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In partnership with



## A SUMMARY OF SUBMITTED QUESTIONS & ANSWERS FOR SPECIAL GENERAL MEETING – 25 MARCH 2021

### **Q1. Access to board meeting, Minutes, Modular Management Agreement (MMA) and the TMO's website**

Over the last few weeks, the TMO has been in receipt of requests to attend the management committee meeting. These requests have naturally been communicated via the TMO Housing Office/Interim Estate Manager. However, attendance to its meeting is a governance related issue.

All requests were communicated to the management committee. The collective in turn considered the TMO's Rule 32 which deals with extending invitations to non-committee members and states that:

*The Board may invite other persons, whether or not members of the Society, to attend any of its meetings. Such invited persons shall not have voting rights and shall only have speaking rights at the discretion of the Chairperson.*

Having considered the limitations presented by Rule 32, the committee took the view that a Special General Meeting with the TMO's membership would represent a better forum to engage in a dedicated manner; unrestricted by our need to address other management committee business during the same meeting.

The TMO's management committee is determined to improve the organisation's record on transparency and accountability; indeed, to do so within the realms of existing legislation and the provisions within TMO's Rules. In this regard, the TMO's Modular Management Agreement (MMA) and its Rules have been placed on the organisation's website. However, please note that the organisation's MMA is based on the original 1994 Right to Manage Regulations. The current MMA therefore does not reflect the subsequent legislative changes which all organisations, including Fair Community Housing Services, must abide by.

Since the MMA came into force there has been a raft of legislative changes which afford protection to staff, contractors, members, non-members and other third parties who interact with our organisation. Therefore, work must be, and is being done to bring the TMO's MMA up-to-date with the current 2013 Right to Manage Regulations. In accordance with our constitution, the management committee will present its proposal for change at the 2021 AGM for ratification by the membership.

In respect of producing, recording and accessibility to minutes the Rule 55c states:

*The Board shall ensure that proper minutes are kept of all General, Board and sub-committee meetings of the Society. Such minutes shall include a record of those present and of any decisions taken and shall be available for inspection by any member and any Board member of the Society at all reasonable times. [Emphasis added]*

As shown above, the TMO's Rules do allow for inspection of the minutes by its members. The minutes have always been available to members in accordance with the above rule. Prior to the COVID-19 health pandemic, this has usually been by way of a visit to the housing office. However, the management committee appreciates the current restrictions have placed limitations on staff and individuals such that these types of inspections have not been as easy to facilitate.

The question of whether the minutes are accessible on the TMO website is a separate issue to that of inspection; there is no requirement within the Rules for minutes to be placed on the website. The Board wish to ensure those members who wish to inspect minutes are able to do so.

The Management committee is mindful of previous Board decisions firstly in 2018 to publish minutes on the organisation's website and subsequently in July 2020 not to continue to do so. Both decisions were made in accordance with the Rules; initially to satisfy the membership that the Board were accountable for decisions made and subsequently, to ensure the organisation upheld its duties of confidentiality and other lawful obligations were met. In October 2020, the management committee decided to align more closely with the Rules; minutes would note attendees and simply summaries decisions. Those matters deemed "sensitive" for reasons of confidentiality would be on a "closed" agenda.

Following the Special General Meeting, the Board wishes members to note the following:

- Minutes of Board meetings prior to and including July 2020 – will be available for inspection subject to redactions of "sensitive" items.
- Minutes August 2020 – October 2020 – will be available for inspection subject to redactions of "sensitive" items.
- Minutes November 2020 to present – will be available for inspection.

In the immediate future, minutes (redacted or otherwise) will be published on the website. Much effort is underway to complete the resource intensive exercise of redacting and checking minutes. We will ensure minimal redactions are made in

order to ensure the balance is struck between the need for transparency on the one hand and the organisation's obligations under relevant legal framework (primarily for the protection of individuals) on another. Thereafter, the organisation's website will be updated. We envisage all minutes where they are held to have been uploaded by no later than 17 May 2021. Any member who does not have access to the internet may contact the Housing Office to discuss alternative arrangements.

The management committee would like to thank those residents who flagged issues with the TMO's website, particularly in relation to the absence of a privacy notice. The organisation instructed professionals to launch the site in 2018 and was wholly reliant on their advice to ensure the mandatory requirements were in place. There are a number of other issues recently flagged by the Interim Estate Manager; as such, the management committee have asked for a comprehensive review of the website and the contractor's agreement to ascertain what additional resource, if any, is required to ensure the site continues to meet our obligations and the needs of our members.

