

Nina Rickman

3 March 2021

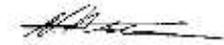
TO ALL MEMBERS OF THE ADVISORY COMMITTEE

(and via the Trustee Intranet, to all other members of the Board of the Incorporated Trustees of The Dulwich Estate, for information)

NOTICE IS HEREBY GIVEN that a meeting of the Advisory Committee will be held on Tuesday 9 March 2021 at 4:30 p.m., via Teams. Electronic invite to the meeting to follow.

Item 6 has also been sent to the Planning and Architecture representative of the Dulwich Society for feedback.

Please find attached your Advisory Committee papers for the meeting on Tuesday 9 March 2021. So that we have a productive and informative meeting, can I ask that you raise any detailed questions directly with me and request any further information, or clarification of items, prior to the meeting. Finally, please can you confirm your attendance or offer your apologies, if you are unable to make the meeting.



Nina Rickman
ADMINISTRATOR
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4. **The Scheme of Management Charge 2020/2021 & 2021/2022**
Forecast for the year ended 31 March 2021 & Budget for 2021/2022

a) Generally

Schedules 1, 2 and 3 are attached as Appendix I. The Schedules show (in columns A to E):

- (A) The proposed Budget for the year ended 31 March 2022;
- (B) The Forecast, prepared in February 2021, for the year ending 31 March 2021;
- (C) The Forecast, prepared in October 2020, for the year ending 31 March 2021;
- (D) The original budget for the year ended 31 March 2021;
- (E) The actual results for the year ended 31 March 2020.

b) The Scheme Charge for 2020/2021

Schedules 1 to 3, columns (B) and (C), show the revised Forecast, the previous Forecast for the current financial year. The Forecast now estimates a Management Charge (Schedule 1, column B) of £439,827 as compared to the Forecast (presented to the Advisory Committee on 3 November 2020) which showed (column C) a Charge of £452,332. The decrease of £12,505, 2.76%, in the revised Forecast is due to:

Total Basic Expenditure (Schedule 3, column B) shows the revised Forecast of £272,400, which is £15,000 below the previous Forecast (column C) of £287,400. This decrease is attributable to an increase in Freehold Licence Fee Income of £15,000.

Amenity Expenditure (Schedule 2, column B) shows the revised Forecast of £207,100 which is £3,400 above the previous Forecast (column C) £203,700. This is primarily due to increases in Dulwich Woods Tree Works and Dulwich Woods Repairs of £2,000 and £1,000 respectively.

Basis of Apportionment (Schedule 2, column B) shows the revised Forecast of £13,400 which is the same as the previous Forecast (column C).

c) The Scheme Charge for 2021/2022

Column (A) on the Schedules show the Budget for the year ended 31 March 2022 on which the Committee is **INVITED** to **COMMENT**, prior to consideration by the Board of The Dulwich Estate (27 March).

The Scheme of Management Charge (Schedule 1) is budgeted at £460,581, an increase of £20,754, 4.72%, as compared to the Forecast of £439,827 for the current year.

Basic Expenditure (Schedule 3) is budgeted at £295,350 as compared to £272,400 as of the revised Forecast, representing an increase of £22,950, 8.43%, net and is due to:

Actual Staff Costs are budgeted to increase by £5,950 primarily due to inflationary increases.

Other Costs is anticipated to decrease by £1,700 due lower costs in the current year due to office closures.

Income from Freehold Licences and Registration Fees is estimated to decrease by £15,000 from the revised Forecast for 2020/2021. Application fees for 2020/2021 have been £30,000 higher than originally budgeted due to the nature of the applications.

Amenity Expenditure (Schedule 2) is budgeted at £203,950, as compared to £207,100 as of the revised Forecast, representing a decrease of £3,150, 1.52%, net.

This is primarily due to decreases in Tree Works – Dulwich Woods £2,000 and Repairs - Dulwich Wood of £1,000. These decreases have been partially offset by small increases in Insurance and Auditors’ Fees.

The Cost of Management Fees (to defray the cost of its building surveyors’ time spent on the Scheme) are down by £400 reflecting the decrease in the cost of Total Works Done.

Basis of Apportionment (Schedule 2) costs are provided at £13,500, an increase of £100 from the revised Forecast.

