

SHERFORD COMMUNITY LAND TRUST LTD - SHADOW BOARD MINUTES 10th MARCH 2021

Meeting held remotely, 12.00 hrs

PART 1

Directors present:

Chair: Drew Powell (South Hams District Council); **Incoming Chair: Sarah Gibson** (South Hams District Council), **Gina Small** (Devon County Council); **Jenna Waters** (Vistry), **Kathryn Deeney** (Plymouth City Council); **Alison Nix** (Brixton PC); **Richard Thompson** (Mainstay), **Tom Wainwright** (Trowers & Hamblins), **Hannah Reynolds** (Devon Communities Together).

In attendance: Judy Talbot (Trust Coordinator)

<p>1. Apologies: Richard Harrison (Taylor Wimpey). The Chair welcomed Tom Wainwright and Hannah Reynolds to the meeting. It was agreed that the Trust would update Richard Thompson at a later date once discussions have been held regarding the collection of the CLT fee.</p>
<p>2. Declarations of interest: Gina, Kat and Chair work for Local Authorities which are involved in the delivery of the new Town and Alison as a representative for Brixton Parish Council. Jenna works for Vistry, Richard for Taylor Wimpey. Kat is now on the Estates Committee for the Schools Academy which includes Sherford Vale Primary School. Alison as a resident declared an interest with regards the CLT fee discussion (no.6).</p>
<p>3. Actions and Review of Minutes: All Directors agreed and approved the previous minutes.</p>
<p>4. Community Hub: Gina confirmed that Devon Communities have now been commissioned to carry out the initial report which is due on the 19th March. She introduced Hannah to the Trust Directors. Hannah explained that all the service providers on the Connecting Sherford Directory had now been contacted with a mixed response as some details have changed over the last year. She has set up a survey which Tania Skinner will assist in sending out to the updated contacts. A risk assessment and costings plan is also currently in progress. The costs will look at the set-up as well as the running costs and will most likely assume an averaged 40% occupancy. Hannah noted that a subsidy will probably be required and DC will provide details of the mechanisms in order to carry this out. Initially the management such as cleaning, caretaking, alarm response etc will be carried out externally but this may well change once the building is managed by the community. Directors questioned whether the developer consortium may be able to assist with subsidizing costs given that the s.106 obligations required them to build out separate facilities for the Church, Youth groups and Police. These groups will pay a peppercorn rent and will only assist with a utilities charge. There might be an option for groups to apply to the Trust for a grant to help cross-subsidize. <i>Gina and Judy to continue liaising with Hannah over the forthcoming report.</i></p>
<p>5. Articles of Association Drew introduced Tom Wainwright who he has met with previously and discussed the necessary amendments to the Articles. Tom discussed the proposed amendments. The Trust is currently not a charity. The definition of 'C' and 'D' members can be retained but the definitions need to be revised and some tweaking to these alongside looking at the s.106. The Articles currently specify two community trustees per neighbourhood which will give eight in total. If it doesn't conflict with the s.106 then this can be amended in order</p>

that the eight trustees do not necessarily need to be two specifically from each neighbourhood.

Under the AGM section there is a clause discussing the appointment of the 'executive manager'. This needs to be addressed with regards who and how this can be voted upon. The deadlock provision for calling a general meeting is currently set at a minimum of five members. This may need to be increased.

It was agreed that Livewest should assign their right to members (ie. Residents). There is a meeting scheduled with Livewest to discuss the membership assignment.

There is a distinction between 'residents' and 'workers'. Private renters should perhaps be defined as 'occupiers'. Qualifying categories for both renters and business owners were discussed with regards to items such as proof of council tax and business rates. Directors agreed that there should be a fair vote for all those occupying property in Sherford whether that be a householder or a business organization. The Articles need to be simplified so that all those with a vested interest in the community are included.

