

# **CBWRA Special General Meeting Minutes**

**Tuesday 12 September 2023 7pm**

The meeting kicked off at 7.04pm with a total of 164 people attending either in present or proxy.

Catherine Thomé (meeting facilitator and committee member) welcomed everyone to the meeting and introduced the CBWRA co-chairs Larisa Villar Hauser and Louis-Sebastian Kendall.

## **HOUSEKEEPING:**

- Participants are muted until time for Q&A.
- Chat function will be enabled for Q&A (not monitored until the Q&A)
- If you experience any tech issues, please email use the CBWRA email address
- Please put your full name as your participant name on Teams.

## **PURPOSE OF THE MEETING:**

- to approve the CBWRA constitution
- to approve the CBWRA committee

These are a standard requirement for residents associations. The vote is taking place at the special general meeting as there were not enough leaseholders present to vote in the April 2023 AGM meeting.

In addition to a vote on the above two points, the leaseholders will have the opportunity to vote for a further 5 motions put forward by Mike O'Driscoll, an RA member.

Please note this is not a residents' meeting to discuss other issues. There will be a meeting in October with further details to follow.

## **AGENDA:**

- Update from Co-Chair Louis
- Motions and voting
- Questions and Answer session
- Close by 8pm

## **CO-CHAIR UPDATE FROM LOUIS-SEBASTIAN KENDALL:**

Louis thanked all for participating and explained he wanted to give quick update about the CBWRA priorities.

**RTM:** The primary focus remains on achieving Right To Manage (RTM). The RA has made significant groundwork on this but this is not always evident to all leaseholders

at this stage. Larisa Villar Hauser (Co-Chair) is dedicating over 10hrs a week on RTM plus ensuring comms for CBWRA as well as Co-Chair activities. RTM is a vital step that allows for more control by leaseholders. Further updates will be shared in the coming weeks about the next steps.

**Residents meeting:** planned for 5<sup>th</sup> October 2023 [**subsequently changed to 4<sup>th</sup> October**]. This meeting is an informal discussion for residents and the CBWRA and to give an opportunity for residents raise concerns or questions. The ambition is to host these meetings quarterly and if RTM is successful the new managing agents will also participate. If residents have queries in between meeting dates, please feel free to raise them with your building reps and/or email CBWRA at [info@cbwra.com](mailto:info@cbwra.com).

**Challenges:** The CBWRA aims to be resident focused, however there are diverse opinions that exist in our community of over 1136 apartments. We believe a democratic approach is essential in order to move forward. The CBWRA committee wish to put differences aside from previous years and unite upon common goals, particularly on issues where there is a common majority of support across the development, eg on RTM.

**Engaging and holding R&R to account:** CBWRA have been challenging R&R on many areas, via Berkeley Homes and other stakeholders. For example, on electricity prices, we have been liaising with the R&R procurement team, to discuss considering CBW outside of the R&R portfolio. We would like to consider CBW as separate entity from the R&R portfolio of estates and request quotes comparing the two in order to ensure we are securing the best value for money. Currently R&R suggest they have found the best rates but we are continually challenging them.

We are also challenging water rates that remain unresolved, particularly for Warwick building where the 77 leaseholders paid double the fees due in 21/22 vs Lanson building with 157 apartments. CBWRA struggling to get information from R&R since they heard we are pursuing RTM.

**Engagement with freeholders:** CBWRA progressing slowly in building relationships with the freeholders who include Fairhold Artemis, Berkeley Homes, L&Q, Notting Hill Genesis. Whilst there is strong engagement with L&Q, across the estate there is very poor progress on maintenance and service charges are increasing. Progress across the estate, eg on the fountains, the ponds and any other maintenance works has been extremely slow. CBWRA is actively challenging this, but ultimately we realise that the only way to make a meaningful difference is to push for RTM.

