

MAUNSEL (FOURTH CO OWNERSHIP) HOUSING SOCIETY LTD
Minutes of the meeting of the Management Committee Held
on Monday 10th April 2017 at 7.30pm

Present: John MacArthur (JM), Kirsten Tormod Pedersen (KTP), Kirsty Malcolm (KM), Marie Travers (MT), Ben Gladstone (BG), Sarah Collison (SC), Judith Blakeman (JB), Philippa Collie Cousins (PCC), Murray John (MJ), Ana Muldoon (AM)

Guests: Harriet Klim - Minute Taker, Chris Bushell, Gary Thomas, Anna Gardiner (AG),

Sarah Jane Fairey (SJF) William Buckley (WB)

		Action
1	Apologies: Hilary Arnold (HA), Denise Heywood (DH), Basia Kapp (DK), Cerys Matthews (CM)	
5	Westway Trust – guest Gary Thomas	GT
2	Minutes of the last meeting	
3	Security of the square	
4	Breach of lease no. 15	MT, SJ, AG
6	Drain at no. 34 update	
7	Other Business	KM & CM (bikes)

Meeting was chaired by Judith Blakeman.

1. Westway Trust: Guest Gary Thomas

Gary Thomas, community engagement officer at the Westway Trust, spoke about the consultation the Trust is holding with the local community about the plans for the area west of Ladbroke Grove beneath the Westway. There is a need for cycle lanes and for the area to be made safer and more attractive. He circulated maps of the consultation area and said that there would be changes to Bay 20 where the art installation is currently located, probably with a new art installation. The Council is also building a new adult social care hub where the Kensington and Chelsea College was, which is now Kindred Studios. Westway has been in discussion with Kindred Studios about their future, although nothing has yet been decided. In response to questions Gary confirmed that:

- The Trust is intending to improve the green space of Maxilla Gardens
- The Maxilla Social Club will be staying; if there are any plans to redevelop it, this would be after the plans for the Portobello side of Ladbroke Grove had been finished
- The planned new building for the John Brown site does not encroach on Westway Trust land. There had been many objections to this proposed development, but the plans had been approved by the Planning Committee

Gary offered to return to future meetings to keep everyone updated.

2. Minutes of the Last Meeting

Another bollard has been ordered and Marie will be speaking to Laurence tomorrow.

3. Security of the Square: Police Guest

PC Turner was unable to attend the meeting.

4. Breach of Lease at No. 15

The apparent breaches of the Lease at No. 15 to be discussed were:

- The removal of the carpets and underlay and replacement with wooden floors in October 2015. The consequential lack of sound insulation, which is a condition in the Lease, is causing problems for other co-owners. The original tenants modified their behaviour when this was drawn to their attention, but new tenants have now moved in. Barnards have received a number of complaints about their noise and anti-social behaviour. These have been drawn to the attention of the co-owner but the problems continue.
- And the co-owner has moved in the new tenants without providing the appropriate paperwork to Barnards.

MT on behalf of Barnards has attempted to liaise with the co-owner and to inspect the flat, communications have all but broken down. Contact is now only through the respective solicitors and in January 2017 the Committee had considered a suggestion from Maunsel's solicitor as to whether to progress the matter to a Tribunal. The co-owner (Sarah Jane Fairey) has been invited to attend this evening's meeting, as has AG, one of the co-owners affected by the problems. DH has sent a written statement as she is unable to be here.

Representations from Anna Gardiner

AG told the Committee that:

- She suffered a lot of noise from the moment the carpets and underlay were removed. She reported the problems to Barnard's and generally the previous tenants had modified their behaviour.
- All this had changed when the new tenants moved in. The problems are two-fold; firstly the current tenants are exceptionally noisy (for example, drunkenly banging on the external door and yelling to be let in late at night); and secondly, the general level of noise, such as from the television, is very loud due to the lack of insulation. She has not met the new tenants but feels that they do not appear to hold much regard for those living in the same building.
- She also objected to the complaint made by the co-owner of No. 15 about MT's conduct to Barnard's management. She felt that MT's conduct had been appropriate throughout and this was supported by the Committee, as MT had only been acting on their instructions.

AG's desired outcome would be the restoration of fitted carpets and underlay.

Letter from Denise Heywood

JM read the letter from DH to the Committee.

