

# Waterways Management Company 11th AGM 25 April 2018

## Annual Report of the Management Committee for 2017-18

### Report of the Chair of the Management Committee

This is the 11th AGM of the Waterways Management Company (WMC) since the owners of properties on The Waterways took over management of the Company.

Some of you are new owners and we recognise that you may not be familiar with the workings of the Management Company; you will find an appendix attached to this report which gives a brief explanation of the Management Committee, the Company's main operating body.

However, for many of you this is the eleventh time you have attended an AGM, so I will move straight on to my report for the year.

The Management Committee set itself ten objectives for 2017/2018 which were:

*1 Pursue satisfactory co-operative management arrangements for the ongoing maintenance of the watercourse.*

There has been significant progress in this area – see Report of the Gardening Sub-Committee.

*2 Pursue proper monitoring of noise and vibration resulting from increased rail traffic, in conjunction with the Wolvercote action group.*

The Chair has kept in touch with developments and acted as a link and spokesperson for the estate. However, the eventual outcome from developments this year is not at all positive for Waterways residents, particularly those who live next to the new railway line.

Working with a group from Wolvercote, we and the city council have not been able to force Network Rail to implement further mitigation against noise, particularly rail damping at source such as silent track, and the legal advice that we obtained suggested we had come to the end of our options to challenge these decisions. This is very worrying as we know that in the future the amount of traffic on the new line, especially freight, will increase significantly, including transporting the materials for the new HS2 line, and long, fast freight trains will be running frequently 24/7.

Therefore we and the Wolvercote group have decided that our best option for the time being is to carry out some professional, authoritative measurement of the actual noise levels we experience at the moment (something Network Rail has refused to do), as a baseline against which we can monitor future increases. We have successfully crowd funded the money to do this and we hope the monitoring will get under way soon.

Some residents have also expressed concern at the level of diesel air pollution produced by the old, inefficient freight locomotives in use on the line, especially when stopped at and pulling away from the signal just north of the estate. I have taken this up with the freight companies using the line but our concerns have simply been rejected. I have also taken up this issue with the city council which monitors air pollution across the city. Our wish is simply to monitor, now and in the future, the air quality by the railway line, to see whether or not there is a problem, but the city council seems reluctant even to admit there might be an issue. However, they have told us they are trialling new simpler monitoring equipment that might be relevant to community groups and so we wait to see the results of this.

*3 Begin process of replacing vulnerable paving slabs and worn parking areas.*

We have begun this process – see Report of the Gardening Sub-Committee.

*4 Continue the maintenance/management/planting of trees by the lakeside, next to the railway line and across the estate.*

There has been very significant tree work this year – see Report of the Gardening Sub-Committee.

*5 Pursue parking issues across the estate with the county council, police, etc.*

There has been no progress on this issue this year. In the previous year, the county council installed extra double yellow lines along Elizabeth Jennings Way and this has solved most of the parking problems experienced there; however, there were several comments on their proposal for Frenchay Road and as a result they said they would produce a revised plan. Despite pressure from the committee and our county councillor this has not yet appeared and we understand that budget pressures mean that we simply have to wait our turn. Residents have been encouraged to report to the county council any problems they come across, with photographs if possible. It seems there is little else we can do at the moment.

*6 Continue the programme of flat roof replacements in apartment blocks and build reserve funds accordingly.*

See Report from the Apartment Blocks Sub-Committee.

*7 Start planning the implementation of the apartment blocks' asset management plans and start building up reserve funds to meet these long-term needs.*

See Report from the WMC Treasurer.

*8 Pursue breaches of covenants of apartment leases or freehold house transfers in relation to short-term lets/Airbnb and HMOs.*

See Report from the Apartment Blocks Sub-Committee.

*9 Acquire the freehold of the estate from Berkeley Homes at an appropriate time.*

This has previously been held over until such time as we think that we have made sufficient progress with Berkeley Homes in managing the watercourse silt issues. There has now been movement in this direction, as detailed in the Gardening Sub-Committee report

*10 Continue negotiation of new management contract with FirstPort.*

We have submitted our comments, concerns and requirements concerning a proposed new contract to FirstPort and we are awaiting their response.

I have three sets of thanks to give on your behalf.

