

MINUTES of the ANNUAL GENERAL MEETING

of

**ST BENEDICT'S (TOOTING) MANAGEMENT
COMPANY LIMITED**

held on—

— **MONDAY, 30 JUNE 2008**—

at 7:00 P.M.—

in the function room at

ST NICHOLAS CHURCH HALL

CHURCH LANE, TOOTING, SW17 9QJ

PRESENT : Mr Tim Crowther - Director and Meeting Chairman
67 St Benedicts Close
Mr Ravi Joshi - Director
131 Rectory Lane

Various shareholders as detailed on the attached Attendance Form

Mervyn Lyndon - Rendall & Rittner

**1. TO WELCOME SHAREHOLDERS TO THE MEETING AND RECORD
APOLOGIES FOR ABSENCE**

Tim Crowther welcomed those present to the meeting and stated that apologies for absence had been received from the following shareholders:

Mrs M Durkin – 1 St Benedicts Close

Mrs D Butcher – 3 St Benedicts Close,

both of whom had give their Proxy to Kevin Herrmann.

Apologies, but no proxy, had been received from:

Dr S Ozdural – 11 Abbey Drive

2. TO RECEIVE AND APPROVE THE MINUTES OF THE AGM HELD ON 23 MAY 2007.

There being no issues arising from the AGM held on 23 May 2007, Tim Crowther requested that the Minutes of the AGM be approved. This was proposed by Daphne Lucas, seconded by Mrs Bunce and carried unanimously.

**3. TO RECEIVE AND ADOPT THE REPORT OF THE DIRECTORS AND THE ACCOUNTS
FOR THE FINANCIAL YEAR ENDED 30 JUNE 2007.**

Kevin Herrmann proposed that the accounts for year ended 30 June 2007 be adopted by the shareholders. The Motion was seconded by Jill Cotton and carried unanimously.

4. TO RE-APPOINT PB ASSOCIATES (previously known as PRIDIE BREWSTER) AS AUDITORS TO THE COMPANY AND AUTHORISE THE DIRECTORS TO FIX THEIR REMUNERATION

It was noted by Kevin Herrmann that auditors had encountered difficulties in finalising the accounts due to the previous managing agents, HML-Shaw, not providing all relevant accounting information at the appropriate time. However notwithstanding this he thanked the current managing agents for providing the full information required for the AGM by the legal agreements, this being the first time this had occurred since the 1990's. He then proposed the Motion, this was seconded by Daphne Lucas and carried unanimously.

5. TO DEAL WITH THE RETIREMENT, APPOINTMENT, NOMINATION AND ELECTION OF DIRECTORS

Tim Crowther informed the meeting of his intention to step down provided another shareholder was prepared to stand as a Director. He would however still attend the next few Directors meetings to ensure a smooth handover, Kevin Herrmann also offering to advise any new director on historic issues that he was aware of.

Nicola Hurst of 15 Limetree Walk offered to stand as a Director. This was proposed by Ravi Joshi, seconded by Louise Miller and duly carried.

Ravi Joshua confirmed his willingness to stand for re-election and although it was noted that in accordance with the Articles of Memorandum of the Company there was no need for this to be voted upon by shareholders, his offer was gratefully accepted by those present.

Mervyn Lyndon, acting on behalf of Rendall and Rittner (R&R) as Company Secretary, thanked Tim Crowther for his efforts since the date of R&R's appointment and indeed all the time that he had devoted to the estate. He then proposed a vote of thanks. Jill Wookey in endorsing the proposal also wished to place on record her personal thanks to Tim Crowther for a fantastic job over the years whilst he had been on the Board.

6. TO REPORT ON THE MANAGEMENT COMPANY'S PROGRESS ON MAINTENANCE WORKS TO THE ESTATE CLOCK TOWER, FENCING AND PAVING/HARD SURFACES.

Clock Tower renovation.

Tim Crowther advised that several years ago the lead roof had been treated, but that this was only a temporary measure and a major repair was now needed. He further advised that it had been established by Derek Maclean (a previous Director) that the Company was responsible for maintaining the clock tower and that there was no liability upon the local authority to subsidise any work. However following an exchange of correspondence the Company had been advised by the local authority that they would consider match funding on a 50/50 basis.

Tim Crowther further advised that surveyors, Smith Baxter & Co, had now been appointed and that having prepared a specification of work they had now approached a number of suitably qualified companies to submit estimates for the work. Mervyn Lyndon advised that to date he was aware of one estimate having been returned at a cost of £21,110. Allowing for fees and VAT this was below the Section 20 Consultation threshold, however in view of the extent of cost he would still propose advising all shareholders of the proposed cost, this exercise to be carried out once the surveyors had advised on the estimates received. He further advised that there was sufficient money held in the Estate Reserve Fund to meet project costs even if no match funding was forthcoming from the local authority.

Fencing repairs

Tim Crowther confirmed that works had been completed.

