

**WATERWAYS MANAGEMENT COMPANY**  
**MANAGEMENT COMMITTEE MEETING NO 21**  
**8.00 PM WEDNESDAY 9<sup>TH</sup> SEPTEMBER 2009**

**MINUTES**

**Present:** Miles Thompson (Chairman), Diane Crocombe, Stephen Matthews, Nick Robinson, Nick Sampson, Raquel Stremme.

**In attendance:** Chris Attwater, Peverel OM Ltd

**Minutes:** Emma Thompson

**1 Apologies**

1.1 Louise Robertson, Margaret Bird, Peter Higgins and Richard Dorey (WRA Chair)

**2 Private Business**

None

**3 Approval of minutes from meeting 20**

Minutes were approved as a correct record

**4 Matters arising**

4.1 Mtg 18 item 8.1 – quorum required for general meetings. It was noted that the Chair had drafted a motion for consideration at the next AGM. *Closed*

4.2 Mtg 18 item 19.1 – It was reported that the Chair had written to the Chair of the Woodstock Lodge Residents' Association and was awaiting a reply. Chair to further pursue contact via their managing agent. *Open*

4.3 Mtg 20 item 5.1- parking space relating to number 62 Frenchay Road

a) It was noted that whilst the Leasehold Advisory Service had been unable to provide definitive advice, the Managing Agent's in-house solicitor had confirmed that the WMC had the authority to grant the transfer of the parking space. The relevant transfer paperwork was being prepared. *Open*

b) Berkeley Homes had confirmed that it had been the original intention to grant exclusive use of the additional parking space to number 62 Frenchay Road and to create an alternative visitors parking space. *Closed*

c) It was accepted that it would be too soon to seek to recover the costs from Berkeley Homes for this conveyancing work and other similar matters (4.4 and 4.5) as additional costs could still be incurred. However, the Managing Agent confirmed that it still remained the intention to invite Berkeley Homes to pay for the costs incurred in resolving these matters. *Open*

4.4 Mtg 20 item 5.2

a) It was noted that the Managing Agent would be issuing a final letter to OCHA and the owner of the commercial unit, advising them of the intention to request payment of a management charge. Charges would be applied 30 days after the final letter and back dated to 1<sup>st</sup> May 2009. The letter would be issued in

- September. *Open*
- b) As per 4.3.'c' – open
- 4.5 Mtg 20 item 5.3
- a) It was reported that owners of properties who had two allocated parking spaces in Lark Hill would be issued with a letter in September to advise them that their contribution towards parking costs would increase with effect from 1<sup>st</sup> May 2009  
*Open*
- b) As per 4.3.'c' – open
- 4.6 Mtg 20 item 6.2
- a) The Chair had reported to the director who raised the issue of whether the objectives should be prioritised, explaining that the Committee had determined to defer further consideration of this until after the next AGM
- b) It was noted that all members of the Committee had been invited to suggest how the objectives for 2009 should be prioritised. *Open*
- 4.7 Mtg 20 item 7.5
- a) Following the resolution to delete clause 7 of the Constitution, it was reported that the record of the constitution of the Committee had been updated accordingly.  
*Closed*
- b) The Chair had prepared a paper relating to the issue of quoracy for presentation to the AGM. *Closed*
- 4.8 Mtg 20 item 8.5
- It was noted that the WMC was now registered to receive notifications of applications made to the local planning authority, covering all applications made within and immediately adjacent to the Waterways development. Such notifications to be sent to the Managing Agent. *Closed*
- 4.9 Mtg 20 item 19.2.2
- The Chair advised members that four replies were still to be received on whether the WMC meetings should be held at an earlier time of 7.30 pm. At present the views were evenly balanced

#### **RESOLVED**

The views of the remaining members would be sought by the Chair and appropriate arrangements put in place for the next meeting

#### **5 Preparation for Annual General Meeting**

- 5.1 The Treasurer and the Managing Agent reported that the preparation of the accounts was progressing in line with the objective of a late November AGM. The auditors had asked for feedback on the accounts by 7 October. The Company is under an obligation to issue the accounts to Members at least 21 days prior to the AGM

#### **ACTION**

Treasury sub-committee to review the accounts and meet with the Auditors before the 7<sup>th</sup> October deadline.