Firstly, we are very grateful to the FirstPort Property Managers Rebecca Burt, Rachel Dolacinski and Rachel's maternity cover replacement Esther Kolawola. They have been very committed to our interests and they have worked co-operatively and very well with the WMC Committees.

I would also like to thank all the directors who have worked so hard this year when so many things were happening. They have had to research and undertake tasks with no precedents but they have

all risen to the challenge and found empirical and pragmatic solutions, or ways forward for all the problems. There are very few estates which are as complicated as The Waterways and we have to deal with so many outside agencies that we need to stay constantly on the alert and ready to respond.

We are also grateful to you, our members, who have kept us informed of issues around the estate and also been involved in a number of activities.

There now follow the reports from the Sub-Committees of the main Management Committee.

*Adrian Olsen, Chair, Waterways Management Company*

## **Report of the Gardening Sub-Committee**

The Gardening Sub-Committee meets two or three times a year with Rebecca, our Property Manager, and James Mills from Evergreen, our gardeners, to walk around the estate and inspect how the estate is maturing, to identify things that need attention and to make plans for the future.

### *General tree and shrub work*

Tree work across the estate has again been a major, and expensive, item this year. As the estate matures so we increasingly realise that the developer planted many wrong trees in the wrong places, causing significant problems - roots interfering with underground services because they are too close to buildings, roots from over-large trees lifting pavements and parking areas, branches smashing against windows and gutters, trees far too close together, and so on. In addition, some trees in the wildlife corridor are overcrowded according to the original design, possibly through self-seeding, and need thinning or reducing. We are reluctant to remove trees but in most cases we have no choice, and where appropriate we will replace them with more suitable trees or shrubs. The gardeners have also started a programme of shrub work across the estate where plants are overgrown, past their best or dying and need replacement or rejuvenation by pruning.

### *The lake-side area trees*

This year a concern for us has been anti-social behaviour around the lake. Larger and larger numbers of youths have been meeting regularly, particularly in summer, and leaving their rubbish including drug items behind. They can be very noisy and unpleasant when challenged. The regular patrols by our popular Police Community Support Officer were not continued when she left last year and despite numerous telephone calls to the police when the groups gathered no police have arrived. At the suggestion of the police the decision was therefore taken to open up this area hidden from the pavement. The goat willows and hazels were removed beside the Elizabeth Jennings Way pavement so that any activity on these lawns can be seen from the road. We hope that this will act as a deterrent and make a difference to the ability of residents to enjoy the lake area. We intend to re-grass the area and replant where possible with bulbs and lower shrubs which require little or no maintenance.

We hope the opening up of the area will also improve another aspect of anti-social behaviour. There are now dozens of mounds of dog mess left on the grass each week. Dog walkers are more and more frequently visiting the area and not bagging or taking away their dogs' mess. Walking around the lake area is no longer a pleasant experience as you come away with fouled shoes. Our gardeners have to mow the grass and they were finding the area very unpleasant to manage. Also we hope the illegal fishing that has sometimes occurred will be deterred.

As these willows and hazels have grown they have increasingly obscured the view of the lake for all residents, and particularly for those overlooking the lake, so we hope those who have requested a better view are happy with their removal. We know some people will regret this action but very many others have told us how much they appreciate the more open views of the lake. Also costs and workloads will be reduced as these trees required significant annual maintenance to keep them in check.

#### *The black poplar on the Green*

A decision to remove the black poplar on the Green eventually has been made. The large, diseased gash in its trunk is a serious cause for concern and the damage to the tree caused by the illegal work done by the Canal and River Trust in 2014 has seriously unbalanced it and made it very vulnerable to strong winds. A professional tree report several years ago recommended replacement with new trees and so over two years ago we planted a sweet chestnut and a holm oak on either side of the poplar to replace it. They are now getting established and doing well. Unfortunately, the black poplar has had its day so we now have to give the young holm oak and the sweet chestnut more room to thrive. We know the poplar was a cause for concern and we cannot take the risk that someone might get hurt by falling branches. However, as it is subject to a tree preservation order, we have to undertake a fresh tree survey to satisfy the city council's Tree Officer.

