

MINUTES OF ANNUAL GENERAL MEETING

ST BENEDICTS (TOOTING) MANAGEMENT COMPANY LIMITED

HELD ON TUESDAY 18th NOVEMBER 2014

AT ST NICHOLAS CHURCH HALL, CHURCH LANE, TOOTING, SW17

PRESENT:	Kevin Herrmann (KH)	Director
	Ravi Joshi (RJ)	Director
IN ATTENDANCE:	Daniel Fells (DF)	Property Manager, R&R
	Mr & Mrs Shah	
	Mr J Bedford (on behalf of Ms De Brujin)	
	Ms A Tontos	
	Mr P Risdon	
	Mr & Mrs Simpson	
	Miss D Shakespeare	
	Mr & Mrs Van Silver	

KH opened the meeting at 19.03 and welcomed all those present.

9 property owners from 7 properties, including the 2 Directors Mr Joshi and Mr Herrmann, attended the meeting and so did 2 people nominated as proxies. Mr Herrmann chaired the meeting and had received 1 proxy nomination in that capacity with instructions how to vote and 1 proxy nomination in a personal capacity with discretion how to vote. Mr Daniel Fells from the Managing Agent, Rendall and Rittner, also attended and acted as Secretary for the meeting, taking minutes.

1. To receive and approve the minutes of the AGM held on 20th November 2013

There were no comments on the Minutes.

Passed with 9 votes for and 0 against.

2. To Receive and adopt the report of the directors and the accountants for the year ended 30th June 2014

The Directors explained that, following changes to accounting standards, the Company Financial Statements for approval now contain very little, service charges are held in trust for property owners, expenditure is shown in the Service Charge Statement and the accounts are not audited but are prepared by an independent accounting firm.

The accounting firm had identified overpayment to electricity suppliers for landlord supplies in blocks of flats of around £3,600, which was being recovered, and another overpayment of around £3,000 had since been discovered for a block with a faulty meter. A settlement was being agreed for over £2,900 to be re-paid and then the actual usage would be measured over the next year to confirm the amount.

Passed with 10 votes for and 0 against.

3. To provide update on recent maintenance and other work on the estate

The Directors provided an update on work carried out during the year, including:

- Flat block repairs, including drain and soil investigations
- Flat block roof and window inspection and repairs
- Flats pest survey and work underway to eradicate mice
- Wandsworth Council installation of three sets of cycle racks, as requested by residents
- Drain inspection and repairs, including fitting mesh to reduce blockages
- Tree surgery to the lime trees in Limetree Walk
- Re-painting parking space numbers and dividers, as requested at recent AGMs
- Safety work including re-laying the path across Limetree Walk, re-painting steps and additional lighting.

The Directors answered owner questions on this work, particularly on the flat repairs with information on the website, and advised that all current and some historic work orders are now listed on the website. An owner in Limetree Walk commented on the great improvement from pruning the lime trees. Owners reported other areas of uneven paving. An owner commented on the broken flat entry systems and the Directors advised that they were life expired and would be likely to need replacement in the next five years.

4. To discuss service charges and reserves and, if the consequent risks are considered acceptable, to defer the next periodic maintenance from 2019 to 2020 to reduce annual contributions to reserves.

The Directors explained that Service charges had to rise for 2014-15 to replenish reserves which have become depleted, mainly because of increased maintenance required now that the properties are getting older. The Directors provided a breakdown showing where money is spent. The Directors explained how all owners pay for Estate services, what the Estate periodic maintenance includes, that Estate managed areas are about 50% of the grounds, including almost all of the trees, and that only flat owners pay for flat block maintenance and work on land around flat blocks. They explained that service charges were the only source of income for our not-for-profit mutual company and service charges were set at the minimum level to provide enough money for proposed expenditure with enough contingency to cover unexpected costs, like repairs.

The Directors explained the benefits and risks of reducing service charges slightly for the next four years by deferring periodic maintenance for a year, as we have done in the past later in the maintenance period. The reduction in quarterly service charges would average only about £2 for houses, but would average about £17 for one bedroom and about £25 for two bedroom flats. There are risks of doing this now at the beginning of the period because reserves will build more slowly and there will be less flexibility to deal with any emergencies, which might require charges to be increased again.

