

**From: Mike O’Driscoll, Warwick Building**

**To: Larissa Villar Hauser, Louis Sebastian Kendall, Katherine Greenaway (Secretary) and the (unelected) CBWRA committee**

**15.1.24**

Dear Larissa, Louis and CBWRA committee

Thanks for your email of 15.10.23 which:

- i) Supplied some information in relation to my request for the correspondence between CBWRA and the freeholders (which CBWRA was required, under the constitution, to keep and to supply to residents on request).
- ii) Requested that I remove information about the CBWRA ‘consultation’ on the fountains which you apparently do not want residents to see, but gave no meaningful reason why I should do so.

Please find my reply below, which is organised under the headings shown under ‘Contents’. **Section 3 is a formal complaint to CBWRA regarding the conduct of the 2023 Chair elections and I would be grateful if you could treat it as such.**

## Contents

1. My request to see copies of CBWRA correspondence with the landlord/freeholders .....	2
2. The ‘new’ constitution and Code of conduct.....	3
3. Electoral misconduct and the so called ‘oversight committee’ – a formal complaint .....	4
4. Online bullying on the CBW app continues .....	6
5. CBWRA’s request for removal of information from my blog re the 'consultation' on the fountains.....	6
6. Lack of progress and updates to residents on Right to Manage, slippage on timelines and lack of transparency re contract with Urang .....	8
7. CBWRA Finances seem to be in crises .....	9
7.1 Reasons for CBWRA’s financial decline .....	10
8. CBWRA’s removal of the constitutional requirement for resident auditors.....	10
9. The unelected ‘oversight committee’ which performs no oversight.....	10
10. In summary.....	11
11. Actions requested .....	12

1. My request to see copies of CBWRA correspondence with the landlord/freeholders

The [constitution which was in effect when I made this request states:](#)

5.2 *The secretary shall keep and make available for inspection whenever requested to do so by a member:*

- *A record of the business transacted at the AGM and general meetings.*
- *Copies of all written and notes of all oral communications with the landlord and/or agent and any replies received.*

Thanks for supplying a word document of 41 pages in response to my request. I appreciate you taking the time to do that and I note the different version you sent on Sunday evening (15.10.23) as you mention an error in the version originally sent.

The emails you have copied me in this document, between CBWRA and Berkeley Homes, are not in chronological order so it is hard to make sense of this document, but as far as I can tell, on an initial read, the date range of emails supplied is 29.10.22 to 29.9.23 approx. Can you confirm that? The constitution does not state anything about limiting the notes to the last 12 months only, **and I did request all the correspondence between CBWRA and freeholders and/or managing agent.**

Even if the document only covers this limited (and arbitrarily chosen) period, what you have supplied cannot possibly be a complete set of emails between CBWRA and Berkeley Homes. There is a total (estimated) of just 70-80 emails in this document and I find it very hard to believe that this is all there were in a 12 month period at a time when CBWRA is in discussion about Right to Manage. Apart from the emails, there is apparently no other correspondence with **the landlord and/or agent**. So this must mean that either that you and the CBWRA secretaries (Catherine Thome and Katherine Greenaway) have not been keeping notes of meetings and oral communications with landlords/freeholders (i.e. Berkeley Homes and other freeholders and Rendall and Rittner) as required under the constitution or you do not wish to share this information in contradiction of the constitution.

Clearly there has been correspondence and meetings between CBWRA and Rendall and Rittner. **In fact there is reference in the emails which you sent me between CBWRA and Berkeley Homes, to monthly meetings between CBWRA and Rendall and Rittner from April 2023 - so the notes from all of those meetings should have been included in response to my request.**

Also there is apparently no correspondence between CBWRA and any of the other freeholders. **Are you claiming that CBWRA did not communicate with L&Q, NHG or Fairhold Artemis at any time?** or that no notes or records of such contact were made? Or that you do not wish to share these (as required in the constitution) for unspecified reasons.

**Nothing at all has been supplied to me in relation to 'oral communications' with the landlord or agent** so again I must assume such records have not been made by the CBWRA secretaries, in violation of the constitution (and indeed in violation of basic good practice), or you are not sharing them for some unstated reason - so again this shows the lack of proper governance by CBWRA committee, and totally ignoring its own constitution.

**This matters because it is a basic function of a residents' association to liaise with the freeholders and managing agents and proper records should be kept and residents should be able to see these on request, so that they can see what is being said to freeholders/agents on their behalf.**

**The 'new' constitution (ratified by a tiny minority of residents, 144 out of 1150 or 12.5%) most of whom had not read it because you only allowed them to see it 10 days before the vote on ratifying it, you refused to publish it on the CBW app and you claimed incorrectly that it contained only minor changes) in September 2023, removed the above article of the constitution which allows residents to see copies of all correspondence with the landlords (freeholders) and agent. Can you explain whose idea that was and why it was done?. Did this idea originate with CBWRA or Berkeley Homes I wonder? In any case it is a backward**

step, which greatly reduces transparency of the relationship between CBWRA and Berkeley Homes and clearly that was the objective. This is a further example of CBWRA's inability to behave like a normal well-governed and accountable residents' association. While residents only got 10 days to potentially look at this large document, and that CBWRA refused to publish it (or any other documents relating to the SGM) on the CBW app lest people actually scrutinise and discuss it, Berkeley Homes have had several months to look at it and to suggest changes which they want or consider acceptable.

