



The Committee of Management of
Hanover Crescent Enclosure

ANNUAL GENERAL MEETING 2021

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The Committee of Management of
Hanover Crescent Enclosure

Notice of Annual General Meeting (AGM) 2021

You are invited to attend the AGM of the owners and occupiers of the houses of the Hanover Crescent Enclosure to be held on Thursday 20th May 2021 @ 7.30pm on Zoom

AGM Agenda

1. Nominations for members of the Committee (maximum of 7).
(Note: the East Sussex Act requires that one quarter of an hour is allowed after the start time for candidates to be nominated)
2. Apologies for absence
3. Minutes of last AGM
4. Report from the outgoing secretary for the year 2020/21
5. Report from the outgoing treasurer for the year 2020/21
6. Election of Committee
7. Questions from the floor

General Meeting Agenda

1. Adoption of new Constitution
VOTE by OWNERS
2. Garden and Tree Maintenance
3. Use of Security Guards
4. Parking Issues – Discussion of short and long term options
5. Bi-Centennial Garden Party June 2022
6. Major Infrastructure Projects
- White Lining of Parking Spaces
- Phase 4A of Wall Repair
VOTE by OWNERS
7. Confirmation of Crescent Levy for 2021/22
VOTE by OWNERS
8. AOB

Please speak to any member of the Committee or email secretary@hanovercrescent.org regarding any items you wish to raise.

Please note that a package containing additional information on AGM issues has been posted on the HCE website. If you wish to receive this package by email or by hard copy then contact secretary@hanovercrescent.org confirming your name and house number.

New names for election to the Committee would be welcome, please contact any present member or ensure you are nominated within 15 minutes after the start of the meeting.

Voting rules, parking regulations and other matters can be found on the hanovercrescent.org website. You have to attend the meeting to vote, as proxies are not allowed. No individual will have more than two votes.

The outgoing Committee:

Paul Farmer (13), Sue Gollifer (6), John Hinchliffe (18), John Hird, (11), Neil Smith (20), Sian Thomas (1), Amanda Papadopoulous (5)



The Committee of Management of
Hanover Crescent Enclosure

Minutes of the Annual General Meeting of the Committee of Management of Hanover Crescent Enclosure DRAFT

Wed 24 June 2020

Opening

This meeting was held on-line using Zoom. All residents and owners had been informed of the meeting and those that said they wished to attend were sent a link to the meeting via email.

The Annual General Meeting of the Committee of Management of Hanover Crescent Enclosure was called to order at 19:40. Neil Smith began by welcoming everyone to the meeting and introduced the chair of the meeting, Leanne Allan.

Present

There were 16 attendees at the start of the meeting. Apologies were received from 4 residents.

Nominations for Membership of the Committee

All members of the outgoing Committee volunteered to be re-elected.

Approval of the Minutes of the last AGM

The minutes of the 2019 AGM were approved.

Secretary's Report and Review of the last year.

John Hinchliffe presented the report, part of the published AGM pack, and summarised the Committee's activities for the past year.

Treasurer's Report

Neil Smith introduced the financial statement, part of the published AGM pack, on behalf of the Treasurer, explaining the accounts were in good order with a gradual building of a reserve fund. There were no questions about the statement.

Election of the Committee

Fifteen minutes having elapsed and no further nominations for the committee having been made or any objections having been received, the outgoing members were re-elected for the next 12 months. There were no questions from the floor.

GENERAL MEETING

General Business

1. Garden and Tree Maintenance.

John Hird described the new planting that had been done over the year. There are still gaps in the planting towards the south end (as a result of the wall maintenance work and the damage to Elm trees) that will gradually be filled with at least some evergreen trees. It was noted that the lawn and new furniture were being well used over the last few months. Tree maintenance over the year was minimal with no major works. Views on future work on the trees is welcome. The trees overhanging the parking bays at the south end mean that those parking bays are little used – because of the pigeons and the sizes of the bays. Trees there have been cut back, but only complete removal of at least one of the larger holm oaks would have a significant impact. It was not felt that this, or the re-design of the parking bay chevrons was necessary at the moment. Trees also overhang the bays towards the north end and John H will review this with Julie from 23/24.

