

North Lane (Aldershot) Management Company Limited

Frequently Asked Questions

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Contents

Glossary of Terms.....	3
Managing Agents	3
Directors Meetings.....	3
Estate Charges.....	4
What.....	4
When.....	4
How Much.....	4
If not.....	4
.and finally.....	4
Gardening Sub-contractors.....	5
Thirty Year Plan.....	6
Play Areas.....	6
Apartment Block External Cleaning	7
Woodland Area	8
Parking on the Woodland Walk Estate	9
One way system	10
Notice Board	11
Background	11
What is its Purpose?	11
Where would it be?.....	11
Management.....	11
Structure	11
Cost	11
Discussion Points.....	11
Other Means of Communication	13
Directors Surgeries.....	13
Social Media.....	13

Glossary of Terms

- **Adoption** – Hampshire County Council have responsibility, taken over from the developers, for the maintenance of certain defined roads, or parts of roads, on the estate. This has no financial or other direct impact on the Management Company.
- **AGM** – The Annual General Meeting to which all members of the Management Company are invited, in order to ratify the performance of the Management Company through its Directors. The format of the meeting is standard, although other issues may be raised, in advance of the meeting, for discussion and decision.
- **Directors** – Volunteer, elected members of the Management Company, who, in law, represent the best interests of the totality of members of the Management Company. Election takes place at the AGM, although volunteers may be asked to join the Directors during the course of the year.
- **Management Company** – (North Lane (Aldershot) Management Company Ltd) consists of all owners of properties on the estate.
- **Managing Agents** – The professional property management company, appointed by the Directors to carry out the designated activities of the Management Company
- **Member** – Any owner of properties on the estate, whether or not they are resident in that property.
- **Web Site** – Northlanealdershotmcl.co.uk, set up and managed by the Managing Agents. Contains useful information and standard legal and other documents.

Managing Agents

Our current Managing Agents, Itsyourplace Ltd, were chosen, after a thorough tendering process, in 2009, by the Directors, who had volunteered and been elected at an Extraordinary General Meeting of Members of the Management Company. In discussions with those tendering companies, it was agreed that this is one of the most complex estates any of the Agents had, or were likely to have to manage. The Managing Agents attend all the Directors Meetings, as well as the AGM, and are available to answer questions, not only from the Directors, but also from any of the 356 property owners. Their responsibility is to advise the Directors, but to act on their behalf and at their instruction, in the interests of the Management Company (property owners) as a whole.

Information on itsyourplace Ltd and how to contact them, can be found on their web site www.itsyourplace.co.uk

The performance of the Managing Agents is reviewed by the Directors, as are all our sub-contractors on a regular basis.

Directors Meetings

The Directors meet on a regular basis to discuss key issues raised by the Agents, or the Directors. Any member of the Management Company may raise issues for discussion, and if appropriate, attend the meetings themselves as observers.

Estate Charges

What

The estate charges are calculated annually, at budget time, by our Managing Agents in conjunction with the Directors of the Management Company.

They reflect the projected costs of maintaining ***the communal areas of the estate*** for the coming year and the likely 'exceptional' costs which might be incurred over the foreseeable future. It is important to distinguish between these areas and those which may be the shared responsibility of 2 or more properties (but not the whole estate), such as parking areas. This budget sets out, in as much detail as possible, those items of cost which might be incurred. This minimises (but does not remove) the need for a 'miscellaneous' category.

Every property owner (member of the Management Company) is required to contribute an equal amount to balance these costs.

When

The invoice for these charges is issued at the beginning of December each year and is payable by January 15th.

How Much

It is worth noting that the charge for 2009, the last invoice issued by RMG, the Managing Agents appointed by the developers, was significantly more than in any year since. It is part of the responsibility of the Directors, on behalf of the members, to ensure that this charge is fully justifiable.

If not

Every property carries a set of deeds, in which responsibility for the prompt payment of the estate charge is clearly laid out. In the deeds, it explains that after the due date, interest may be charged on a daily basis. Further, the Management Company may invoke debt collection procedures, the cost of which will be added to the debt.

A property may, further, not be sold with a debt against it. In other words, the debt must be paid as part of the conveyancing process.

