



**DELAMERE PARK MANAGEMENT LIMITED**

Delamere Park Residents' Club  
59 Delamere Parkway West  
Cuddington, Northwich  
Telephone 01606 212523  
Registered in England No. 101362

## **Minutes of Special General Meeting of Plot Holders on Thursday April 11th 2019**

Held on Thursday 11<sup>th</sup> April 2019, in the Park Room, Delamere Park Clubhouse

### **Present.**

Mary Long (Chair of Trustees)  
Barbara Dymond (Trustee)  
Sheila Bowker (Trustee)  
Lyndon Taylor (Trustee)  
Delamere Park Plot Holders

### **Absent.**

Steve Hayes (Estates Manager)  
Karen Harrison (Office Manager)

**Minutes taken by:** Trustees present at the meeting

The meeting opened shortly after 7pm.

Health and safety, fire exits and assembly points were explained at the start of the meeting.

The Chair of Trustees introduced the Trustees and welcomed the recently co-opted member of the board, Lyndon Taylor.

Lyndon Taylor informed the meeting that the vote was by secret ballot and that plot-holders, Paul Rodgers and Chris Hardy had agreed to act as returning officers for the vote

### **Introduction**

The meeting was convened at the request of plot-holders to vote on the following proposed resolution:

- The Trustees shall revoke their decision taken on the 6<sup>th</sup> December 2018 to acquiesce to the demands of the Complainant on Delamere Park Way West for the removal of all five trees in the grass verge along her neighbours' frontage and to vigorously contest this case.

The motion was proposed by plot-holders Graham Rennie and seconded by John Muir.

### **Statement by the Chairman of the Trustees**

The Chairman of the Trustees welcomed the attendees and made a statement to the meeting providing background to and clarification of the issues which had initiated the meeting. Attendees were requested to raise questions after listening to the statement, following which there would be a vote on the proposed resolution.

The Trustees explained and provided information supporting their decision to relocate the trees planted on Delamere Park Way West following advice given by DPML's legal and insurance advisors. The Trustees explained that they were unable to discuss the insurance cover and had received strict instructions regarding the amount of information they could disclose at the meeting in order not to compromise any court proceedings that might follow. With that in mind, a power point presentation had been prepared to clarify the current situation.

Two anonymous letters had been circulated amongst residents in the previous week which contained inaccurate information. For clarity, the Trustees explained the following points:

- The Trustees had acted on advice received from the Land Registry which made it clear that DPML did not own the land in question.
- The dispute case had been reinstated due to not removing the trees. Contrary to what was alleged in the anonymous letter, Barristers do attend at County Court and costs can be between £4,500 and £15,000 and a Court Case could potentially be time consuming and costs might escalate further.
- There was no issue of a precedent being set elsewhere on the estate as the ground in this area of dispute is not DPML amenity land at present. Going forward the Trustees intend to continue to establish if we can claim title to the land.

The Trustees restated and reminded plot-holders of their opinion that the decision reached at the time in December 2018 was correct. However, in the light of information found since December 2018 especially that DPML did not own the land, the Trustees felt that they were in a position where they could not remove the trees.

Before the opportunity to discuss the Resolution, the Trustees reminded plot-holders present of the difficulty of answering any questions that might influence or damage the case if DPML had to vigorously defend a future court case.

### **Discussion**

A period of 'discussion' took place. Plot-holders wishing to present a point of view were invited to approach the microphone at the front of the hall in an orderly manner and provide a concise address for the attendees.

In a lengthy 'discussion' of the resolution, several points to support the resolution or counter arguments were presented.

A matter of concern for the Trustees present, was that some plot-holders in the audience had obtained copies of the full confidential mediation report without their knowledge. The Chair of Trustees had requested to see the mediation report and this had not been provided in time for the meeting. Subsequently, this resulted in DPML's current Trustees having to report a breach of data to the Information Commissioners Office.

DPML's tree policy was discussed which states that the Trustees decision is final.

The Chairman drew the discussion to a close and reminded plot-holders of the resolution to be voted upon. Ballot papers had been issued to plot-holders on entry to the meeting – these were then collected and counted in front of the audience.

### **Ballot Result on the Resolution**

For: 106

Against: 80

Abstain: 15

### **Closing Statement.**

The Chairman thanked the attendees for their contributions and acknowledged the offers of help that had been received in respect of moving towards reaching a mutually acceptable resolution. A working party was proposed to vigorously contest the case and to assist DPML in seeking clarification on the land registry issues of the amenity lands on the estate.