2. Recommendation for Fence and Gates as Deterrent to Drug Use

John Hird introduced this proposal, which arises as a result of requests for the committee to investigate options at last year's AGM. The proposal is for installation of chain link fence barriers at each end of the back path as described in the background paper at a cost of around £4000. The proposal was generally welcomed. There was some concern that it may merely displace the problem elsewhere on the crescent and that it may be overkill in addressing the problem and that it may be unsightly. It was agreed that the fence would not solve the whole problem but was an additional deterrent, that the very high level of concern expressed over many years warranted such a project, that the fence would be constructed to blend in with existing vegetation with new planting to grow up and around the fence. It was also noted that if there were problems of any sort it could be removed.

In a vote, the proposal was accepted with 9 votes in favour, subject to final designs being made available to residents for comment.

3. Parking Issues

New permits have been circulated. There has been a busy time monitoring scaffolding lorries and trade vans recently. There are still sufficient spaces, but the committee continue to monitor this.

The inclusion of the Hanover Crescent address on the permits was an error and would be corrected on future passes.

4. Recommendation for installation of Electricity Supply in the Garden

Neil Smith introduced this proposal, which arises as a result of requests for the committee to investigate options at previous AGMs. A number of future and current uses for the supply were mentioned. The works will provide sufficient capacity for any foreseeable future use and improve the infrastructure of the Crescent. The budget amount of £7000 is preliminary and subject to tender but is high because the main works can only be done by UK Power Networks.

In a vote, the proposal was accepted with 11 votes in favour.

5. Electric vehicle Chargers

It was reported that the survey results did not justify going ahead with this at this time.

6. Crescent levy for 2020/21

The recommendation to continue the Levy at the same rate as last year was approved with 12 votes in favour.

7. Dogs on Lawn

It was generally agreed that resident's dogs are not the cause of fouling on the lawn with the resident foxes the likely culprits. Neil Smith proposed that the former bylaw be reinstated: "Residents will keep dogs under control on the lawn and gardens". There were no comments on this proposal and no vote was held.

7. Any Other Business.

The issue of rubbish collections, particularly glass recycling, was raised. The Committee does not believe it can do much about what seems to be a general problem in Brighton.

There was further discussion about anti-social behaviour of groups coming over from the Level, the anxiety this can cause, and non-residents using the gardens in general. One suggestion was a further experiment with using security companies, perhaps on a call-out basis. Neil Smith said he will look at options and costings.

At approximately 21:00, the Chair thanked everyone and Neil 21 thanked Leanne Allan for chairing and closed the meeting.

JH 12/July/2020

Report from the Secretary

There are currently seven members of the committee. During the year, one member moved away from the Crescent and following an appeal for volunteers a further member was co-opted.

We sent three newsletters to residents with updates and information and seeking feedback on various issues.

The members of the Committee have continued with their routine responsibilities over the year, ensuring the garden is maintained, that parking is managed, organising Christmas Tree and collecting and managing the Crescent Levy and Garden funds. The priority maintenance work on the wall was completed and repairs were made to a number of loose kerbstones. Two garden tables was bought, and additional trees and large shrubs were planted towards the south end.

In addition, several projects were undertaken as directed by the 2020 AGM. These and their outcomes are listed below.

HCE Committee Goals – 2020/21 - Results

1. Ask the residents for feedback on the recommended options for fencing/planting to reduce drug taking and other antisocial behaviour and install the preferred option
Following feedback at and after the AGM the options were reassessed and the pole/wire/plant plus wrought iron gate option was selected with no change to the approved budget. The work is expected to be done in June 2021
2. Install an independent electricity supply in the Crescent
Bids for the work were much higher (x2) than anticipated and so the project was deferred. The Committee believes that the availability of EV charging in the Crescent would encourage residents to go electric.
3. Review the options to install additional lighting in the Crescent and make a recommendation at the AGM
Not completed as there was no independent source of power (see 2)
4. Continue the annual tree maintenance program.
Completed as planned
5. Draft and get feedback on a HCE constitution. Present for approval at the AGM.
Draft circulated in March and the few comments received were incorporated into an updated version for approval at the AGM.