.and finally

Everyone pays for the maintenance of the communal areas of the estate; but apartment owners also pay for the maintenance of communal areas in and around the apartment blocks. 'Communal' is as defined in the original deeds of the estate as drawn up and agreed between the developers of the estate and RBC. Privately owned, shared drives and parking areas are the responsibility of the properties which share them.

Gardening Sub-contractors

Of all the tasks that the Management Company is required to carry out, the maintenance of communal areas is, perhaps, the most complex.

Apart from the play areas and the woodland area, the definition of what constitutes 'communal' has taken a great deal of time and effort finally to clarify. Prior to 2009, the managing agents and their gardeners allowed 'random' areas to be attended to. This has caused untold confusion and recrimination in the years since. Eventually, we reached a conclusion and agreement with Rushmoor Borough Council, our Managing Agents and our sub-contractors as to what, precisely, our and their responsibilities were as far as maintenance of the communal landscaped areas went. This has been drawn up in a map of the estate.

In accordance with this map, our sub-contractors, currently Nurture, prepare a schedule of work, which will optimally maintain that agreed area. This schedule of work varies by season, but is designed to enable the team(s) to smooth out the workload over the course of the year. From this, the gardeners are able to generate a budget for projected costs over the forthcoming year.

However, because of this smoothing, and because of weather conditions, there are times when very little needs to be done, or can be done. At other times, the teams cannot achieve as much over the whole estate as one would like. Under these circumstances, it is only natural for Members to complain that their part of the estate is being neglected, or that gardeners are 'wasting their time'. When this happens, we should encourage the normal line of communication: tell IYP, either directly, or via the Directors. IYP will then discuss the situation with the sub-contractors and reach a conclusion about whether or not exceptional action is required.

As with all sub-contractors, work done to contract is inspected by IYP and by Directors. There is a walk around the estate with the gardening management on a frequent basis. We encourage a representative of the gardening company to attend our AGMs, so that questions can be put to him directly, by any Member of the Management Company.

Thirty Year Plan

The costs of managing and maintaining an estate are many and complex. The terms of the expenditure and funding of these costs are a mixture of predictable and exceptional.

It has been an objective of the Directors, since they were first called upon in the EGM of March 2009, to minimise the annual costs to Members of the Management Company and to maximise the return in terms of the legal obligations of the Management Company.

The breakdown and payment of the estate charges is discussed in a separate note in this series.

The annual budget takes into account the predicted charges for the forthcoming year. These include known, contracted charges, where sub-contractors have committed to a certain schedule of work for a fixed fee; insurance policies; and planned additional works. The 30 year plan supports this activity, by predicting what activities are likely, in terms of normal wear and tear and the probability, year-on-year, of other issues which will need attention. By carrying out this long term planning activity, peaks and troughs of expenditure can be smoothed out. A reserve fund is established, which is used to pay for these issues as they arise. However, if and when exceptional costs are presented, it may be necessary to raise the estate charges to restore the reserves to their optimal level.

Play Areas

The children's play areas: the ball court and the young children's facilities; are communal recreation areas, as defined in the original master deeds, by the estate developer and RBC. As such, they must be maintained by the Management Company in accordance with those definitions.

It has long been a sore point that these areas, which are open to all members of the public, should be the sole (financial and legal) responsibility of the Management Company. As part of a negotiation with the largest Housing Association on the estate, they initially made some small contributions to those areas and also carry out, free of charge, regular safety inspections, which are required by law. The Directors will continue to argue this issue, with the Housing Associations and with the Council, in the hope of gaining other concessions.

Nevertheless, these areas are, potentially, a source of considerable cost to the Management Company and have been the subject of much discussion at Directors' meetings over the years. As part of the 30 year plan, the maintenance of grounds and equipment for these areas, has been taken into account. Therefore, when exceptional work is required, finance comes from the reserve fund and does not, of itself, mean the Members have to dip into their pockets.

As with all issues regarding the estate, the Directors rely on input, feedback and **constructive** criticism, to make any decisions about possible improvements to these facilities.

Apartment Block External Cleaning

The developers original brief was to provide apartment blocks with a low, or zero maintenance finish. Clearly, this has not happened, although, after around 20 years, most of them are in pretty good shape.

