

Chelsea Bridge Wharf Resident's Association (RA) AGM

8 May 2022

Minutes

Committee Attendees (in person)

Chairperson: Stephen Thompson
Treasurer: Toby Spoerer
Louis Kendall
Toby Spoerer
Qin Xie
Adrian Harte
Larisa Villar Hauser
Susan Laszlo

Committee Attendees (on Zoom)

Patrick Savage
Jean Dornhofer
Kirt Bains
Vashundra Talwar
Koray Ozdemir

Apologies:

Catherine Thomé
Natalia Nyudyurbegova
Aaron Yamoah
Dorota Szelagowska
Jean Dornhofer
Saiwarren Nathan
Jovdat Guliyev

No. of non committee residents in attendance: 24

The Chairman's Welcome

Stephen Thompson – Committee Chair's welcome and committee introductions:

Stephen Thompson – Eustace resident since 2006 and Committee Chair
Louis Kendall – CBW resident since 2011, joint Warwick representative with Vasindhara
Larisa Villar Hauser – Burnelli resident since 2010
Qin Cie, Burnelli resident since 2016, Committee member since launch, Burnelli representative
Toby Spoerer – CBW resident since 2007, Treasurer
Adrian Hart – CBW resident since 2004
Susan – CBW resident since 2003, Howard representative

Following the introductions, Mike O'Driscoll, Warwick resident pointed out that the AGM is not quorate and stated that he did not think the Committee had made any effort to ensure it was quorate.

Stephen replied that the meeting did not need to be quorate as no votes were planned, that the meeting was advertised on the app and in lifts but that more could be done in future to try and attract greater turn-out.

2021/2022 Achievements

- The app financed by the RA to provide a platform for engagement on a real-time basis. The app promotes an improved sense of community, which we plan to further enhance with community event. Jean Dornhofer is currently working on arranging a Queen's Jubilee lunch, which will take place in June subject to financing from potential sponsors.
- The £360,000 refund secured from Berkeley re. the waking watch and fire warden fees.
- Replacement of the management regime headed by Jenniffer Mann following increasing service charges and a drop in standards. After petitioning Berkeley Homes (BH) agreed to replace Jenniffer and brought in the new estate manager, Brian Klue, who is highly pro-active, although the neglect of the last ten years is taking time to fix. Brian has also begun to replace underperforming estate staff on the ground tasked, reduced management tiers and put in more competent people. So much of work that used to be outsourced is done in-house, resolving one of the ways money used to be wasted. Better relationships have also formed. Although many are frustrated with R&R, as they are the managing agent currently in situ so it is incumbent on the RA to craft something that works and ensuring that R&R are more accountable to residents.
- The committee has worked with Battersea Power Station (BPS) and the council to have a barrier installed at the Burnelli end of Sopwith Way in to reduce noise and unsocial behaviour. This is ongoing.
- There has been progress in terms of electricity payments in Warwick. The committee is working to find a pro rata solution where people will ultimately be reimbursed for electricity that hasn't been used. The committee has made sure metre readings are correct, secured the previous rate and is now ensuring that the credits are passed through. Louis is mindful of securing a solution that is complete and answers all issues raised. The end is in sight. Residents to be mindful that energy prices are budgeted at 85% increase and any credit may be offset against the current increase. It will be a nice welcome if a surplus can be refunded.
- Wandsworth Council have installed acoustic cameras on Queenstown Road with a view to gathering evidence on noise to then get visual cameras and potential safety measures installed. The committee will not be privy to the data but expect that sufficient evidence will be available after the six-month measurement period.
- In terms of Right to Manage (RTM), the prime focus has been monitoring and communicating with the Law Commission and local MPs to remind them that we are very keen for legislative change to remove barriers that currently exist to RTM. The reason the 2012 application had to be settled was because Fairhold Artemis (FH) dug in their heels. Although the RA won in the lower tribunal, FH referred the case to the higher tribunal, meaning that the RA would have been liable for costs. For this reason, the RA of the time signed a settlement agreement with FH, which led to Consort being replaced by R&R, as well as the implementation of a clause that allowed for future re-tender. The ultimate goal is to manage the place for ourselves and to acquire the freehold. Legislative changes are or will be going through parliament and, as soon as it does, we will be going for RTM. A potential fly in the ointment is that in January, there was a High Court decision that allowed a RTM application but said ruled that this RTM