The overall effect of the above on the Scheme Charge to be billed to freeholders in September 2021 is as follows:

	Actual 2019 £	Actual 2020 £	Estimated 2021 £
Charge for year (based on the Budget)	443,327	468,745	460,581
Balancing (credit)/debit re prior year – actual less billed on account Charge	<u>5,060</u>	<u>3,159</u>	<u>(28,917)</u>
Net Charge billed in September	<u>448,387</u>	<u>471,903</u>	<u>431,664</u>

The decrease in the Charge for 2021 as compared with 2020, £40,239 (£431,664-£471,903) equates, on average, to £9.93 per freeholder. However, it should be noted that the Charge is apportioned according to the Council Tax banding for a property. The Estimated Charge for 2020/2021 ranged from £54.01 (Band A) to £162.02 (Band H).

The Committee is **INVITED** to **CONSIDER** the report.

d) The Scheme of Management Charge – Basis of Apportionment

Under the terms of the Scheme, the basis of apportionment of costs is to be determined by an independent surveyor, appointed by the Managers with the approval of amenity society members of the Advisory Committee. As mutually agreed, Messrs Gerald Eve has been retained in past years.

At the time of writing no material issues have been identified as requiring the independent surveyor’s specific attention.

The Committee is **INVITED** to **AGREE** the appointment of Gerald Eve to determine the basis of apportionment for 2020/2021 and 2021/2022.

5. Enforcement process

Breaches of the Scheme are reported to the Scheme of Management Administrator through the following ways:

- 1) During the Administrator's site inspections
- 2) During sales enquiries
- 3) When the Consultant Architect produces her reports for an application, licenses are checked against what has been built and any discrepancies reported
- 4) By the Tree Consultant during tree inspections
- 5) Neighbours inform the Scheme of Management office

The enforcement process is set out as follows;

1. The Administrator writes to the owner requesting the appropriate action in response to the breach of the scheme, providing 21 days for a response.
2. If no response then a second letter is written to the owner requesting a response within 7 days, informing that failure to comply will result in referral to our Solicitors.
3. If no response then a summary of the breach and all correspondence relating to the matter is referred to our solicitors.
4. Letter sent by solicitors with usually a 7 day acknowledgment required and a 21 day action limit applied.
5. If no response then depending on the severity of the Breach then a formal Breach Notice is served resulting in legal enforcement by way of a Court Order is applied.

The Breach Notice provides the owners with a formal three month notice period in which to rectify the breach of the Scheme, after which point, if they fail to comply, the legal enforcement route must be taken.

A Breach Notice is only served with the agreement of the Scheme of Management Committee and, once agreed, the Advisory Committee are also notified in the Weekly List and updated at the Advisory Committee meeting.

The Scheme of Management does not have powers to issue a "Stop Notice" to halt any works on site, even if these are in breach of the scheme.

For breaches of a minor nature, having no impact on amenity, these are noted on file and either then rectified at point of sale or as a condition of a future consent.

The Managers are statute barred after a point of 12 years from requesting remedial action being taken. However, we can still condition a consent and raise at point of sale regardless of the period of time that has elapsed.

The majority of breaches are dealt with following points one or two, usually by a retrospective application being submitted for the change that has been made or by noting on file for rectification at point of sale or as a condition of a future consent.

The Committee's **IEWS** are **INVITED**.

6. **Guideline review**

We have undertaken a review of all our Guidelines (Appendix II). The changes can be seen highlighted in yellow and we welcome any comments and suggestions. The Committee’s **VIWS** are **INVITED**.

7. **Scheme of Management Information Table**

Date of Committee Meeting	No. of building Apps Received since Last Meeting	Decisions				No. of Breaches	Enforcements			No. of Arbitrations	Japanese Knotweed			Residents Associations	
		Approved/ Approved in Principle	Still Pending	Refused			Total on Current List	Removed from List since Last Meeting	Added to List Since Last Meeting		Total on List receiving ongoing treatment (as of 5 Nov 2019)	Removed from List since Last Meeting	Added to List since Last Meeting	No. of Meetings held with RA	New RA Registration Applications
12 Nov 2019	60	21	38	1	0	167	5	114	1	14	2	1	15	0	
10 Mar 2020	52	17	37	2	0	183	20	4	0	14	0	0	14	0	
9 Jun 2020	43	8	35	0	0	185	0	2	0	Please see response in agenda			7	2	
10 Nov 2020	70	42	28	0	0	190	5	10	0	14	0	0	10	0	
9 Mar 2021	87	51	36	0	1	187	10	7	0	14	0	0	4	0	

The Committee is **INVITED** to **COMMENT**.

8. **Items raised by The Dulwich Society**

The Dulwich Society has raised the following matters to be discussed.

Role and ways of working of the Advisory Committee (discussion).