#### *The watercourse*

Significant progress has been made this year in the management of the watercourse that runs through the estate from the lake down to the Trap Grounds. In May 2017 we cleared over 12 tons of watery silt from the concrete silt trap off Frenchay Road next to the canal towpath, which shows how much silt we receive from the extensive Summertown surface drainage catchment area. We have had positive discussions with Thames Water, Berkeley Homes, our environmental advisor, and the original designer of the watercourse concerning the original design and the future management. As a result, Thames Water and Berkeley Homes have given us ex gratia payments of £1,000 each towards the cost of silt removal. Thames Water has emptied their five silt traps in the Summertown catchment area (apparently not cleared for years!) and added them to their annual maintenance schedule. Also Berkeley Homes and the watercourse designer have come up with a suggestion for some stone weirs in the first part of the system east of the culvert under Frenchay Road to trap more silt there and so stop it flowing downstream into the wildlife corridor and the Trap Grounds. We are investigating this idea and are negotiating with Berkeley Homes to help us with the technical aspects if we decide on implementation. This could mean that we would be in a position to accept the transfer of the freehold of the estate from Berkeley Homes, a WMC objective for the last few years which has always been dependent on making sufficient progress in resolving our watercourse issues. In anticipation of such work we are organising more silt removal in that section (which we think will be an annual requirement) this April. We have also inserted an extra barrier in the brick weir next to the exit to the Trap Grounds and this has raised the water level of the whole system by a few inches which covers up any silt deposits (so preventing smells!) and is beneficial to the flora and fauna.

On the east side of the canal, the bottom of the swale/stream behind Clearwater Place and Ryder Close, into which excess water from the lake is pumped, has been largely cleared of mud and vegetation, thus greatly improving the flow of water. For this work and for other advice and support we are grateful to Dick Mayon-White, a resident who agreed to become a co-opted member of our sub-committee dealing with the watercourse, and who is generous with his time and expertise.

### *Renewing paving slab and car parking areas*

It would be too expensive to undertake both these major projects at the same time. We have therefore decided to prioritise in 2018-19 the re-laying of some paved areas to a higher standard, because damaged slabs are currently having to be replaced individually at unnecessary expense and these often constitute a Health and Safety hazard. A surveyor is drawing up a specification and recommendations. We will deal with the car parking areas when this work is finished.

### *Other work*

The Big Rake was very poorly attended but we think this may have been due to insufficient advertising. Clearing away the cut grass from the wildlife corridor needs to be done in early autumn every year so we hope with better advertising more people will help in 2018. Thanks to the Friends of the Trap Grounds for the loan of their rakes and to those few volunteers who did join us.

We have spent money on other work including bark coverage for the flower beds and paving slabs in front of the bench on the green, an area that regularly became very muddy.

### *Bins*

We have noticed that a few residents habitually leave their bins at the front of their houses. This looks unsightly, potentially reduces the value of properties and is actually against the legal transfer agreement for houses which stipulates that bins must be stored at the rear. We try to stop this where possible but we would encourage all house residents to keep their bins out of sight to preserve the good appearance of the estate.

### *Canal Murals Project*

The second stage of the Canal Mural Project was completed in July. We received generous contributions from Cllr Liz Wade, the Friends of the Trap Grounds, our gardeners Evergreen and also our Property Management Company First Port, who all contributed to the financing of the new murals on the Frenchay Road arches which celebrate the flora and fauna of the Trap Grounds nearby. These murals have been praised in several local publications.

The highlight for the mural team was the dinner in Birmingham to celebrate the Canal and River Trust's Living Waterways Awards. As you will have read in our own Waterways World the first part of the project, the under-bridge murals completed in 2016, won the national Art & Interpretation Award. The plaques will be proudly displayed on the bridges and in the Waterways Community Room.

### *Bike cull*

For the fifth year running a 'bike cull' took place in the autumn of 2017 which has kept the bike stands and the bike stores clearer. Letters were sent to all residents on the estate informing them of the operation. Thank you to our Trusty Tag Team for spending over two hours in tagging 95 bikes that had obviously not been ridden for a long time and showed signs of having been abandoned, typically because they had parts missing, were rusty or had very flat tyres. Six weeks later 43 bikes were removed as the tags were still in place. Another cull will be scheduled for autumn this year.

*Louise Robertson, Chair, Gardening Sub-Committee*

## **Report of the Apartment Blocks Sub-Committee**

The Apartment Blocks Sub-Committee is responsible for the largest budget on The Waterways. As the estate ages, repairs and maintenance are increasingly complex and expensive. This year the

Apartment Blocks Sub-Committee has been working hard to complete several expensive and time-consuming projects as well as continuing with the general maintenance programme.