The 'new' constitution also allows AGMs to be 18 months apart, **specifies no mechanism or date for Chair elections, provides for the 'ratification' rather than election of all committee members and states that a Chairperson (singular) will be elected but that two people can perform the role which makes no sense whatsoever and is clearly a (bodged) attempt to allow Larissa Villar Hauser and Louis Sebastian Kendall to jointly stand for Chair, so that you can pool your votes, and again violate the constitution**, ARMA guidelines and good practice generally in the governance of residents' associations.

[I note that Berkeley Homes withdrew its recognition of CBWRA on 1<sup>st</sup> September 2023 but that CBWRA did not tell residents about this until about 6 weeks later](#) and even then only tucked away in committee meeting notes and not announced or explained on the CBW app. CBWRA claim this de-recognition does not matter much which is slightly at odds with the claim of the former Chair that it was his supposed greatest achievement.

2. The 'new' constitution and Code of conduct

**Crucially, I note that the new constitution makes no mention whatever of the [CBW Right to Manage Company](#), which actually controls the residents' association bank accounts and money but whose directors are entirely unelected.**

CBWRA acknowledges that it is the RTM company which is running the residents' association which is simply the 'trading name' of the RTM company. **The real power (such as it is) resides in the RTM company which is wholly unaccountable to residents and has no electoral process and no place in this meaningless constitution.**

**Furthermore, the new constitution says nothing at all about the date or procedure for Chair elections other than that they are annual. This gives the maximum scope to the current Chairs/s committee to repeat the grossly unfair election process of Jan/Feb 2023.**

**The new constitution:**

- **REMOVES** the right of residents to inspect records of written and oral communications between CBWRA and freeholders/managing agents
- **REMOVES** the requirement for two CBWRA members (who are not committee members) to be appointed auditors
- **States that a Chairperson (singular) shall be elected but that two people can perform the role.** This makes no sense and is clearly designed to allow the current Chair/s to pool their votes again giving a massive unfair advantage.

[This 'new' constitution also imposes an absurd 'code of conduct' on CBWRA members which basically allows CBWRA to revoke the membership of any member on the whim of the committee if they are deemed to behave in ways which are "not consistent with the aims of CBWRA"](#) (i.e. a catch all term which can mean anything which CBWRA committee wishes it to). CBWRA claimed this code of conduct is based on a document produced by the London Borough of Kensington and Chelsea which I find very hard to believe, unless the template is a code of conduct for staff (i.e. nothing to do with residents' associations). I have worked with a large number of residents' associations for many years and also worked in local government for many years and have never seen anything remotely as prescriptive and controlling as this document which requires ordinary CBWRA members to 'observe the constitution at all times' (i.e. not just at CBWRA meetings or activities). [Such code of conduct bears no relation to any recognised constitution template such as that provided by ARMA.](#)

A code of conduct is certainly needed for the CBWRA committee given the history of online and offline bullying by certain committee members (one of whom is the subject of several complaints to the Police from a number of residents including myself), the misconduct of the Chair elections [and the misinformation to residents over a period of more than two years that Right to Manage was not possible, and the arbitrary closure of my CBW app account for pointing this out which is simply bullying in my view, which continues to the present time](#). I did in fact try to introduce a code of conduct while on the committee in 2021 but this was blocked by the former Chair (I do have all the supporting evidence for that should anyone wish to see or hear it).

**I note that in the emails supplied to me, Berkeley Homes refer to the inappropriate conduct of a member of the CBWRA committee on the phone which they think underlined the need for a code of conduct. I wonder who that could be?**

Sadly, the code of conduct which CBWRA have produced is all about limiting residents' freedoms to ask questions/criticise the committee or to share information with the media, rather than holding the committee to account. **To impose the same code of conduct on ordinary CBWRA members as on the committee is absolutely ridiculous.** I have absolutely no confidence that committee members or the Chairs will be held to account if they do not observe the constitution or code of conduct (some of them, including the former Chair have obviously violated this code of conduct in a fairly gross way on multiple occasions) and it certainly will not be applied to the Chair, committee or the committee-friendly trolls who seem to have a license to bully people on the CBW app for daring to ask any question of the committee and are only 'reached out to' if there is formal complaint against them. These matters are discussed further in Section 4 (online bullying in the CBW app continues).