The issues, faced by the Directors, is to manage the cost to property owners, against the expectation of perfection in the appearance of the estate. This creates a number of dilemmas, as follows:

1. The cost of maintenance of the apartment blocks is shared by all apartment owners, not just by those in the block to be maintained;
2. If one block is cleaned, then all of them must be done to maintain a standard level of cleanliness and satisfaction;
3. The responsibility for the many blocks on the estate is held, not just by NLAMCL, but also by VIVID. Ideally, we should like VIVID to follow a similar regime to our own;
4. The nature of the finish on the blocks means that, once we start the process, the timescale to the next clean is likely to be much shorter, because we are interfering with the special material which was used in the initial build;
5. We have explored the options open to us to restore the finish of the blocks, including cleaning, painting, restoring. Some blocks will require scaffolding to reach the top, others have easier access;
6. The total cost of doing all the blocks is significant – a six-figure sum – which punches a big hole in our reserves. This means close to £1,000 per owner of an apartment for every cycle of maintenance.

As a result of the above discussions, the Directors consider that it is more cost-effective to prioritise, for example, internal cleaning and redecoration on a regular basis. Such decisions are validated by regularly reviewing the 30 year plan (see above).

Woodland Area

The Management Company (property owners) spend a significant amount of money maintaining, inspecting and insuring the woodland area. The previous Managing Agents (RMG) committed us, without our knowledge, to this responsibility with Taylor Wimpey and Rushmoor Borough Council.

The area inside the fence is a 'nature' area, to be allowed to grow and decay naturally. Nevertheless, it has to be managed and monitored. We also pay for a regular, formal inspection of the area.

As such, it has no formal structure or, more importantly, safety built into it. We may put signs along the fence in order to ensure that children do not treat it as a play, or adventure area, because we do not want to be held responsible for any accidents which might occur.

We need to make parents aware that their children might be at risk if they choose to climb over the fences and 'play' there, let alone damage the fences, or the trees and shrubs.

Parking on the Woodland Walk Estate

Up until the end of 2016 all of the roads on the estate were essentially privately owned by Taylor-Wimpey. This meant that the Management Company and therefore the residents had no control over how the roads were administered. Nevertheless, owing to the number of complaints about the timeframe for adoption by Hampshire Highways and after a considerable amount of effort by the Management Company and local councillors, all roads on the estate have now been adopted by Hampshire Highways and are treated as any other public highway in Aldershot.

This being the case, however, the Management Company *still* has no control over the roads and *ipso facto* any changes to the existing parking restrictions that apply. The parking rules as laid down in the Highway Code/Highways Act and Traffic Management act now apply, but complaints need to be directed by individuals who observe any infractions to the police or local authority, e.g. parking 10 metres from a junction violates rule 243 of the Highway code. Equally it is a violation of Part 6 of the Traffic Management Act 2004 to block a dropped kerb. This is a better position than the estate was in before the roads were adopted as none of these laws applied to what was a private road network. They *do* now.

The Directors have been asked on a number of occasions why we now cannot lobby Hampshire Highways to improve accessibility by introducing double and single yellow lines on the estate to curb irresponsible/inconsiderate parking. These are the reasons;

- Fundamentally, the Management Company's role is restricted to administering the communal areas in accordance with its memorandum and articles of association for the benefit of all residents.
- The process for introducing parking restrictions involves a lengthy and convoluted representation to county council, where after much political discussion, funds must be obtained to paint those lines. It is not automatic that Hampshire Highways will introduce lines and council budget allocation would have to be agreed, which could take years. If the Management Company (exceeding its mandate) wanted to request that yellow lines were introduced in a relatively short space of time, we, the residents, would have to pay for it. This would be fraught with difficulty as we have social housing providers on the estate and private owners would have to all agree to an increase in the communal charge to cover it. This would still require protracted discussion with the council.
- It would be essential to petition residents if any suggestions for parking restrictions were to be put forward as a collective request from the Management Company (which, again is not its role) and there would have to be unanimity as to where the lines should go - this is unlikely to be achievable.

As a result of such discussions, double yellow lines have been introduced at the entrance to Woodland Walk, from Deadbrook Lane.