Paving/hard surfacing repairs

Tim Crowther advised that this would be an ongoing issue as most of the paving had been laid straight onto an earth surface with no hardcore or compacting. Furthermore the earth was riddled with tree roots which would make the paving very uneven.

Notwithstanding this, potentially dangerous sections as identified by Health & Safety Consultants had been re-laid. Kevin Hermann asked that proper consideration be given as to whether the sections concerned were an Estate or Leaseholder (Flats) responsibility, Mervyn Lyndon advising that the majority of the repairs carried out were to Estate pathways.

Flat Canopy verges

Tim Crowther advised those present that the verges to the flat entrance canopies had been re-pointed, Ravi Joshi advising that rainwater goods to the canopies had also been renewed.

7. TO DISCUSS THE CORRECT PROCEDURES FOR RESIDENTS TO DISPOSE OF (A) GENERAL DOMESTIC WASTE, (B) RECYCLABLE WASTE INCLUDING JUNK MAIL AND (C) LARGE ITEMS OF WASTE AND TO INFORM SHAREHOLDERS AS TO THE COST TO THE ESTATE OF RESIDENTS NOT FOLLOWING THE CORRECT PROCEDURES.

Tim Crowther informed those present that this was an ongoing issue and reminded the meeting that the council will only remove three categories of domestic waste:

- (a) general household waste in sealed black bin bags, which should be put in bins with secure lids
 - (b) waste permitted for re-cycling in sealed orange bags, which should only be left out on Sunday nights
 - (c) large items for which the residents have made prior arrangement with the council to be removed as a special collection, a service for which the council will charge the residents.
- Any waste not disposed of as above makes the estate look unsightly, attracts foxes which break open the bags and spread litter which has to be removed by the gardeners who charge for this work, which affects the level of the service charges paid by the Estate.

Mervyn Lyndon referred to the section within the Residents Handbook that covers this issue and suggested that a copy of the relevant section (a) be attached to the minutes and (b) be circulated to all residents. This was agreed.

Dr Queshi queried whether as a house owner where her bins should be kept and whether house owners could make use of the bin compounds. In response she was advised that the bin compounds were for the use of the flats only and that house owners had to keep their bins in either their front or rear gardens.

A query was also raised as to whether the local authority could be approached to supply large paladins/eurobins. In response Mervyn Lyndon advised that there was no appropriate place that these could be kept, Kevin Hermann advising that this had been previously investigated, and shareholders decided that this was not an Estate management problem, but regrettably one for individual house owners.

8. TO REPORT ON PROGRESS ON THE TRANSFER OF THE FREEHOLD OF THE ESTATE FROM GEORGE WIMPEY LTD (FORMERLY LAING HOMES LTD) TO ST BENEDICT'S (TOOTING) MANAGEMENT COMPANY LIMITED.

Ravi Joshi advised that the freehold of the flats had now been transferred having completed in the latter part of 2007. However there were random areas of amenity estate land that had been excluded, these areas having now been finally transferred. Accordingly it was now believed that the entire freehold was now in the ownership of the Company.

9. TO SEEK THE LEASEHOLDERS' VIEW ON A PROPOSAL TO INCREASE THE LEASES TO A TERM OF 999 YEARS AND HOW THE LEGAL COSTS FOR THIS ARE TO BE MET.

Having completed the freehold transfer Ravi Joshi advised that the next stage was to grant 999 year leases. The anticipated cost of this was circa £170 per leaseholder, this figure being subject to a number of leases, say 20, being dealt with at the same time as it was recognised that not all leaseholders were likely to take advantage of extending their lease.

The proposal was that the cost of this could be met through the Leasehold Reserve Fund, but Mervyn Lyndon voiced concern whether this was appropriate without full agreement of leaseholders and possibly LVT approval.

It was suggested that that a suitable letter be drafted for circulation to all leaseholders of the advantages of extending their lease, the letter perhaps to include comment that due to the previous managing agents having over collected reserves at present there was no need to collect reserve fund contributions from leaseholders and that they could therefore defray any such contribution against the legal funds required.

Kevin Herrmann agreed to help draft such a letter and also offered to place a copy of the new lease, once approved, onto a website for owners to view easily when deciding whether to participate. In this connection Ravi Joshi explained that the wording of the lease was not yet correct and that together with Tim Crowther their leases would be used as test cases before any general circulation to other leaseholders took place. He was anticipating looking at timescale of circa 6 months to get this issue finalised.

Kevin Herrmann gave a brief explanation of the definition of freehold land, leasehold land and the estate amenity land and assured those shareholders present who were house freeholders that the foregoing discussion did not affect them in any way.

10. ANY OTHER BUSINESS.

10.1 Emergency telephone number.

Mr Johnson queried if there was an emergency telephone number that could be used by residents, Mervyn Lyndon confirming that if R&R's switchboard was telephoned out of office hours that an emergency number was provided.