The Committee of Management of Hanover Crescent Enclosure

Revenue and Expenditure Account for Year to 30 April 2021

		2019-20	2020-21	
INCOME	Garden Rate (via BHCC)	8,715.96	11,405.36	Notes are for 2020/21 Raised via Residents' Council Tax
	Crescent Levy	17,682.29	15,182.31	
	Insurance Claim	-	-	Resident & Visitor Parking Permits
	Other Income	250.00	280.00	
	INCOME Total	26,648.25	26,867.67	
EXPENDITURE	Garden Maintenance	3,900.00	3,945.00	
	Garden Extras	2,571.40	1,244.60	Plantings & Furniture
	Tree Maintenance	300.00	270.00	
	Pillars & Walls Maintenance	11,681.64	9,620.00	Repairs to Boundary Wall
	Road & Pavement Maintenance	379.60	603.85	Kerb Stones & Signage
	Gates, Railings & Fence Posts	200.00	-	
	Parking Management	-	1,032.00	Parking Permit Production
	Antisocial Behaviour	-	210.60	BLM Protest
	Community Event Materials	656.59	143.00	Christmas & Bonfire Night
	Website	442.13	394.80	Software & Hosting
	Legal	-	600.00	Constitution
	Rent	-	-	AGM Venue
	Professional Fees	-	-	
	Insurance	1,684.93	1,470.54	Public Indemnity, Enclosure Infrastructure & Committee Liability
	Stationery	-	-	
Underpayments Written Off	-	-		
EXPENDITURE Total	21,816.29	19,534.39		
Excess of income over expenditure	4,831.96	7,333.28		

YEAR END CASH POSITION

Opening Balance (all accounts)	21,132.34	26,761.09	Opening balance at 01-May
Surplus/(Deficit) for Year	4,831.96	7,333.28	
Movement in Crescent Invoices Outstanding (debtors) for the year	796.39	(732.28)	
Movement in Crescent Bills Outstanding (creditors) for the year	0.40	(32.40)	
Closing Balance (all accounts)	26,761.09	33,329.69	Closing balance at 30-Apr-2021
Current Account:	10,407.09	12,013.38	
Infrastructure Account	16,354.00	21,316.31	
	26,761.09	33,329.69	

These accounts have been prepared from the treasurer's receipts and vouchers and give a true and fair view of the cash position at 30-Apr-2021

Outstanding Debtors

Crescent Levy: North Lodge	£328.70
Garden Rate: Brighton & Hove Council	£863.10

Outstanding Creditors

£1,191.80

None

Report

The Crescent finances remain healthy.

General Meeting Agenda

Item 1 – Adoption of new Constitution

The current rules governing the activities of the Enclosure Committee were enacted by the East Sussex Act (“ESA”) passed by Parliament in 1981. As you may expect, over the past four decades, some aspects of the ESA have been changed by subsequent legislation or are no longer fit for purpose or new practices are not documented.

For transparency and to improve communication **the Committee proposes a Constitution to govern its activities** that will act as a supplement and complement to the ESA. There is relatively little in the document that is new but is just a formalisation of practices adopted/agreed at AGMs over recent years. The proposed Constitution is not in conflict with the ESA but has no standing in law.

We received feedback from the consultation with owners and residents resulting in a final version (as attached).

The approval of the Constitution will be voted on at the AGM by Owners.

Item 2 – Garden and Tree Maintenance

There will be a verbal report

Item 3 – Use of Security Guards

The organizers of large events on the Level such as Pride and Oktoberfest have, on request, usually provided marshals at the entrances to the Crescent. During the large BLM marches last summer there was an influx of people into the Crescent looking for a toilet. Following the first march the Committee organized a security company to provide the guards for the second march. The crowds were not as large but the guards handled the gatecrashers well. We did not hire guards for the subsequent marches and there was little problem. Costs for two guards for 6 hours is about £200.

The Committee recommends that we use security guards in the future where we know large numbers of people will be gathered on the Level and where the organizers will not or cannot provide them.

