

WEST BANK ROAD ASSOCIATION

CONSTITUTION

- 1 West Bank Road Association is an unincorporated association. The key feature of an unincorporated association is simply that its members are bound by the rules which have the effect of a contract between them, and which define the purpose of the association, the way decisions are to be taken, and the rights and obligations of its members. The Association represents the following residents within the roadway known as West Bank: 17, 19, 21, 23, 25, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64 and 66 only.

Objective

- 2 The objective of the Association is that: -
 - 2.1 Maintenance of West Bank can be carried out in a planned and efficient way, and provision can be made over a period of time for maintenance such as re-surfacing to plan for, and minimize the financial impact.
 - 2.2 The use of West Bank, and the acquisition of rights over it, can be regulated, and residents can thus exercise a degree of control over their surroundings.
 - 2.3 Steps can be taken to enhance the amenity of West Bank, which should as a consequence increase the value and saleability of houses in West Bank.
 - 2.4 Residents individually can participate in the making of decisions, which affect West Bank, and their use of West Bank.
 - 2.5 West Bank has collective representation, and can deal more effectively with local government and others.
 - 2.6 Residents can influence the preservation of the quiet, safe and secure environment that ultimately enhances their quality of life.

General Principles

3 The Association is mandated to:

- 3.1 Maintain the status of West Bank as a private road that is not dedicated to the use of the general public and that has no rights of way through it, other than for the residents of West Bank to access their properties.
- 3.2 Ensure that regular maintenance is carried out in a timely and cost effective manner to preserve the surface of the road, path, underlying water drain and kerbs (as budget permits). This will ensure that any damage such as potholes or loose kerbstones is planned for and repaired in good time.
- 3.3 Ensure that repairs by third parties to the surface of West Bank, the pathways and pavements and the underlying water drain and kerbs, are done to the required standard as to ensure good repair and to retain the existing aesthetic aspects of the road (i.e. to use the same topping and surface treatment when repairing the road or path).
- 3.4 Maintain the entrance gates to West Bank and keep them in good repair and provide and maintain appropriate signage to indicate that West Bank is a private road and not dedicated to the public.
- 3.5 To the best of their ability, the Committee will keep abreast of planned developments of land in or adjoining West Bank which would be detrimental to the Member's interests (by way of example but not limitation, building of multiple dwellings on land which was previously occupied by a single dwelling), and ensure, where possible, the views of the Members are made known to the relevant parties.
- 3.6 To the best of their ability, the Committee will keep abreast of the planned developments to the commercial use of dwellings in West Bank and to review any planning application submitted to the Local Planning Authority seeking planning consent for any such change of use and ensure, where possible, the views of the Members are made known to the relevant parties. This would include where a change in use would have a significant impact on overall levels of traffic in West Bank and detrimental impact on quality of life.
- 3.7 The Committee will, to the best of their ability, encourage courteous parking by residents and their visitors and to discourage obtrusive noise/disturbances in order to maintain the quiet and safe environment as set out in the objectives.
- 3.8 Take out third party and legal expenses insurance in respect of West Bank where the Association feels that it would be in the interests of the residents to do so.
- 3.9 Set the level of the annual Road Fund Fee save where paragraph 7.2 hereof applies to any proposed increase in the annual Road Fund Fee

4. *Members*

Each household has one vote for election/re-election of Committee Members, and issues of significant impact, financial and otherwise.

5. **Committee**

- 5.1 The Association will strive to achieve its objective and general principles through elected Members, known as the Committee.
- 5.2 The Committee will consist of a maximum of seven (7) elected members, and minimum of four (4) elected members. If at any time membership falls below four (4) members, an emergency meeting will be called by the Chairman to determine and agree course of action.

Every three years the Committee will seek re-election as follows:

 - i) Members of the Association to be advised re-election is due (at least one month prior to end of term to allow re-election to occur in a timely manner and eliminate the potential of being without a Committee at any given time)
 - ii) Members of Association to put forward additional interested parties.
 - iii) If there are no additional interested parties, the existing committee members will seek re-election. If there are additional interested parties, a ballot of all names will be distributed for voting purposes.
 - iv) Upon completion of vote, the Committee will vote internally for the roles of Chairman, Secretary and Treasurer. Each role is separate and must be held by individual members of the Committee.
 - v) If, during the course of the three-year term, existing Committee members leave, the Chairman will seek interested parties from the Members of the Association. Interested parties will be voted onto the Committee, by the existing Committee members.
- 5.3 Motions of significant impact to the Members will be debated by the Committee to prepare briefing information for Members. The outcome of any such motion will be voted on by the Members.
- 5.4 Chairman -will ensure that the constitution is upheld and that Member's interests are observed, to the best of the Committee's ability. The Chairman will co-ordinate and chair the quarterly meetings ensuring that a fair and democratic decision is reached on each agenda item, or if a majority is not reached, for the agenda item to be put to a vote by the Members of the Association. A written annual report outlining the previous year's activities will be circulated to all Members during July.
- 5.5 Treasurer- will ensure that all funds are collected promptly, that all payments are paid promptly and that the bank account is managed in a professional manner and does not accrue any unnecessary bank charges. An annual statement will be made available to all Members during July as part of the annual report. The Treasurer will issue a notice for payment of the annual Road Fund Charge during July each year. Non-payment of funds by any Member will be pursued by the Treasurer and if a debt is not cleared within 90 days, other Members will be made aware of the debt on the accounts.