did not include the estate. This isn't helpful for the RTM scenario but the direction of travel is that residents' rights are deemed to have more weight and that there is more recognition for the role of residents. As ever, these changes are not happening as quickly as we would like.

- A good result was secured on the proposal to reline the ponds. Various figures were put forward but the RA was able to reduce the cost by 40-45%.

- The fountains are also to be relined and repainted. [Following on from this, a discussion ensued around the desirability of maintaining fountains at all with residents stating a preference for these to be filled in and planted. Stephen said that a vote on this issue would take place in the next 6-9 months after ascertaining how much it would cost to replace the fountains.

- Intercom systems were going to be replaced by the former R&R management team at cost of £1.5, but we now have a new contractor who is restoring/refitting the current system. Part of the refit is that the previous service provider owned the data, not residents or R&R. All systems are now moving to open source. The direction of travel is to take control rather than remain open to exploitation by contractors.

PRIORITIES FOR THE YEAR AHEAD

- The main focus is the re-tender, which was born on the back of the settlement agreement with FH referenced above. This gave the RA a contractual right to submit a request to FH to re-tender for estate manager. Originally the committee focused on an RTM law change but the next best thing is a re-tender that could ultimately result in self-managing "via the backdoor". R&R are on the re-tender list because it was a term of the settlement agreement. [Mike O'Driscoll challenged the veracity of this claim so, in response, Stephen said the settlement agreement would be circulated on the app.

The current issue is that BH, partly based on the January court decision mentioned above, is more reluctant to participate in the re-tender. The committee approach is to show BH numbers from the 4-5 tender parties to demonstrate that things can be done more cheaply and also ask challenge their motivation for standing the way of a change that is preferable to residents. At the moment, BH is saying that they don't want to decide until the scaffolding down and the annual review process has been completed. If we were to challenge this, any outside arbiter would effectively say, "hang on until September" so not much more can be done until then. Stephen's concern/hope is that in September BH will listen to residents. There is no legal leverage so we need to create a framework and landscape whereby it is not in BH's interests to get in the way of residents' wishes. The ongoing objective is to keep saving money, reduce service charges and make the place as good a place to live in as possible while promoting community and a sense of belonging.

- As part of committee admin, all members of the committee stepped down from the committee and then stepped back up. All are welcome to join Committee. For the purposes of the minutes, the Committee resigned, those currently on the Committee have re-volunteered and are now on the Committee.

FINANCIAL REPORT

This year, Toby Spoerer took over from Charlie Garton Jones as Treasurer. The RA membership contribution increased from £10 to £20. RA money paid for the app, pond

survey, management re tender and accounting audit. There is currently £23k in the RA account.

Q&A

Questions from Zoom

- If we go for RTM will the RA review big projects and sign contracts on residents' behalf?

Stephen: Yes, the RA would have a limited corporate entity, the RA Limited and this would then be "the Client" who decides what happens and where money is spent.

- If R&R have been overcharging for many years, are they legally responsible to reimburse residents?

Stephen: Yes, to the extent that we are able to identify any charges that have been made that are excessive. Currently looking into that with the help of some expertise.

- Susan: Who makes decision re RTM?

Stephen: In a re-tender or RTM scenario the RA's corporate vehicle would employ the estate manager. With self-managed/estate manager option you would have the RA working with, but having more control of, the existing estate manager on site. In the short term, there would be a role for an estate manager to do back office work, as self-manage would look mostly at maintenance not personnel, H&S, etc. issues.

- Susan: If things go wrong does RA pay?

