

30.10.21

To Stephen Thompson
Chair of Chelsea Bridge Wharf Residents' Association

Dear Stephen, committee members and residents

Re: Your email demanding that I take down my petition to Rendall and Rittner

You have emailed me (again) yesterday (29.10.21) demanding that I take down my petition <https://chng.it/y5s4VhgHVX> to Rendall and Rittner, which has been online since July 2020 and attracted nearly 2,000 signatures, including several hundred CBW residents and some members of the CBWRA committee.

You have claimed without any evidence that some of the claims in the petitions are not true. In fact the claims made in the petition and open letter can be supported with solid evidence from many Rendall and Rittner managed developments or I would not have made them. I have not claimed that these issues all apply at CBW and I am not sure on what basis you claim that they do not apply at any development managed by Rendall and Rittner? It seems as if you are just repeating the claims of Rendall and Rittner but without any substantiation.

You seem to be acting as a spokesman for Matt Rittner

The screenshots you sent me (29.10.21) of my petition and related search results are from Matt Rittner's computer – (his name can clearly be seen). These screenshots suggest that Matt Rittner reported the petition as 'abuse' to Change.org many months ago but clearly Change.org. do not agree as the petition is still live. Residents may find it very strange indeed that you are copying me screenshots from Matt Rittner's PC, and passing on his demands that and I take down the petition or be removed from the committee.

This is not the first time you have threatened to remove me from the committee. Your previous intervention with me on this petition (17.9.21) followed an email request from Richard Daver of Rendall and Rittner (16.9.21) (which you copied me) where he also complained to you about the petition. Rather than telling him that he has no right at all to interfere with the working of CBWRA , you told me that I would be removed from the committee unless I took the petition down (in your email of 17.9.21). You went further than that at the CBWRA meeting on 19.9.21 when you said that committee members should not have petitions and should not make complaints about Rendall and Rittner or 'anyone else at CBW'!

As I have pointed out that is grossly inappropriate, both because it is a massive invasion of my civil liberties and because it shows that you appear to be allowing Rendall and Rittner an extraordinary amount of access and influence to the CBWRA, when your role as Chair should in fact be to represent the interests of residents and the CBWRA/RTMO.

I think residents will be much amazed to hear that Rendall and Rittner can exert this kind of influence on the Chair and that Richard Daver believes he can choose not to work with an elected member of the committee (i.e. me) because of a perfectly legitimate petition which has been signed by several hundred CBW residents and members of the committee.

Massively successful petition terrifies Rendall and Rittner

I think the real issue here is that Rendall and Rittner can see the petition is just a few short of 2,000 signatures and are worried about what will happen then, as I had invited signatories to suggest something to mark that occasion. That the CBW RA /RTMO Chair and Directors seem to be acting on behalf of Rendall and Rittner is strange indeed. However, as I have already told you, I have no intention of being bullied into taking down this petition.

This petition has been up for around 16 months: if Rendall and Rittner believe any aspect of it to be untrue then it is strange that they have not made any meaningful response apart from a brief comment on the petition about a year ago. I am sure they know as well as me that everything on the petition is not only true but can easily be evidenced by reference to numerous developments and much of that evidence is already in the public domain.

Also just to note that the open letter and petition are the work of myself and many other people at various developments (many of whom have since managed to replace Rendall & Rittner as managing agent) so it is not in my power to make any decision about it without their consent.

CBWRA's apparent subservience to Rendall and Rittner – a policy with no mandate from residents or committee

There are many other things which I think residents need to know :especially that you have no intention of investigating any possibility of replacing Rendall and Rittner : you are pursuing a policy you absurdly call 'forward facing' or 'constructive engagement' but which appears to me to be something closer to surrender to Rendall and Rittner.

You are making much of the fact that there is a new estate manager, and residents are being bombarded with supposed 'good news' stories and narratives about how much better things are supposedly getting, despite a total absence of evidence.

I have seen at least 10 estate managers come and go and even where they are competent and well meaning nothing changes because they work with and for Rendall and Rittner and must play by their rules. The average stay of an estate manager is 12 to 18 months and we pay a large recruitment fee to Rendall and Rittner every time a new one is employed. Much of what is wrong with Rendall and Rittner is not remotely in the control of the estate manager in any case, but rather are systemic issues to do with how Rendall and Rittner handle contracting, recruitment, training, service charge billing and customer service with residents.