Item 4 – Parking Issues

The current Parking Regulations have been in place since 2006 with only minor changes. The basic criterion of up to 2 Resident Permits per house number plus one for each Lodge creates a fair distribution and ensures that spaces are available for houses that are not using their full allocation.

At present there are 39 RPs issued with 1 house with 3, 15 houses with 2 (including tenants), 6 houses with 1 and 4 houses having none.

There are 48 recognised parking spaces so if all 50 RPs were taken up the allocation is oversubscribed. In addition, at the south end, there are problems with access to the spaces close to the pillars and problems with birds in the overhanging trees over about 8 spaces. It is not known when the unassigned RPs will be requested so spaces have to be kept available. The inability to obtain Resident Permits “on-demand” by a specific property could have significant financial impact on a potential house sale or long-term lease.

The Committee is proposing some actions that will improve the current and future usage of all possible spaces.

Option 1: Trees at the South End

The Committee will propose a long-term plan to cut back and/or cut down existing trees to eliminate the overhanging branches and replant to keep the screening between the houses and the road. This plan will be developed in conjunction with the residents at the south end and the work done in stages once agreed. Obviously there may have to be some compromises.

Option 2: Move the Motorcycle parking to the south end.

This would free up two spaces in a central location and better utilise the two spaces near the pillar that are difficult for vehicle parking. There is no schedule for this move but could be done quickly with just a redesign of the white lining.

Residents are not allowed use VPs to park their own vehicles on a long-term basis. However, there is no restriction on landlords providing multiple short-term tourists with VPs with the result that the VPs can be in use for the majority of the time.

When replacement VPs are distributed later this year we will follow the Parking Regulations and not provide them for properties without residents such as those used for short-term lets and those that are empty. For the short term lets this should free up one to two parking spaces.

New annual RPs and VPs will be issued in June with the old VPs no longer valid after 1st August. The cost of £5/RP and £15/VP will be added to the annual invoice distributed in June.

Item 5 – Bi-Centennial Garden Party June 2022

June next year is the 70th anniversary of the Queen's coronation and the 200th anniversary of Hanover Crescent. It has been suggested that we hold a garden party on the first weekend of June. The Committee is looking for volunteers to help organize and for all residents to propose ideas.

Item 6 – Major Infrastructure Projects

Two projects are proposed to be carried out:

1) White Lining of Parking Spaces

The lines marking the bays are difficult to see in some places and need to be redone. Costs are £1200 and the work will be done in one day and 7th June has been provisionally selected. Through traffic will be blocked off during the work that will start at about 7.00am. Parking can be either on the lawn or on the pavement. Further logistical details will be circulated prior to the date but if you need access to your vehicle during the day please park outside of the Crescent.

2) Phase 4A of Wall Repair

The contractor, Flint+Lime, who carried out Phases 2 and 3 of the wall repair, recommends some remedial and preventative maintenance be carried out on about 8 high priority flint panels with a total cost of £3500. This additional work was not in the original scope. A further phase 4B of similar scope to 4A is planned for 2022/23.

Both of these items will be voted on by Owners.

Item 7 – Confirmation of Crescent Levy for 2021/22

The goal is to maintain a reserve of about £30,000 and taking into account the items that have been budgeted for 2021/22 the Committee recommends a Crescent Levy of £8,500. This is about a 50% reduction compared to the last few years.

The amount by dwelling is in proportion to the Council Tax Bands as below.

A	£1,510.52	£119.33
B	£1,762.28	£139.22
C	£2,014.03	£159.11
D	£2,265.79	£179.00
E	£2,769.30	£218.77
F	£3,272.81	£258.55
G	£3,776.31	£298.33
H	£4,531.58	£357.99

The amount of the proposed Crescent Levy for 2021/22 will be voted on by Owners.

