

NEWSLETTER

Bebington Hall Park (BHP) Ltd (Issue 1, April 2023)



Welcome

Our Newsletter aims to provide owners of Bebington Hall Park Estate (Flats & Houses) - on Service Charge Spend and Information to keep you up-to-date with what's happening in your community

In this Edition:

- Welcome from your New Council of Management & Changes
 - *We are seeking new recruits to join the Council of Management*
- How to report issues relating to BHP & New: BHP Email Address
- A Plea: Help us save postal costs
- AGM News – from 6th October 2022
- HEADLINES: Irregularities being investigated & Funds returned to your Account
- BHP Property Ownership
- BHP Estate
- Proposed Works under Consideration
- BHP Estate
- Membership of BHP, as Owners
- Service Charges – and news of the 'Reserve Fund' practice
- NEW: Council of Management's Proposal to improve Communications; and, Introduction of a Website for BHP
- Next AGM
- Waste & Re-cycling

A MESSAGE FROM YOUR COUNCIL OF MANAGEMENT

WELCOME to BHP's Newsletter – please also see the minutes of the Annual General Meeting (AGM), held 6th October 2022; which includes details of your new Council of Management Members.

We are seeking additional Members to join the Council of Management. This is a voluntary role. Ideally, we are looking for members who have legal/accounting experience or construction skills. We would also welcome flat owners to ensure a balanced Council of Management.

Above all, you will have a desire to improve Bebington Hall Park – the Community that you live in. You should also have the best interests of its members at heart – particularly, in providing openness and transparency with regard to BHP expenditure and a desire to ensure value for money.

The Council of Management members are Directors of Bebington Hall Park Ltd and are responsible for the overall control and management of BHP. It delegates its activities to Smith & Sons, as its Property Manager.

The Council of Management meet regularly during the year.

If you are interested in joining the Council of Management, please email the council, on the official BHP Email:

council@bebhallpark.co.uk

PLEASE do not use the email: bebingtonhallpark@gmail.com as the members who previously used it have not passed access on to us.

We hope you enjoy this Newsletter. Do let us know if there are other things you would like to receive information about.

Best Wishes,

**Jeremy, Gail and Jacqueline
Your Council of Management**

Council of Management Changes

At the start of the AGM (held 6th October 2022), Smith & Sons representative announced that the three former Council of Management members had all resigned. No reason was given for their resignation.

Before the AGM could continue, the members present had to elect a Chairperson, whose first action was to appoint a new Council of Management. That done, I can advise that with a unanimous show of hands, those newly elected to the Council of Management, as of, 6th October 2022, are:

- Jeremy Williams, house-owner
- Gail Cross, house-owner
- Jacqueline Seatle, house-owner
- Peter Evans, house-owner [*has since resigned*]

How to Report Issues relating to Bebington Hall Park

Should you wish to report any issues relating to Bebington Hall Park (the Estate and communal areas of the Flats), you should contact BHP's Property Management Company, Smith & Sons. Such things could include, for example (but not exhaustive): hazardous paving flag(s); an Estate light not working; or, rubbish left from contractors.

Our Help Desk is now available online at <https://bebhallpark.co.uk> for contact for maintenance, financial and council of management.

Alternatively contact at Smith & Sons: Ryan Evans



Tel: 0151 647 9272



helpdesk@bebhallpark.co.uk

A PLEA TO SAVE COSTS & HELP US PROVIDE YOU WITH TIMELY BHP NEWS

If you received this Newsletter and other communications by post, we would ask that you email us at: helpdesk@bebhallpark.co.uk quoting your name, property address(es); and contact email address – this way, we can send you future correspondence by email rather than by post.

Annual General Meeting 2022 (AGM) News



Our AGM took place on 6th October 2022. The Council of Management wished you to see the AGM Minutes now, rather than wait 12 months as had been the practice of the previous Council of Management.

The annual service charge accounts for the financial year ended, 31st March 2022 were not approved by those members present. This was because there was insufficient information available.

