

Fernwood Residents' Association (FRA)

Minutes of the FRA Residents' Meeting
held at 7.30 pm on Tuesday 01 March 2016
Chuter Ede School, Fernwood Site

Present:

Meeting Chairman - David Heath (DH)
Secretary - Sue Taylor (ST)
+ 4 Committee Members and 40 Residents

Apologies: Notts. County Councillor Mrs Sue Saddington

1. WELCOME

David Heath (DH) welcomed the residents, introduced the agenda for the evening and gave Councillor Saddington's apologies.

DH explained the procedure in case of a fire alarm.

Resident Jeff Hobson (JH) wanted to ask a question of FRA which concerned the recent resignation of 3 committee members. DH explained that we would follow the agenda and there would be time at the end for JH to ask his questions. This was not agreeable to JH but finally the situation was accepted. DH introduced the first speaker.

2. FERNWOOD NEIGHBOURHOOD PLAN - Speaker Fernwood Parish Councillor Jim Gould (JG)

Cllr Gould gave a comprehensive overview of the Neighbourhood Plan:

The Localism Act of 2007 gives people within their community a say on how their community looks and functions through a registered legally binding plan. The Fernwood Parish Council (FPC) decided about 14 months ago that this would be ideal for the Fernwood Parish which encompasses not only the current houses but also those being planned for the north and south of Fernwood and the business park. To create the plan, a 'Build for Life 12 Criteria' is considered in order that it includes items such as; house design, transport links, parking, maintenance, conservation, local facilities and amenities etc. Input to the plan is not by a few people as the FPC must consult with as many people and businesses within the current community as possible. Once created, the registered plan will last for 15 years before review. Any changes to the Fernwood Parish during that time will have to take into account details contained within the plan. It is hoped that the plan will be ready for registration by September this year. It will cost approximately £20,000 but £18,000 is being sort by way of government grants and therefore the cost to the current community is approximately £2,000 being paid for from the Fernwood Council Tax precept. The benefit to the community is not only in having an environment designed by them but also monetary. A Community Infrastructure Levy (CIL) is given by the government to Newark & Sherwood District Council (NSDC) for every new house built and those communities which have a Neighbourhood Plan registered receives a maximum 25% of the CIL. JG estimates that the CIL revenue could be valued at £350,000 at least for FPC to help with further development within the community because of the number of houses being built around Fernwood due to the Newark Growth Point. The plan will have an impact on the current Fernwood village and the Parish Council are hopeful that in future they will become owners of the open spaces which they would like to also maintain.

Questions were then received from the floor:

Q. Where can we view the plan and comment?

A. The Plan is not yet readily available but residents are being asked to go along to Fernwood Village Hall on Saturday 12th March between 1pm - 5pm to have their say and mark the map with ideas to add to the plan. Information is also available via links on the FRA website under Neighbourhood Plan (www.fernwood-ra.uk). Comments may also be made at anytime via FPC - Parish Clerk or through FRA.

Q. Has a Post Office been suggested?

A. Not yet. Do come along on 12th March and show where you feel it would be best suited.

Q. Would the plan have an effect on the proposals for a lorry park in the business park area?

A. District Cllr N. Mison answered this question - A council decision has already been made that the lorry park for Newark will not be moved to Fernwood.

DH thanked JG for the information provided.

3. FERNWOOD MAINTENANCE STRATEGY GROUP (FMSG) - Speaker David Heath

DH explained that the FMSG was setup a couple of years ago by FPC to sort out many issues from residents. It is a small group and over the 2 years they have had several meetings with First Port (FP), Barratt David Wilson Homes (BDWH) and NSDC. They have consulted with Robert Jenrick - MP to Newark and have sort advice from a Solicitor and Barrister.

The issues raised can be categorised into accounting and contracts and thanks must go to 3 residents; Sue, Margaret and Ken who have recently spent a couple of days going through the details of charges over the last 10 years and forging a new open and communicative relationship between the Fernwood Residents and First Port.

A free 30 page detailed report was received from the Barrister which confirmed that we have no option but to remain with First Port for the next 5 years and only after this time if a majority of 50% of householders agree, could Fernwood Residents change the management company.