As detailed during the Special General Meeting, the Board have prioritised communication and engaging with the membership. Three board members have been appointed as Communications Officers; they will lead on revising the newsletter and set out proposals for engaging with the membership. Their proposals will feed into the comprehensive review for Board consideration. The membership will be kept apprised of progress.

## **Q2. TMO Costs in general**

The reduction of costs is considered an important priority for the management committee. Indeed, the organisation cost structure has been placed under much scrutiny with more work underway. The examination of costs cuts across every aspect of expenditure heading for the organisation with the TMI team playing an active role in overseeing progress.

The management committee can report that the drive for savings and efficiencies has commenced. For example, the organisation up until recently was responsible for the maintenance of the old Chubb security system and the associated costs for doing so. We can confirm that commencing from 2021/22, these costs will cease being reflected within the organisation's annual expenditure.

Further work is in progress to reduce the TMO's costs structure as part of an overall strategy to reduce the burden of costs apportioned amongst tenants and leaseholders.

### **Q3. Relationship between Fair Community Housing Services (FCHS) and Gloucester Grove Estate TMO (GGTMO)**

Over a year ago the management committee approached two successful TMOs within Southwark for support due to the sudden void created by the departure of two of its senior officers. The management committee considered various options including undertaking a recruitment exercise; however, concluded that in all the circumstances, a partnership with Gloucester Grove Estate TMO (GGTMO) to be the most desirable. Abiola Olatunji's role as Interim Estate Manager, is as the title suggests, an interim arrangement aimed at delivering a number of milestones which will place the organisation on a positive footing. There is no contractual relationship between Abiola Olatunji and FCHS - rather a partnering relationship between the FCHS and GGTMO.

This approach of employing a TMO to support FCHS in times of need was discussed and agreed at a FCHS' board meeting with the council's consent. The Council actively encourage TMOs to work with one another and share resources to provide cost-efficiency savings and facilitated the partnership. There are no plans for FCHS to merge with GGTMO.

### **Q4. HR/Staffing related issues**

We received a number of questions about the status of a number of current employees an explanation of the Interim Estate Manager role is provided above.

Further questions were received relating to allegations said to have been made by former employees. As an employer, the management committee is obligated to maintain a high level of confidentiality with all issues pertaining staffing matters – failure to do so would have ramifications for the organisation. As such, it is not appropriate for us to respond to the questions posed; to do so would encroach upon those duties.

The Board's understanding is that charges invoiced are based on actual costs of the services provided to you and may only be made pursuant to your lease. The costs of services provided does include staff and office costs, other overheads or insurance, and as such these are likely to be an integral part of the cost of providing a service to you.

### **Q5. Estate inspections**

The TMO is required to undertaken monthly inspections and represents one of the organisation's Key Performance Indicators scrutinised by the management committee and the Council.

Records of the inspections are available for inspection at the Housing Office. However, the public health emergency and the associated government lockdowns have had a direct impact on the team's ability to implement the same regime of inspections.

The inspections are the subject of a great deal of scrutiny at management committee meetings and plans are afoot to ensure regular estate inspections restart with a member of staff, a board representative as well as a representative from the wider membership volunteers. The current inspections are completed on an ad hoc basis by staffs who have maintained an essential service and a presence on the estate throughout the pandemic.

## **Q6. Boiler installations & Holes in the wall – Were leaseholders charged?**

Southwark Council retains responsibility for the installation of boilers across all tenanted properties within the estate. A number of questions have been asked alleging boilers were faulty; questions relating to risk assessments or investigations into damage which may have been caused to health are properly directed towards Southwark Council.

During the course of planned works by the Southwark Council's Engineering Team in 2017/18, FCHS approached the council about sealing holes around the boiler flu to the external of Devon Mansions buildings at various locations – these were for tenanted and leasehold dwellings.

The notice and consultation process for works which ought to have been afforded leaseholders was neither instigated by the Council nor FCHS. As a result, leaseholder charges for associated works were capped to a maximum of £250 with the aggregated residual shortfall value originating from the failure to follow due processes discharged by the TMO through its surplus provisions.

Should you have further queries pertaining to the installation of boilers and the repairs to holes in the wall at Devon Mansions by the Council Joe Bannon will be your point of contact in the first instance: [Joe.Bannon@southwark.gov.uk](mailto:Joe.Bannon@southwark.gov.uk)

## **Q7. FCHS' responsibilities now and in the future**

Fair Community Housing Services is a Cooperative and Community Benefit Society. In line with the MMA, its core responsibilities are to manage and maintain homes and communal areas within its geographical area. As well as providing housing management services, it also works to add value through the delivery of a range of social initiatives and schemes for the benefit of the community.