An action was taken to contact Smith & Sons (our property managers) and also Robinson Rice Associates Ltd (our Auditors) to raise issues concerning: BHP Expenditure; the Apportionment of Management Charges, Electricity and Water; Surplus Funds collected (over and above the required amount); and of BHP's Asset – 24 Kings Close.

The business of the AGM would usually have included a Report from the Council of Management – to report on the past financial year and provide plans for the current year. Unfortunately, no reports (or apologies) were provided, as to:

- What work and monies had been spent in respect of BHP, in the closing financial year, 1/4/21 – 31/3/22; and
- What work and monies are to be or had been spent in respect of BHP, for the first 6-months of the year, 1/4/22 – 30/9/22.

The newly elected Council of Management have been working hard to obtain sufficient information (largely from Smith & Sons) to help us understand what work has been done and what money has been spent on furthering BHP's Activities. Hopefully, the information contained in this Newsletter (and separate attachments), should provide some answers.

HEADLINES

- 1) *We've identified £49,808 has been expended on paving works since 2018.*
- 2) *We've returned money to YOUR owners account, and stopped unlawful 'Sinking Fund' demands (referred to on certificates as Reserve Fund).*

At the last AGM we were faced with the situation where there were no members of the Council of Management, **no report on the activities of the year and no explanation offered for the expenditure incurred**. There are now three of us who stepped up to try and guide our company (**it belongs to all members - the owners of properties at Bebington Hall Park**).

We haven't had the cooperation we hoped for and tasks have taken longer than should have been the case. It's proven to be quite a challenge to get to a situation in which to provide you with some certainty that your money has been wisely expended. **We are still unable to give full assurances.**

Our ongoing investigation to provide you with transparency as to the expenditure reported, particularly the sum of £19,000 in the estate charges remains unresolved. This seems to be largely paving. We have been sequentially informed that 400, then 650, then 920 and most recently discovered by our own analysis from the account records 1,270 paving slabs have been charged as having been lifted and re-laid **at a total cost to all of £49,808 (£503 each property)**. It is claimed that each and every paving slab for all the main paths have been lifted and re-laid on new sand and cement bed. **If you can confirm or deny this occurred we would very much welcome hearing from you. (UPDATE 14/3/23 £3,960 recovered to date)**

We'd also point out Smith & Sons, as our agents, only verbally instructed the contractors (following, we are informed, verbal instruction from the previous Council of Management) – with little specification, no tender process and no records of any supervision. We are trying to obtain evidence all the charged works were actually carried out. **We are not, at this time, satisfied that your monies have been properly spent.**

BHP Property Ownership

BHP Ltd owns, 24 Kings Close. We learnt that the former Council of Management had reduced its monthly rent by £100 for 6 months, losing income for BHP. This current Council of Management recognises its duties to the members and, in line with our agent's advice, a proper market rent of £575 per month is now being charged. We have also discovered the company also owns part of the rear gardens of 6 Mount Avenue and 32 Mount Drive where the rent was not being collected. This is being corrected.

BHP Estate

Generally, BHP Estate is an excellent environment; however, it still has some signs of its social housing roots. The individuality of property normally associated with private estates has gradually begun to improve the variety and attractiveness for all. For a number of years, the flats have been replacing front doors and windows and the houses have begun to be painted in a mix of colours. Both these alterations require the approval of the Council of Management but within reason are being encouraged as they seem to be welcomed by most, if not all, in improving the attractiveness of the estate.

Proposed Works under Consideration

Flats – Stairs & Stairwells

There are a number of issues for the flats where expenditure could be incurred for maintenance in a way where positive improvements to the quality of appearance is possible. It is disappointing to look at the surface of the stairs and some of the ground floor paving despite the monies which have been expended.

The stairways and landings to the flats were resurfaced a few years ago. At the moment brushing and washing the rough surface is difficult due to the product used and the textured finish. There now seems to be a few areas lifting and **we would like to ask whether you wish to consider expenditure to achieve a rather more luxurious finish?** We are trying to find out the specification for the previous works to see if there is any recourse to the original contractors.