The issue of 'membership' of the Trust was discussed. The current position is that 'members' are opted out unless they choose to opt in. The Deed of Covenant for new purchasers will allow residents to become automatic members of the Trust and renters will have that built into their agreement as a condition of property occupation. The Articles will need to be in line with the new Deed of Covenant.

However, it is not possible to make this clause retrospective, therefore current residents cannot be induced to become a member.

Tom agreed to provide a summary of the required amendments for Directors to review. It is unlikely that the s.106 will need to be revised as the Trust has now been formed and established so it is fully operational.

Gina mentioned that as the Management company will now be collecting the Trust fee, Trust Directors should have some presence in order to oversee any rules of engagement and matters of governance from the community's perspective.

Directors also asked Tom to look at the community hub licence for a final legal viewpoint.

All Directors are happy to delegate the commissioning of this work to Drew along with authorizing the associated fees.

Tom to provide Directors with a summary of the proposed amendments.

Drew to commission the ongoing work and Gina will send the Hub Licence to Tom.

6. CLT fee

Directors are aware of some contention regarding the legality of the CLT fee payment. Both the 'estate charge' and 'parcel fee' are specified within Purchasers' Deeds but there is no explicit wording relating to the CLT fee. However, the s.106 is clear that there is an obligation on purchasers to pay the fee and therefore their solicitors should have raised this at the point of purchase. There is an obligation on the developers within the s.106 to ensure payment is made.

Directors agreed that the Trust do not collect the monies and is not responsible for the legal obligations upon residents to pay. This lies with the consortium and should have been made clear to new purchasers by their solicitors.

A further meeting will be scheduled in a few days to formulate a clear way forward in communicating this to the necessary channels.

7. Kat gave an update on the financial accounts:

Current Account:

Balance £54,250.53

November/December spend to date:

- £821 – coordinator payment (December invoice)
- £678 – coordinator payment (November invoice)

- £157 – Grant payment (K Turvey)
- £272 – Grant payment (Bauble competition)
- £0.40 – Bank Charges

Deposit Account:
Balance £20,007.13

8. AOB
Judy will call another meeting with three Directors in the next week in order to approve the grant application for the Easter egg hunt.

9. Date of next meeting:

Wednesday 14th April at 11am.

Meeting closed at 1.35 pm.

SHERFORD COMMUNITY LAND TRUST LTD - SHADOW BOARD MINUTES 16th MARCH 2021
Meeting held remotely, 12.00 hrs

PART 2

Directors present:

Chair: Drew Powell (South Hams District Council); **Gina Small** (Devon County Council); **Alison Nix** (Brixton PC); **Kathryn Deeney** (Plymouth City Council);

In attendance: Judy Talbot (Trust Coordinator)

1. CLT fee
Gina had circulated a previous statement from Gowlings regarding the s.106 obligation for purchasers to pay the £40 CLT fee and for developers to ensure that payments are made.

Directors discussed the statement which Alison will give to Brixton Parish Council regarding the CLT fee and the Trust's position.

Gina has written to Gowlings to follow up on the Trust's representation on the Manco board.

*Judy to ask Jenna and Richard if the Gowlings note has been followed through to conveyancing stage and is set out within the Deed of Covenant.
Judy will draft a paragraph for Alison regarding the CLT fee issue.
Judy will write to Jenna and Richard Thompson to ask that the draft CLT fee letter be placed on hold temporarily until the legal situation regarding the fee is fully clarified.*

2. Grant application
Directors approved the grant application for £300 for the Easter egg hunt. Judy will ensure that the applicant notifies the community that the Trust has funded it and that the Trust's logo is used in the printed material for the hunt.

3. Business Plan
Gina has been progressing talks with RIO and Devon Communities over the forthcoming Business Plan and the setting up of a community panel.

Gina to prepare a summary of both proposals for the next meeting in order to gain approval to move ahead.

4. AOB

Gina will circulate invites for the CLT meeting on the third Wednesday of each month at 12pm.

Meeting closed at 12.55.