#### *Carpets*

Six blocks have been completely recarpeted (95-113 Frenchay Road, 115-141 Frenchay Road, 1-13 Cox's Ground, 31-39 Complins Close, 3-8 Complins Close, 30-47 Cox's Ground). One block (108-126 Frenchay Road) still has a Section 20 Consultation in progress. No further projects are planned at present but this will be reviewed later in the year.

#### *Redecorations*

Eleven blocks have been redecorated externally and internally (95-113 Frenchay Road, 115-141 Frenchay Road, 108-126 Frenchay Road, 44-60 Frenchay Road, 1-13 Cox's Ground, 31-39 Complins Close, 3-8 Complins Close, 30-47 Cox's Ground, 64-74 Lark Hill, 1-17 Clearwater Place and 18-32 Clearwater Place). Three blocks will be redecorated in 2018-19 (2-32 Elizabeth Jennings Way, 56-90 Elizabeth Jennings Way, and 92-126 Elizabeth Jennings Way).

#### *Roofs*

As we reported at last year's AGM the main problem for several years has been finding a contractor who would replace the flat roofs with a 20 year guarantee. Therefore we decided, with First Port, to employ a surveyor to assist us with this project. Earlier this year the committee was presented with three quotations from companies who would provide a 20 year guarantee. All three contractors have insisted on working from scaffolding, which inevitably raises the cost considerably. We expect the work to be done this summer within a six-week period.

#### *Short term lets*

Short term lets of less than six months are not permitted on leasehold properties. We continue to monitor these breaches of the terms of the lease. We were able to advise several owners that their tenants were sub-letting through Airbnb and similar on-line companies. For the benefit of our community we hope you will advise us if you become aware of any such breaches.

#### *New tenant information requirements*

Following several breaches of security and in particular a major chemical incident that resulted in the shutdown of Elizabeth Jennings Way and the evacuation of a block there for a full day, apartment lease-holders will now need to give FirstPort details of every new tenancy. At the moment all apartment lease-holders should notify their freeholder (generally Estates and Management, except for 108-126 Frenchay Road and 1-25 Stone Meadow which are both resident freehold companies) when they are sub-letting and whenever a new tenant occupies the property. The charge will continue to be approximately £130 to E&M.

The lease also gives WMC the right to request this tenant information via the First Port Consent Team and we shall be enforcing this as a requirement from 1 July 2018. A fee of £120 will be payable directly to First Port for this service. Tenancy information will then be held confidentially on file. This second payment will be in addition to the payment to E&M and is not an alternative.

We ask residents to continue to play their part in taking care of the communal areas, ensuring that the main doors are locked at all times to prevent intruders, keeping all communal areas free of personal belongings and respecting fellow residents' parking spaces.

*Paula Reynolds, Chair, Apartment Blocks Sub-Committee*

## **Report of the WMC Treasurer for the financial year 2016-17**

As before, the presentation of the accounts reflects the fact that WMC now functions as a Trust and Management Scheme following a change in company law (Landlord and Tenant Act 1987, Section 42). All assets and liabilities are held in trust for company members, and you are now receiving a simplified statement which explains the contributions you are making for your property but does not include detailed information on other properties. Information on the full estimate of service charge is available on the Your Property Online website for those residents subscribing to this service.

The accounts for the financial year 2016-17 were issued to all WMC members on 31 October 2017. In the financial year 2016-17, the actual spend across all schedules was £457,827.24, against an estimate of £427,413.00. The excess was the result of extra tree work, roofing repairs, lift repairs and TV distribution repairs, and it was largely met from the reserves within the particular schedules involved. The total closing funds/reserves, which are allocated individually against each schedule, were £582,082.14.

As we said last year, the reserves for each schedule have been increased steadily in recent years and the Committee intends to continue this process. This is considered prudent and necessary because, as the estate matures, significant extra maintenance, repair and replacement costs will inevitably occur. Recarpeting and redecoration, as mentioned last year, have continued. As mentioned also last year, a major item of expenditure in the foreseeable future is the making good and replacement of the flat roofs. As has been said, good progress has been made in securing a contractor and the work will begin this summer. The Committee is also concerned in making sure we have enough in reserves to cover any future lift problems. The asset management plans for all apartment blocks mentioned elsewhere in this report have been completed and will now be used for the longer term planning of budgets and reserve funds.

