



# Hebble Wharf Residents and Owners Association

## Minutes of Annual General Meeting – 5 September 2023

### **Present (19 in total):**

**Committee** : Martin Winham (Chair), Howard Dodgson (Vice Chair), Andrew Wright (Treasurer), John Hodgkins (Secretary), Russ Moran, Paul Hope, David Roebuck, Imran Chouglay, Patrick Morgan

**Members** : Ann Lea & David Lumb, Maria & Brian Cammack, Pam Hodgkins, Martyn Kenna, Mandy Wright, John Lancaster, Fergus Dodds

**Invitees:** Kenneth Birch (Bailey Partnership)

### **Apologies:**

Ray Monkhouse, Paul Teasdale, Oliver Quarmbay, David Richardson, Edward Gulc, Paul Thompson, Freddie Coupe. Gary Rendle and Claire Radley (Plymouth Block Management) and Adam Cooper (APFM) were unable to attend.

## **1 Welcome and introductions**

Martin Winham (MW) welcomed everyone to the meeting and introductions were made.

## **2 Update from Managing Agent**

**Gary Rendle** (General Manager, PBM) had hoped to attend but at short notice was unable to do so due to commitments affecting the completion and submission of Building Safety Documentation for Hebble Wharf to Homes England. A "Managing Agents Report on Fire Safety Remediation Project" from Gary Rendle of PBM was read verbatim by Martin W to give an update in respect of this important matter - Cladding Safety Scheme in relation to the EWS1 and the Building Safety Act/funding. A copy of this report can be found on the Association's website [here](#).

PBM has commissioned **Bailey Partnership**, a construction consultancy and Approved Homes England Cladding Safety Scheme (CSS) Consultant to manage the full remit of services required to remediate the building and obtain satisfactory EWS1 status for Hebble Wharf. **Ken Birch**, Director of Building Surveying/Project Management at Bailey Consultancy attended the meeting to further describe the processes being followed and to respond to questions on The Managing Agent's report.

### **(a) Building Safety Works**

*A number of questions from members were asked in relation to the Building Safety Works to which Ken Birch and officers of the Association responded.*

- The Head Leaseholder has now appointed a Solicitor to pursue the Original Developer (CTP St James) in line with the requirements of the Building Safety Act - HWROA have provided significant and unambiguous documentary proof that the original Developer was CTP St James for the Solicitor to use in their pursuance of the original Developer.
- Ken B (Bailey Partnership) advised that it was important to get the Survey/fire risk assessment correct as this would be key to getting the funding for the Critical remedial works.

- He re-cited concerns that some of the Survey work done already (in his opinion) was not to the rigorous standard now required, and that the imminent intrusive survey would hopefully clarify any such areas, to enable robust information for the follow-on designs for remediation works, and submission to the Government for approval.
- Although these Survey works were ready to go, and the relative detail etc been sent to PBM, they still hadn't yet formally instructed Bailey Partnership to actually begin the works, who they were keen to get this instruction, so such works could begin, as it was important to get this process fully moving and time was now of the essence.
- Ken B agreed that any Surveys linked to such works (incl those already undertaken) should be claimable against the Building Safety Fund (Cladding Safety Scheme)
- Ken B also stated that when proposals are being worked up, Bailey Partnership would enable HWROA to have some input (within reason) to which materials etc were to be used.
- He was asked if, under the PAS 9980 guidelines, that given that the Block was only 4 stories high, that a "proportionate" and pragmatic view of risk would be taken when the remediation works were being compiled and he said that this would be the case.
- It was asked if any National Action Groups were lobbying against the current qualifying leaseholder scenario, and Ken B felt that there were, but wasn't sure as to how effective they would be and/or by when.
- it was also asked if any resulting debts arising from non-qualifying leaseholders would initially be covered from government funding and recovered from the proceeds of sale when the property was sold. This position was unclear.
- It was also stated that the meaning of more than 3 properties was unclear as to whether this meant properties in the same block or geographically spread out. *Government guidance specifies the determining factor as the number of properties owned in the United Kingdom.*
- It was also cited that it was unclear how these rules applied to people who owned properties jointly, for example, with their wife....
- The question of whether sub-lessees of Grey GR leaseholds would be treated as Qualifying Leaseholders; after some discussion it was confirmed that they would (providing they met the qualifying criteria)
- It was also mentioned that some Association members who had sent in their Leasehold Deeds of Certificate had received an email confirming they had been received, and some had not.
- When asked about timescales for the Building Safety Critical works process to all be completed (assuming prompt validation and instruction by the Government, which is quite unclear at the moment) Ken B thought about 18 months to 2 years.
- The aspect of "relevant defects" was discussed, and broadly understood that anything that fell within this parameter would be claimable from the Head Leaseholder, and not the property Leaseholder, in line with the Building Safety Act legislation.

