

WATERWAYS MANAGEMENT COMPANY
MANAGEMENT COMMITTEE MEETING NO 51

7.30 pm, Monday 14th July 2014

Present: Louise Robertson (Chair), Sally Duncan, Lynda Rose (nee Williams), Adrian Olsen, Imogen Olsen, Mary Tovey, Tao Tao Chou, Paula Reynolds, Adrian Mourby, Nicholas Orme.

In attendance: Rebecca Hill, Jeetindar Gill

Minute taker: Emma Thompson

Observer: Hilary Sorensen

1. Apologies

1.1 Apologies were received from Ann Hall.

1.2 Members were introduced to the new director and a potential director who was attending as an observer.

2. Private Business

2.1 None.

3. Minutes

Approval of the minutes from meeting 49 (10/03/14) and 50 (12/05/14)

3.1 Subsequent to the meeting held on 12th May, the minutes of 10th March 2014 were approved as an accurate record. Subject to a number of amendments, the minutes dated 12th May 2014 were approved as an accurate record.

Approval of AGM minutes 29/04/14

3.2 The draft minutes of the AMG held on 29th April 2014 were approved subject to the amendments proposed at meeting 50 and it was agreed that they should be uploaded on to the Waterways website.

Voting rights

3.3 Those present were reminded of clause 4.3 of the Memorandum and Articles of Association which governed the Waterways Management Company which stated:

“If two or more persons are together a property owner each shall so comply, they shall together constitute one member and the person whose name first appears in the register of members shall exercise the voting powers vested in such member of the Company.”

It was recognised that one vote per property did not preclude more than one person from a household being appointed as a director at an AGM as only a person “who is a property owner shall be eligible to hold office as a Committee member,” however, for the purposes of decision-making they would share a vote. It was noted that this would preclude houses with numerous adults from potentially holding unnecessary influence over a particular issue. It was determined that this should remain the case and not be altered. However, given the amount of work involved in maintaining the estate, it was proposed that additional directors should be eligible for appointment. This would require an amendment to the current resolution which had been made to supersede the original clause within the Memorandum and Articles.

It was agreed that a paper should be prepared for the next AGM outlining a revised resolution for approval.

4. Matters arising from the minutes of meeting 50 on 12th May 2014

- 4.1 It was reported that it had been confirmed that the Council did allow the inclusion of plastic bags within the recycling containers of apartment block refuse areas.
- 4.2 It was noted that the guidelines on development within the Waterways had not been circulated subsequent to the AGM due to a number of paragraph numbering anomalies. The author of the paper agreed to work with OM to confirm the final wording as had been agreed at the AGM so that the documentation could be issued.

5. Appointment of responsibilities for 2014-15

- 5.1 The matrix of responsibilities had been circulated for comment by members who had been absent at the previous meeting and was re-presented for approval.
- 5.2 It was agreed that the absentee member should be given the opportunity to confirm their responsibilities before the document was finalised.
- 5.3 The new director expressed an interest in joining the Gardening Sub-Committee.
- 5.4 It was identified that one director had several responsibilities and they were encouraged to advise the other directors if the workload became excessive.
- 5.5 It was discussed whether the Gardening Sub-Committee would be split so that directors could choose whether to focus on gardening, water-related issues or both. No formal decision was made but further discussions would take place at a future meeting.
- 5.6 The Lead Directors for the Apartment Block Sub-Committee and the Gardening Sub-Committee were confirmed.
- 5.7 Directors were invited to review the description of the responsibilities for a sub-committee lead which had been inserted at the end of the matrix. No comments at

the meeting were forthcoming and directors were encouraged to send any amendments to the author outside of the meeting.

6. Approval of objectives

- 6.1 It was agreed that the two objectives relating to the culvert and the land transfer from Berkeley Homes remained relevant for 2014-15. However, it was proposed that the wording for the third objective should be revised to read:

“Embed the managing agent assessment process within the work of the Committee and Sub-Committees of the WMC.

This amendment was proposed on the basis that only members of the Scrutiny Committee were familiar with the criteria which had been established over the previous year. In addition, a significant amount of research would be required to determine those companies which should be approached to tender for the management of the development. It was suggested that the priority should be to resolve the water-related issues on the development and give OM the opportunity to demonstrate performance against the evaluation criteria across all the estate's activities.