We would like to discuss the following points in relation to the role of the Advisory Committee:

8.1 **New process with revised membership**

- a. Being strategic and oversight rather than transactional.
- b. Meetings to be more of a discussion on agenda points rather than “strict” Q&A.

- c. Aim for a combination of meetings with follow up on individual questions between meetings.
 - d. Scope and list of topics that can be covered at the Advisory Committee (e.g., enforcement).
 - e. Members' length of service/continuity.
 - f. Would it be more useful to have more than four representatives, given the large number of residents' associations?
 - g. Secretarial arrangements for the Advisory Committee meetings and follow-ups.
- 8.2 How to outreach to the residents and Residents' Associations not represented. Would it be possible for the Scheme of Management to email all Residents' Associations on their list seeking permission to send their email addresses to the Advisory Committee? This will aid the process of communications with the Residents' Associations about the Advisory Committee.
- 8.3 Access to Scheme of Management and Estate officers to learn about the Estate and its workings.
- 8.4 An Advisory Committee section on the Frequently Asked Questions (FAQ) page on the Estate website would be useful to assist with updates from the Advisory Committee.

8.5 **Scheme of Management budgets and forecasts**

Awaiting sight of the figures.

- a. Please confirm whether you wish us to submit any questions that we may have, after receipt of the agenda, by email, or at the meeting.
- b. We would like further detail on "Repairs" i.e. an analysis of the major spend by project.
- c. Reformatting the financials – we are happy to meet the Finance Director to discuss any proposed changes.

8.6 **Scheme of Management operations information spreadsheet**

- a. Please provide the normal schedule of Scheme of Management activity.
- b. The information spreadsheet has proved useful. We would like to review its content and how it might be improved e.g. by infographics showing longer term (say 2 year) trends?
- c. Are there any new trends that the Committee should be aware of?

8.7 **The impact of Covid-19**

How have the Scheme of Management and Estate been impacted by the pandemic and how have you adapted? What changes or impacts do you see as permanent? For example, residents have raised the disruption and noise from adjacent building works, in Scheme of Management cases major and lengthy construction projects, while they are trying to work or study or conduct meetings at home. We ask how the Scheme of Management plan to address what is likely to become a major issue in a changing workplace environment.

8.8 Enforcement process and status

Could you talk through the status of the enforcement process and outcomes? What are the plans to enhance enforcement?

8.9 Digital service delivery

Please update us on the Scheme of Management's current digital service delivery and future plans. What changes can residents expect to see? Will the new CRM be beneficial for outreach to residents?

8.10 Relationship with Southwark Council

Please outline your current relationship with Southwark Council. Do you have regular meetings with the Leader, councillors and officers and do you feel the relationship is improving? What areas of mutual collaboration do you foresee and are there any issues of concern of relevance to the Scheme of Management being raised by councillors (beyond individual planning applications)?

Have you had any discussions or correspondence with the Council about the Village traffic changes and their impact on Scheme of Management freeholders and commercial properties? If so, what factors have you raised with the council? Will you publish your submissions to the Council about the traffic changes?

8.11 Climate change

This is a major topic of interest to residents and freeholders. Could the Estate/Scheme of Management outline its green strategy and policy/rule changes to address climate considerations, and let us know how this is progressing?

8.12 Environmental matters/green initiatives

Could you let us know what actions are being taken on this, both as landowners and in relation to the Scheme of Management amenity areas. It would be good to see a determined tree planting programme to complement that announced by Southwark Council e.g. on the sports field boundaries. It is possible that third-party funding/grants can be obtained.

Could you clarify the respective roles of Tree Consultant, Tony George, and (new) Tree Consultant, Oliver Stutter, in relation to the Scheme of Management? Do you consider there is a conflict of interest with the appointment of Oliver who is also an employee of Southwark Council, and will be working for both organisations? We understand that Oliver will be involved in running the garden contract on the 60s estates - what will he be doing, and will he be meeting Residents' Associations?

8.13 Amenity areas

David Beamish (Chair of the Society Trees Sub-Committee) and Jeremy Prescott (Chair of the Society Gardens Sub-Committee) walked round the amenity areas and submitted comments to Simon Hoare. Is there any progress on the points raised?

8.14 Invasive plant species – Japanese Knotweed

Is the Scheme of Management winning the war with Knotweed and should the Scheme of Management and the Advisory Committee do more to advise residents of the risks of Knotweed and undertaking regular inspections of their properties? When do you expect to start the promised review of Knotweed sites?