You have no mandate for this policy regarding Rendall and Rittner and indeed the vast majority of residents are unaware of it. Many committee members do not support this policy (many want rid of Rendall and Rittner and I am not the only committee member campaigning online in that regard) but it has never been put to a vote in committee. Even if it was I imagine most of them would not have the courage to speak up.

The Residents' Survey shows that just 27.6% of residents at CBW are fairly or extremely satisfied with Rendall and Rittner and only 8% of respondents are fairly or extremely satisfied with the value for money of the service charge and that residents urgently want investigation of options for replacing Rendall and Rittner. They do not to be told that there is nothing we can do and we are stuck with Rendall and Rittner until the law changes on commonhold (which you claim will be in 2 years but many experts in this area believe will take 3 to 5 years and so may not even happen in the current parliament).

Maarten's mysterious departure

On the subject of rapidly disappearing estate managers/officers, residents (and indeed the committee) deserve a full explanation of why Maarten resigned after just 6 weeks or so in post, and what exactly he had found out about Rendall and Rittner's 'procedures' that led him to resign, which was followed fairly quickly by Ms Mann being moved on to a new 'portfolio'. I understand (from your own comments in a team meeting) that Maarten wanted to email residents to alert them to some important aspects of these events but you advised him doing so?. I believe residents have also been charged a very substantial recruitment fee for Maarten by Rendall and Rittner even though he was only in post so briefly.

Management audit

In my view, you went to great lengths to stop the management audit of Rendall and Rittner earlier this year and despite all the pressure you applied (telling committee members that there was 'nothing we could do' about past service charge increases; conjuring up sums of money that we would supposedly be charged if it proceeded, and apparently phoning committee members up to influence them after the meeting) 50% of the committee still voted to consult residents about whether to proceed or not, which you simply ignored, claiming (incorrectly) that consultation was not possible. Strangely, the results of this vote were not relayed to residents until approximately 6 weeks later. Not carrying out a management audit, targeted or general, means residents have lost the opportunity to potentially recover substantial sums of money through scrutiny of past accounts or invoices has been lost. Your priority again appears to be to avoid causing any 'offence' to Rendall and Rittner.

I note in passing that this vote by the committee on the management audit (which happened outside the committee meeting) was in fact the only vote which the committee have had since it was formed in April 2021.

No engagement with residents

As well as the very limited involvement of the committee to decision making, the input of residents has also been almost non-existent.

From day one all attempts by me to involve residents in decision-making and to hold meetings with residents has been bitterly resisted. You have given a number of disingenuous excuses, month after month, for not being able to hold residents' meetings such as COVID (absurd given that a zoom meeting could have been held at any time and face to face meetings would have been possible since July) and then the resignation of the estate manager, Maarten. To date, 10 months into your term as Chair, residents have not been involved in making a single decision, nor has there been a single meeting with residents. In my view, you have very limited interest in engaging with residents and seem to have little idea how to go about it either.

The only meaningful consultation with residents has been the Residents' Survey and it has been an enormous struggle for me to get that through. You have referred to it as a 'legitimation exercise' and I have little confidence that you will meaningfully engage with the findings other than to use it to justify doing things which you would have done in any case. Even before the results have been published it seems you have decided to ignore what residents have said in relation to the ponds/fountains (i.e. considerable support for a feasibility study for gardenising some of the rectangular fountains)

My investigation into 277% increase in late payment fees

I am proud of the work I have done for residents of Warwick and CBW more generally over many years, when the CBWRA/RTMO was dormant (but our membership fees were still being collected by the CBWRA/RTM company). I can certainly do more for residents outside the CBWRA/RTMO than within at this stage - it would be hard to work for residents within the CBWRA/RTMO when Richard Daver or Matt Rittner can (it would seem) simply have any workstream or activity closed down if he is unhappy with it. One other example of this may be my investigation into late fees during the summer, when you, Stephen, mysteriously took this over from me, met privately with Richard Daver (I was not invited) and when you finally updated me on the meeting, around a month later, decided there was no problem with a 277% increase in late fees (£18 to £50) and effectively closed the investigation.