**Buildings Insurance:** There remain anomalies in the cost of buildings insurance across the estate. Currently in Warwick building, the cost is approx. £285 per year, vs Berkeley home buildings: £500+ and Fairhold Artemis cost is over £1000 per year. There are lots of potential savings to be made by challenging these discrepancies that are best achieved if we have RTM.

**Staffing:** there is currently an imbalance in staffing present across the estate across the week, particularly weekends where there are fewer staff present and no cleaning. Potentially there is a greater level of footfall over the weekend so this may need to be addressed.

**Basic maintenance:** CBWRA notes that works are due on the many smaller maintenance issues such as fire doors needing repair, ceiling tiles needing replacing, broken lift mirrors, carpets etc. We've pushed and worked with R&R to provide a 5 weekly maintenance tracker and have been pushing for updates but the list is getting longer rather than shorter. More focus is needed to bring this down whilst being mindful of costs.

**Fountains and ponds:** We started with a fountains survey to gather residents' opinions and shared this with the freeholder for the estate, Berkeley Homes, and we await the next steps. Though we are confident they will listen to feedback, ultimately the future of the fountains remains their decision.

Pond work is making very slow progress, although we know some of that is weather dependent, there are other delays that have impeded the works that could have been better managed by R&R.

**Solar options:** There has been some engagement with residents about solar options. Some research carried out by volunteers assisting the CBWRA began in June/July and a feasibility study was conducted by a company at end of August to help our understanding of potential costs/savings.

**Concierge office refurb:** Berkeley Homes are proposing to convert first floor of the office into an apartment as part of Eustace building. The current office space will be moved into the Russian Suite next door. CBWRA are collecting feedback from residents with queries regarding potential costs to residents (who will fund the works?) and whether this move will have a detrimental impact on key functions of the Concierge office (eg parcel collection / key storage). We are also checking if planning permission is required for this change of use.

Louis noted that the CBWRA has worked hard in the background to address the current challenges and want to work collectively to achieve main goal of RTM in the future.

## **VOTING ON THE MOTIONS:**

Catherine Thomé (Facilitator) gave a brief explanation for the process: we will go through each motion one at a time with a brief explanation by the presenter. We will then have an opportunity for others to make statements against the motion.

Catherine Thomé (Facilitator) asked participants to raise hands electronically (on Teams) and please wait to be asked to speak. Catherine Thomé (Facilitator) requested contributors to be brief to allow all to speak.

All leaseholders will have received a Survey Monkey link to enable them to vote for each of the motions. Voting will remain open until 8.30pm.

### ***Motion 1: Ratify the CBWRA Constitution***

**Larisa Villar Hauser (Co-Chair):** Thanked all for coming today and noted it was really good to have such great engagement from everyone. The CBWRA constitution is a fundamental tenet of any residents association. The version of the constitution proposed today is broadly similar to the two iterations of the past – reflects the needs

of the situation we have at Chelsea Bridge Wharf (CBW). We have had input from Berkeley Homes in order for them to approve it – especially regarding all buildings being represented appropriately. The CBWRA has one building rep from each building so that all residents have a voice. We also took on feedback from leaseholders regarding the need for a code of conduct, a complaints procedure, replacing the indemnity clause. We also had views from people regarding the CBWRA membership fee to be increased. We also received feedback regarding the fact that the membership fee could be seen as voluntary and some leaseholders are paying and others are not, which could be perceived as unfair.

This is first opportunity to ratify this constitution which was finalised with Berkeley Homes in October. We had tried to get the previous iteration approved at the AGM meeting in April 2023 but fell short by a few votes. Larisa asked all leaseholders to support this motion.

Catherine Thomé (Facilitator) invited leaseholders to comment:

**Mike O'Driscoll (Warwick Building resident):** we were given 10 days to see this and told only minor amendments. It wasn't posted on the CBWRA app. Mike believes the intention was to rush through the decision. Mike believes the changes are not minor. He drew attention to the clause that allows the CBWRA to remove anyone from the CBWRA for any conduct not in line with the aims of the association. He noted that this is too vague, a catch all term that could mean anything. He queried who would judge this (i.e. the CWBRA committee). He called the constitution a tyrant's charter and said there was a gap in the rhetoric about democracy and the reality on the ground and thought it was about targeting people who criticise the residents association.