## **(b) Five Year Maintenance Plan**

- The fact that the Building Surveyor, Bill Ossitt, who had been largely involved in works to Hebble Wharf, including the Maintenance Programme, has now retired, needed addressing, ie a replacement needed to be found, as this was fundamentally how PBM were progressing ANY of this type of work. Russ Moran of HWROA was to look into this and see if he could recommend anyone that HWROA may then recommend to PBM accordingly - ideally a qualified, reputable and relatively local building surveyor.
- Some further works from the Maintenance Plan had been proposed by Bill and were still pending with PBM, also linked to clarity on what funds were to be made available via "reserves" for 2023/2024 year.

On behalf of the Association, Martin W thanked Ken Birch for attending and for answering questions from members.

*Follow up actions : Chair*

### 3 Concerns from Leaseholders

The following areas of concern had been raised in recent months with the Association and Officers of the Association responded, where possible, with recommendations

- **EWS1 Certification – Impact on Apartment Sales** : Despite assurances from government that it would not be a barrier to mortgage offers, several members reported that apartment sales were falling through because lenders were unwilling to consider buildings with a B2 rating and some fixed-term mortgage providers were reluctant to re-lend at the end of the fixed term. Members expressed concern at the lack of a clear timeline from PBM for completion of repairs. It was hoped that a more positive approach would be taken by lenders once a firm timescale for remediations was available.
- **Building Safety Costs for Non-Qualifying Leaseholders** – There is concern that non-qualifying leaseholders will not receive financial protections under the Act, and that any delay in collecting contributions from non-qualifying leaseholders could prejudice the commencement of works. This is a widely shared concern nationally and the government is being urged to relax or remove the qualifying status.
- **Poor transparency on management of Reserve Funds** – There has been ongoing concern at the difficulty of reconciling the use of Reserve Funds which were designated for use against the Five Year Maintenance Plan. John H reported that he has been in dialogue with the accountant for more than a year and now that the Section 20 works are complete, the position is starting to become clearer. A summary of the past two years' Reserve Account expenditure is available on the Association's website [here](#). It was agreed that PBM would be asked to ensure that any future ring-fenced funding (such as Cladding Safety Scheme payments) are kept separate from the Building Reserve Fund, which remains leaseholders' money until used against agreed priorities.
- **Information provision to Sub-Lessees** – Owners (sub-lessees) of the 14 Grey GR leaseholdings pay an additional £190 per annum on their service charges against management costs, yet some have expressed a view that the service they receive from the managing agent is inferior, in that they do not appear to receive every communication issued by PBM to leaseholders, or the communication is delayed. Secretary agreed to write to PBM seeking reassurance that Sub-Lessees would receive all communications (including invoices) more promptly.
- **Car Parking in the Garage** – PBM has been made aware of increases in the unauthorised use of leased car park spaces in the garage and while the Association has sought to resolve individual incidents informally, the problem persists. PBM has been asked to obtain quotations for installation of parking posts to leaseholders' bays (this would be optional, and a cost to individual leaseholders). To date, no estimates have been received back from PBM.
- **Lack of Visitor & Disabled Parking Spaces** – There is no provision for visitor parking within the garage or on surrounding Estate Roads, and the only disabled parking bay in the garage has been lost with a decision (by the previous head leaseholder) to sell the lease on it to Grey GR. A recent question from a prospective buyer has highlighted the potential for a challenge under either the Disability Discrimination Act or the Equality Act for discriminating against an individual for being unable to buy or a rent an apartment at Hebble Wharf because they need access to a disabled parking bay. To be referred to PBM for comment.
- **Continuing rainwater access into garage** – despite the installation of additional rainwater drains by the Estate Management company outside Hebble Wharf, there continue to be problems with rainwater entering the garage if the drains become blocked. There is also an ongoing problem with the surface drain outside the fire exit door, from which water surges out in heavy rainfall into the garage. The Association is working with the Estate Management Company to investigate further, but meantime clean-up costs are being borne by leaseholders at Hebble Wharf.