We received a question about which organisation holds responsibility for the collection of rubbish? Southwark Council retains the responsibility for the removal of rubbish from the bin chambers across the estates. However, should you have any issues such as missed collections, you are able to contact the council via its website: <https://www.southwark.gov.uk/bins-and-recycling>.

We were asked who is responsible for estate parking? Southwark Council retains responsibility for all estate parking related matters. In the first instance, you are advised to access information at <https://www.southwark.gov.uk/parking>. Should you not find the information you are looking for do contact FCHS staff who will be happy to assist.

The table below aims to provide an overview of the responsibilities of FCHS and those of the council (as determined by the current MMA).

<b>FCHS</b>	<b>Council</b>
Estate Cleaning	Rent setting
Grounds Maintenance	Service charge recovery
Rent Arrears Recovery	Statutory Consultation
Tenancy Management	Major Works
Leasehold Management	Council retained repairs
Repairs (internals; communal)	Repairs (structural; drains; roof)
Cyclical Decorations	Legal action
Lettings	Allocations
Plumbing	External Structure & Roof
Electrics (individual & communal)	Floors (joists & floorboards)
Carpentry	Rainwater system
Ironmongery	Foul sewers
Paving	District Heating (repair & servicing)
Individual Heating & servicing	All underground services
Ventilation	Major works
Minor voids	Out of Hours Repairs

### Repairs responsibilities:

<b>FCHS</b>	<b>Council</b>
Communal doors & windows	Water Supplies from the mains to the stop cock
Staircases, landings, balustrades and handrails	Gas servicing (district heating only)
Refuse chutes, chambers and hopper heads	Window replacements
Perimeter fences, walls and gates and estate roads	Front & rear door replacements
Cyclical Decorations	
Block & estate lighting	

The TMO is currently renegotiating its MMA with the Council which is an opportunity to review the TMO's responsibilities as outlined within the agreement. The membership will be consulted on any proposal for change at the Annual General Meeting. No changes can take place save a vote by members in favour of change.

#### **Q8. Bin Charges are included as a "cleaning charge on my invoice – is this correct?"**

Southwark Council is responsible for constructing service charge bill.

FCHS is responsible for estate cleaning and grounds maintenance as part of its function under the MMA. The provision of paladin bins across the estates does not form part of this arrangement but rather a retained function for the Council.

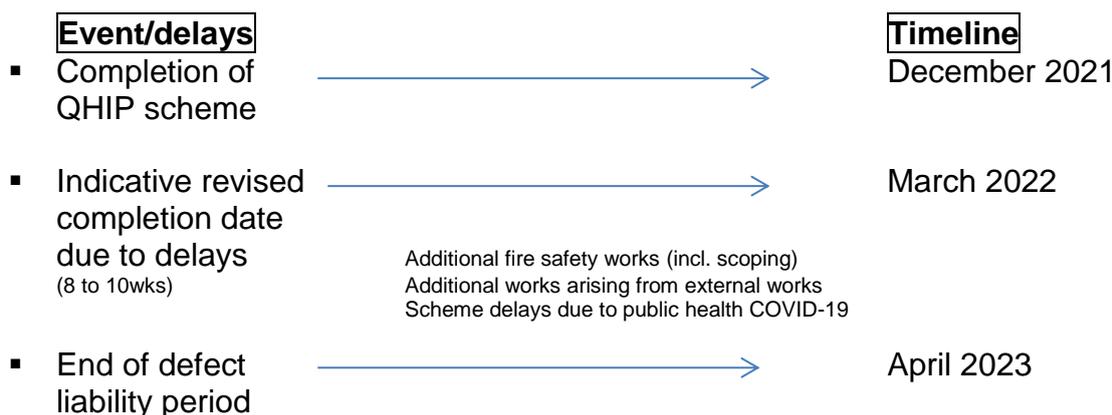
#### **Q9. Communal decorations**

The TMO has held responsibility for cyclical communal decorations across the estate from 2008. Regrettably, this has been an area of weakness for the organisation and this position was articulated at the 2019 AGM with some updates shared at the 2020 AGM. This is one of the organisation's key priorities going forward with Calford Seaden appointed as its consultant surveyor to support delivery of communal decoration works.

