions of the planning application for Fernwood Village.

FMSG firstly requested the Council for the information through a Freedom of Information request. The Council was unable to provide any information about these matters or any information on the the Council's failure to agree an amount with Barratts David Wilson Homes to enable the Council to maintain the Village. Then the Group wrote to Barratt David Wilson Homes and received a reply from their Legal Department that they were also unable to find any information regarding the approval of the maintenance arrangement. The Group then wrote a drafted a complaint regarding this lack of approval, which was approved by our Fernwood Residents Association at a previous meeting and sent to the Council.

Members will be aware from previously circulated correspondence from NSDC that the Council admitted that "It is acknowledged that the Council has no record demonstrating explicit approval or sign off of the management arrangements which are currently in place. However, the Council were aware of what the developers intended to put in place."

It is these arrangements that formed the basis of not only how we are charged but the lack of constraints to the arrangements and the charge to Land Registry for every freehold property.

4 Recommendation from Fernwood Maintenance Strategy Group

The FMSG considered the background and correspondence at its meeting that was held on 29th April 2016 and agreed that it would recommend to the FRA that the complaint be pursued through the Local Government Ombudsman. The Group then approved the draft of a letter that the committee is invited to consider send to the Ombudsman, attached at appendix 1.

COMPLAINT TO LOCAL GOVERNMENT OMBUDSMAN REGARDING THE FAILURE OF NEWARK AND SHERWOOD DISTRICT COUNCIL TO APPLY THE CONDITIONS SET OUT IN A PLANNING PERMISSION

This complaint is on behalf of Fernwood Residents Association regarding the maintenance of the open spaces within the Village of Fernwood, near Newark in Nottinghamshire.

The Full Planning Permission for the Village of Fernwood, under the Application Number 00/5006/FUL included a number of requirements for Newark and Sherwood District Council to ensure that the maintenance scheme for the Village was properly vetted and approved by the Council. Villagers have raised many concerns about the maintenance arrangements for the Village. Following a Freedom of Information Request to the Council, the Council were unable to provide any of the information sought by the request. In the response to subsequent formal complaint to the Council, the Council has agreed that it had not complied with the terms of the Planning permission. The Ombudsman is therefore requested to investigate this failure.

Details of Complaint

1 The Council failed to apply the conditions of the Full Planning Permission in the Application Number 00/5006/FUL especially with regard to:

Condition 02 "No development shall commence within any of the phases agreed above until the following details have been submitted to and approved in writing to the Local Planning Authority for the entirety of each approved phase. (v)The provision of open space in accordance with Policy R4 of the Newark and Sherwood Local Plan and proposals for its future management and maintenance"

2 The Council failed to apply the conditions in the agreement dated 3rd February 1999 between Newark and Sherwood District Council; The Secretary of State for Health and Nottinghamshire County Council as related to the maintenance of the open spaces within the Village of Fernwood with regard to: Section 3.2 Existing Parkland - No later than the first submission of approval of reserved matters pursuant to the Permission there shall be submitted to the Council for approval a scheme for the management and maintenance for a period of 18 months of the area or areas - - -

3.3 Until such time as the existing Parkland is owned or managed and maintained at the public expense by a local authority or by another public body approved by the Council, the Owner will manage and maintain it in accordance with the approved scheme or such other scheme as may be approved by the Council on the submission of the Owner from time to time.

Following written representations to the legal representative of Barratt David Wilson Homes (BDWH), BDWH were also unable to provide copies of any maintenance scheme that had been submitted to the Council for approval by Newark and Sherwood District Council of such a maintenance scheme.

Newark and Sherwood District Council also failed to provide the record of the decision that was made by the Council to reject payment of in excess of £1 million in order for maintenance of the open spaces within the Village to be undertaken by the Council.

This failure by the Council has resulted in a maintenance scheme being adopted by Barratt homes that:

- A) Has treated freehold owners within the Village of Fernwood like a long leaseholders rather than freeholders of their properties;
- B) Resulted in a completely unregulated and unrestrained maintenance scheme to which Villagers have no input that places direct costs to the majority of Villagers.

- C) Introduced a scheme for permission to make any minor alteration to Freehold Properties. A scheme that also makes charges that vary at the whim of the agent appointed by Barratt Homes.
 - D) Allowed a scheme to be introduced whereby almost 20% of the residents do not contribute towards the cost of the maintenance of the Village which then results in the remainder of Villagers being required make an increased contribution to compensate.
 - E) Has resulted in a maintenance company being placed on the Land Registry against the freehold properties of the majority of property owners in the Village.
 - F) Enabled Barratt Homes to sell areas designated on the approved plans as open space(s) to another company.
 - G) Enabled Barratt Homes to put a 999 year lease into place with the same company that has been engaged to maintain the open spaces within the Village without the knowledge of purchasers.
 - H) Has resulted in a higher level of Council Tax for the same band of property to the neighbouring Village of Balderton, to which Fernwood was once part, to which Fernwood Villager residents must then pay the additional maintenance charge.
-