Waking Watch refunds

I first raised this issue with Mr Garton-Jones (as director of the RTMO) in 2020, who at that time was seemingly unaware that residents were being charged for Waking Watch, even in blocks with EWS certificates and no flammable cladding. Myself and other residents who were trying to reactivate the CBWRA/RTMO researched this and had various communications with Rendall and Rittner and Berkeley Homes about it. Being dissatisfied with their usual evasions I eventually decided to take this matter to first tier tribunal and told BH and Rendall and Rittner that I would be doing so. A few weeks after that they decided to offer a full refund to residents of around £360,000. I am not sure what involvement if any you had in negotiating this refund – but whatever it is you have never explained it, and you seem very reluctant to discuss it whenever it has come up in committee meetings. BH's letter regarding the refund make no mention of any involvement from the CBWRA/RTMO. I think it is relevant to mention this because I think you wish to use this waking watch refund as evidence of CBWRA / RTMO achievements, and perhaps of Rendall and Rittner's co-operation. I see no evidence of either. Rendall and Rittner's communications around the waking watch refunds have been baffling as usual and most residents have no idea what if any monies have been returned to them via these refunds.

Everyone becomes a member of the CBWRA/RTMO – whether they know about it or not

Residents should be aware that all leaseholders except those in Warwick were automatically added as CBWRA/RTMO members a few weeks ago (September 2021) and charged the £10 fee (due to double next year) and this will happen for Warwick residents in November. No information on this has been given to residents either from the CBWRA/RTMO or Rendall and Rittner so most will be unaware that they are members.

Residents can of course opt out of the CBWRA and get their fee refunded by emailing Rendall and Rittner – but they would first need to know that they were a member!.

RA/RTMO finances

The CBWRA RTMO has never given any account of its finances to residents, as far as I can recall. Some rudimentary information was provided to the committee in summary. The CBWRA/RTMO is certainly missing out on potential income by charging just £500 to Garton Jones estate agents for exclusive advertising in the estate agent slot in the app. Given that Garton Jones charge 1.75% sales commission, if they even sold one flat worth 500K through a lead from the app, that would be worth £8,750 in commission to them, so £500 seems an extraordinary bargain. I do not suggest anything improper or illegal has occurred in this respect just that it seems quite generous deal from the CBWRA/RTMO to Garton Jones estate agents. I suggested preparing a summary of CBWRA/RTMO finances for residents many months ago but never received a reply. I urge you now, in the interests

of transparency, to give residents a full account of the CBWRA/RTM finances.

It is my understanding (based on information from Mr Garton Jones) that almost the entire annual revenue from the £10 membership fee was accounted for by the annual cost of the CBW app (£7,500) and hence your plans to double the membership fee next year to £20. This is not necessarily a bad thing but the lack of consultation and information to residents (including ordering me to remove a question in the residents' survey which asked residents would be happy with such an increase) is hard to explain. You claimed that the increase to £20 had been agreed by the committee but in fact there has never been a vote on this.

Committee members

Finally I would just like residents to be aware that while there are many people on the committee who I like and respect and who genuinely want to help residents, hardly any have experience of working in a residents' association or any kind of voluntary organisation. They may view Stephen's 'style' of Chairing, which in my opinion is extremely controlling and closed, as normal and therefore rarely or never stand up to him. Committee meetings, to my mind, are oppressive, and any meaningful discussion is quickly closed down and the 'real' decisions are, in my view, made outside of the committee between Stephen, Charlie Garton-Jones and (it would seem) the frequent involvement of Richard Daver and Matt Rittner.

CBWRA constitution

Stephen, you have been sitting on a draft constitution since June which you have been afraid to put to a vote. This constitution appeared from nowhere and was not discussed in committee and was posted on the app 'pre signed' by all committee members, as if it had been adopted (as ever, residents' views were not invited). This constitution, if adopted, would allow you to stay as Chair until May 2022 when you were in fact elected for 12 months only from January 2021. The constitution does not refer anywhere to the Directors who actually have the power in the Residents' Association/Right to Manage Organisation (RA/RTMO).

I gave detailed feedback on the constitution in June, pointing out a large number of gaps, anomalies and unanswered questions. I have asked for updates on the constitution at every meeting since and there has been none although you have claimed to be working on it.

Strangely enough, after no response to my feedback on the constitution since June, you sent me back the constitution with my comments on it, on 29.10.21 and asked me to redraft it (a few hours before threatening me with removal from the committee again). It was clear that you had done no work at all on it since June.