In the meantime, the Managing Agent would begin to draft a cover letter to the

distribution of the accounts, highlighting areas of under spend and overspend. Areas suggested included tree works, paving and roof repairs and the rat infestation where additional costs had arisen and the fire equipment and lift maintenance where savings had been made

5.2 The membership of the AGM sub-committee was agreed. The Chair confirmed he would refer back to his previous checklist to ensure every aspect of the AGM was organised

5.3 Given the previous years' experience of having to adjourn the AGM to a second date, it was suggested that two dates be booked (a first date and an adjournment date) with the chosen venue; with St Margaret's Institute the most likely venue. The venue to be booked for between 7.30 pm and 10.30 pm. Three dates were put forward by members: 23 November, 30 November and 2 December

**ACTION**

Directors to assess availability of St Margaret's Institute and make the required bookings, in liaison with rest of AGM Sub-Committee

5.4 The Committee received the draft agenda which had been prepared by the Managing Agent and the Chair. It was queried whether the item relating to the change in the quorum of the AGM should be brought forward to ensure the meeting could continue just in case the numbers of attendees dropped below the number deemed necessary to hold the meeting. However, it was established the meeting need only be quorate at the time when the meeting proceeds to business (Article 7.2 of the Memoranda and Articles of Association of the Company). No change in the order of items on the draft AGM agenda was therefore necessary

**ACTION**

Members of the Committee to review the AGM paperwork and issue any comments to the Chair by end of September

**ACTION**

5.5 Chair's of sub-committee's and portfolio holders to provide Chair of Management Committee with brief, bullet-point summary of key points since last AGM, and where possible examples of where we have added value and scrutinised procedures to improve them for the benefit of neighbours. Information to Chair by end of September

**6 Treasurer's Sub-Committee**

The Managing Agent confirmed that apartment block insurance was managed by Kingsborough (which along with Peverel is owned by the same holding company) but that a number of different insurance companies provided that cover, for example Aviva (under instruction from Berkeley Homes), Zurich and Ecclesiastical. This was largely due to freeholders nominating their own insurance providers in some of the blocks. It was also noted that Kingsborough did not charge a fee for the service and, whilst we would have the right to change agents, this could result in a charge being made by the new agent, which would not benefit current owners

**7 Good Neighbours Guide**

The final content was nearing completion and would be ready to circulate to members of the Committee for comment, in the next few weeks

**RESOLVED**

- a) To aim to be in a position to sign off the content at the next meeting
- b) Document to be uploaded on to the Waterways website and Peverel OM Ltd website as well as circulated to local letting agents

**8 Proposed amendment to management agreement**

One of the Directors declared a conflict of interest but still felt able to approach the issue dispassionately

The Managing Agent enquired whether a service charge should be made for any apartment block whose redecoration costs were below the £1,500 threshold but still required the Managing Agent to comply with Section 20 requirements (which notification procedures come into effect when one of the properties would be asked to pay £250 or more). The charge would help to recover some of the costs of the Managing Agent incurred in handling the additional paperwork, which remained largely the same whenever a 'section 20' was required. This would require an amendment to be agreed to the current Management Agreement between the Managing Agent and the WMC

**RESOLVED**

To continue with the existing arrangements as set out in the current Management Agreement

**9 WRA Matters**

9.1 Mtg 20 item 11.2. It was reported that the Chair of WMC had still to make contact with the Oxford City Canal Partnership. *Open*

9.2 It was noted that the latest edition of Waterways World had been distributed and that the annual BBQ would be taking place on 12<sup>th</sup> September 2009. As a result, further funding would be required to cover the costs incurred

**RESOLVED**

Payment to be made on receipt of a valid request from the WRA Treasurer, in line with agreement with WRA

**10 Parking and Traffic Sub-Committee**

10.1 Mtg 19 Item 6.3.2 – Managing Agent had provided update to complainant at Lark Hill on 16 July – *closed*

10.2.1 It was reported that a resident and member of the Company continued to chase both Councils about the timetable for the adoption of the roads within Waterways

10.2.2 It had been identified that during the process of granting planning permission no security had been obtained to cover future structural maintenance of the two bridges within the development – Frenchay Road and Elizabeth Jennings Way. It was reported that the bond required from Berkeley Homes was £100,000 per bridge and the developer had refused to contribute the sum required; they are not obliged to pay now that planning permission has been granted. This was causing a delay in the adoption and would also mean a delay in the transfer of the other communal areas on the estate to the WMC

10.2.3 The County Council as Highway Authority had taken a pragmatic view when it had adopted Frenchay Road and had agreed to adopt the road surface but not the bridge. However, the Council was unwilling to do the same on Elizabeth Jennings Way