- DH believes that her next door neighbour is in breach of her Lease which requires fitted carpet and underlay to all floors, a covenant that is in place to reduce noise between neighbours. After many months of Barnard's attempts to resolve the problem, the Committee had voted for the covenant to be enforced.

- The current tenants - who have not been subject to the proper subletting procedures - cause mayhem so often that they are creating a situation of intense distress for DH and for other neighbours. Since Barnards have tried patiently to resolve the situation to no avail, she was urging the Committee to consider taking legal action as the only remaining option to have the breaches of Lease corrected.

PCC pointed out that the Lease does not explicitly require fitted carpet but “surface insulation”. MT advised the Committee that the co-owner would have to prove that her present sound insulation was acceptable. She had requested an inspection of the flat, given that the co-owner’s solicitor had stated that it was carpeted, but to date this has been resisted. The co-owner said she had put down rugs to deal with the noise. AG felt that the rugs may have been rolled away, but in any case the Committee felt that they did not constitute suitable sound insulation. A professional sound test would cost approx. £650 plus VAT, whereas a reference to the Leasehold Tribunal would be far more costly.

AG then left the meeting and Sarah Jane Fairey, the co-owner of No. 15, arrived.

Representations from Sarah-Jane Fairey

SJF said that she does not believe that she has breached her Lease on either count and that she has no objection to a proper inspection of the flat. She submitted a statement from one of her tenants to the effect that they do not act in an anti-social manner and she provided a pack of documents for the Committee to read.

There was then a detailed discussion, during which the following points were raised:

- MT had asked in 2015 to inspect the flat, when the co-owner said she now had a carpeted wooden floor. Further emails were sent in January and March about the need for an inspection. However, as communications appeared to have broken down at this point, Marie was no longer able to engage directly with the co-owner and the issue was in now in the hands of the respective solicitors.
- SJF said she has talked to the tenants about the noise and has requested a meeting with Barnards, which was not followed up. She apologised for not providing the required paperwork about the new tenants and said she had tried to deal with the complaints by putting more rugs down. She referred to other flats which also only had wooden floors, but was advised that there have been no complaints about them.
- The Committee felt that what is needed is a formal inspection of the flat in question and the dwellings from which complaints have been received.
- SJF asked the Committee to read her submitted documentation carefully.
- In response to a question from PCC, MT advised that Committee members cannot be included in all e-mails on specific matters such as this, since this would breach Data Protection legislation.

In conclusion, the Committee agreed to try and arrange inspections of the relevant properties. It was also noted during the discussion that flat No. 15 is still under the original Lease and not the revised Lease that was drawn up following the purchase of the freehold from the Council. SJF said she would rectify this as soon as the current problems had been resolved.

5. Drain at no. 34 Update

JM and PCC reported that they were content with the invoices submitted by the owners of No. 34 concerning the re-siting of the communal drain in their garden and the Committee confirmed that they could be reimbursed the full amount of £10,964. The Auditors confirm that the authority for the payment is the Minutes of the November 2016 Committee Meeting as supported by the invoices.

6. Any Other Business

(i) Window cleaning

Barnards had received a complaint about the window cleaning – that doing it every month was excessive and it started too early in the morning. Following discussion it was agreed to leave the window cleaning arrangements as they are and it was noted that they do alternate which blocks they clean first.

(ii) Bike Hanger

The recommended bicycle hangar only fits 6 bikes when actually there are 24 bicycles. KM undertook to look into possible alternatives and stressed that her major concern was that she should not be affected by noise. It was agreed that there needs further clarification about the siting and access arrangements with the Church.

(iii) Carpet cleaning

The communal staircase carpets are to be steam cleaned every two years and it was agreed to accept the quotation from Juan Velasco at £520.

(iv) Fly tipping

Items have been dumped beside the wall at No. 31, although most had since been removed. Marie had addressed the problem with the co-owner whose works had led to the fly-tipping

(v) Gate

JB reported that St. Andrew's had indicated that they wished to install a gate at the end of the alleyway leading to Bartle Road and the Committee will look into the arrangements once a formal approach has been made.

(vi) Other

KM was concerned that the lights on the wall of No. 25 were shining too brightly into her home. A possible solution is the installation of bulbs of a lower wattage.