The stance of the Directors is that we should encourage people to use their assigned off-road spaces where possible and all residents should show consideration for other residents by not obscuring/blocking junctions/driveways and preventing emergency vehicles from being able to access residences on the estate. Through all of us behaving in a conscientious and decent fashion, which as the Management Company, we believe is the ethos of this estate and its residents, further formal parking restrictions should not be necessary.

One way system

The Council acknowledge that making roads one-way can have an advantageous effect on parking. The Directors have discussed the possibility for making the circle around the feature garden (Fawn and Vixen) one way, as though it were a roundabout. The following was the outcome of the discussions with the authorities.

The process would involve new road markings and new, lit signage at the end of each stretch of one-way road. There is a cost to this, which Hampshire Highways would have to offset against the likely benefit of the change. These benefits are generally measured in terms of potential loss of life, or injury, rather than 'convenience'. In addition, the police would insist on enforcing such a legal change, which would be difficult, time-consuming and costly. The police, too, would see little material benefit from such a change.

In summary, therefore, whilst we could submit an application for such a scheme, the likelihood of it being implemented would be very slight.

Notice Board

Background

Effective communication with all residents on the estate is the basis of a healthy community. The Management Company has a web site (<http://northlanealdershotmcl.co.uk/>) and an Annual General Meeting (AGM), through which most issues are addressed. Telephone and email contact are available to all residents with the Directors, the Managing Agents, and the local Councillors. Each Housing Association also has its own lines of reporting. Nevertheless, the issue of a physical notice board on the estate is often discussed and considered.

What is its Purpose?

The reason for having a notice board is to display written information in a location where its target audience are likely to see it on a frequent basis, without having to make too much effort, as part of their daily routine.

Where would it be?

To achieve its purpose on an estate as large and spread as ours, one notice board would clearly not be sufficient. In fact, there should be at least three: one at each entrance to the estate and one in the middle – perhaps near the feature garden.

Management

Key issues for notice boards are:

- gathering the information to go on the boards;
- ensuring that the information is relevant and appropriate for all to see;
- ensuring that out-of-date information is removed.

Structure

Notice boards need to be vandal-proof, weather-proof and secure, so that only the manager is able to add and remove information.

Cost

Whilst the notice boards would be for the benefit of anyone living in, or using the estate, the cost of purchasing, installing and maintaining them would be borne solely by the North Lane (Aldershot) Management Company Ltd: the property owners.

Discussion Points

The key issue is whether or not the effort of creating the infrastructure to support physical notice boards is balanced by the benefit to residents. The main issue is likely to be finding one or more volunteers to act as manager of the information and of the infrastructure. The manager would, in addition, need to be an advocate of the principle of notice boards and to have a clear view of the likely customer base.

A useful first step would be to review the information passed by all the other media over the past year and to decide what could have benefitted by being on the notice boards, how urgent each item was and how long it should have stayed on the notice boards.

Next, a recommendation should be made as to how the existence of and protocol for notice boards could be communicated to all residents now and to new residents in the future.

Thirdly, the number and siting of the boards needs to be thought through, based on the above issues.

Finally, a detailed costing is needed for the purchase and installation of appropriate quality of boards for submission to the Directors.

To date, nobody has believed strongly enough in the idea to take it further.

Other Means of Communication

Directors Surgeries

It has been suggested that Directors might hold regular surgeries, at which members could ask further questions. There is no reason such an initiative should not be undertaken, although, as the Directors are themselves Members, such questions can be asked at any time, formally, or informally, either face-to-face, or by email. Further, all questions relating to the management of the estate may be addressed to IYP, who can give consistent and definitive answers. Key questions and their answers will be added to this document on a regular basis.

Social Media

The use of Social Media is also an option for communication with Members. This has been tried and has demonstrably failed for a number of reasons:

- it was largely used for questions and unconstructive criticisms of the Directors and of their Managing Agents;
- the recognised routes for such comments and criticisms were ignored or by-passed;
- it is impossible to make a social medium exclusive to current Members, without significant administrative effort;
- many Members may not have access to that specific application;
- any such discussion thread needs careful and sustained monitoring, to ensure that consistent and accurate information is dispensed;
- administration is also required (and failed) to monitor appropriate use of the site;
- most of the comments are already addressed in these FAQs. Significant new issues are added to this document at its regular review points.