**Larisa Villar Hauser (Co-Chair):** responded that the complaints section of the constitution was drafted using a model from the Royal Borough of Kensington and Chelsea.

**Mike O'Driscoll (Warwick Building resident):** however the constitution does not follow standard [ARMA](#) constitution guidelines.

**Paolo Parziano (Warwick Building resident):** queried if we need to be quorate to vote.

**Catherine Thomé (Facilitator):** We will proceed with the votes and only after that will we know if we are quorate as we have to count all the votes, including the proxy votes cast.

### ***Motion 2: to ratify CBWRA Committee***

**Larisa Villar Hauser (Co-Chair):** Explained the CBWRA committee is open to everyone who would like to volunteer. With a development of the size of CBW, with one representative from each building, we have 12 volunteers on the committee, including a chair, secretary and treasurer. We have what we need, but we don't have any further volunteers. We don't have votes, because anyone can join. It may sometimes appear that we are a cohesive group of people who all agree with each other, but actually we have committee members with a range of different views. A

strong committee needs support from residents with time and agency to help move things forward. Please ratify the committee, who are all volunteers.

**Catherine Thomé (Facilitator):** invited comments.

**Mike O'Driscoll (Warwick Building resident):** I will say something against ratifying the committee, as a token protest. There is a lot of talk of democracy but on the CBWRA app there is a lot of trolling if anyone says anything against the committee. There is a chilling effect as people know that if they say something they will be trolled with threats to have their account shut. There is talk of listening to people, but you don't listen on the app and there have been no real meetings until the residents meeting in October, but you were elected in February. It is a fact that the committee have misinformed the residents about key issues including RTM – eg the committee were saying RTM wasn't possible up until Q4 2022, and I was called a liar in a newsletter from the committee for saying RTM was possible in May 2022. It would be nice if there was an apology. I have tried to reconcile the differences of the past but there is no interest in doing so. They've seen the way in which the previous regime got away with things and shut people down and they are continuing on that path. So that is why I am not recommending the committee. Though I appreciate that many people do work hard, I would say that at least half the committee are just making up the numbers.

**Qin (Burnelli Building resident):** I wanted to respond to Mike. He implied that RA committee has stayed the same and hasn't moved on. I used to be on committee and chose to resign due to disagreements and the time commitment required. I feel this current committee has changed and progress has been made and I think it is incorrect to say nothing has changed. There are new members and new people involved.

**Tom (Warwick Building resident):** Wanted to come back on points Mike raised. He raises a very important point. It is critical that we approve the CBWRA committee and constitution in order to progress with all of the things that Mike and all of us want to achieve. We can only make things better if we have a functioning RA committee that can speak to the owners of the properties ie Berkeley Homes etc. I would agree with Mike that in the past some things were not perfect but I would implore residents to move past that and agree to the committee and the constitution. If we don't we will have to repeat this process in another 6-12 months. If we don't, the fountains won't get done, we will still have R&R and broken promises. We can't keep on bringing up the past. I really implore people to think very seriously about what we are voting on tonight. It isn't about personalities, it is about the principles that sit behind that.

**Susan de Lazlo (Howard Building resident):** I really think Louis and Larisa can move this thing forward. We've suffered so much with R&R with ponds and fountains for so long. It is humiliating that we've been paying such a service charge. I'm incensed by it all but I regard these two people as good eggs – please back them.