Stephen: Yes, but we are, in any case, always on the hook financially if things go wrong. The aim of self-management is to take ownership of the money/destiny. Indemnity and insurance policies will be in place, there wouldn't be a scenario where residents get huge bills as a result of a decision taken by the RA.

- Susan: Will there be a vote on the re-tender?

Stephen: Yes. Any decision on re-tender (and fountains) will be taken to all residents.

- Jen: Thanks for app, building community and highlighting issues. Is it possible to get an option to search for or follow a message on the app?

Toby: We use an off the shelf platform in the interest of saving on costs. Currently the search function doesn't exist and, unfortunately, we are tied to what they offer. Will keep requesting improved functionality from the provider.

- How are reserves managed and budgeted for. For example, if there is a leak in the roof, how is a replacement budgeted for. Secondly, thank you for what you do. Thirdly, re fountains, yes please to feasibility study, one that could also include a compromise position.

Toby: There is about £3million currently in reserve but this varies depending on the building.

In the US an audit is carried out.

Stephen: This is what R&R should be doing.

This is what we should be doing.

Stephen: It is another underlying concern. There are reserves but our ability to be completely comfortable with what is being done and how it is being done isn't as good as we would like. Grosvenor Waterside have self-manage. One of the big focuses was to cut costs but they haven't reduced the service charge because they are building a reserve fund. R&R have a statutory duty to provide info but it is impenetrable. The sensible thing is to go

away and answer the question specifically. There is probably not enough in the reserve fund and it needs to be bigger.

We need to find out an assessment and how this is budgeted for.

Stephen: We will ask for a detailed note to be added. We get what they are required to give according to statutory duties. The format of what we get is opaque. We will have something put together that answers questions in detail in relation to what there is in reserve and also what horizon scanning measures are in place. Is 10 years typical?

If there is no proper reserve then will have a problem selling apartments down the line

- What is happening with R&R re the £700 cash call? Part of the estimate was for £40,000 for a wheelchair lift in the office.

Louis: re the lift, R&R have a legal duty to make sure that disabled lifts are always working. They said it hadn't been working for a couple of years so would need replacing. We pushed back as realized that we had been paying for a maintenance contract. The lift is now working at no additional charge. We are also expecting a refund on the maintenance fee paid when the lift was not working. Re. cash call, we had asked R&R accounts and budgeting to be more transparent and open rather than just serve a section 20 notice on people. In doing so, R&R have gone the other way and notified any possible costs due to ponds and lift refurbishment, pulling worst case scenario and on the assumption that everything would happen and immediately. RA worked with R&R to spread costs. Warwick 1-3 reserves are lower than those in other buildings across the estate. Also, as the RA has only been involved for a year or so, the reserve is lower because not enough was collected. We asked for information on reserve budgets and this is ongoing.

We don't get rent from the Concierge office but are responsible for office costs.

Toby: we pay rent for the office.

Adrian: saw budget figures for IT and Ubers to work (during pandemic). The fact that they aren't providing information is either because they're hiding something or incompetent.

Stephen: this is the issue we are dealing with – the incompetence of the “old management regime” (a printer for 10k, no incentive to save money, inept and lazy, potentially corrupt, unsavoury to say the least, business model is to squeeze out max amount of ££) For the last 7-8 months we have been going through accounts line by line challenging every point.

Why weren't you doing it before?

Stephen: We are in a position to do something about it because we have been pushing. R&R are still here at the moment and we can't just kick them out tomorrow, much as that would be great. In meantime we need to go through things and ask for money back. Ponds and intercoms are prime examples. 15 years of no transparency, in 2 years since doing this, we have beaten them down a lot and this is ongoing. Ultimately the goal is to get rid of all management agents.

Mike O'Driscoll: There is no provision for a cash call in the lease so we don't have to pay. They should budget and if more is spent then they can ask in a balancing demand.

