

## **Barking Reach Residents Association meeting**

Wednesday 19th April 2017 at The Rivergate Centre, 7.35pm. 75 present.

Chair: Pete Mason. Secretary: Syed Islam. Present from the Parking subcommittee in addition to chair and secretary, Shazia, Elliot, Habib, Steve and Lisa, Pat, Alim and Azim

John Hunter, Team Leader, Transport Development Management, and Sharon Harrington, Group Manager, Parking, Traffic and Road Safety, were present from the Barking and Dagenham council.

Apologies from Councillor Cameron Geddes, Cabinet Member for Economic & Social Development (Thames ward).

Pete Mason, opened the meeting with two proposals.

1. That this residents association calls on BRL to cancel all parking tickets immediately from the 10th of April to the 19th due to all the confusion as BRL and Pinnacle sending contradictory letters and also missing out certain residents in their mailing list. All residents agreed unanimously.
2. That this residents' association calls for BRL to entirely carry the cost of the improvement proposed by the residents' association parking subcommittee, and to be agreed at this meeting.

The chair reported that at the previous meeting of the 5th April 2017, Richard Southall agreed to return the allocated bays and that this was in effect from 10th of April. He agreed to review the parking fines and subsequently a letter had been delivered to all residents announcing that all parking fines from 27th March to 10 April would be cancelled. The chair asked for a show of hands to see how many residents had received the letter. About half present were aware of the letter, which went out the previous Thursday, six days before the meeting.

The letter set out a schedule for discussing the proposed changes to provide more bays, stating "Between 21st and 28th April 2017 BRL will discuss the plan with the key members of the community and finalise the additional parking space plan." The chair stressed that it was important that we discuss our submission so that we can advise BRL of the feeling of the residents on the street by street submission during this period.

Residents reported that there was a lot of confusion caused by the removal of residents' allocated bays and the various contradictory letters on the restrictions from BRL and Pinnacle. It had set resident against resident and caused considerable distress and hardship. The residents partly held Pinnacle responsible for this and called for Pinnacle to deliver all permits to homeowners as they had stated clearly that all residents would get a permit, leaving residents to assume they would be delivered. Pinnacle had a duty of care to ensure that residents had permits before implementing the parking restrictions and had not carried that out that duty, the chair said.

### **Legal stance of the parking restrictions**

The chair reported that a member of the public has sought legal advice in regards to the current parking restrictions which includes the double yellows and restrictions of one car

parking space. The chair read from the letter to residents, which has sparked a great interest in this route.

### **Barrister's Advice Key points**

- \* "I think [the resident who sought the legal advice] has a strong hand...he could [firstly] defend the claim in the County Court and I would expect him to succeed..."
- \* "Secondly he could sue for a declaration that they were entitled to park without charge on the roadways forming part of the Common Parts."
- \* "Thirdly, he could join forces with other [residents holding a lease] and jointly sue for such a declaration."
- \* "Of the three options, I would recommend the third. The costs would be shared and I would expect that they would be recovered from the freeholder [i.e. whoever currently owns the land on which the houses and flats are built.]"

The chair reported that the parking subcommittee has discussed this and will be considering options, the most important of which is raising funds for the challenge.

Furthermore, residents reported the allocated bays were not being policed by link parking 24/7 as advised in previous communications and therefore they were still having problems with visitors and strangers parking overnight depriving residents of their own parking space.

The secretary proposed that parking bollards be installed with a unique locking key or means of padlocking the bollard. This allowed every homeowner with a parking bay to protect their space with a bollard when not in use. The chair proposed that BRL would be responsible for the costs of these bollards being installed. All residents agreed with this suggestion.

### **Street Proposals**

The chair reported that a meeting took place between Matt Carpen and Richard Southall, Director and assistant director of Barking Riverside London, and Pete Mason and Syed Islam, the chair and secretary of the residents' association, on 10 April. On behalf of the parking subcommittee a three-page document was submitted, which had been posted on the Facebook group (Barking Riverside Residents) and amended by residents. The proposals presented were circulated and discussed.

Residents on each street commented on the proposals for their street. Many proposals were agreed on without amendments. Only few required further amendments which have been noted below:

- Drakes Close – Former secretary Christine Thomas noted that there were 18 houses but only 11 bays on the street itself, plus two at the side. The rest of the bays are on Harlequin Close, and not outside the property as advertised when sold. More bays required along with proposal: nose-in parking in the green and the relocation of the ditch further into the green would be necessary to allow for all to find parking in the street. This would free up five spaces on Harlequin.
- Harlequin Close – proposals agreed.
- Galleons Drive – proposals agreed.
- Davey Gardens – additional proposal: the removal and relocation of two of the four west side trees which will create further parking spaces.

- Chilworth Place – Some residents disagreed with the proposal that a car park be created on a strip of the grounds in the square formed by Chilworth, De Pass, Galleons Drive and Davey Gardens. However, while nose-in parking was agreed there was no agreement on the car park. The chair proposed that the residents could return to the proposed car park if the works carried out did not resolve their issues, but it was agreed not to pursue this demand for now.

- De Pass Gardens – proposals agreed.