- **Door Entry/Intercom System** – In October 2022, the Association identified that almost 50% of apartments had one or more defects affecting the operation of the door entry system. The issues are described more fully in the Chairperson's Report and steps are now being taken to rectify any issues with the external access panel, where the majority of problems seem to originate. If an apartment's own panel requires replacement, the cost would be the responsibility of that leaseholder, but it has been confirmed that compatible panels are still available with differing levels of functionality.
- **Potential risks from hot water systems** – The Association has recently informed PBM that faults have been found in several apartments where the unvented hot water systems are at risk of failure, leading to potential flooding in the building. The Association has urged PBM to write to leaseholders recommending these pressurised systems are checked annually.
- **Problems of communication with the Managing Agent** – An ongoing concern to leaseholders is the perceived lack of responsiveness of PBM in their role as Managing Agent. The Association believes that a combination of insufficient resource for the number of blocks managed, and the geographical remoteness of PBM's location from Wakefield are both contributory factors. These aspects and the ongoing issues with communication, familiarity with local contractors/suppliers and the quality of financial information were debated, with potential options of a local "Sub Agent" or similar being discussed. The outcome of the discussion was that due to the position on the Important Critical EWS1/Cladding related works, we should persevere with PBM at this point in time but open discussions on how knowledge of (for example) local contractor selection and management could be improved.

*Follow-up actions : Secretary*

#### **4 Block Finances**

John H reported that on the day of the AGM, he had received a copy of the final Service Charge Accounts for 2022/23 from the Accountant. It appeared that there would be an overall deficit against budget for the year, potentially requiring a balancing payment from leaseholders in the order of £150.

There remain some questions over the reported balance in the Building Reserve Fund which will be taken up with PBM once more. Of specific note is that the year end accounts include expenditure of £21,500 from the Reserve Fund on works to upgrade 4<sup>th</sup> floor balcony decking to comply with the new Building Safety legislation. It is the view of the Association that since these works were commissioned after the effective date of the leaseholder protections (28 June 2022) these costs should not be passed on to leaseholders.

This would be followed up with PBM by John H, who would also be seeking an assurance from PBM that any future Cladding Safety Scheme instalments would be held and reported separately from leaseholder funds in the Building Reserve Account.

*Action - Secretary*

#### **5 Minutes of the 2022 Annual General Meeting**

John H advised that the Minutes of the 2022 AGM had been circulated with the Agenda and that most issues were on the agenda for this meeting. There being no questions, the minutes were adopted and can be found on the Association's website [here](#)

#### **6 Chair's Report for 2021/22**

Martin's Chairperson's Report had been circulated to members before the meeting and most items in his report had been discussed as part of the Agenda and is recorded against the relevant agenda item. A copy of the Chairperson's Report can be found on the Association's website [here](#)

#### **7 Treasurer's report**

Andrew presented the Treasurer's Report which showed that the balance in the Association's Bank Account had fallen to £217.14 after 2022 venue costs and web hosting charges had been paid. With similar

expenditure likely this year, it was recommended and agreed that the membership subscriptions should be levied at the previous rates (£10 for one apartment owned and £20 for multiple ownership) in 2023.

Membership of the Association currently stands at 34, representing ownership of 43 qualifying apartments out of a possible 58 (74%). Of the 35 members, 5 members own two apartments and one member owns four.

With the impending completion of the sale of their apartment, membership could fall by one in the short term, and since this member is the second signatory on the Association's bank account a new signatory will need to be found.

*Action : Treasurer*

## **8 Election of Committee and Officers**

In the Chair's report, Martyn expressed his thanks to committee members for their support and indicated he would willing to continue as Chair for the coming year. All other committee members present were willing to continue for 2023/24 but both the Chair and Secretary gave notice that they may wish to relinquish those roles beyond the next AGM. The committee would need to progress discussions on succession planning over the coming year.

*Action : Committee*

No changes were proposed in the appointment of Officers for the coming year, which (in the absence of any further nominations) was accepted. The new committee is therefore:

### **Officers:**

Martin Winham (Chair) (MW)  
Howard Dodgson (Vice Chair) (HD)  
Andrew Wright (Treasurer) (AW)  
John Hodgkins (Secretary) (JCH)

Honorary Member

### **Committee Members:**

Imran Chouglay (IC)  
Russ Moran (RM)  
Paul Hope (PH)  
David Roebuck (DR)  
Patrick Morgan (PM)  
Ray Monkhouse (RM)  
Elaine Henry (EH)

## **9 Any other business**

There being no further business, the Chairman thanked everyone for attending and closed the meeting.