- 6.2 Following a debate it was taken to a vote and the motion was carried with 7 in favour, 1 abstention and 1 against.

7. Health and Safety

- 7.1 It was reported that on 27th June 2014 a two year old child had managed to crawl through the existing fencing and had fallen into the swale within Ryder Close. The father was requesting reimbursement of expenses related to the provision of additional mesh to protect the area. The annual health and safety risk assessment had deemed the protection in this area as sufficient and that some parental responsibility was necessary over children's welfare particularly as the WMC had regularly promoted the dangers of playing near water features on the development. A loss adjuster had been despatched by the insurance company to assess whether any recommendations were indeed necessary.

- 7.2 It was agreed that an article would feature in the Waterways World reminding residents of the dangers of children playing near bodies of water throughout the development.

- 7.3 Following a vote (8 in favour, 1 against) it was agreed that a letter would be issued, without prejudice, to reimburse the individual out-of-pocket expenses.

8. Sub-Committee round up

8.1 Finance Sub-Committee

- 8.1.1 It was noted that the Directors' indemnity insurance had been renewed and the paperwork received.

- 8.1.2 It was also reported that the accounts were on track to be delivered to the auditors.
- 8.1.3 It was noted that one resident had refused to pay part of their service charge on the basis that a number of maintenance issues had not been completed to their satisfaction or were being undertaken unnecessarily in their view. OM had provided the individual with the business case for all the actions which had been, or were being undertaken, but the individual remained unconvinced.
- 8.1.4 It was agreed that a credit agency should be brought in at the appropriate time to obtain the outstanding debt.

.8.2 Apartment Sub-Block Committee

- 8.2.1 Those present were advised that Section 20 was a legal requirement which meant that OM had to consult with residents on any expenditure which exceeded £250 per unit. The process involved three stages which could take three months due to the amount of time which was legally required for each stage – first notice, tender stage and second notice. The threshold limit had not been raised for some considerable time which meant the number of works falling under Section 20 had been increasing. The current maintenance issues which were being consulted upon included:
- (a) the redecoration of apartment blocks
 - (b) carpet replacement within apartment blocks
 - (b) roof repairs and
 - (c) lift maintenance.

In view of the need to keep the lifts in working order, consideration had been given to obtaining a dispensation but, upon further investigation, it had been identified that very little time would be saved and additional cost would be incurred in securing a court order. A claim had been pursued under both the engineering company's and freeholder's buildings insurance but neither policy would pay out as flooding of the lift pit was excluded.

- 8.2.2 The managing agent summarised the timeline to clarify why the lifts remained out of service, three months after the fault had been reported.

Towards the end of March 2014, the lift operator (Kone) was invited to view the problem and after three weeks the lift was removed from service due to the depth of the water in the lift pit. A contractor had been called out to remove the water which was contaminated with oil as Kone refused to undertake the task. Upon realising the extent of the water which had to be removed (300 gallons), a pump contractor was asked to complete the work. Following the removal of the water, Kone was finally able to assess what had caused the problem and provide the managing agent with a quotation. Due to the amount of money involved, OM had to enact Section 20 and the Apartment Block Sub-Committee had been informed of the situation. A scope of works had been raised on 26th June and the fault would be rectified by September/October.

8.2.3 The WMC recognised the disruption caused by the lift but one director decided to offer their verbal resignation over the matter. The Chairman would confirm with the director whether they wished to put their resignation in writing as required by the Memorandum and Articles.

8.3 Gardening Sub-Committee

8.3.1 It was reported that there was now a clear strategy to remove the silt from the swale. The watercourse would be split into three sections because one section passed under Frenchay Road which remained the responsibility of the Council. It was hoped that the Council would contribute its share of the costs which had been calculated as 17%. Each load of silt would be tested separately for contamination.

8.3.2 It was agreed that Bioscan should be asked to confirm the most suitable time to complete the removal of the silt to avoid disruption to those species living in the wildlife corridor. The company would also review the clearance proposal which was due to be received from Lanes for Drains.