### 3. [Electoral misconduct and the so called 'oversight committee'](#) – a formal complaint

**I hereby submit a formal complaint about the conduct of the 2023 Chair Elections, which was an absolute disgrace. Specifically:**

- Residents had to demand an election be held as the CBWRA committee were very reluctant to do so. These residents were told by a committee member that they were 'idiots' for doing so and were insulted on multiple occasions by the former Chair and other committee members. **This is online bullying.**
- Candidates were given various confused responses about when the election would be and were then eventually told that they would be given at least a month's notice of the election dates and protocol **but were actually given two weeks.**
- Two candidates (Louis Sebastian Kendall and Larissa Villar Hauser) stood jointly, thus pooling their votes, in a massive and clear violation [of the constitution at that time](#) (5.3) which states that 'A chairperson shall be elected'. The new constitution still states ( 6.1) **that a Chairperson (singular) shall be elected but that the role of Chairperson can be carried out by two people jointly.**

"The members shall elect a chairperson (who shall be chairperson of the Association and remain such until a new one shall be elected) and who shall appoint a Secretary and Treasurer. The role of chairperson may be carried out by two people serving jointly".

**This makes no sense at all and is simply a fudge to allow the current co-chairs to pool their votes again.**

- One candidate (Mike O'Driscoll) [was banned from the CBW app](#) without any evidence, explanation or due process and subjected to a [daily onslaught of character assassination and defamation by the former Chair and other committee members](#) to which he was unable to respond. The former Chair, Stephen Thompson, referred to me as 'a local loon', 'well known to the Police' to name just a few libels). This might be seen as a more accurate description of himself as **In fact there are no complaints to the Police about me at any time and my only contact with them has been in reporting the former Chair to the Police (crime reference numbers are available) and several other residents have made complaints to the Police about Mr Thompson.**

- Racist abuse of one of the candidates (Mike O'Driscoll) by a resident on the CBW app was not removed for at least 2 days
- Various committee members (but especially someone called Kirt Bains) made false claims on several occasions that I was responsible for CBWRA being de-recognised, when in fact Berkeley Homes made clear that his was nothing to do with me but was in fact due to CBWRAs inability to show 50% of leaseholders were members.
- [False claims were made by the committee that they had a 'live' process for retendering the management contract](#) – This was simply an attempt to distract from CBWRA's de-recognition and to convince residents that CBWRA were somehow achieving something when in fact [the whole of 2022 had been wasted in the pointless 'management contact re-tendering process' which also wasted up to £9,000 of residents' money.](#)
- At the request of Larissa Villar Hauser and Louis Sebastian Kendall, [Garton-Jones estate agents contacted around 400 leaseholders by email, while voting was live, sending them a voting link and a strong recommendation to vote for Louis-Sebastian Kendall and Larisa Villar Hauser.](#) Mr Garston does not deny this interference and refuses to comment on whether he or Garton-Jones estate agents interfered in the same way in previous elections and whether he will do so in future elections.
- One candidate withdrew from the ballot after (in his view) being intimidated by the former Chair at a committee meeting and following the meeting, in the CBW piazza.
- The recording of the meeting between candidates for Chair and residents, just prior to voting ( a meeting which went very well for me and not quite so well for the former Chair or his proteges) was 'lost'. According to the CBWRA secretary Catherine Thome this was because of a 'poor wifi connection' in the room. (I am not sure why a phone requires wi-fi to record but I guess I don't understand CBWRA technology).
- [The CBWRA committee reportedly asked Rendall and Rittner to reinstate automatic CBWRA fee deduction from residents because 'MOD will run' and they need funds to 'help their cause'.](#) But the use of any CBWRA money to help or hinder any candidate would have been against the constitution and a total misuse of residents' money.
- There was no independent inspection of the results and no way to check how many leaseholders had been invited to take part or how they were invited.
- **The so-called 'oversight committee' (Toby Spoerer, Catherine Thome and Charlie Garton-Jones) who (according to the constitution) were supposed to be responsible for the conduct of elections did nothing whatever to prevent or stop the above abuses. When I contacted the CBWRA Secretary (Catherine Thome) to ask why these abuses were being allowed I received no reply. When I asked her for the complaints procedure I was simply told 'I note you have requested the complaints procedure' but none was sent to me i.e. my wish to make a complaint was ignored.** Since these people have shown themselves incapable or unwilling of conducting a fair electoral process they should not have anything to do with subsequent elections. If they do continue to have that responsibility then clearly there is no intention to conduct fair elections and residents cannot have any confidence in the electoral process.

This misconduct of the elections **suggests to me that Larissa Villar Hauser and Louis Sebastian Kendall and the CBWRA committee did not think they could win a fairly conducted election.**

[It seems quite that the CBWRA committee is unable or unwilling to run fair elections for Chair, and there are no elections for committee or the directors of the RTM company](#) , making CBWRA little better than a banana republic in my view and that of many other residents. Myself and other residents are determined that there will be fair elections and there will be freedom of speech on the CBW app and elsewhere. You should perhaps focus on some radical rethinking of the shameful way in which CBWRA is run, rather than trying to silence those who seek to inform residents of the truth.