Owners and Occupiers of Hanover Crescent Enclosure

Constitution - A Supplement to the East Sussex Act

Preamble

- a) Hanover Crescent Enclosure (“HCE”) consists of 24 Houses and 2 Lodges (“Privileged Houses”) with a common area including a garden, road, pavement, gateposts, and a boundary wall between the gateposts (“Common Area”).
- b) The Privileged Houses and the boundary wall and gateposts on the Common Area are Grade 2 Listed.
- c) The Common Area is owned by Brighton and Hove City Council (“BHCC”) but managed on behalf of the occupiers and owners by a management committee (“Enclosure Committee”), as required by section 65 of the East Sussex Act 1981 (“ESA”) and in accordance with this Constitution.
- d) The Enclosure Committee appointed in accordance with the ESA and the Enclosure Committee appointed for this Constitution shall be the same persons and shall carry out a joint role, namely the duties imposed by the ESA and this Constitution.
- e) Money for the maintenance, management and improvement of the Common Area is collected by BHCC as part of the Council Tax and returned to the Enclosure Committee as the “Garden Rate”, in accordance with section 66 of the ESA, as amended.
- f) The formation of the Enclosure Committee, its roles and responsibilities and the collection of the Garden Rate are enshrined in the ESA, as amended, and in accordance with this Constitution.
- g) The money collected through the Garden Rate is capped by inflation and is no longer sufficient to maintain and improve the facilities in HCE to the required standard and the Enclosure Committee feels it is necessary for additional monies to be collected directly by the Enclosure Committee (“Crescent Levy”), as detailed below, to make up the shortfall.

1. Terms

Unless defined in this Constitution all defined terms, being those terms that are capitalised in this Constitution, shall have the same meaning as given in the ESA. If there is a conflict between any of the provisions of this Constitution and the provisions of the ESA, the provisions of the ESA shall prevail.

2. Powers

- a. The Enclosure Committee may from time to time make rules, in addition to those contained in the ESA, for the conduct of the Enclosure Committee and the maintenance, management and improvement of the Common Area.
- b. The Enclosure Committee shall be responsible for dealing with the “Parking Regulations” applicable to the Common Area.
- c. The Enclosure Committee may once a year collect the Crescent Levy from the owner or joint owners (“Owners”) of every Privileged House or any part of a Privileged House occupied as a separate tenement (“Flats”).
- d. The annual amount of the Crescent Levy shall be levied on Owners on the basis of the Council Tax bands of the properties and the amount and its use will be proposed for approval at the annual general meeting (“AGM”).
- e. If an Owner is substantially in arrears in relation to the Crescent Levy then the Enclosure Committee may decide to cancel, withhold or not issue one or more parking permits to the Occupier of the Privileged House or Flat concerned, as provided for in the Parking Regulations.

- f. The Enclosure Committee shall be empowered to execute works in the Common Areas and employ and remunerate contractors as necessary, expenses for which shall be incurred accordingly (“Expenses”).
- g. The Enclosure Committee will make reasonable efforts to obtain value for money from contractors including gathering multiple quotes where possible.
- h. The Enclosure Committee shall be empowered to open bank accounts and take out insurance in relation to the Common Areas.
- i. The Enclosure Committee shall only propose a Crescent Levy to pay for Expenses where the Garden Rate is insufficient to cover the Expenses.

3. Membership

- a. All Owners of Privileged Houses and Flats are governed by this Constitution, and are entitled to attend and vote at all AGMs and Special General Meetings (“Meetings”) except under Section 7.c.
- b. The tenants of the Privileged Houses or Flats (“Tenants”) are governed by this Constitution and are entitled to attend and participate at Meetings, but are not entitled to vote on the proposed Crescent Levy or its distribution but can vote on other issues.

4. Enclosure Committee

The Owners and Tenants elected to the Enclosure Committee under the procedures laid out in the ESA will also serve as members of the Enclosure Committee in accordance with this Constitution.

The Enclosure Committee will nominate the following officers:

- a. Chair, who shall chair committee meetings;
- b. Secretary, who shall be responsible for the taking of minutes and the distribution of all papers and for keeping records of Members; and
- c. Treasurer who shall be responsible for maintaining accounts.

The Owners and Tenants acknowledge and agree that the members of the Enclosure Committee are volunteers, providing their services without payment. They shall have no legal liability to other Owners and Tenants in connection with the good faith exercise of their rights and obligations under this Constitution.