Passed with 7 votes for and 4 against. This will take effect from the budget for the year commencing 1 July 2015.

5. To note that previous General Meetings may have passed resolutions purporting to vary the terms of property legal agreements including regarding payment of charges, to note that such variation is not legally possible without the consent of all contracting parties, to cancel any such resolution passed previously and to note that the Directors and Managing Agent must follow the terms of the property legal agreements.

One or two owners have claimed that such resolutions may have been passed at previous General Meetings, affecting how service charges can be paid, although we have no evidence of this as Minutes are not available from the time of the previous Managing Agent. The Directors recommended passing this resolution, which cancels any such decisions, to avoid any doubt on the position.

Passed with 11 votes for and 0 against.

6. To discuss and give guidance to the Directors when sub-let properties are overcrowded under national and local Government guidelines.

During the year, it was discovered that a flat was being sub-let with more tenants than advised under local government guidelines on overcrowding. Neighbouring residents reported repeated nuisance from that flat. Permission to sub-let was withdrawn after due notice and these tenants have now left.

The Directors explained the guidance available and asked how owners wished applications for sub-letting to be handled that would lead to overcrowding under official guidance.

In a vote for guidance, there were 10 votes for refusing permission to sub-let if the property would be overcrowded and 0 against.

7. To permit the Directors to authorise payment to Edward Payne & Co for work incorrectly carried out to trim hedges on the Estate that was not ordered but was intended to be ordered in future.

When carrying out minor tree work ordered in November 2013, Edward Payne & Co also mistakenly trimmed the tall hedges adjoining Rectory Lane, for which they had quoted but which had not been ordered. It was intended to order this work in future, as the current budget for tree work had been fully used by the major and emergency work required.

The Directors sought guidance from owners whether payment can be made from the Estate reserve for the hedge work and what proportion of the quoted cost of £756 to offer. After discussion it was proposed that an offer of £400 was made to Edward Payne & Co.

Passed with 11 votes for and 0 against.

8. To discuss fire seals in risers of blocks of flats and, if felt appropriate, to authorise the Directors to carry out at all flat owners' expense any repairs not made by Community Vision.

The Directors described the issues reported by Health & Safety inspections with fire seals in flat block risers between floors, into the roof space and into flats. These are a consequence of a combination of changed regulations which are now more stringent, defects from when Laing Homes built the Estate and damage caused by Community Vision when installing communal satellite television wiring. Community Vision advises that it has repaired damage that it has caused and the Rendall and Rittner Property Manager is checking this.

The Directors sought guidance from flat owners whether remaining fire seals should be repaired and protection should be improved to later standards as recommended, including seals into roof spaces to reduce spread of fire. This would be at flat owners' expense from reserves. The cost varies by block, but is likely to average between £14 and £27 per flat, depending on work to be done by Community Vision.

Owners felt that this work should definitely be carried out including all the proposed work.

Passed with 10 votes for and 0 against.

- 9. To discuss the initial cost and future electricity cost savings of LED lamps and, if felt appropriate, to authorise the Directors to replace lamps in common areas of blocks of flats at all flat owners' expense in 2015.**

The Directors obtained some LED lamps at reduced cost for flat porches and wall fittings during the year but further supplies are not currently available at economic cost. There is an opportunity to replace fluorescent strip lights outside doors with LED ones, which use about half the electricity and calculations that the Directors provided show that the LED lamp cost around £11.49 per flat would be paid back in two years by lower electricity costs. There would be additional fitting costs as lamp holders have to be opened, so it may be best to do this during periodic redecoration. Flat owners would need to fund the initial cost of the LED lamps and fitting from reserves.

Passed with 9 votes for and 0 against.