As mentioned above, when looking at expenditure through the year we try to strike a reasonable balance between reducing or not increasing the service charge and maintaining an adequate reserve against future events. We cannot rule out the possibility that actual expenditure will be higher than the estimates due to unforeseen circumstances, and adjustments may need to be made once budgets are set. Service charge estimates for the next financial year, 2018-19, will soon be issued.

*Mary Tovey, Treasurer, Waterways Management Company*

## **Report of the Scrutiny Sub-Committee**

There is not a lot to report this year. The Scrutiny Sub-Committee, with the help of the other Sub-Committees, carried out its regular review of the performance of the managing agent. This was favourable and in particular we felt that the new arrangement of having two Property Managers working in tandem on estate matters was still proving very effective. There have been no complaints on the feedback link for some time. The Sub-Committee considers that the estate has been well managed by FirstPort and it looks in good shape.

One useful introduction by FirstPort is a new email helpline dedicated to The Waterways only – [The.Waterways@firstport.co.uk](mailto:The.Waterways@firstport.co.uk). This replaces the previous helpline help@firstport.co.uk and as it is monitored directly by our Property Managers it should enable a quicker response.

*Adrian Olsen, Chair, Scrutiny Sub-Committee*

## **Appendix**

The Waterways Management Company (WMC) was originally controlled by the developer of The Waterways, Berkeley Homes. In November 2006 Berkeley Homes handed over control of the WMC

to the owners (members of the company), in the form of a Management Committee of Directors, each of whom, as an owner of a property on The Waterways, is a member of the WMC.

The Management Company is a properly constituted Company, registered with Companies House and therefore subject to laws about the way we conduct our business. Anyone who owns a freehold house or leasehold apartment is a member of the Company. There are 40 such properties and so there are 401 members of the Company. You may hold that membership outright or if you own your property jointly with someone – such as your spouse or partner – then you hold your membership jointly with them. If you own more than one property then you are a member as many times as you have properties. That is why tonight some of you may be sharing a voting card and others perhaps have more than one. In every sense the Company is its membership: we own it and we run it.

The Directors on the Management Committee who act on your behalf are not experts in property management (we are ordinary members like you) and we are all unpaid volunteers who undertake WMC responsibilities in our 'spare' time. If we were to try to manage every operational detail of an estate as big as this it would be an immense and probably impossible task so we contract the day-to-day management of The Waterways to FirstPort Property Management, our Managing Agent. FirstPort oversees the work of those sub-contractors who deliver services on site, such as the cleaning of the communal areas to the apartment blocks or the care of areas of landscape planting. All queries about the management of the estate should therefore be directed in the first instance to FirstPort ([The.Waterways@firstport.co.uk](mailto:The.Waterways@firstport.co.uk)). They are responsible for ensuring the Company meets its day-to-day responsibilities, and a great deal else besides. FirstPort answers to the Management Committee, and in turn we answer to and are accountable to you, and tonight's AGM is an important part of that relationship.

#### *Areas of responsibility*

One of the Company's primary purposes is to look after the communal areas around The Waterways. These include, for example:

- the communal gardens and other areas of planting such as the wildlife corridor
- the communal areas of the apartment blocks
- part of the lake off EJW, including a pumping station, and various parking areas and access ways

We are not responsible for everything: for example, the main roads on the estate are the responsibility of Oxfordshire County Council, the equipped play areas are the responsibility of Oxford City Council, and 130 properties and their surrounding areas are owned and managed by the GreenSquare housing association. Also, Woodstock Lodge and the new Fielders Row at the Woodstock Road end of Elizabeth Jennings Way are not part of The Waterways and are managed separately.

The Company can act as an association of and for the property owners but should not be confused with the Waterways Residents Association Community Interest Company (WRACIC). The WRA is open to all residents. We work closely with the WRA but we are quite separate organisations.

You can always find information about the Management Company, and the Management Committee, via our WMC pages on the Waterways website at [www.thewaterways.co.uk](http://www.thewaterways.co.uk) and report items via the dedicated email address [The.Waterways@firstport.co.uk](mailto:The.Waterways@firstport.co.uk) .