Flats – Lighting

We have asked for an estimate to replace all the stairway lighting with energy efficient attractive fittings.

Flats - Insulation of External Walls

A question arose at the AGM about free insulation for flats. Your Council of Management made enquiries with Wirral Metropolitan Borough Council. Unfortunately, the 'free' grants that had been in existence now appear to have ceased. The following advice was provided, as per this link. <https://www.epplus.org.uk/what-we-do/advice/>

As is normal the external walls and roofs of the flats are not within the leases of the flats. This prevents flat owners from installing cavity wall or roof insulation for themselves. We are researching the presence of roof insulation and investigating whether any of the previously free schemes can be used to insulate the walls. **If anyone has any contacts which may help please use council@bebhallpark.co.uk to advise us.** It may be flat owners have to fund these works but the payback period should be reasonably short. We would like this to be a priority.

Garages (applies to flats and houses garages)

Many of the garages are little used and some are in very poor condition. It is clear some are not regarded as useful. We are open to suggestions as to how to improve the situation. It seems principally to relate to roof/ fascia replacement and new doors may be beneficial? **Would garage owners be interested in paying for a contractor to do multiple works at a discounted rate?** Please let us know if we can help? **Alternatively, would some extra parking be welcomed if any unwanted garages were surrendered to benefit the estate and cleared?**

Estate

- Despite the expenditure already incurred, there are still areas of paving in unacceptable condition – it is intended to deal with these on an ad-hoc basis.
- Some of the ground levels around the flats are still rather high and estimates are being obtained to deal with this.
- All the estate roads and parking areas have been maintained on a sporadic and poor-quality temporary basis. This now leads to them being very poor in appearance and reflects badly on the estate. We are looking to see if we can undertake a scheme of resurfacing - utilising more attractive materials, maybe macadam with coloured chippings to differentiate from public roads and to define parking areas.
- The Estate is enhanced with substantial mature trees. This has been a source of some recent expenditure and regular tree surveys are undertaken. We are shortly to undertake some regular maintenance. Work was paused for consideration of the specification and extent as it has been found work was about to be undertaken on trees which were NOT our responsibility.
- The external metal work, lamp posts, railings gates etc. appear neglected and estimates are currently being obtained.

This newsletter and future information can be downloaded from <https://bebhallpark.co.uk> [Under development but operational] if you haven't received this by email please send your email address and phone number to helpdesk@bebhallpark.co.uk

Membership of BHP, as Owner(s)

It was apparent at the AGM that quite a number of people do not have information on how the BHP is set up. As a reminder or for information - Every owner is a member of this company and controls, 1/99 part. On a sale of a property the new owner must take on that membership. The company (BHP Ltd) owns the freehold of all the common land, shared areas **and** the flats. It also has ownership of one of the flats, 24 Kings Close, which is rented out with any income over costs to be used to help reduce costs for service charges to everyone's equal benefit

Service Charges

- At the recent AGM of the company it was decided to review how the accounts and service charges are presented to further improve transparency and comply with legal requirements.
- It was apparent at a previous AGM there was support for some form of 'Reserve Fund' (commonly known as a 'Sinking Fund') to be held by the company to smooth demands for payment where larger expenditure had to be made occasionally (e.g. re-roofing flats or new road surfaces).
- There is no provision for a sinking fund in the service charge provisions. **It is not lawful** to make demands for any reserve fund without **every** owners lease or conveyance being amended or an order of the court.