- 5.6 Secretary - will ensure that an agenda is presented at all meetings and accurate minutes are taken and circulated to Committee members within two weeks of each meeting, for review and agreement. Once approved by the Committee, an electronic copy will be sent to any Member of the Association who has requested a copy, and has supplied the Committee with an email address.
- 5.7 Any Member can request to see the bank account details at any time. A request should be made to the Chairman and will be honoured within 28 days of being made.
- 5.8 The Committee will meet at least quarterly, location to be on a volunteer basis at the homes of the elected Committee members to keep costs to a minimum.
- 5.9 Decisions at Committee level will be taken on the basis of a straight majority. No casting vote can be made. If a majority cannot be achieved, then the motion will have to be put to a vote by the Members of the Association.
- 5.10 The Committee shall be empowered to consider an application for deferred payment of funds by a Member on the grounds of hardship. Agreement for such a deferral will require a majority vote by the Committee and will be considered as confidential and as such other Members will not be notified.

Members Voting

- 6.1 Members will be asked to vote on any issue that the Committee deems to be of significant impact or where the Committee cannot reach a majority on lesser issues. Significant impact would include:
- i) Expenditures of over 15% of the most recently collected annual road charge (excluding annual Road Insurance Premium)

Example: £130 Annual Road Fund Charge x 29 households = £3770 x 15% = £565.00 as the authorized spending limit for the Committee and any amount over that would be deemed significant.
 - ii) Any environmental/council issues that would have a detrimental impact on the principles and objectives as set out under 'General Principles.'
 - iii) Changes to the Constitution
 - iv) Increase to the Road Fund Charge higher than 5% plus inflation
- 6.2 Each household has one vote. There are 29 potential votes to be made.
- 6.3 A motion voted on by the Members will be carried if it has 70% or more of the total votes cast in accordance with the particular ballot, in favour for the motion.
- 6.4 A minimum of 18 Members, entitled to vote, must cast their vote in order for a motion decided, failing which a 'no vote' result would be recorded.

Member's obligation

- 7.1 Members will pay the Road Fund Charge within the time frame specified in the annual written Road Fund Charge notification letter.

- 7.2 Each year the Road Fund Charge will increase by the current rate of inflation using an agreed source (Retail Price Index). In addition, the Committee has the mandate to apply an additional increase of up to 5% each year. If the Road Fund Charge is to increase by more than 5% in any year (excluding inflationary increase) the members will be required to vote in accepting the increase.

Annual Road Fund Charge

- 8.1 Members will be notified of any increase under 5% and the basis on which the increase and the inflation rate has been calculated by email or written letter on or around the middle of July of each year.
- 8.2 Payment will be made on or around the 1st August each year.
- 8.3 The Committee will ensure that a road review is carried out on a regular basis and if necessary, obtain ideally three (3) quotations, minimum two (2) from civil engineers to ascertain: -
- 8.3.1 The remaining anticipated life of the road;
- 8.3.2 The cost to replace the road surface; and
- 8.3.3 The cost to maintain the drainage provision.
- 8.4 If the road review indicates maintenance work required and costs to be incurred, the Committee will draft and agree a proposal outlining a planned schedule of works, with a budget and timeline, which will be presented to the Members of the Association for voting purposes.
- 8.5 In order to determine the annual road fund contribution for future planned road resurfacing, inflation and contingency need to be calculated. The normal formula to be used is the average of the quotations received. Inflation must be applied to this figure using a widely accepted, accredited guide to calculating construction inflation rates (to be agreed at time of receiving quotations). The sum will then be reduced by the total in the Association's funds and will be divided by the number of residents taking into account the anticipated insurance premiums and a reasonable and prudent contingency to be decided by the Committee. The contingency will not exceed 30% of the average of the quotations.
- 8.6 The Committee will be obliged to pursue non payment of Road Fund Charges but also has the power, in exceptional circumstances, to delay requiring immediate payment from a particular Member or Members, where that Member's personal circumstances so require.

Dissolution

- 9.1 The Association may be dissolved by a majority vote (70%) of its Members.
- 9.2 On dissolution, the debts of the Association must be paid, and its property can then be distributed equally as 29ths amongst its Members.