I guess you can get it passed quite easily if I am not on the committee as no one else will speak up against it but residents should be aware of what is happening and that this constitution is a nonsense. In any case the CBWRA is the same thing as the RTMO (as Charlie Garton-Jones has confirmed, the CBWRA is the 'trading name' of the RTMO) and so the constitution of the CBWRA/RTMO is still current and can only be removed through an AGM.

An apparent power grab

Chair and committee elections should be held in January 2022. Most committee members, appointed in April 2021, were not elected and did not stand for election but were simply 'added' by the Chair post-election (and therefore have no reason to expect to be in post until April 2022). I was

the only person to stand for election as Warwick rep (unopposed) but had there been a vote I have no doubt I would have had a lot of support as three-quarters of voters in Warwick voted for me in the Chair elections and I had 36% of the vote across CBW.

Many committee members rarely or never attend meetings and some are not even block reps but still have full voting rights. Naturally many members, having limited awareness of the issues, will tend to go along with whatever you as Chair want to do, so there is in effect no scrutiny or checks and balances on your power in the committee, especially as you have also become (without any discussion) a Director. This is an extremely dangerous and dysfunctional situation in my view.

I urge residents to insist that Directors of the CBWRA/RTMO should be elected and that the Chair should not be allowed to stay in post beyond January 2022 without election. Directors have the power in the CBWRA/RTMO and Mr Garton-Jones in particular, but he has never stood for election and has made his lack of interest in consultation with residents clear to me on a number of occasions.

As long as Directors are unelected, the elections for Chair and committee are meaningless.

I am resigning from CBWRA but I am not going anywhere 😊

Stephen, your behaviour towards me over a long period, and especially this demand to take down a perfectly legitimate and popular petition, with the arbitrary threat of removal from the committee if I do not comply leaves me with no option but to resign. It would in any case be undignified and pointless to remain in a residents' association which has been so totally captured by Rendall and Rittner. I would probably have left long ago but for the fact that I needed to get the residents' survey through as it was clear there would be no other form of engagement with residents. Also in my manifesto for the Chair elections in January this year, I said that I would work with whoever was elected as Chair, and that I have done, or tried to do, for nearly 10 months, despite your continual efforts to undermine me .

Though I am resigning from the committee of the CBWRA/RTMO I am not going anywhere and if you or Rendall and Rittner consider my resignation a victory I think you have made a huge misjudgement because:

- I will continue my work with residents from Chelsea Bridge Wharf or any other development who are sick of inflated service charges, dilapidated developments , appalling communications and terrible service from Rendall and Rittner, who now appear to be plumbing new depths in interfering in residents' associations.
- The petition remains active and I am constantly contacted by people from Rendall and Rittner 'managed' developments who are having the usual symptoms and urgently need a cure. Many developments, including many local to CBW, have freed themselves and many others are in disputes of one kind or another with Rendall and Rittner.
- My resignation also means that I am now free to alert residents at CBW to what is going on in the CBWRA/RTM and the extent to which CBWRA/RTM policy is being influenced by Rendall and Rittner.

The CBWRA/RTMO belongs to the residents, not to an unelected estate agent and a Chair who appears to have little interest in engaging with residents. The residents deserve an open democratic CBWRA/RTMO which takes its lead from what residents want, not what Rendall and Rittner want. We do need to engage constructively with Rendall and Rittner and treat all staff with respect (as I do) but what is happening in the CBWRA/RTM is not constructive engagement – it is in my view something closer to surrender.

Stephen, as you are pursuing a policy which in my view has no mandate from residents and you have failed to involve or engage residents in a single decision or meeting since you became Chair In January, I think that rather than trying to rewrite the constitution to extend your term in office, you should seriously consider your position and resign.

If you feel there is anything in this letter which is factually incorrect do feel free to let me know and I will consider it. I am sure you will have many things to say in reply and I welcome an open debate. I hope that (like me) you will not make any allegations which you cannot back up with hard evidence.

Any resident who wants to discuss further please feel free to get in touch (residents@chelseabridgwharf.org and see my blog <https://chelseabridgwharf.org.uk>). I realise that all of this may come as a shock to residents, and you are not in any way obliged to reply or comment or take sides, but I thought it was time you all knew what was happening. As residents we have all been happy to see an CBWRA/RTMO formed/reactivated and most of you have generously given it your trust, and the benefit of the doubt. Sadly I have had to tell you that in my view, the CBWRA/RTMO is not worthy of your trust at this time for the reasons I have detailed above.

Best wishes

Mike O'Driscoll

Field Code Changed