**Can you please publish, as soon as possible, the procedure and dates for the 2024 Chair Elections (which are nowhere mentioned in the 'new' constitution) as soon as possible explain how you will ensure that the elections are conducted fairly and that the gross abuses which took place during the 2023 elections will not be repeated. As it is not clear to you, allow me to explain that the purpose of an election is not for the existing Chairs to stay in power at any price, it is to give residents a fair and meaningful choice about who**

they want to lead the residents' association and for then to hold the current occupants accountable (i.e. to judge whether they are satisfied with their performance and conduct.

Can you please accept this section as a formal complaint about the election process in 2023. I will be happy to supply this on a separate document if needed.

#### 4. Online bullying on the CBW app continues

There are many instances of online bullying which I have documented by committee members (especially during the chair election period in Jan and Feb 2023 but not limited to that period) and CBW app users who appear to be very 'close' to the committee. One person in particular who I shall refer to as 'K' has in my view engaged in systematic trolling and bullying on the CBW app over many months and has been the subject of multiple complaints from residents. Yet as far as I am aware no meaningful action has been taken against him. So it would seem that the committee or their 'friends' can engage in the most outrageous behaviour on the CBW app with impunity.

This resident seems to have a license to continue with the most outrageous bullying behaviour against anyone who questions or criticises the committee (I have a substantial dossier of screenshots documenting such behaviour by this person which includes personal abuse and attacks, targeting and relentlessly pursuing every post by certain people, continuing to attack other residents even after they have blocked him and even after they have publicly stated that this online bullying was effecting their mental health). This person has demanded that residents should not criticise the committee or even ask them questions on the app, that residents should respond to him on the app within certain time frames and demanded that they respond to his private messages even when they are clearly not interested in doing so. The fact that the committee allows this person to engage in the most vicious and a systematic online bullying despite the multiple complaints against him has led many residents to believe that this person is in fact acting on behalf of the committee, in order to suppress criticism and debate on the app. This person is not the only one engaging in online bullying on the CBW app and I will be presenting fuller evidence on this matter in the near future.

**It is clearly the case that the CBWRA committee wish to prevent any meaningful scrutiny or criticism of the CBWRA committee on the CBW app**, and any resident who tries to do that is likely to find themselves under attack on the CBW app and may also face the closure of their CBW app account or the threat of such ([which is why I tabled a successful motion for the SGM in September 2023 which states that CBW app users shall not have their accounts closed without a proper and written due process](#) being followed – [over four months later, at the time of writing this letter, no such procedure has been shared to residents](#) and it seems that [arbitrary account closures are still occurring](#)).

The online bullying on the CBW app has, in my view and that of many other residents, created a chilling effect, a culture of fear whereby residents dare not ask even the simplest question or mildest criticism of the committee (a recent example was when residents were attacked on the app for simply asking that the documentation for the Special General Meeting be posted on the app, a request which was refused). In fact CBWRA does everything it can to prevent meaningful discussion on the app and you have claimed that residents do not want to see criticism of the CBWRA committee on the CBW app which is frankly ridiculous. **Residents want intelligent discussion of the issues and to be able to engage in such without being bullied or attacked. In the absence of that, many people have minimised their interaction with the app so that it has become devoid of meaningful content and leads to further disengagement of residents. The claim of the 'co-chair' Larisa Villar Hauser that residents do not want to see criticism of the CBWRA committee on the app is beyond ridiculous and I can only imagine that she thinks residents are very stupid indeed.**

#### 5. CBWRA's request for removal of information from my blog re the 'consultation' on the fountains

As I referred to at the top of this letter, you have requested that I remove information on my blog regarding [your extremely biased consultation on the fountains](#) but you have not given any meaningful basis for that request.

**Therefore, can you explain why you want me to remove this article which informs residents about the vote on the fountains (i.e. whether to invest large sums of money in new pumps or not). Why would you not want residents to know the results of the vote on the fountains or the background to this biased and unprofessional consultation?**

It is common knowledge that Berkeley Homes wish to keep the fountains, whereas a large proportion of leaseholders want some or all of them filled in /planted/gardenised. In particular that the rectangular fountains be planted and the circular ones to continue as fountains.

You have claimed that the consultation results showed that residents wanted the new pumps to go ahead when in fact the consultation showed nothing of the kind. What it did show was that opinion was nearly evenly split (that there was a majority of just 2.8% or 7 people in favour of the pumps and that the 'turnout' was pitiful (253 of approximately 1150 flats or about 22% of leaseholders). In your initial email to leaseholders after the consultation closed you acknowledged that the consultation did not show support for the new pumps but the following morning you circulated an email stating the complete opposite (that the consultation showed support for the new pumps). **I do not know why you changed your mind, perhaps you could explain that. Was it following any kind of intervention or pressure from Berkeley Homes?**

[This consultation, which was clearly biased towards getting an outcome in favour of the pumps](#) (by splitting the 'no pumps' support across two options and not even offering an option for what many people want - i.e. planting some or all of the fountains) was apparently done in this way at the insistence of Berkeley Homes (according to your own comments in the 'leaseholders' forum' on 4th October).