- 10. To discuss the nuisance and danger caused by foxes on the Estate, what action is legally possible and, if felt appropriate, to authorise the Directors to hire a pest control firm to trap and remove foxes at all property owner's expense at a time of year when this is legally permitted.**

Families of foxes are causing a nuisance on the Estate with their loud calls during the night, faeces and by dragging and scattering rubbish everywhere. One resident has reported being attacked by a fox. The action that can be taken and the times of year when it is permitted are strictly controlled by law. Shooting is not recommended in an urban location. If traps are laid, they must be inspected twice a day to avoid cruelty.

Mr Fells explained the advice received from a pest control firm. Trapped foxes would have to be humanely killed. There is no guarantee of success with trapping and other foxes are likely to enter the territories cleared. The strong professional advice is that the best approach is to remove sources of food such as rubbish not properly disposed of rather than trapping.

The Directors explained that we could end up getting no benefit from money spend on this. Laying and checking five traps on our large Estate would cost each owner an average of around £6 per week and an additional 50p per fox trapped. If initially unsuccessful, we would have to stop as we would not have sufficient cash reserves to continue.

Because the matters are related, this resolution and the next resolution on rubbish and recycling were discussed together. Owners pointed out that there are many more foxes nearby on Tooting Common so felt that other foxes would soon replace any removed. They requested Rendall and Rittner to investigate if Wandsworth Council would take any action on foxes.

Rejected with 1 vote for and 7 against.

- 11. To discuss the nuisance caused by the failure of residents to dispose of rubbish and recycling correctly, which is made worse by foxes, if felt appropriate, to authorise the Directors to purchase a waste bin with handles that lock the lid in place for every property on the Estate without a bin with lid visible at the expense of the individual property owners and to authorise the Directors to charge this cost to the property service charge accounts concerned.**

The Directors explained that, over a period of 25 years, all options for dealing with the rubbish nuisance caused by residents have been considered repeatedly. It is impractical and too costly to rebuild bin stores, doors would obstruct access and not prevent vermin reaching the rubbish, Wandsworth Council waste vehicles are not equipped for wheelie bins and the Council refuses to collect Eurobins from private properties. Owners have been unable to reach agreement on proposals like building stores for recycling, as these would be near some properties. Nothing can be done about residents who dispose of rubbish improperly unless other residents identify them to the Managing Agent, which happens rarely.

In response to a suggestion received, the Directors were offering owners the chance to require that all owners must have a bin with a fitting lid to deter vermin access to rubbish. No funds have been collected for this so, if owners decided on this approach, the cost of around £12 would need to be added to the relevant property service charge accounts. Some owners may well dispute this charge, leaving other owners to pay the cost.

The Directors advised that they had now investigated the consequences of this proposal and were recommending against it had serious drawbacks. The gardening contractor that cleans up rubbish had advised that it will not solve the problem. To make room for new bins, the Management Company would have to dispose of owners' old bins, which may not be legal, and would leave it liable for providing bins in future, resulting in increased work and service charges. The situation will only improve if there is a change in resident behaviour.

The Directors explained that there is a petition for Wandsworth Council to accept wheelie bins, referred to the press article concerned and recommended that owners add their names to the petition. This was because these bins appeared the most suitable type, providing greater capacity and having hinged lids.

Because the matters are related, this resolution and the previous resolution on foxes were discussed together. Owners queried the options available and the Directors explained why all previous suggestions had been ruled out and explained the different types of bin. Another suggestion to put mesh over bin stores was not practical. One owner asked the Directors to investigate the cost of using private contractors who would collect rubbish from wheelie bins or Eurobins and the Directors will do this, but warned that it is likely to be prohibitively expensive and would be an additional cost on service charges. Another owner explained that some residents did not understand signs in English and offered to translate them into several languages, which the Directors accepted.

Rejected with 4 votes for and 7 against.

12. To deal with the election of Directors

Mr Ravi Joshi and Mr Kevin Herrmann were both willing to continue serving as Directors.

Owners indicated that they wished Mr Joshi and Mr Herrmann to continue serving as Directors and no other owners volunteered to stand as a Director.

13. To deal with any other business

Because of the amount of business at the meeting there was very little time for any other business. Owners praised the work of the gardening contractor. No other matters of significance were raised.

The meeting closed at 21.00.