***Motion 3: Joint candidacies for the chair of CBWRA committee are not compatible with fair elections. They should not be permitted and if the***

***constitution has been amended to allow them then it must be changed back to not allowing them.***

**Mike O'Driscoll (Warwick Building resident):** the way we conduct elections must be fair and according to constitution. The new constitution is clear that a chairperson should be elected, but that two people can share the role. The point is the rules are the rules and can't change them just because it suits two people to do it. If two people pool their votes, they are almost bound to win. If two people are popular and get 35% votes each, pool together they get 70% of the votes. It isn't rocket science. It makes a nonsense of the system. Having joint chair can cause stalemate as the whole point of the chair is that they make a decision if the committee is locked / divided. This principle is recognised. You don't have joint candidacies for any other elected post. If they want to work together after election, job shares are fine. But you can't have it in election if election is going to be fair. It makes a mockery of the election. Very unfair on the other candidates who have to find anyone else to team up with in order to compete on equal terms. It's not just about me, it's about can we have a fair system in the future? And if we don't, will people have confidence in it. What if three people wanted to stand? You've got to stick to the rules.

**Tom (Warwick Building resident):** I'm sorry this is a really quick point. This was put up as a fair open vote by the leaseholders. Everyone could see who they were voting for, it wasn't a secret and the choice was made very openly and publicly. It is democratic because it was freely voted on by everybody with all the information, no secrets, no fiddling the votes. I understand that you don't like it but it wasn't dodgy. Residents have already voted on and agreed.

**Louis-Sebastian Kendall Co-chair:** I wanted to add to what Tom has just said. We didn't run individually and then pool votes. We ran from the start as a joint partnership. I feel that Larisa and I are aligned in our views but we bring different skill sets and qualities. Larisa already spends 10hrs + per week on RTM and more. Between all committee members, we probably spend at least 30-40 hours per week on CBWRA duties. With RTM, whilst also managing the day to day business and dealing with queries from residents, I would say that in the future, I don't know how one individual would be able to take this on, on their own, because of the volume of work needed behind the scenes. I would hope that Larisa and I balance each other and I hope that brings the best for everyone.

***Motion 4: that there be an independent non-committee investigation into the Garton Jones involvement in the Chair elections 2023 elections and other violations in good practice and fairness in the 2023 elections including:***  
***- the joint candidacy of Louis and Larisa which is in clear contravention of the constitution at that time.***  
***- the denial of CBW app access to one candidate, and the repeated attacks on that person on the app by committee members, and others, which were in violation of the CBW app rules of use.***

**Mike O'Driscoll (Warwick Building resident):** I'm amazed Tom would say it was a fair election. Apart from the joint candidacy, Garton Jones emailed their client list while voting was live, and strongly recommended that people vote for Larisa and

Louis. That alone would invalidate an election under normal circumstances. Chris Garston did that – whether he discussed it with CBWRA first I don't know. The person responsible for ensuring the fairness of the elections was Charlie Garton Jones. Nothing was done when I told CBWRA that this had happened. There was also the fact that my account was closed on the app. Larisa and Louis said that they didn't campaign on the app, but other committee members certainly did. There was a daily, vicious smear campaign against me, including comments that I was well known to the Police. The only contact I have had with the Police is to report a certain person a number of times. There was also a comment about whether I was connected to Irish terrorism – I've got the screenshots.

**Louis-Sebastian Kendall (Co-Chair):** We purposely didn't campaign on the app because we wanted a fair election from all sides. However, we did feel that we ran a strong campaign. We believe that even without the support of Garton Jones we would have won. We did however meet with Garton Jones (Chris Garston). Charlie Garton-Jones no longer has a connection to Garton Jones, having sold his share in the business. We recognise that across the 1136 apartments at CBW, over 400 rental flats are managed by Garton Jones and a small minority by others such as Knight Frank. We presented our agenda for the year and plans for RTM and he endorsed us off his own back and managed to gain some engagement with leaseholders many of whom are offshore. We know that this will be our biggest challenge when seeking RTM. We didn't ask him to specifically vote/endorse us and equally, you or any other candidate standing could have met with Garton Jones as well.