In addition, more than two years have been wasted since the Annual Residents' Survey in summer 2021 showed strong support for a feasibility study on planting the fountains, yet no action was taken to consult residents by CBWRA until the middle of 2023. Stephen Thompson, the former chair, promised at the AGM in 2022 that there would be consultation, which I pointed out at the time was an empty promise which would not be honoured. At the AGM in May 2023, a year later, the 'co-chairs' were unable to explain why no consultation had taken place. Before the AGM in May 2023, [CBWRA sent out an absurd document in support of keeping the fountains and advocating spending hundreds of thousands in developing a reserve fund for renewing the fountains. The running costs mentioned did not include the ELECTRICITY.](#)

**So I can understand why it is embarrassing for CBWRA that I should keep residents informed on these matters but that is not a valid reason for me to remove my article about the fountains, unless you believe CBWRA to be a banana republic where you have the right to silence legitimate scrutiny or criticism.**

It was clear from the 'leaseholders' forum' on 4th October what strong support there is for filling in the fountains, an option which your biased and unprofessional consultation has denied them – it did not even include this option (filling in the fountains, especially the rectangular ones).

In my view, you confused residents about the results of the consultation by presenting these as raw frequencies (rather than percentages) and then at first seemingly declaring that the results meant there was no clear support for pumps (which is true) but then changing your mind the next morning and further insulting residents' intelligence by pretending there had been a 'comms failure' rather than the obvious change of position by CBWRA.

**What legitimate reason would there be for CBWRA wanting to keep the results of a public consultation with residents 'private' (when the results have in fact already been circulated by email to residents, or at leaseholders, albeit in a garbled form)?**

I think there is a legitimate resident interest in knowing the results of the consultation and my analysis of it, especially as the consultation was conducted in a way which I consider to be biased and manipulative (especially in terms of deliberately splitting the 'no new pumps' vote across two confusing options and not offering a 'fill them in' option). Further, the results have been presented by CBWRA in an extremely unclear way as I have detailed. At the so called 'leaseholder forum' on 4th October you stated **that you had to do the consultation in the way it was done, at Berkeley Homes' insistence but I am not sure that is true.**

There does not seem to be any reference to this supposed insistence on a particular format for the consultation by Berkeley Homes in the emails supplied. CBWRA did not publish any notes from the leaseholder forum meeting on 4<sup>th</sup> October at which CBWRA were heavily criticised for lack of progress and poor communications in relation to Right to Manage and which allegations of bullying on and off the CBW app were made by residents). [I wonder why?](#)

It is even more necessary for me to discuss this consultation re the fountains on my blog ([www.chelseabridgwharf.org.uk](http://www.chelseabridgwharf.org.uk)) as my CBW app account remains closed (for simply pointing out that the CBWRA committee, including the previous Chair Stephen Thompson and his successors, the Co-Chairs Larissa Villar Hauser and Louis-Sebastian Kendall, [was misinforming resident that Right to Manage was not possible](#)). So as I am unable to discuss these matters with residents on the CBW app, then I will discuss it on my blog or wherever else I think appropriate. **So, in response to your request, I ask the following questions:**

- The results of the vote on the fountains are not private data relating to a person, and have already been circulated by email (which is publication) so what is the rationale for requesting me not to publish this information?
- Do you claim that you have some legal basis on which to object to my further publication of the results of the consultation? If so perhaps you can make that clear.
- You have not indicated exactly what it is that you are requesting me to remove so please be clear on that (a url and a description of the text you are asking to be removed).
- You refer to the privacy of the material you have sent me (i.e. emails between CBWRA and Berkeley Homes) as being established in the current constitution. Could you identify what article/s of the constitution you are referring to in that respect?
- Can you also confirm that you have actually read the blog content in question? I ask because you recently requested me to remove something from my blog which you then admitted you had not actually read.

**On receipt of your reply to these questions, I will consider your request and reply within 14 days of receipt of your response on the above bullet points.**

#### 6. [Lack of progress and updates to residents on Right to Manage, slippage on timelines and lack of transparency re contract with Urang](#)

At the so called 'leaseholder's forum' on 4<sup>th</sup> October, **I and other residents highlighted the apparent lack of progress on Right to Manage, and the lack of communication /updates to residents about this.** I note also that a resident who tried to submit a motion for the SGM requiring monthly updates was told that these were already being provided and the motion was not accepted. However, residents are most certainly not receiving monthly updated about progress with RTM and the notes from committee meetings (which are extremely vague and selective) are 4 to 5 weeks out of date.