5. General Meetings

- a. Annual General Meeting
 - i. An AGM will be held once a year within three months of the end of the financial year.
 - ii. At least 14 days’ notice of the AGM shall be given to all Owners and Tenants in writing (“Notice”). The Notice shall detail the location of the meeting and any other details in relation to attendance of the meeting.
 - iii. A physical meeting is preferred but a virtual meeting may have to held at the discretion of the Enclosure Committee.
- b. The purpose of the AGM is to:
 - i. receive and adopt the annual accounts of the Enclosure Committee;
 - ii. receive the Annual Report
 - iii. elect members for the Enclosure Committee by the procedures in the ESA
 - iv. consider any motion before the meeting including the amount of the Crescent Levy and its distribution for infrastructure projects, to supplement the Garden Rate and to supplement a contingency fund as required.

6. Special General Meetings
 - a. Special General Meetings (“SGM”) may be called by the Enclosure Committee whenever necessary with 21 days’ notice (“Special Notice”) given to all Owners and Tenants.
 - b. The Special Notice shall give details of the business to be discussed at the SGM and the location of the meeting and any other details in relation to attendance of the meeting.
 - c. The secretary shall also call a SGM within 21 days of receiving a written request to do so signed by no less than three or more Owners of separate Privileged Houses or Flats. This written request shall contain details of the business to be discussed and considered at the proposed SGM.
 - d. Only the business specified in the Special Notice shall be discussed at the SGM.

7. Rules of Proceedings at all Meetings
 - a. At any Meeting all motions, except alterations to this Constitution, shall be decided by a simple majority of the votes of eligible Owners. In the event of a tie the independent Chair shall have a casting vote only.
 - b. Occupier Owners, being those Owners who reside full time at their property within HCE, shall have two votes and non-Occupier Owners, being all other Owners, shall have one vote. No individual shall have more than two votes. Absentee votes are not permitted.
 - c. Owners who are in arrears in relation to the Crescent Levy will not be able to vote at Meetings.
 - d. Tenants shall be able to vote on agenda items that do not concern the proposed Crescent Levy or its distribution and shall have one vote.

8. Quorum

The quorum for Meetings must be at least 10 eligible Owners. No business may be decided at a meeting unless a quorum is present.

9. Funds and Finance
 - a. All funds collected under the Crescent Levy shall be devoted to maintenance, improvement of existing infrastructure, investment in new infrastructure and to supplement the Garden Rate. The Enclosure Committee will also maintain a contingency fund with the amount to be held reviewed annually at the AGM.
 - b. Except for emergencies, any single expenditure over £1000 will require approval at an AGM or SGM.
 - c. The financial year shall run from 1st May and each financial year accounts shall be independently examined or audited.

10. Communication

The Enclosure Committee will keep the Owners and Occupiers informed of the progress of infrastructure projects and other matters through regular newsletters and reports at the AGM.

11. Data Protection

The Enclosure Committee will collect, retain and process certain information relating to Owners and Tenants in the exercise of its authority under clause 2 above, including names, addresses, payments, vehicle details, outstanding arrears or expenses, and email or other communications between the Enclosure Committee and such Owners or Tenants regarding the Common Area and related matters of relevance to the Enclosure

Committee ("Personal Data"). Personal Data will: i) be kept secure; ii) be processed and retained only for the legitimate purposes provided in this Constitution; and iii) be made available to Owners and Tenants on request, in accordance with the rights of Owners and Tenants as data subjects, details of which are available at the U.K. Information Commissioner's website. Personal Data may also be shared on occasion with auditors, legal advisers and other third parties retained by the Enclosure Committee for the purposes of exercising rights and obligations under the Constitution, on the condition always that such third parties also respect appropriate security and confidentiality requirements and process Personal Data only as directed by the Enclosure Committee

12. Alterations to this Constitution

Amendments to this Constitution may be made by a resolution passed by the votes of two thirds of the Owners at an AGM. Proposed alterations must be circulated to Owners at least 14 days prior to the date of the AGM.

13. Adoption

The Adoption of this Constitution was made by a resolution passed by a majority of the votes of Owners at the AGM held on 20th May 2021.