- Sedge Gardens – Proposals agreed.

- Lawes way – proposals agreed.

- McAllister Grove and Middle Grove – proposals agreed, including indenting into the land in between the two. A resident submitted a neighbour's written reply to a circular she distributed to her neighbour supporting this proposal.

- Gatward Place – Proposal agreed.

- Minter Road/Gatwards Place – Removal of the double yellows in that area as a resident mentioned minter road now has single yellows.

### **A discussion with John and Sharon, Barking and Dagenham council**

As a lot of residents were confused with the adoption of the private roads BRL is allowing the Council to adopt. Several questions were asked. John mentioned that only primary roads were being adopted which was Crossness Road and Galleons Drive, in addition to Mallards and Minter which have already been adopted.

Council did not place any of the thick double yellow lines west of Harlequin Close (towards Crossness road). They were placed by BRL in readiness for the adoption of the road.

Residents raised this was unlawful and required a consultation before placing any double yellows on council roads. John explained that the council had not yet adopted the road and it was BRL property.

However, it was agreed that there will be a Traffic Management Order consultation as per rules and regulations before any adoption and enforcement takes place. This consultation will look at any objections to the current yellow lines placed by BRL on the roads which the council is adopting. John Turner noted that the council will only be responsible for the carriageway and gullies of the adopted roads. Responsibility for foot ways, verges, swales and street lighting along these roads will remain with BRL.

Therefore, he pledged to meet with BRL to discuss the issue of the provision of the parking which had been lost due to the double yellow lines and agreed to meet with the parking subcommittee to further these discussions.

### **Nominations for elections to the Barking Reach Residents Association committee**

The chair recommended that the following team be nominated for elections to the committee. He explained that this is the team, which - alongside the residents who have turned up to the meetings and argued their case - has brought about the successes so far, namely, the cancellation of the parking fines, the returning to residents of their allocated bays, and the commencement of negotiations on works to remove the parking restrictions and provide adequate bays to resolve the parking issues.

Chair: Pete Mason  
Secretary: Syed Islam  
Assistant secretary: Elliot Green  
Membership secretary: Marta Varesi  
Vice Chair: Nabila Sherkhan  
Treasurer: Shaban Qazi  
Additional committee members: Pat Short, Alim Noor, Habib Qazi, Amrun Gulam.

### Official positions

The chair explained that if anyone wanted to nominate anyone else they should do so. Residents asked when elections were to be held. The chair reported that the letter signed by 70 residents at the previous meeting, requesting a special meeting in which to hold elections be arranged, had been sent to Alex Sweeting, co-chair of the residents' association. This had not been acted on. The chair reported that the constitution has this rule precisely so that, if residents feel that the elected committee is not acting in its interests, it can force it to act. He had subsequently written to Alex stating, "In my view you are in breach of the constitution by disregarding this letter."

### **Service Charge**

The motion on the service charge (appended) was moved by the chair and seconded by the secretary.

Residents then discussed the motion in detail. A few points that were discussed:

- Pinnacle have continued to ignore emails in regards to giving a fully costed breakdown of the service charge for the individual household.
- Not all residents are paying the same amount of service charge due to unfair calculation of service charges
- The calculation of service charge deemed unfair as flats required higher maintenance opposed to houses. Which left house owners feeling that they were covering the cost of flats although this was disputed. Without a fully costed breakdown it was not possible to tell.
- Certain residents were receiving bills that are being suddenly presented with bills backdated to 2013 and 2014, amounting to thousands of pounds. In some cases this pre-dated the arrival of the residents and in others there was a lack of transparency about the bills.
- Pinnacle failed to address issues such as broken lifts, broken electric shutters and anti social behaviour even after several attempts of communication. The underground car parks were not secured properly.
- Suggestion was made to remove Pinnacle as a managing agent and let residents decide their agent.
- An amendment was moved to add that the residents would not accept Pinnacle saying that residents have not paid enough. Henry moved to reject any calls for more money to cover previous years. Residents added that any over payments made by Pinnacle to contractors should not make residents liable to recoup the cost. An error of a managing agent should not burden the residents.

The resolution was passed as amended with one against.

Meeting closed 9.30pm

*Addendum*

Resolution on service charge by the Barking Reach Residents Association

Motion two: Service charge

This residents' association notes:

- \* Residents are being asked to pay service charge bills for which there is no fully costed, itemized break down.
- \* A breakdown of the service charge is a legal requirement if a resident disputes and refuses to pay the bill.
- \* Pinnacle's failure to give a bill breakdown over the years gives rise to the suspicion that the charges are arbitrary and inflated to cover profit taking, while important works are neglected.

This residents' association therefore resolves to:

- \* Provide a template letter disputing the service charge and campaign for every resident to sign it and cease payments until resolved.
- \* The subcommittee on parking to undertake such careful planning as required to take into account each individual circumstance so as to implement the above smoothly.
- \* Street meetings to take place through street reps to impart and gather information and build support.
- \* To ensure that all residents to withhold the service charge together.
- \* To arrange to inspect the accounts in accordance with the law.
- \* We reject any calls for more money to cover for previous years