8.3.3 One question remained - whether it was the weir which was creating the silt. It would be possible to investigate this theory once the build up had been removed.

8.3.4 The managing agent agreed to contact Green Square again to see whether the company would contribute to the remedial works on the basis that it was their residents which would potentially be most affected if the situation was not resolved.

8.3.5 It was noted that Councillor Howson had circulated the Local Flood Risk Management Strategy to the WMC to comment on the proposals. Whilst it was recognised that the Strategy related to the identification of potential sites for housing development it was recognised that it would be useful to prepare a response which encouraged the Council to discuss the impact of the proposals on all parties responsible for infrastructure, for example, Thames Water, the River and Canal Trust and land owners. A suitable statement would be prepared to this effect and issued to the Council.

8.3.6 It was reported that the Council would not be taking any enforcement action against the Canal and River Trust in relation to the partial reduction of the Poplar tree on the green at the top of Frenchay Road. This news was met with disappointment. The managing agent stated that the necessary permissions were underway to make the tree safe and to plant two trees which would fill the gap when the Poplar eventually died.

8.3.7 It was reported that Berkeley Homes had give the access code to the electricity sub-station gate to a resident under a separate agreement. Subsequently, the developer had received a request from other residents for the access code and had sought the advice of WMC. It was agreed that as the decision had been taken initially by Berkeley Homes that they should take responsibility for the result of their actions. The WMC requested that the land owner should be made aware that whilst it was grateful to Berkeley Homes for providing the Company with the code for emergency access requirements, it would not take kindly to the developer issuing the code to anyone who was not entitled to it. Such action would be taken into consideration at the point when Berkeley Homes wished to transfer the land to residents.

- 8.3.8 It was noted that the replacement of paving slabs would have to be deferred until April 2015 due to the level of expenditure already incurred on landscape maintenance.
- 8.3.9 It was reported that conservation work on the wildlife corridor had been scheduled for 28th September 2014. A note would be distributed through letterboxes and on the notice board to encourage residents to participate.
- 8.3.10 No response had been received from a householder who had consistently placed their bins in front of their house, contrary to the deeds, on Elizabeth Jennings Way. It was recommended that the bins be removed from the area. The Gardening Sub-Committee would note other offenders when completing its walkabout.

8.4 Scrutiny Sub-Committee

- 8.4.1 It was reported that the next meeting was due to take place week commencing 21st July 2014. In the meantime, sub-committee leads were encouraged to use the evaluation criteria as previously discussed.

9 Feedback

- 9.1 It was noted that there were no items to report.
- 9.2 It was confirmed that the managing agent was automatically receiving planning applications for the development.

10 WRACIC

- 10.1 The summer event had provisionally been set for 6th September to avoid the usual clash with the Open Doors event. It was assumed that the next edition of Waterways World would be issued in August to promote the event.
- 10.2 It was noted that the Liberal Democrat Party had confirmed that it would be holding surgeries in the community room.

11 Managing Agent

- 11.1 A number of transfer certificates had been received for signature. The certificates related to those properties within the Kids Unlimited block which had been purchased some time ago. As these residents did not contribute to the upkeep of the estate and were not members of the WMC it was agreed that the certificates should not be signed as they were not relevant.
- 11.2 The WMC agreed that from a procedural stand point that it should be the Chairman who should sign any transfer certificates on behalf of the WMC.

12 Any other business

- 12.1 Directors were encouraged to check the contact details which were circulated for review and reminded not to make them public.
- 12.2 A resident had written to complain about children playing football in a certain part of the development. Whilst directors were sympathetic to children playing it was considered prudent to put up a sign discouraging ball games to avoid any ambiguity over the responsibility of residents to respect property should any damage be caused.

13 Date, time and location of future meetings

- 13.1 The following dates were proposed:

8th September 2014 (Monday)
11th November 2014 (Tuesday)
13th January 2015 (Tuesday)
10th March 2015 (Tuesday)

Despite the meeting being slightly longer than normal, it was agreed that the start time should remain at 7.30 pm. Meetings would continue to be held at the community meeting room but would be held on a Tuesday.

It was proposed that the AGM could take place on Thursday 23rd April at the Baptist Church off Banbury Road. It was suggested that the venue should be booked now.