- 10.3 It was reported that the 'no parking' signs which had been put up by Kids Unlimited appeared to be responsible for some residents to park on the road. Whilst a question remained over whether the signs were actually being placed on company land, it was agreed that parking problems across the development could not be dealt with on a piecemeal basis and would have to wait until the road adoption had been resolved

**RESOLVED**

- 10.4 Portfolio Holder to discuss the situation with local councillors, Oxford City Council, Oxfordshire County Council and Berkeley Homes. An update on the situation to be included in the next edition of Waterways World

**11 Apartment Block Sub-Committee**

- 11.1 Mtg 20 item 13.1.2. It was noted that the boiler maintenance letter had been circulated to all properties on the Waterways by the Managing Agent on 21 July 2009 - *closed*

**ACTION**

- 11.2 All minutes to be redacted and uploaded on to the Waterways website by the end of September
- 11.3 Letters had been issued to all relevant apartments concerning the desire to upgrade aerials and upgrades were being put in place where the majority of those who replied were in favour of this action. In one block (95 to 113 Frenchay Road) no responses had been received. A second letter would be sent giving owners 14 days to respond. If no response was forthcoming, no upgrade would be provided.
- 11.4 Following the further consultation with 95 to 113, a further letter will be sent to all owners of the Frenchay Road Apartments to confirm the next stage of action. In the case of the three blocks in favour of the upgrade, they will be advised of the arrangements for the upgrade and that any individual satellite dishes/aerials will be removed as part of the process. As these aerials are the property of individual residents they will be requested to advise the aerial contractor (details to be provided) if they wish to retain the aerial/satellite, prior to the works commencing.
- 11.5 Following the installation of an upgrade aerial, the contractor would also remove any extra aerials which had been erected on the exterior of apartment blocks

Next meeting scheduled for 23 September

**12 OCHA**

- 12.1 Mtg 20 item 15.1. It was noted that a response had been received from OCHA concerning the limited access rights to the canal-side amenity areas adjacent the flats on the east bank of the canal and that, from OCHA's perspective, no action would be taken to remove the signs which were on their land
- 12.2 The WMC was disappointed with the response as it went against all efforts that had been made to encourage equal access across the development to open space for everyone, whether they contributed directly or in-directly to the communal areas, or not

**RESOLVED**

- 12.3 Portfolio holder to raise the matter with Cllr Campbell to see if he could discuss

the matter with OCHA, and to contact Shout! to see what influence they might have on the decision-makers at OCHA

### **13 Complaints Portfolio**

- 13.1 It was reported that a complaint had been received from a resident in Cox's Ground relating to the removal of vegetation and its replacement with hard landscaping

The Chair declared an interest on this subject and took no further part in the discussion

#### **RESOLVED**

Managing Agent to write to owner asking them to reinstate the area to planting, and to advise complainant of action

- 13.2 It was reported that there had been a recurrence of communal bins being left outside the store in Stone Meadow. The gardeners had been asked to return the bins and clear up any resulting mess. The Managing Agent was asked to thank the sub-contractors for undertaking this task

- 13.3 The Complaints Portfolio Holder also reported that we would, in future, receive a summary of all low level complaints received from Peverel which did not require escalation to Committee. This would allow the Portfolio holder to assess what issues were frustrating owners on the development. He would feed back any aspects of note to the Committee

- 13.4 The Gardening Sub-Committee to review the complaint received by residents that some canal boaters had taken to using the bin on the green at the top of Frenchay Road.

- 13.5 It was noted that there were no covenants on the development restricting the renting of units to those claiming benefits

### **14 Gardening Sub-Committee**

The minutes were received from the Gardening Sub-Committee

#### **ACTION**

- 14.1 All minutes to be redacted and uploaded on to the Waterways website by the end of September

- 14.2 It was reported that fishing around the lake had become increasingly problematic. Residents had complained that individuals were fishing without permits

#### **RESOLVED**

- 14.3 Member of the sub-committee to contact Environment Agency to establish what could be done to report suspected offences to them

### **15 Community Room Sub-Committee**

It was noted that still no response had been received from the landlord's agent

### **16 Health and Safety**

- 16.1 Mtg 20 item 18.1.2 – article in last Waterways World was good but in light of on-going problems an article by the Garden sub-Committee, specifically relating to the problems with badgers to be included in the next edition of the Waterways World. – *Open*

16.2 It was noted that the health and safety review visit was due to be held on 29 September. Any member of the Committee is welcome to attend

17 **Waterways Management Company Objectives 2009-10 – Objective 3**  
This item was deferred to the next meeting

18 **Any other business**  
None

19 **Date of next meeting**  
11 November 2009.

One of the Directors gave their apologies in advance.