- The total money previously held in "reserve fund" for the Estate (£225.14 per property) and the Flats buildings (£249.57 per property) has been credited to the respective owners' accounts. **NOTE: flat owners have received both amounts.**
- This credit is held on trust in your owners account at Smith and Sons. **This arrangement will allow you to continue to benefit from exactly the same financial cushion against unexpected higher future demands if you wish.** Before this is spent, this remains **your** money. Where occupiers wish to continue to benefit from a cushion against unexpected charges this money can be left in your account and accumulated. It is intended to continue to offer a level monthly standing order as before to help in this regard. **You will shortly receive a statement of your account.**
- **If you choose to pay the demanded service charge sum, on a 6-monthly basis, you should be aware that this won't provide any financial cushion in your account and may fluctuate significantly with varied expenditure. Quarterly payments will no longer be offered as there's no provision for this in the conveyances or leases.**
- The amount payable on a monthly basis is not expected to rise in May and is based on current projections. It is hoped by exercising proper management controls, significant future reduction may be available.
- **We consider that the holding of the large reserve fund may have contributed to the sizeable spend on, for example, paving.**
- It is the intention of the Council of Management to provide a forecast, where possible, of planned larger projects and an indication of the costs. Guidance will be offered when possible as to suitable voluntary overpayments to meet any projected costs.
- Your Council of Management has chosen to allocate fees utilising 60% of Smith & Sons management fees paid by flat owners and 40% by estate contributors with certificates for the periods now reflecting this change. This is felt to be a fairer apportionment. It makes little difference to flat owners (-£9.45 p.a.) who bear both increased and decreased charge.
- It was found the Flats account rather than the Estate had paid the costs of the owners' liability insurance for the common parts which will be compensated for by transferring £361.39 to Estate costs.
- Water charges of £104.18 have been reallocated to the flats returning to the pattern of apportionment of previous years and to reflect minimal estate consumption estimate. **We have also found some supplies have not been used for years which will be stopped to avoid standing charges.**
- Some survey reports and repairs have been wrongly paid for which were the responsibility of flat owners. This will be recovered where possible.
- The ownership documents state that you will receive two certificates each year – prepared as at 1 November and 1 May for expenditure for the previous 6- month period and budget for the following 6-months. The practice had fallen to you receiving just one certificate each year.
- Going forward, twice-yearly certificates will be the basis of the service charge demand you receive in the future. The first Certificate accompanies this newsletter issue. Unfortunately, these would have been prepared on 1 November 2022 had all required information been made available to us. It is intended the next statement will be effective from 1 May 2023 and will then be 6-monthly.
- With this newsletter we have sent:
 - Estate and Flats Service charge accounts to 31 March 2022 corrected as per AGM (these now include the 6-monthly statement of expenditure incurred; and, the estimate required by clause 3.5.3 of the leases or clause 3.3.1 of conveyances)
 - Statement of leaseholders rights in respect of the Service Charge
 - Bebington Hall Park Limited corporate accounts.

NEW:

Council of Management's improvements to communications

Our Help Desk is now available online at <https://bebhallpark.co.uk> for all contact with our property managers and the Council of Management for reporting issues or problems. All tickets will be trackable to ensure timely response.

Please use this system wherever possible, you will also find "Frequently Asked Questions" and documents available for download.

Next Annual General Meeting (AGM) – for year ending 31st March 2023

We expect the next AGM to be held on Thursday, 13th July 2023 – from 6.00 – 7.30pm. This will be held at Grange United Reformed Church, Kings Road, Higher Bebington. PLEASE PUT THIS DATE IN YOUR DIARY WE NEED YOUR SUPPORT AND HELP

Waste & Re-cycling

One of the first actions your newly elected Council of Management had to address, was a complaint that Notices had been put up in the Flats' Bin Stores, by the previous Council of Management, who, it seems had also followed this up by hand-delivering letters to owners/tenants of the Flats about 'clinical waste'. The Notices suggested that items were being incorrectly disposed of.

On further investigation, this Council of Management identified that the 'instruction' about 'clinical waste' contained in the Notices was incorrect.

The Council of Management would take the opportunity to add, that it's not our way to dictate to owners/tenants about matters, such as these. Instead, we would simply refer everyone to guidance provided on the Wirral Metropolitan Borough Council's website, In summary, the above link to the guidance above states:

"Some household clinical waste can be disposed of in your green bin." If in doubt please check the link as follows:

<https://www.wirral.gov.uk/bins-and-recycling/household-clinical-waste>