8.15 Licence approvals status

- i. At previous meetings, the Estate has said that it was considering a different method of licence operation – effectively giving permission to proceed with works but not issuing the actual licence until a final inspection has confirmed that the works are in line with the permission. What is the current position regarding staffing and when will the new protocol be introduced? Has a new surveyor been appointed to carry out these inspections? At the last meeting we were told that recruitment is in progress and we would receive an update at the March 2021 meeting.
- ii. At previous meetings there has been a reluctance to discuss individual properties for data privacy/GDPR reasons. Yet the Advisory Committee receives the weekly lists and summaries which provide details of property owners' names, addresses and house numbers. We consider there may be occasions when we wish to raise an individual property about which the Society or Advisory Committee has received concerns or comments, and we ask that we should be able to do this, if appropriate.
- iii. We note that consent has been refused for the 29 Eastlands Crescent application. Could you outline the factors that influenced the Managers' decision on this case and how the outcome is being publicised to residents, architects and developers? What is the usual timescale for publicising the outcome of applications to applicants, objectors and the wider community? Will you be writing to the residents of Eastlands Crescent who signed the petition?
- iv. Estate Guidelines compliance – the Society would like to discuss further the recognition of the Society Planning and Architecture Sub-Committee (PASC) comments on building applications. Do you have any feedback for the PASC about the comments made – are they useful and could they be improved?
- v. The Dulwich Society Planning & Architecture Sub-Committee would like to see neighbours' comments when they review applications.
- vi. Southwark vs Scheme of Management approvals – we would welcome comments on how these are resolved when they do not marry up.
- vii. Estate Architect: Could you reclarify the position regarding visits by the Estate Architect? A resident has raised a concern when they were told that the architect would not visit to inspect their completed loft conversion, but they could take photographs of the work done. The resident queried this as her understanding was that building surveyors are still visiting properties subject to Covid-19 regulations.
- viii. Frank Dixon Way and Close: We understand that discussions with the Frank Dixon residents on the issues they have raised are ongoing and are not yet fully resolved which may of course be due to Covid-19. The Chair of the Residents Association has spent a considerable amount of time liaising with the Scheme of Management about issues around the site at 7 Frank Dixon Way and its impact on residents - damage to

the amenity land on both sides of the road, covering over of the fire hydrant, blocking of the only footpath and obstructing traffic. There are several other Frank Dixon construction projects causing concern to neighbouring properties, for example noisy Saturday working. Could you outline how the Scheme of Management office plans to address Frank Dixon residents' concerns and ensure their amenity is not impacted?

- ix. The Society and the Chair of the Frank Dixon Residents Association (who is also now the new Chair of the Dulwich Society Planning and Architecture Sub-Committee) will come up with a list of site-specific conditions as discussed at the last Advisory Committee. The Society has encouraged Residents Associations to report specific examples of incidents where builders are parking on pavements and impacting neighbours' safety and amenity direct to the Scheme of Management office.

8.16 Rolling action log

This was referred to in the November 2020 minutes. Please clarify what is envisaged and when we will receive a copy of the first log.

The Committee is **INVITED** to **COMMENT** as appropriate.

9. Terms of Reference

Terms of Reference for this meeting are being developed and will be circulated prior to the meeting.

The Committee's **VIEWS** will be **INVITED**.

10. Any other business

11. Date of next meeting

Tuesday 8 June 2021.

Minutes of the meeting of the Advisory Committee

held virtually via TEAMS

on Tuesday 9 March 2021

Present: Representatives of the Managers:
Andreas Köettering (Chairman)
Irene Bishop
Caroline Price

Representatives of The Dulwich Society:
Sue Badman
Jeremy Prescott

Representatives of Residents Associations:
Martyn Deane (PWCWR Residents Association)
James Thompson (Stradella and Springfields Residents Association)

In attendance: Staff of The Dulwich Estate: Simone Crofton (Chief Executive), Adrian Brace (Director of Property), Andy Irvine (Financial Accountant), Nina Rickman (Administrator)

1. Apologies for absence

Apologies for absence received from Pamela Dusu.

2. Minutes of the meeting held on 10 November 2020

The Minutes of the meeting held on 10 November 2020 were **APPROVED** by the Committee as an accurate record to be **SIGNED** by the Chairman.

3. Matters arising

Andreas Köettering provided an introduction and overview of the Advisory Committee's remit and outlined the key matters for discussion at the meetings to be trends, changes to Scheme of Management procedures, proposals for policy changes and accounts. The Committee is not for the discussion of property specific issues.