The TMO's management board recognises the urgent need of attention at some of the blocks under its management. The organisation holds enough resources to fund future works which are ring-fenced and readily available to support the delivery of the scheme at the earliest opportunity. To this end, much effort went into exploring these works being delivered as an annex to the ongoing Council led QHIP 2018/19 scheme - unfortunately, this was not considered feasible by the Council.

The TMO understands that the earliest these works can commence will be at the end of the defect liability period for the ongoing QHIP 2018/19 scheme.

As things currently stand, an indicative timeline is shown below:



Using the best known information recently obtained from the Council regarding its own QHIP scheme, the above timeline shows that the earliest projected date for the commencement of communal decoration works by the TMO will be **May 2023**.

The organisation has learnt from past errors and will be working closely with Southwark Council and the community we represent in an effort to deliver the scheme at the earliest opportunity.

### Q10. TMO's Complaints policy and procedure – stage 1

FCHS is committed to providing a high quality service to all of its residents and to treating everyone who comes into contact with the organisation in a fair and reasonable manner.

The TMO acknowledges that mistakes can be made and that TMO members or other persons may on occasion have cause for complaint. It is the TMO's policy that anyone should be able to register a complaint to the TMO in the knowledge that, by doing so, they will not be penalised in any way, and that their complaint will be dealt with swiftly, effectively, and in a serious manner. Any resident, who feels that FCHS has not provided them with a high quality service, or has not treated them fairly, has the right to instigate the complaints procedure.

Note that this is **stage 1** of a **three stage process** – with stage 2 being a referral to the Council and stage 3 a referral to the Ombudsman.

## The Procedure

**Step 1:** Should you wish to complaint about the service provided by the TMO, you should contact the Housing Office in writing (letter or email – [FairCommunity@southwark.gov.uk](mailto:FairCommunity@southwark.gov.uk)) or in person during normal office hours. Give as much information as possible about your complaint to a member of the TMO's operational team so that the complaint can be properly considered. Complaints about the Estate Manager should be clearly marked for the attention of the TMO's Chair.

**Step 2:** Your complaint will be acknowledged within five working days by the TMO accompanied by our deadline for providing a response to you.

**Step 3:** The Estate Manager will investigate and aim to resolve your complaint within 15 working days. The investigation may include interviews and other evidence (such as police, medical, environmental or health records, surveyor reports, referrals to/from the local authority) in order to reach a fair decision on the complaint.

The response letter within 15 working days will include details of what actions (if any) have been carried out.

**Step 4:** The TMO aims to resolve most issues brought to its attention by residents. In the unfortunate circumstance that you remain dissatisfied with the outcome of the TMO's investigation, you have an opportunity to escalate your complaint to stage 2 of the complaint process. You may do so by writing to:

The principle Complaints Officer,  
Performance and Compliance section,  
London Borough of Southwark,  
160 Tooley Street,  
London, SE1.

Alternatively, you may do so through an email to: [complaints@southwark.gov.uk](mailto:complaints@southwark.gov.uk)

Your appeal will be dealt with in line with the Council's complaints procedure.

### Q11. Anti-Social Behaviour

We want everyone to feel safe and comfortable on our estate and we work hard to tackle any anti-social behaviour in our community. We ask that everyone who lives or visits our neighbourhood acts in a responsible and respectful manner.

All tenants and leaseholders at FCHS are responsible for ensuring that people living or visiting their property do not cause a nuisance to others. This means, making sure that no one interferes with the quality of life of their neighbours and others within our community.

Anti-social behaviour is a breach of tenancy/leasehold and can ultimately result in eviction, fines and legal action. Southwark Council as the landlord of your property holds responsibility for deciding whether or not it deems the anti-social behaviour alleged a breach of the tenancy or leasehold. Further, the power to take enforcement action remains with the Council not the TMO.

## The process:

**The Initial Stage:** Report Anti-Social Behaviour to the TMO Housing Office. We will initially try to resolve the issue working with all involved without the need for further action. This may take the form of interviews, writing warning letters or offering mediation to the parties involved as part of exploring a resolution.

**Referral to Southwark Council:** Where we are unable to achieve a resolution during the initial stage, a referral will be made to Southwark's Anti-Social Behaviour Unit (SASBU) team for further action – often due to the complex nature of a case which requires expertise. As part of the referral, the TMO will share all relevant information about the case with the team and may culminate in legal action where behaviour persists and the perpetrator does not change their behaviour despite warning letters and offers of mediation.

## Q12. Questions relating to service charges

How is service charge constructed and split Southwark/TMO?