I note that after a year of being co-chairs, Larissa and Louis are unwilling to submit any timelines for the Right to Manage process. In the leaseholders forum meeting in October, the 'Co Chairs' vaguely referred to December or January to serve the notice to freeholders whereas at the committee meeting in May, earlier dates were mentioned such as September. **Without any stated timelines then it is clear that there will be further slippage, and again this is a tried and tested CBWRA technique to avoid being held to account i.e. do not give a commitment to any timelines so that you cannot be criticised for missing it.** It is not good enough, especially as you were part of a committee which has wasted 2 years in telling residents that Right to Manage was not possible and such is your apparent level of entitlement you have never explained to residents why you misinformed them in this way nor apologised for the wasted time and money.

[As noted above, CBWRA refused to publish any notes from the meeting](#) and that only three committee members bothered to attend, which shows the complete lack of interest which the current Chair/s and committee have in what residents think or want.

[I note that the contact with Urang, to manage the Right to Manage application, and to become the managing agents if the process is successful. was signed without any reference to the CBWRA committee](#) and has



certainly not been seen by residents. It would seem it has only been seen (and signed) by the (unelected) Directors of the RTM company. Urang have been instructed not to share the contract to residents. This is outrageous and perfectly epitomises the lack of democracy, transparency and lack of appropriate governance in the CBWRA committee.

Residents demand and deserve a clear timeline for the serving of notices on the freeholders and the completion of the Right to Manage process, not inane non updates such as the one which CBWRA sent residents at Xmas stating that CBWRA were ‘thrilled to share that we have made significant progress’ but without telling residents what that actually meant (which was nothing in fact -it was just a feeble attempt to put a positive spin on a year which has been fairly disastrous for CBW in terms of service charges and the state of the development).

### 7. CBWRA Finances seem to be in crises

I and other residents are concerned about the state of CBWRA finances. There has been a very sharp decline in the cash balance in the CBWRA bank account according to published information and information supplied by CBWRA to residents in Autumn 202. The CBWRA monies are actually held by the Chelsea Bridge Wharf Right to Manage company whose directors are wholly unelected and unaccountable to residents – an organisation which is not even mentioned in the current CBWRA constitution. [Accounts submitted at companies house](#) show a decline in assets (i.e. cash) from £27,748 (January 2022) to £8,250 (Jan 2023) and the information recently circulated by CBWRA suggests that the CBWRA bank balance in November 2023 was in the region of £5,000. Given that the CBWRA is not permitted by the constitution to have an overdraft this seems a very precarious position to be in. The outgoings of CBWRA must be in the region of £10,000 at a minimum (£5,000 alone on the CBW app) and it is not at all clear how many members are paying the CBWRA membership fee especially following the bizarre decision to increase fees by 140% in February 2023 which was then reversed in September 2023 , without explanation, when many people stopped paying fees altogether in protest.

**Could you please explain CBWRA’s financial strategy and how you will avoid going bankrupt? Has CBWRA or the CBW RTM taken any loans or ask for any loans from any person or organisation.?**

**Please publish full accounts for the last two years which detail all income and expenditure.**

**CHELSEA BRIDGE WHARF RTM COMPANY LIMITED**

**BALANCE SHEET**  
**AS AT 31 JANUARY 2023**

	2023		2022	
	£	£	£	£
Current assets	8,250		27,748	
Creditors: amounts falling due within one year	(8,250)		(27,766)	
Net current assets/(liabilities)		-		(18)
Net assets/(liabilities)		-		(18)
Reserves		-		(18)

**Notes to the financial statements**

**1 Employees**  
The average number of persons, including directors, employed by the company during the year was as follows:

	2023	2022
	Number	Number
Employees	-	-

Chelsea Bridge Wharf RTM Company Limited is a private company limited by guarantee incorporated in England and Wales.

## 7.1 Reasons for CBWRA's financial decline

For residents who are not familiar with the financial history of CBWRA, I will highlight the following expenditure/bad decisions which have led to the current situation:

Up to £11,000 was spent on fees for Roger Southam in relation to the 'retendering of the management contract'<sup>1</sup>. This was a pointless and doomed exercise, taken without any resident consultation, which not only wasted money but also wasted most of 2022, when Right to Manage could have been pursued instead.

Around £6,000 was spent again with Roger Southam on a supposed 'audit' of service charges, CBWRA refused to share this with residents for many months claiming that this would be disadvantageous to any legal or tribunal action they might take, and then released it to residents having decided to take no further action with it and providing no analysis of how it might be helpful. There was no further investigation and no challenges to any service charges at First tier tribunal or otherwise,

**Revenue which could be obtained through advertising on the CBW app has been lost because CBWRA have refused to allow estate agents to advertise on the CBW app. The CBWRA treasurer Toby Spoerer stated at a committee meeting in May 2023 that Garton-Jones estate agents would not assist the Right to Manage process if any other estate agent was allowed to advertise on the CBWRA app.** CBWRA have claimed there is no demand to advertise on the app and that there was no one available to take the work forward in terms of finding potential advertisers but ignored my offer to do so. An estate agent which I put in touch with CBWRA did not receive a response for over 6 months. **If there really was no value to the estate agent advertising on the CBW app then why would Garton-Jones make such a demand of CBWRA?** The app advertising may be of limited value to Garton-Jones as they have an office on site, but it certainly has value to other estate agents who do not have offices on site and wish to get a share of the CBW sales and letting market.