The Freehold Management Fee - Concerns were raised about how it is calculated. FP confirmed the following:

Standard Property Fee x Completed Site No. of Properties = Gross Management Fee

Gross Management Fee x property % payable = Freehold Management Fee charged to each property

The property % is based on the number of bedrooms and is stated in your contracts. FP will not reduce this fee.

Fees for re-mortgaging - This fee is legally binding as it is mentioned in the freehold contract.

Permission Certificates - Good News here as recent discussions with FP have established they have agreed to stop charging for all permission certificates (aerials/satellite dishes and alterations to properties), although permission certificates will still be required. The permission will now be completed by the Site Manager Craig Bromley.

Selling Houses - More good news as FP advise that there is no requirement to purchase a sellers pack. When you sell your property, your buyer will need information that proves your account with FP is up to date but you should have all that information already. A lot of information is also available from the FP website. The buyer will still have to pay fees for registering as new owners.

Void Charges and Clause 8.2 - Due to the definitions of 'Dwellings' & 'Estate' within the Freehold contracts, the Barrister has advised that this clause means that BDWH should be paying the service charge on behalf of the houses in phase 1 as it contains the wording '..... for any period during which the transferee or lessee thereof is not subject to an enforceable covenant to pay service charge or Variable Rentcharge'

FP & BDWH are in discussion concerning the way 'void' charges of un-built dwellings were calculated and BDWH legal department are looking into the clause 8.2. The Barrister advised that the developer will try and find a way out of this clause.

Misallocation of service charge expenses - It appears that quite a few expenses have been charged to schedule 1 in error, probably because of a bad accounting regime. This is being tightened up and FP are looking at a figure for refund.

The Future - Fernwood will have to work with FP for at least the next 5 years and a program of regular meetings with FPC/FRA to discuss future budgets and future plans is being put in place.

Questions were then received from the floor:

Q. When you talk about Barratts, do you mean Barratt David Wilson Homes?

A. Sorry, yes. Shorthand talk.

Q. Will FP reduce the Fees to Re-Mortgage?

A. The size of the fee is up to FP and they will not reduce this fee. They say it is a set charge for all their properties and is in line with the industry.

Q. What do they do for the Re-Mortgage?

A. Apparently they have to inform Land Registry and update their records.

Q. Can we assume FP will reimburse people who have previously been charged for a permission certificate?

A. They fell silent when asked but nobody has admitted to us that they have been charged.

Q. If BDWH are forced to pay for phase 1 properties, would that reduce our service charge?

A. Hopefully yes but the Barrister emphasised that BDWH will try to get out of this clause.

Q. Could another setup like Fernwood give us any ideas to the reasonability of the re-mortgage fee charged?

A. We have been in contact with another place in Lincolnshire but unfortunately it is difficult to find anywhere that has majority Freeholders. Fernwood is quite different. FMSG is still working on this.

Newark & Sherwood District Council - FRA has made an official complaint to NSDC on behalf of FMSG. The complaint is due to the planning agreement document which we believe states that NSDC were supposed to have approved the maintenance plan for the village, but they didn't. Through a Freedom Of Information request both NSDC and our searches revealed nothing and NSDC have written confirming there is no documentation of approval. BDWH can't find documentation either.

District & County Councillors have been amazed when they have been informed of the additional charging regime that is in place for freeholders.

Today we received a letter from NSDC saying that they have not been able to find any records of the Council approving the management arrangements and that they are happy with the regime in place and our solicitors should have told us when we bought our properties so they feel there is no recourse.

FMSG will have to discuss this and decide a way forward. There is certainly more work to do.

4. REPORT FROM NOTTS. COUNTY CLLR SUE SADDINGTON - Information provided by Sue Taylor (ST)

ST gave apologies for the absence of Cllr Saddington but read extracts from a couple of emails received which form the basis of the report.

Speeding Around Fernwood - Following discussion at the FPC where concerns were raised about the 60mph speed limit on the B6326 where school buses stop and pedestrians cross, Cllr Saddington has been investigating if a change in limit could be imposed. Highways have advised that the speed limit change priorities for the next two financial years are set and therefore the earliest consideration would be for the financial year 2018/19. However, a quicker outcome may be to seek a change as part of the Southern Relief road scheme or with the proposed development to the immediate South of Fernwood as anticipated traffic volumes would warrant consideration of a speed limit change as part of the development.

