

WATERWAYS MANAGEMENT COMPANY
COMMITTEE MEETING
8.15 PM ON THURSDAY 11 Sept 2008

Minutes

Those present – Nick Sampson (Chair), Miles Thompson, Peter Higgins, Louise Robertson, Diane Crocombe, Margaret Bird.

1 Apologies John Lapin, Steve Matthews, Nick Robinson, Asif Muneer.

2 Resignation and appointment of new Committee secretary

The Chair thanked Richard Dorey again for all his work over the past two years as a Director and Secretary, particularly his work in putting into shape the administration for the Community Meeting Room. The duties of Secretary were discussed but as there were no volunteers to fill the role it was decided to stay as we are with the minutes being taken by a committee member and the Chair circulating papers and co-ordinating meetings.

3 Private Business

There was none

4 Approval of minutes from Meeting 12 (1-5-08)

After inaccuracies were altered the minutes were approved.

5 Approval of minutes of Meeting 13 (11-8-08)

After alteration to one sentence the minutes were approved.

6 Matters Arising

Meeting 12

- Produce selection criteria for the review of managing agents *ongoing*
- Set timetable for review of managing agents *ongoing*
- Copies of past minutes of committee meetings to Peverel OM *ongoing*
- Minutes of past committee meetings placed on WRA website *ongoing*
- Bike cull *complete*
- Resolve slippery footbridges *ongoing(GSC)*
- WRA spending plan and request for funding *complete*
- Path on Wildlife Corridor *ongoing(GSC)*
- Lighting on Wildlife Corridor

ACTION This will be dealt with by GSC *ongoing(GSC)*

- Garden bins in Waterways *complete*

ACTION Residents to be informed of new bin design through Waterways World (GSC)

- Action on dog owner in apartment block *ongoing*
- Electrical NIC problems – raised with developer *complete*
- Lift defects – raised with developer *ongoing (Chair)*
- Clearwater Place bin store – pursued OCHA for contribution *complete*
- Lake water quality *ongoing(GSC)*
- Community room. ACTION Chase freeholder for lease *ongoing(PTSC)*
- PTSC ACTION issue minutes of meeting *ongoing (PTSC)*

- Peverel to issue guidelines on policies for granting consent *complete*
- Timescales for revision of WMC welcome pack *ongoing(DC)*
- Invite OCHA rep to next meeting *ongoing*.

Meeting 13

- Release funds to WRA, subject to consultation *complete*
- Chair to email Treasurer re auditing of accounts. *complete*
- Chair to send last year's material on AGM to Sub Committee. *complete*
- AGMSC to outline timeframes and required action to next meeting. *Ongoing*
- Identification of minute taker *ongoing (all)*

ACTION Directors to ask around for someone to take & prepare minutes at £10 per hour.

- Chair to email Committee members with background papers before next meeting. *complete*
- Chairs of Sub-Committees to submit notes one week before next meeting. *complete*

7 Policy on enforcement of covenants, including restrictive covenants

Background papers presented by Peverel OM had been distributed and read. A discussion followed. All residents are covered by various covenants. As WMC we accept we have an obligation to uphold covenants and take this obligation seriously. We will look at breaches on a case by case basis.

If there is a clear breach of covenant WMC will first, through our managing agents try to arbitrate between complainant and covenant breaker. Then we will write to the leaseholder to request compliance with that covenant.

Should the matter need to be escalated to legal resolution, the WMC will normally, as permitted by our covenants, seek an indemnity from the complaint(s) to cover any/all possible expenses. This may well run to several thousand pounds.

In some cases, with the entire committee's agreement (for example, when it is in the whole estate's, or all apartment owners, interest to enforce a covenant because the committee believes that a precedent would be set if breach of a particular covenant was allowed to go unchallenged), the WMC will, unusually, seek to share the financial risk of legal action with all those Waterways owners/leaseholders potentially affected by the breach (e.g., all property owners and leaseholders, all apartment leaseholders or all owners/leaseholders east/west of the canal) by spending service charge reserve funds. Because potentially there would be a significant charge to all those owners sharing the cost we were advised that we should first seek legal advice from the Leasehold Advisory Service (at cost) before spending owners' and leaseholders' money on enforcement of covenants.

8 Agreement of procedures for granting or withholding consent on restrictive covenants

We are responsible for three groups of restrictive covenants– building alterations, pets and sub-letting.