The main point is a side to story that we are not hearing. The Chairman talks of an “old regime”, Jenniffer Mann who left under cloud, but the idea that we have a “new regime” is just PR on behalf of R&R who are the regime. Things haven't changed; policies come from R&R HQ so as long as they are here they will keep fleecing us. Finally, suspect that the Chair is committed to keeping R&R against residents' wishes. We have been told that RTM isn't possible but this is completely untrue. I got expert advice last year from Roger Southam and was lining up an RTM process at that point. Having never shown any interest in changing R&R, the Chair suddenly came up with the re-tender idea. Without RTM we can never get rid of R&R. The contract re-tendering, hope it works, but don't think it will, and Chair isn't interested in getting rid of R&R.

Stephen: Until we remove R&R there is always going to be an intermediary in place that we'd rather not have.

Mike O'Driscoll: You have frustrated the process intentionally.

Stephen: When you spoke to Roger Southam, he hadn't yet seen the settlement agreement so didn't know about the re-tender option. The new management team is working with R&R to improve things. Jenniffer Mann has gone, Brian Klue is in, we are saving money hand over fist. In terms of it being possible to pursue RTM, this isn't the case. It's not legally impossible but if FH were to oppose then we would, once again, be a hostage to fortune with court costs.

Mike O-Driscoll: My third point is that the re-tender has already failed.

Stephen: Why would we want to conspire to prevent something that we are working to achieve.

Mike O-Driscoll: The Committee wants to get rid of R&R but the Chair is blocking this by lying.

Stephen: That's your opinion, probably better we focus on facts.

- Will my home contents insurance still be valid bearing in mind that the locks in P1 and P2 are not working?

- It is possible to walk from P2 to P3 by tailgating. Because the intercom is out the doors are open but they should at least be fobbed. A lot of money was spent 4-5 years ago. Get the intercoms fixed in the medium term but in the meantime we can walk at will between them.

Stephen: If people in the room get issues to us then they will be fixed and addressed, or they will get an email about what the remediation is. If locks don't work your insurance would be queried. Need to get these things directed to Brian Klue. Please summarise the issue and pass it on to me. The issue is knowing, but we are now able to lean on estate management.

- Re cladding. You said September, not May. Has it been prolonged?

Stephen: It is good BH are doing this but a shame they are dragging their heels. They comply with laws/regulations and have polished PR machines but operate on the side of "well, what can you do". They have started to pick up on resident militancy and are now in action.

Larisa: Lanson is due to be completed by end of May, other buildings are end of August/September.

- EDF came to install a smart metre but then said it isn't possible due to the lack of a WiFi signal.

Stephen: Maybe boosters would help.

Louis: there are new smart meters that bounce off other metres, which will work going forward.

Stephen: Would be good to add a booster to shopping list.

Louis: It is good to find long-term solutions to WiFi, barrier, ponds, etc. It slows some things down but it's better to take long-term view.

- Following scaffolding removal the balcony decking is scratched with some screws undone. Should this be reported through RA or R&R or BH?

Stephen: For now, send to me details and I will copy you in to an email for Brian to get this fixed.

- How will know we know who to vote for when it comes to re-tender? Will there be presentations from the different managing agents?

Stephen: There will be a tabular summary with pertinent points highlighted. The idea is for info to be conveyed well in advance to ensure everyone can make an informed choice.

It would help to have info on what other estates those companies manage.

Stephen: please let us know what things you would like to see in summary. We need input.

END OF MEETING

Stephen: This concludes the AGM. There will be another meeting when it is time to vote on the re-tender. Similar to this meeting with proxy mechanism so those who can't attend can vote. We need to find ways to reach people, engagement is an issue, Covid hasn't helped but is no longer an excuse. Hopefully, the next meeting will be well attended, or least people will vote.

Louis provided live update on P1 and P2 doors to say that Brian is on the case and these will be fixed during the course of the next week.

Stephen concluded by saying that this is the difference between the "old" and "new regime" – Brian does act. To end on a cliché: we all need to act and are stronger together.