Lines & Signs Outside the Fernwood School - BDWH have given verbal agreement for the installation of the 'advisory 20mph scheme' which will have 'school keep clear' and zigzag markings. However when the planning for more houses comes forward another Traffic Regulation Order (TRO) to extend the lines would be required. BDWH have agreed providing they don't have to pay again for the extended lines TRO but the extended lines can't be discussed at present because the road hasn't been built and the BDWH do not yet have planning permission for the new houses.

JG injected that he had recently heard that the lines and signs outside the school might be completed within 3 months because other works are scheduled and the Fernwood lines can be completed at the same time.

Secretary's Note. Email received late evening:

Funding has been agreed for the installation of suitable line markings for protection from inconsiderate parking outside Fernwood School. The developers have formally agreed to give permission for a TRO to ensure that the enforceable lines can be installed on the land which is still in their private ownership. The scheme will be added to a TRO to make changes or additions to school line markings outside a number of schools within N&S District. The minimum timescale for the order to be passed is 3 months, however if there is an objection to any of the site proposals it would extend the process to somewhere between 6 & 12 months. Therefore even if there are no objections to the markings at Fernwood, there is no guarantee that the TRO can be completed within 3 months.

In addition the developers have given consent for installation of the advisory 20mph speed limit signs for the school prior to road adoption and it has been requested that it is installed at the earliest opportunity.

5. FERNWOOD RESIDENTS' ASSOCIATION - Speaker David Heath

Fanfare - DH gave thanks to Jeff & Sue Hobson would had produced the Fanfare in recent times but had now resigned. Cheryl Mack has volunteered to take over the production. More volunteer distributors would be welcome and if anyone is willing, please come forward at the end of the night and leave your contact details.

Treasurer - Jeff was also Treasurer. Barry Smith (BS) has stepped into this role.

Committee - The FRA committee meet once a month and all the committee positions will be up for re-election in June. If anyone is interested in joining the committee please come forward at the end of tonight and leave your contact details.

Jeff Hobson (JH) was now given the opportunity to ask his question.

Q. The Conservation group were affiliated to FRA for several years. 3 FRA committee members have resigned over the way funding for the fruit trees was handled. Why has the FRA committee now decided to disassociate itself with the Conservation Group and why have you refused to hand over the £124 due to the group?

A.DH - the committee felt that the land owner's permission was required before trees could be planted on land that wasn't owned by the residents and once permissions were received, funding was approved. Following the resignations of the 3 members an extraordinary committee meeting was held and discussed the Conservation group. As the group had now decided to widen its scope and take in maintenance, the committee felt that the affiliation would be best suited to a fully elected body. The committee agreed that FRA should write to the FPC and until such

time changes are made to the affiliation, the Conservation group and funding are still the responsibility of FRA.

DH advised that this was not a suitable forum and would be happy to discuss after the meeting. JH insisted he wanted to speak but when the other residents were asked if they were interested, they all said no.

ST asked to say a few words. ST was elected to the FRA committee to represent all Fernwood residents and to ensure that privacy and security is not comprised by any changes within Fernwood and that is why the Conservation group were asked to meet certain conditions prior to funding being granted.

DH moved the meeting on and introduced the next speaker.

6. FERNWOOD COMMUNITY EVENT - Speaker Barry Smith (BS)

BS provided information concerning the forth coming community event where residents can give ideas to the future growth and development of Fernwood. This is a joint venture between gathering information for the Neighbourhood Plan and the Youth Committee. The event will take place in the village hall on Friday evening 11th March for up to 17 year olds and then Saturday afternoon 12th March for any resident, young and old.

The Youth Committee began following discussion between Neighbourhood Watch, PCSOs and trying to prevent the problematic antisocial behaviour around Fernwood. They tried talking to kids on the streets, tried leaflets and realised they needed to do more to approach more youngsters within Fernwood.

It is expected that they will eventually be two groups 13+ and those 12 and under.

BS urged everyone to come along on Saturday afternoon not only to put their ideas into the Neighbourhood Plan but also to see the businesses and activity groups which are currently available within Fernwood.

DH thanked everyone for attending tonight.

2 residents came forward to join the FRA Committee and several residents volunteered to help with distribution of the Fanfare.

CLOSE The meeting closed at 9.00pm.