The council is responsible for the issuing of service charges. The charges are made up from the costs incurred directly by the council in maintaining and managing the blocks and estates, and costs incurred by the TMO in undertaking the functions that they are responsible for under the Modular Management Agreement.

Is it possible for management overheads to be refunded when cleaning is not completed for 10 months?

Cleaning costs are chargeable to leaseholders on the basis of the cost incurred to deliver cleaning, including the management of the service. The TMO is responsible for the care and upkeep of all the blocks and communal areas across FCHS. There is an inspection regime in place to monitor the work of the environmental team with residents encouraged to join the inspections. Whilst there are no provisions for individual refunds to leaseholders or tenants due to a cleaning defect, issues arising from the quality of service delivered by the contractor should be reported to the TMO Housing Office at the earliest opportunity to facilitate a rectification by the contractor.

How may I check that my charges are transparent?

Service charges are calculated from the closed accounts at the end of the year that show what has been spent on each block and estate. The council's accounts are available to scrutinise by appointment, and residents of FCHS are encouraged to take up that opportunity. At the end of each financial year, the TMO is required to make available all costs associated with the functioning of the organisation to the Council. These are analysed for the purpose of extracting relevant costs which will contribute towards service charge bill for leaseholders. The TMO's accounts are readily available on our website <https://fairhousing.org.uk/meeting-minutes/> and accessible via the Financial Conduct Authority's website <https://mutuals.fca.org.uk/Search/Society/19026>.

A breakdown of costs under each of the service charge headings is available on request, for example, if a leaseholder wants a list of the repairs that make up their repairs service charge they can ask their Accounts Officer who will supply it. The easiest way to do this is on this e-form: <https://www.southwark.gov.uk/home-owners-services/service-charges/request-your-actual-service-charge-breakdown>

How far can I go back when querying charges made on my account?

Queries on charges are dealt with on their merits, however costs relating to more than twelve years ago are subject to statutory limitations and the council does not hold records on them. In the case of the queries raised recently with the Council regarding historic charges on the estate, the fire safety work carried out in 2007 was partially refunded in 2012, and the council will not agree to refund the remainder. In the case of charges for the roof which were billed on an estimate in 2006 and adjusted on final account in 2009, leaseholders have been advised that they will not be reconsidered.

The above answers are provided in consultation with the Southwark Service Charge Construction Team.

We hope your questions have been answered satisfactorily; however, should that not be the case, in the first instance, leaseholders should contact their Account Officer whose details may be found on the top of their service charge invoice. The Service Charge Construction Team do offer a one-to-one service charge consultation to discuss specific queries related to a leaseholder's invoice. Please note they are only able to discuss the content of an invoice with the invoiced leaseholder.

The following resources may also be useful to our leaseholders:

Service charges -

<https://www.southwark.gov.uk/home-owners-services/service-charges/about-service-charges>

Major works invoices -

<https://www.southwark.gov.uk/home-owners-services/service-charges/about-service-charges?chapter=2>

Southwark Homeowners Services Advocacy service -

<https://www.southwark.gov.uk/home-owners-services/services-for-homeowners>

Leaseholder resource -

<https://www.leaseholdknowledge.com/>

Citizens Advice Bureau -

<https://www.citizensadvice.org.uk/>

### **Q13. Questions relating to Residents' participation and engagement**

The Board hope the Special General Meeting will lay the foundation for a culture of openness and transparency going forward. We wish to ensure all decisions and actions will be of value to the membership. We have noted suggestions about the holding of "open forums" and wish to discuss the value of such forums, we will need to consider how success will be measured and if initiated, how sustainable they would be for the organisation.

We received questions from residents interested in finding out more about the current major works affecting the estate. Southwark Council are responsible for the ongoing QHIP 2018/19 works, virtual meetings are held on a monthly basis for all tenants and leaseholders. If you wish to attend you are asked to register your interest with Ian Simpson, Open Communities: [ian\\_simpson\\_uk@yahoo.co.uk](mailto:ian_simpson_uk@yahoo.co.uk)

We are asked to remind our residents who have queries or concerns regarding the current QHIP 2018/19 works that the first point of contact is the Resident Liaison

Officer, Julie Spencer who may be contacted on: 07917093450 / 02075235201. Alternatively, if you need to report an emergency out of hours or at the weekend please call 03331210067.

Finally, Southwark Council also hold a Local Housing Forum for residents of our estates at which a wide range of housing issues are discussed. To find out more please go to the Southwark Council website: <https://www.southwark.gov.uk/housing/housing-getting-involved/local-housing-forums/north-west-local-housing-forum>