

## MINUTES OF PLOT-OWNERS' ANNUAL GENERAL MEETING

**Attendees:** Dominique Florin Chair, Rob Schoenbeck Vice Chair, Peter Jacobs Treasurer/Trustee, Martin Narraway Trustee, George Donaldson Secretary, Li Weinreich, Robert Morgan, Rosie Durant, Daniel Virgili Accountant, Barbara Wheatley Estate Manager + 67 residents representing 60 plots.

**Apologies:**

**Venue:** Community Centre 30 Makepeace Avenue

**Time:** 19.30 Wednesday 1<sup>st</sup> May 2019

- 1. Introductions & Apologies.** No apologies. The Committee introduced themselves.
- 2. Election of 5 Committee members for next 12 months.** The election did not take place due to an issue being raised about the proxy voting process which required legal clarification.
- 3. Approval of Minutes of Plot-owners' meeting 21<sup>st</sup> November 2018.** Richard Preece made several points which he felt were not accurately reflected. Therefore, the minutes were not signed and will be amended accordingly and re presented at the half yearly meeting.
- 4. Matters Arising.** The Chair suggested that anything not covered in the formal part of the meeting could be raised in the informal part of the meeting following the formal business.
- 5. Chairman's Report.** This was delivered by DF. It was circulated to all plot-owners on the Estate prior to the meeting and can be found on [www.hle.org.uk](http://www.hle.org.uk).

The first item, being finances, will be covered in the next item by PJ & DV.

Governance. The Chair's report was written before the query was raised about proxy voting just prior to the election. The Trust Deed is very old and difficult to change, the Rules & Regulations are easier to change with an EGM. There is clearly a need to review the election process, nominated representatives at elections, Trustees' tenure, rolling election of committee members & officers etc. so it is commensurate with modern life. This will be looked at as a matter of importance once the new Committee is in place.

Following reading the report the Chair expressed her thanks to Barbara Wheatley the Estate Manager and the team of groundsmen, along with thanks to Daniel Virgil the Estate accountant. She expressed her thanks to the Committee and wanted it noted that decisions are made collectively, often over very contentious issues. Her approach to the chairmanship reflects the view that that better decisions are made after considered discussion and a consensus being reached rather than a binary vote.

- 6. Treasurer's Report.** The Treasurer summarised the Accounts which can be found in full on [www.hle.org.uk](http://www.hle.org.uk).  
Income last year was less than previous years due to there being fewer skip licence payments now that LBC have finished their refurbishment of some of the mansion blocks.  
The budget was increased by £10k after approval was given at the last AGM.  
There were ±£625k of reserves at the end of the year. The plan is to maintain this sort of healthy reserve in the bank account.  
DV reported it is overall it is a pretty well-balanced budget.  
Justyn Trenner asked about whether HLEC are depositing the reserves in high interest accounts. PJ responded by saying that it has proved very difficult to find banks or organisations who will take us on, but the HLEC continues to explore this periodically.  
A second question, from Karen Rogers, was asked about how much was spent on security. Approx £4k – just over half on a patrol and the remainder on OCS, the organisation engaged to prepare a survey, which did not go ahead.
- 7. Adoption of Accounts.** Formal approval was proposed by Mike Newman and seconded by Karen Rogers. They were duly adopted.

**CCTV-Parking infringements.** RS briefly reported that further to the engagement of a dedicated Parking Attendant (PA), who is working in the evening moving on cars that are illegally parked, the HLEC is looking at testing the installation of temporary CCTV cameras at the top of Hillway. Details can be found on the HLE Website under Committee/CCTV tabs.

**Electric Vehicles.** Full report available on the website under the Committee tab.

Planning application submitted. Location west side of Hillway on Makepeace Ave south verge. Cost including VAT ±£29k with annual maintenance £600 per year. Payment for electricity from users will be how we recoup the costs in the main, but grants are being explored. The plans will go out to all residents for final approval.

Legal advice has been sought as to whether we are considered a service provider. The answer was No. We will need to make sure we are adequately insured. Jane Deighton said she was incredibly impressed with a well thought out and well researched project, and well done to all involved.

A question was asked about the choice of location. The answer was mainly to do with cost. We cannot afford, at present, to install chargers at the end of every Avenue, so Makepeace was chosen as it is in the middle of the Estate.

Kate Meadows asked if there would be subsidies for individuals wishing to install chargers on their properties. LBC and the Government are giving small grants, but they require a 100amp fuse to be fitted.

### **Election cancellation**

The Chair explained why the HLEC elections were cancelled. The election process was started in February, asking for candidates and the process was similar to the innovation introduced last year whereby plot owners were encouraged to appoint proxies if they were unable to attend. This proceeded according to the plan laid out by HLEC. The candidates behaved as per the process laid out and some were appointed as proxy voters for a number of plot owners.

Two days before the election a plot owner queried the proxy process and after a discussion between him and the Chair, and on reviewing the Trust Deed and Rules & Regulations with the Trustees it became apparent that the voting process would be in contravention of these. The HLEC decided, therefore, that legal advice should be sought over whether proxies did indeed have to be resident family members of the plot owner's household, as stated in the Rules & Regulations. The advice was unequivocal that we should not proceed with the election until we could put a procedure in place that would fit the requirements, or until we could change the Rules. HLEC held an emergency meeting and the view was that they could not go against this advice, whilst recognising the upset it would undoubtedly cause. It was suggested that the elections could be held in as little as 3 weeks if we ran them in accordance with the current Rules. But if the Rules were to be changed, to accommodate a more modern approach to proxy votes, then the Rule change would have to be agreed at the half-yearly meeting in November.

DF stressed that this was a mistake by the HLEC and apologised. She emphasised that none of the candidates did anything wrong.

The HLEC was awaiting a second legal opinion which was requested by several candidates and plot owners, but the intention going forward is to hold the elections as soon as possible and get a new Committee in place, then put together a working party to look at this issue in the Rules and also to look at the governance in a wider sense.

Questions were taken from the floor and a lengthy discussion ensued about proxy voting, governance, security, anti-social behaviour and communication.

Justyn Trenner made the point that he and others had asked the Trustees, on receipt of legal advice, that the election should proceed and had offered to share their advice in more detail.

PJ clarified the process for changing the Rules & Regulations. The first part of the Trust document is very difficult to change but the second part, being the Rules & Regulations can be changed more easily, however in the current form any changes can only be made by approval at an AGM or half yearly meeting, so if elections are to take place sooner than later they will have to be held under the current Rules.

Thanks were given to the HLEC for all their hard work.

**Meeting closed at 21.45.**