The Advisory Committee members will be invited to review applications received and provide their comments on these. In addition to soliciting views on specific applications from neighbours, the Estate also regularly seeks input from the Dulwich Society's Planning and Architecture Group given their relevant experience and expertise. Invites will be provided to the Committee members to join the monthly meetings with the Planning and Architecture Group. It was noted that this invite is optional, not a requirement. The Administrator will highlight contentious applications. They were reminded that applications and discussions at the meeting should be treated confidentially and not disclosed beyond the group.

4. The Scheme of Management Charge - 2020/2021 & 2021/2022

Andy Irvine introduced the report circulated with the agenda.

It was agreed that the actual cost of processing an application would be determined by the Scheme of Management team. It had been agreed that the application fees were increased in line with CPI each January, however it was noted that this increase does not align with the

increase in staff costs for example, therefore the structure for increasing fees needs to be examined.

A meeting is being arranged for the end of April to discuss the reformatting of the Accounts presentations. Templates will be provided to the those attending the meeting, a week in advance.

A summary of what items are covered under "Repairs General" is to be provided with the accounts in future.

The Committee **NOTED** the report.

The Scheme of Management Charge – Basis of Apportionment

The Committee **AGREED** the appointment of Gerald Eve to determine the basis of apportionment for 2020/2021 and 2021/2022

5. **Enforcement process**

Nina Rickman introduced the report circulated with the agenda and invited the Committee's comments. Sue Badman raised a concern with adding conditions to approvals with regards to historic unlicensed alterations, in some cases carried out by previous owners. It was noted that this policy is hugely effective at resolving breaches of the scheme.

The Committee **NOTED** the report.

6. **Guideline review**

A further revised draft would be circulated to the Committee after receiving comments from our legal advisers and The Dulwich Society. Any additional comments the Committee wish to make should be sent to Nina Rickman via email.

7. **Scheme of Management information table**

A summary of application detail is to be provided with the information table in future.

The Committee **NOTED** the report.

8. **Items raised by the Advisory Committee Representatives**

It was noted that many of the questions raised by the Advisory Committee representatives had been answered by Andreas during his introduction to the Committee at the beginning of the meeting. However there was discussion in particular on:

- 8.4 FAQs – These should be emailed to Nina Rickman who is happy to assist in the responses to these and display on our website.
- 8.6 b. Infographics - This could potentially be provided in the future when the new IT systems are in place.

- 8.6 c. New Trends – garden buildings, adaptations to enable working from home.
- 8.7 Impact of Covid-19 – Staff have been impacted in different ways, however this has not affected service.
- 8.9 IT – will improve service, better efficiency and ability to access information. The Estate is committed to pursuing the implementation of fiber broadband in Dulwich.
- 8.10 Southwark Council – regular meetings take place with Councillors.
- 8.11/12 Climate Change/Green Initiatives – The Estate has asked Oliver Stutter to plan a strategy for making Dulwich a greener place by creating a regular tree planting programme and rewilding where appropriate. A green policy is to be developed and an update will be provided to the Committee at a later stage.
- 8.13 Amenity Areas – Tony George is supportive of the proposals and has some additional comments of his own, which Simon Hoare will report back to Jeremy Prescott and David Beamish shortly.
- 8.14 Japanese Knotweed - Simon Hoare confirmed that there is a program in place for treating Japanese Knotweed. Next stage of treatments will happen towards the end of March, beginning of April.
- 8.15 i. Two Stage Licence Process – will be implemented shortly.
- 8.15 ii. Discussion of Individual Properties – these matters are confidential and not for discussion at the Advisory Committee meeting.
- 8.15 iii. Feedback to Objectors – Nina Rickman invites residents to contact the office to be given the outcome of a decision. If the application is particularly controversial then the objectors will be written to by the Scheme of Management following informing the applicant.
- 8.15 iv/v The input of the Dulwich Society’s Planning and Architecture Group is welcomed. Sight of neighbours’ views will not be granted in order for their views to remain unbiased.
- 8.15 vi. Southwark vs Scheme of Management approvals – both approvals are required for the same scheme.
- 8.15 vii. Estate Architect – visits as often as possible. Covid restrictions reduced the number of visits possible.
- 8.15 viii/ix. Frank Dixon Close – Penny Stern will forward to Nina Rickman a list of outstanding issues.

9. **Terms of reference**

To be circulated to the Committee for comment in due course.

10. **Any other business**

None.

11. **Date of next meeting**

8 June 2021

12.04.2021