

# HOWE GREEN COMMUNITY ASSOCIATION

## EXTRAORDINARY GENERAL MEETING

Thursday 19<sup>th</sup> November 2009 at 8 pm  
in Howe Green Chapel

### Minutes

This was a closed meeting for Howe Green residents only and invited guest speaker. A record was kept of members attending.

#### Apologies for Absence

Gilly and Peter Longhurst  
Ken Wedon  
Caroline Travis  
Taleb Jeddy (Merivale)

#### Land for Sale to the West of Howe Green

##### Introduction by the chairman of the HGCA David Pearson

This all started when people arrived to view the site last Saturday. Since then, quite a few people have been to view it.

The next-door neighbours Richard and Janet North are claiming Adverse Possession (ownership) of the drive that gives access to the site from the main road. They have been using the driveway area for many years – probably enough to claim ownership. However, it is an access road and it may be that Adverse Possession will not apply. I would have thought that contested access would be bound to reduce the value of the land at auction. However, Andrew Dutton, the spokesman for Persimmon Homes, feels that this adverse possession claim will not materially affect the land price; the sale is going ahead as before. His opinion is that the £50,000 guide price is a minimum and effectively a reserve price. He says there is a high demand for land, of which there is a finite supply, but then he is trying to sell the land.

##### Cllr. Ian Wright

Ian Wright gave the council's view and described some of the experience with traveller sites in Essex and the local area.

Ian advised that the council has met the government target to identify traveller sites, so there would be now pressure brought to bear by the council for its use.

The meeting was further advised of the difficulties of removing the travellers once they were established on the land, History has shown that the removal can take anything up to 2 yrs and cost around £750k.

Ian answered questions on the possibility of the council purchasing the land to give the community more time to amass the funding. This option is not viable as it would take too long to organize, even if it could be agreed.

The use of the land was raised and Ian responded by saying that the land was agricultural, it could be used as grazing, but other options such as allotments would require planning permission.

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## **Peter Walker**

Peter Walker had been invited to give his view on the experience of Alexandra Mews purchase of land adjacent to them, but unfortunately Peter could not attend.

Dave Pearson gave a potted version of their experience and how they managed the funding through a limited company.

**Chairman David Pearson** laid out the options for discussion:

1. Do nothing. Then there is a risk that the land could be purchased by unwelcome residents but that might not happen.
2. The whole community get together and buy the land through a limited holding company.
3. The owners of properties adjoining the site buy the land, making their own arrangements. This could be done if they can raise sufficient funds, which could be well in excess of £100,000 (who knows). You have to go to an auction with resources behind you (cash in hand, so to speak).
4. A combination of options 2 and 3: the whole community buys the land through a holding company, but arrangements are made to give the owners of bordering properties priority over decision-making by the company – either limit the number of shares available to the rest of the community or have voting and non-voting shares, with bordering property-owners having voting shares.
5. Both 2 and 3 (or 4). A combined bid. One representative bids in the auction. If the funds raised by adjacent owners are sufficient to cover the cost then Option 3 is used otherwise Option 2 or 4. The same company can be used for both cases, but only the shares of adjacent owners will count for Option 3. The remainder (contingency shares) will be returned and refunded in full.
6. Any other option?

If the land is bought by the community, it could be used for community purposes. It would also prevent future development on the site and provide a buffer against any future development in the area beyond. It is green belt land but who knows what the future holds.

If bought by the community, the land could be held in trust so that it could not be sold for, say, 50 years.

## **Discussion**

After much discussion it was eventually agreed to put Option 2 to the vote offering shares at £100 per share, with a recommendation to purchase at least five shares.

Proposed	Neil Whitelaw
Seconded	Mr Hadland

It was put to the vote and passed.

It was proposed that if the purchase price was less than the amount donated, those that had paid the most would have their contribution reduced accordingly

Proposed	Neil Whitelaw
Seconded	David Travis

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It was put to the vote and passed.

The option to make an offer prior to the Auction was discussed by the meeting and was put to the vote.

Proposed Vic Morgan  
Seconded Paul Bullock

It was put to the vote and passed.

The meeting was then asked to mandate the value of the offer to be made at the pre auction meeting; it was proposed that £ should form the basis of the offer.

Proposed Neil Whitelaw  
Seconded David Travis

It was put to the vote and passed.

To manage the land purchase and control the ongoing management a company had to be formed.

David Pearson agreed to establish the company, so the meeting was invited to elect three directors

Neil Whitelaw was proposed

Proposed Caroline Travis  
Seconded Richard Spooner

It was put to the vote and passed.

David Pearson was proposed

Proposed Don Real  
Seconded Neil Jessop

It was put to the vote and passed.

Paul Tremelling was proposed

Proposed Don Real  
Seconded Dave Travis

It was put to the vote and passed.

Agreement was sought to use the HGCA bank account until the new companies bank account has been set up.

Proposed Vic  
Seconded Barbara Pearson

It was put to the vote and passed.

I was suggested that the services of a solicitor be obtained urgently, and if required, use the existing HGCA funds to pay for the services.

Holmes and Hills were recommended by Don as they had been involved previously on similar community type instructions.

Proposed Don Real  
Seconded David Travis

It was put to the vote and passed.

The meeting was advised several times throughout the meeting that the funds had to be available and cleared by the end of next week, **so cheques had to be handed in by no later than Monday 23<sup>rd</sup> November**, the deposit (10%)

will be required on the 2<sup>nd</sup> December, with proof that the balance of the funding is available.

Neil Whitelaw kindly offered to cover the deposit to ensure that it would be available in time.

Pledge forms were handed out at the meeting and some cheques were received.

Pledge forms for those households that were not at the meeting are to be distributed as soon as possible to allow the payments to be collected by Monday. David Pearson will have the forms ready for distribution by 12.00 Friday 20<sup>th</sup>.

### **Any other business**

A number of questions were asked and discussed.

It was agreed to hold another EGM on Monday 23<sup>rd</sup> November 2009 7:15 for 8 pm.

Meeting closed at 10.05 pm.

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