Rendall and Rittner ceased to automatically deduct CBWRA membership fees from leaseholders in the service charge (i.e. they ceased to automatically make every leaseholder a member of CBWRA by default, which had given CBWRA an annual revenue in the region of £20,000). In fact this automatic fee deduction should never have happened and is the result of an extremely questionable and cosy relationship between CBWRA and Rendall and Rittner.

CBWRA's unexplained and unjustified increase of its membership fees by 140% in February 2023 led to many people simply refusing to pay any membership fees at all. This bizarre decision was reversed in September 2023 without any explanation.

## 8. CBWRA's removal of the constitutional requirement for resident auditors

The CBWRA [constitution prior to September 2023 required \(article 5.3\) that:](#)

**" The Association in general meeting shall appoint two members (not being members of the committee) to act as auditors"**.

[This requirement has been removed in the new constitution.](#) In fact such 'auditors' (who are supposed to be CBWRA members but not committee members) were never appointed to the best of my knowledge in contravention of the constitution. The fact that this requirement has been removed from the constitution means that another vital check and balance on the power of the Chair/s has been removed, and another vital aspect of transparency has also been removed, without any explanation or discussion.

## 9. The unelected 'oversight committee' which performs no oversight

The absurd invention of CBWRA that is the 'oversight committee' are only empowered to approve expenditure by the chair/s of more than the annual income of CBWRA i.e. they would never be involved in oversight of expenditure by the chair unless it was at an absurd level in a single transaction and they are in

---

<sup>1</sup> The treasurer stated in the April 2023 AGM that 'RTM and retender consultation' had cost £7,500 and 'other retender works' had cost £3,750. In my view the use of the term RTM in relation to these costs is misinforming residents as these costs were nearly all to do with retendering the management contract which has nothing at all to do with RTM. I am happy to be corrected on that if CBWRA wish to supply the relevant data.

any case current are former committee members. As we saw in the conduct of the elections this committee do not perform any 'oversight' and are a meaningless paper device to avoid genuine external scrutiny or oversight in my view.

Since the 'oversight committee' have never been elected and 'inherit' their position as the former occupants of un-elected post (i.e. former treasurer, former secretary), **they need not even be a current leaseholders or resident at CBW**. E.g. someone who was a leaseholder, and on the committee may then sell their property yet could remain on the oversight committee. It is quite possible to simultaneously be a committee member, a director of the RTM company and a member of the oversight committee at the same time, so the oversight committee is no in way independent of the committee or the RTM company.

In short, the 'oversight committee' is a joke both in terms of the criteria for membership and in because it performs no meaningful oversight.

## 10. In summary

You (The 'co-chairs' Larissa Villar Hauser and Louis-Sebastian Kendall have) not been fairly elected and in my view and that of many residents who supported me, have zero legitimacy as a consequence. Your election and Chairship, in my view, has been characterised by:

- Censorship and suppression of discussion on the CBW app through various means
- Refusing to publish key documents in the CBW app for fear that people might actually discuss them,
- The seeming tolerance (or some might feel, the use of) of pro-committee trolls on the CBW app to shut down those who ask questions or criticise the CBWRA committee
- The continued closure of my CBW app account for pointing out that CBWRA was misinforming residents about Right to Manage not being possible. CBWRA absurdly claim that there is a legal reason why they cannot discuss this but are unable to say what it is or to supply any documentary evidence to support. This is obvious nonsense - a pathetic fig leaf which you imagine will cover the real reason for closing my account – which is because I made residents aware that CBWRA was misinforming them (up to the end of 2022) that Right to Manage was not possible and also to prevent fair elections.
- Unfair, grubby and dishonourable conduct of the Chair elections in Jan/Feb 2023 which included online bullying, cowardly assassination of my character on a platform (CBW app) where I could not reply by the former chair Mr Stephen Thompson and committee members repeatedly telling the most outrageous lies about me and bullying of those who supported me.
- Unwillingness to deal with committee members/RTM company Directors who have been the subject of multiple police complaints and yet remain on the CBWRA committee / Director of the Right to Manage Company
- Failure to conduct any elections for committee or Directors of the CBW Right to Manage company
- Rewriting the constitution to even further weaken or remove checks and balances on the power of the Chairs and giving residents only 10 days to look at it, and telling them that it only contained minor changes.
- Relying on and exploiting the fact that many residents do not have time to pay close attention to the detail of documents or procedures in relation to the CBWRA.
- Failure to produce full or accurate notes of meetings, censoring criticism of CBWRA in meetings and in at least one case ('leaseholder forum on 4.10.23), failure to produce any notes at all
- A financial crises in CBWRA, with funds having fallen from around £27K two years ago, to less than £5K at the current time
- Failure to make progress on Right to Manage in a timely way and failure to keep residents updated about such progress as may have been made. After nearly a year, CBWRA is apparently still unable to give a timeline for submitting the Right to Manage notice to freeholders
- Complete mismanagement of the refurbishment of the fountains/ponds so that this has dragged on for well over a year with infrequent and inadequate updates to residents

These are things that the current CBWRA Chairs and committee should feel embarrassed about. They are ludicrous banana republic style behaviours, a continuation of the dysfunctional and controlling culture created by the former Chair, and I and other residents will make sure they do not continue.