***Motion 5: CBWRA should ensure that there are quarterly hybrid meetings with URANG, if and when they are appointed as managing agents, with all residents, including non-leaseholders welcome to attend.***

As far as quarterly meetings with URANG, the reason I am proposing this is that we haven't had such meetings with the existing managing agent. I know that the CWBRA are quite okay with that. They haven't ever put pressure on R&R to have regular meetings. Whenever R&R have meetings with us, they give us information which may be at odds with what the committee have told us. I know this from my time on the committee – they want to have complete control over the information that residents get. So when URANG are appointed, it is important that the committee do not form a barrier between us and them and there are regular opportunities for residents to have direct access to URANG and get the story from the horse's mouth, and ask them questions we need to ask. It seems we agree on this – though I'm not sure we would have had I not raised it. If we agree, that's great. RMT is vital, but the way it's done is important as well. If the power moves just to the committee and not to residents, we haven't won. We need to be in charge of how our money is spent.

**Susan de Lazlo (Howard Building resident):** I am bit a bit alarmed that every question you ask, Mike, gets a say. That doesn't seem fair.

**Catherine Thomé (Facilitator):** the reason we are hearing from Mike is that he put forward the motions and we have to hear those and vote on the motions.

**Larisa Villar Hauser (Co-Chair):** Louis covered this point in the introduction. It is a moot point in that we are 100% up for Urang or others to set up quarterly residents meetings, and Urang was open to the idea of such meetings when they presented to leaseholders recently.

***Motion 6: No residents CBW app account should be closed without a formal and transparent process, which is in writing and in which the evidence about the rules of use is presented to the resident concerned, they have a chance to respond and they are given two warnings before account closure.***

**Mike O'Driscoll (Warwick Building resident):** We've talked about some bad things in the past. I hoped that we'd have some attempt to address the wrongs of the past. My app account was closed in May 2022 because I was saying that RTM was possible. I was sent a letter with the email closing the account with an email from Roger Southam saying RTM was not possible and I was told that saying RTM was possible was misinformation. So I hope that everyone can understand why I might be unhappy about that given that everyone now admits that it was possible all along and that I was right. No evidence has ever been presented of any wrong-doing by me on the app and certainly compared to many people and the things I've seen, I think I was quite a pussycat, but I did have to challenge a lot of bad behaviour that was going on and the residents were being misinformed. So that is where a lot of the conflict came about when I was on the app – I was saying don't believe the committee because what they are telling you is not right. And the committee was not willing to tolerate that. CBWRA are saying they can't discuss this for legal reasons – that's a cop out to avoid presenting any justification. I'm not taking any legal action about this. If they are, they haven't told me. It isn't covered by any law – it was politically motivated because I was opposing the committee. I do still live here, there is no reason why I should not be on the app. I don't think this should happen to anyone else and should be undone in my case.

**Larisa Villar Hauser (Co-Chair):** Just to iterate that we have been advised not to speak about this individual case. But our approach to app, since we've been elected – based on feedback from residents that they don't want to make it a space where people are too scared to say anything in case they get shot down. We essentially don't want to be moderators. We encourage others to follow the guidelines, be kind. The RA does supply the app and so therefore does have some responsibility and if we receive a complaint we have to act on it. Since Louis and I have been Chair, we have reached out to the person and had a chat to discuss the concerns. So far, that approach has worked, whether it continues to work remains to be seen. The app should be seen as a place for community building rather than for bickering between the RA and a small number of other people.

**Jackie (Eustace Building resident):** if we vote in favour of RTM, it sounds like there is a huge reliance on there being consistency within the RA committee membership – what sort of comfort can we ask that there will be an RA continuing to oversee key items, as realistically people move, and out of CBW and I want to know that having anything else than R&R is a better choice. be

**Catherine Thomé (Facilitator):** I'm sorry to interrupt but the question not related to any of the motions raised today so we don't have time to discuss this issue at today's meeting.

**Louis-Sebastian Kendall (Co-Chair):** Great point that Jackie has raised and something we should add into the October residents meeting to raise concerns and queries. Jackie – we can also speak offline if helpful.