1 Building alterations

Most, if not all, apartment leases contain the covenant “Not to make alterations. Not to make or permit or suffer to be made any addition or alteration to the Demised Premises or any part thereof without the approval in writing of the Landlord and the Management Company...”

Freehold properties are similarly bound in a restrictive covenant in their deeds for five years from date of initial transfer from the developer.

We agreed that our managing agents would usually grant consent for replacements ‘like for like’ and alterations in keeping with the development. However, any/all alterations, whatever their nature, must be referred to WMC management committee, although we agreed that, upon, notification by our managing agents, we would convene a special meeting of those members of the committee able to attend.

2 Pets

Most, if not all, apartment leases contain the regulation “No animal shall be kept on the Demised premises except with the previous written permission of the Management Company (which may be revoked at any time).”

Permission will not be granted for apartment leaseholders to keep any animals except in exceptional circumstances. eg guide dogs / hearing dogs.

ACTION – Managing agents to add a note to lease transferral documentation stating this to be the WMC position on pets.

3 Sub-letting

There are some clauses in deeds and leases that require consent of the WMC before a property is (sub)let. Our managing agents will usually grant this consent if the lease is an Assured Shorthold Tenancy of more than six months and if the tenancy agreement includes requirements of all restrictive covenants.

ACTION – Managing Agents to add a note to lease and property transferral documentation stating this to be the WMC position on subletting.

9 Requirement to act according to (Sub)Committee intentions.

The Chair outlined the decision by JL to stand down from all Sub-Committees except Finance. It was agreed that accurate minutes were not taken at the ABSC meeting in question and that when the Chair redrafted a letter the redraft was in accordance with the ABSC intentions.

The Chair stressed that all those on the committee were required to act according to the wishes of the committee (or relevant subcommittee). Acting independently without the authority of the committee would be a very serious matter.

JL was thanked for his work in the Sub-Committees, particularly in connection with the pumping station for the Lake and Apartment Blocks.

ACTION Minutes must be checked for accuracy by all Committee & Sub-Committee attendees and letters to leaseholders/tenants & other interested parties must be checked for compliance by relevant Committee members before issue.

10 Health & Safety

Several mortice locks had sheared in the Stone Meadow houses, trapping people in or out.

ACTION Chair to write to the developer to request investigation and remedial action.

11 Financial Update

The Treasurer is meeting with our auditors to discuss the audit and will report directly to the Chair on this matter.

ACTION The Chair will circulate relevant information to Directors.

12 Report from Apartment block Sub-Committee

Following numerous problems with bins, bin-stores and cars there is a need for a Good Neighbours Guide

ACTION A Director will work with our managing agents to start a Welcome Pack/Good Neighbour's Guide

13 Report from Gardening Sub-Committee

There is a marked difference between the standard of WMC gardens and Woodstock Lodge /OCHA maintained gardens. Peverel OM and their gardening contractor are concerned that their performance may be judged on parts of the development for which they are not responsible.

ACTION The Director responsible will speak to OCHA to request improvement in their garden maintenance.

ACTION Peverel OM will inform Chair of contact details for GEM (managing agents of Woodstock Lodge) to ask them to improve their areas; Chair to write to GEM

14 Report from Community Room Sub-Committee

The subcommittee reported its view that we would be unable to meet the terms of the 2007 AGM on this subject (and therefore also be unable to meet our committee objective). A draft resolution for this year's AGM will be circulated to Directors.

ACTION – Director to circulate report.

15 Report from Managing Agent Review Sub-Committee

There was no representative at the meeting.

ACTION Chair will meet with its Director over the weekend.

16 Report from parking and Traffic Sub-Committee

A report was attached. There is some progress.

17 Complaints Portfolio

There was an excellent report on resolving complaints. The Director was thanked for his work.

18 Report from AGM Sub-Committee

The timetable for the AGM is being devised.

19 WRA matters

There are no outstanding matters

20 OCHA matters

There are no outstanding matters

21 Maintenance update

Peveler OM was thanked for their report.

22 Date of next meeting

Chair to circulate for a meeting early/mid October

AOB

It was agreed that a copy of all minutes & relevant records should be kept by the Secretary in a retrievable form.

The meeting closed at 10 38pm

GSC Garden Sub Committee

ABSC Apartment Block sub Committee

PTSC Parking & Traffic Sub Committee

AGMSC Annual General Meeting Sub Committee

OCHA Oxford City Housing Association

WRA Waterways Residents' Association