10.2 Gardens.

A query was raised by Dr Qureshi why the gardens along Rectory Lane did not appear to be attended to. Ravi Joshi advised that to his knowledge they were but that he would draw the gardeners attention to this and have a walk-about with the gardeners.

10.3 Nuisance from rented flats.

Mr Johnson advised that he had cause to complain to the local authority regarding noise nuisance from a rented flat and queried what action the Company could take. Mervyn Lyndon advised that subject to Mr Johnson submitting a written complaint (this could be by email) to him he would write to the owner of the property concerned. Kevin Herrmann suggested to Mr Johnson that when writing to R&R that he also includes in his letter any reference/case number given by the local authority.

Mr Johnson also referred to incident of water damage from the flat above. He was advised that any subsequent damage could be recovered from building insurers and that he should advise R&R if he wished to pursue a claim.

In this connection Mervyn Lyndon advised that the claims history for St Benedicts was pretty good and that a single claim was unlikely to affect premium levels.

10.4 External works.

Louise Miller asked if when next carrying out external redecorations to the flats house owners could be provided with details of the instructed contractor. Tim Crowther confirmed that he could see no objection to this but that the Company could not endorse the use of the contractor if individual house owners chose to instruct; Mervyn Lyndon expressed a similar view on behalf of R&R.

Mervyn Lyndon was asked if he was aware that a section of wall to the car park area had been knocked down. In response he advised that he was and that on behalf of the Company he was pursuing an insurance claim for impact damage.

10.5 Trees.

Mervyn Lyndon advised that he had been asked by Dr Ozdural to raise the issue of necessary tree surgery. He advised the meeting that essential tree works as recommended by tree surgeons had been carried out earlier in the year. He anticipated further work being needed next year and at the appropriate time would ask tree surgeons to put forward their recommendations for the Directors to consider.

10.6 Parking enforcement.

Mr Mason raised the issue of parking enforcement following a specific problem he and his daughter had experienced. He had found the enforcing company, CpS to be unprofessional, unhelpful and rude.

Another shareholder asked why the tarmaced sections of road were not patrolled as cars were often parked on the adjoining pavement. In response to this question it was noted that the tarmaced sections of road had been adopted by the local authority and were not in the jurisdiction of the Company.

In response to Mr Mason's comments Ravi Joshi advised that CpS had come highly recommended and that he had vetted them prior to them being awarded the contract. He agreed to speak to them regarding the specific issues raised by Mr Mason.

Mr Johnson queried why neither the Company nor the managing agents had any control over the enforcement company. In response it was noted that neither the Company nor the managing agents were part of any appeal process. Mervyn Lyndon advised that in relation to Mr Mason's problems he had made representations to CpS, representations that had not been responded to. He further advised that the relationship that existed between the Company and the managing agents with CpS was no different from that which operated at other sites with other enforcing companies. Regrettably problems similar to those encountered by Mr Mason were not uncommon, hence the reason why R&R would never recommend an enforcement company to a client.

Mr Mason also advised that in his view the ticket that had been issued by CpS was invalid as it had not included the enforcing officer's name or registration number. Both Ravi Joshi and Mervyn Lyndon agreed that their understanding was that if not completed correctly any tickets issued were invalid, Ravi Joshi confirming that he would also raise this with CpS when he spoke to them. Mervyn Lyndon, after brief discussion with Ravi Joshi, offered to issue a contractor's permit to Ms Mason as a temporary measure pending CpS issuing replacement permits for the originals that had been mislaid in the post. It was agreed that this permit would be sent to Ms Mason by recorded delivery.

Finally a discussion took place on the merits or otherwise of having a parking enforcement scheme having regard to both historic and present problems with instructed enforcement companies. It was however agreed by all present that a scheme was necessary, Kevin Herrmann asked the agents to check if the enforcement company would accept the involvement of the Directors and/or the Managing Agents in the appeal process.

10.7 Light bulbs.

A leaseholder queried when spent light bulbs were changed. In response it was noted that the cleaners changed the strip lights but that circular lights should be reported to R&R. It was also noted that the replacement of the circular fittings required an electrician and that due to this instructions to replace were batched up to keep costs to a reasonable level.

10.8 Neighbourhood Watch Scheme.

Louise Miller asked if there were any objections to the formation of a Neighbourhood Watch Scheme, Ms Miller offering to act as the co-ordinator. No objections to this were raised, Ravi Joshi advising that he was in fairly regular contact with Community Policing.

A resident mentioned that local youths were again interfering with the post and taking letters out of the post boxes, R&R being asked to make the local Royal Mail sorting office aware of this.

There being no further business the meeting concluded at 8:30pm.

Attachments:-

Attendance Form

Extract from Residents Guide re Disposal of Rubbish and recycling

Draft Minutes issued 4 July 2008

Amended 14 July 2008