**Final Motion: CBW app advertising slot for estate agents, lettings and sales must be put out for competitive tender. It is the view of the proposers that residents are potentially losing thousands of pounds of revenue per year.**

**Mike O'Driscoll (Warwick Building resident):** Garton Jones – important that we work with them, but not to surrender to them or get into any arrangement with them that is unethical, dubious etc. We've already spoken about their interference in the election which I note that Larisa and Louis refuse to condemn.

On the matter of the advertising, the CBWRA treasurer has said in a committee meeting is that Garton Jones will only help us with RTM if they were allowed to be the exclusive advertiser on the app. So the Garton Jones tile has been taken down on the app but in effect they are asking for is that no other estate agent be allowed on their. Sounds like border line - very grey area to be trading your data on your client list for free advertising. I don't think we should be doing that. I know that Garton Jones have sent a letter out recently to their client list to request support for RTM but they shouldn't be asking for these favours in return. The app is worth a lot of money (advertising) when you consider the estate agent commission on one sale considering the cost of flats at CWB. The committee have said that there is nobody available to take this work forward on tendering this out but I have offered to do it but that was ignored. I also put one estate agent forward and this was ignored for six months. The committee are protecting Garton Jones and I think that's wrong. Let's put it out for tender and see what the truth is on the interest that's there, based on potential sales and the real usage data (of the app) which none of us have seen.

**Louis-Sebastian Kendall (Co-Chair):** Garton Jones were on the app before Larisa and I were elected, however they didn't really use the page on the app and they've since come off the app because they are not using it. CBWRA also worked with a resident who is not a committee member who also looked to see if there was potential revenue for the app. They contacted more than 26 businesses around Battersea Power Station, other estate agents, including Garton Jones to test interest in advertising on the app. The feedback is really that the app is not set up for advertising – there is very little advertising space. They don't feel there is a commercial value to it, because the engagement on app is quite low. Some businesses were concerned about some of the content posted on the app by residents. While we spoke with Garton Jones, they are not interested. We also contacted the leads that Mike put forward but the value of the advertising space was not seen as commercially viable. However, in future, if there is a re-design or a re-tender for a new app company, there is an argument to reconsider this. We feel that it is not necessarily a motion for us to put forward at the moment.

## **Q&A:**

**Catherine Thomé (Facilitator):** noted that this brings us to the end of the motions that we are voting on today. Catherine Thomé (Facilitator) reminded residents that the SurveyMonkey link for voting is open until 8.30pm this evening. The committee will review the data and announce the results in a couple of days.

Thank you for attending. We have run over the time allocated slightly this evening. Catherine Thomé (Facilitator) will remain online for the Q&A in case there are questions.

**Charlotte:** how do I receive the voting link? Do I have to vote by 8.30pm?

**Louis-Sebastian Kendall (Co-Chair):** Yes, I have put the link in the Teams chat.

**Catherine Thomé (Facilitator):** There will be a residents meeting on 05<sup>th</sup> October [since moved to 4<sup>th</sup> October] for residents about issues at CBW and an opportunity to meet your neighbours and develop friendly relations.

**Helen:** how to I proxy vote for another apartment?

**Louis-Sebastian Kendall (Co-Chair):** you can email CBWRA email to advise us of your details and the details of who you are voting for so we can verify that you can vote as their proxy.

**Susan de Lazlo (Howard Building resident):** I want to tell you both, Larisa and Louis not to be put off by others lambasting you. Keep going!

**Catherine Thomé (Facilitator):** thank you for the support and we will be closing the meeting.

**Louis-Sebastian Kendall (Co-Chair):** We hope in the future we can keep meetings concise and to time. If anyone hasn't signed up to RA to contribute to the membership, this is really helpful to allow us to continue with day to day operations.

**Larisa Villar Hauser (Co-Chair):** If anyone is leaving the meeting, feeling it was not the meeting they were expecting in terms of all the motions. Please do come to the residents meeting in October – we want to hear from you.

**Catherine Thomé (Facilitator):** 8.12pm we are closing the meeting. Thank you all for your participation and for voting this evening. We look forward to seeing you in October if you can join us.