There must be fair elections for Chair and committee of CBWRA and for the Directors of the Right to Manage company which controls the money of the residents' association and in fact control the residents' association more generally.

There must be freedom of speech on the CBW app and elsewhere and the Chair/Committee must be accountable for their actions and performance (or lack of).

It is important that you give residents clear information about progress with Right to Manage, and commit to a target date for submitting the Right to Manage notice on freeholders.

Right to Manage, if successful, transfers considerable power from the freeholder to the CBWRA committee/ CBWRA RTM company and effective control of a £5 million budget. **If none of that power is passed onto residents, so that they are fully informed and involved in decision-making and electing Chair and committee, then RTM will not create any meaningful change.**

## 11. Actions requested

**Please publish the legal advice which you claim prevents you from discussing the closure of my CBW app account. Failure to do will simply confirm what everyone already knows - that this claim is nonsense and the real reason for closure of my account is for highlighting CBWRA committee's misinformation to residents about Right to Manage and many other serious failures of governance.**

**Please reply to my formal complaint in section 3 of this letter about the conduct of the Chair elections in Jan/Feb 2023.**

In relation to Chair elections, please publish the election dates and procedures as soon as possible and at least 60 days before the election.

Please state how you plan to ensure that the 2024 Chair elections will be fairly conducted and please reassure residents that the appalling behaviour by the CBWRA committee during the last election, and the total failure of the so called 'oversight committee' to protect fair elections will not be repeated.

**[Allow leaseholders to see the contract with Urang regarding their appointment as agents for the Right to Manage applications and to take over the management of CBW if the RTM process is successful.](#)**

Please show some urgency in getting the RTM process moving. Please update residents on RTM and publish a clear timeline for the serving of the RTM notice on freeholders. Committee meeting notes (being one side of A4 and shared to residents 4-5 weeks after the meeting) are not adequate or meaningful updates on RTM.

Can you please explain how it is possible for a Chairperson (singular) to be elected but yet possible for two people to perform the role (as per the current CBWRA constitution). [The CBW RTM articles of association state that a Chair shall resolve deadlocked votes of the directors](#) – how will this be possible if there are 'joint chairs' of the CBW RTM (as there are with CBWRA).

Can you please explain how I (or any other resident) can become a Director of the Right to Manage company should I wish to do so? Or do you acknowledge that it is run as a cabal, a self-recruiting gang, with no reference to the wishes of residents?

Can you explain how residents will have democratic control over the RTM company given that none of the current directors (Toby Sporer, Katherine Greenaway, Stephen Thompson, Larisa Villar Hauser and Louis-Sebastian Kendall) have been elected but rather are appointed without any resident consultation or mandate and that this is more in line with an "old boy's" network than with a modern functional RTM company.

Can you please explain to residents why you think it is appropriate that a committee member who has been the subject of multiple police complaints should continue to be a member of the CBWRA committee and a Director of the CBW Right to Manage company.

Since the CBW RTM company is active and making very important decision which bypass the CBWRA (e.g. the CBW RTM signing the contract with Urang without it being seen or approved by the CBWRA committee, let alone residents) and control the finances of CBWRA, then the RTM company should be holding meetings with residents. Please tell residents when the next meeting of the CBWRA RTM company and is the next AGM of the CBWRA RTM company?

Can you please give an urgent financial statement, explain to residents how we have arrived at a situation where CBWRA has less than £5,000 in the bank?

Please publish full accounts for the last two years which detail all CBWRA income and expenditure.

**Please explain why you want me to remove the article which informs residents about the vote on the fountains (i.e. whether to invest large sums of money in new pumps or not). Why would you not want residents to know the results of the vote on the fountains or the background to this biased and unprofessional consultation?**

**Please publish the protocol which was required by my motion, passed at the SGM in September 2023 which ensures that CBW app accounts are not closed without a fair and transparent process. At the time of writing it is more than THREE MONTHS since the motion was passed and there is no sign of the protocol.**

Best wishes

Mike O'Driscoll

CBWRA's email to me of 13<sup>th</sup> October

Dear Mike,

Please find attached a document containing the emails sent by us to the freeholders.

As per the constitution, these emails and their content are private and confidential to the CBW RA and not for distribution. Should another RA member wish to see these they can write to us directly. Under no circumstances should these emails or their content be shared on a public forum where they or their content might be viewed by non CBW RA members.

On this note, the submersible pump voting results recently shared by you on your blog were also not for distribution and marked as such. We would ask you to remove them from your site.

With best wishes,

Larisa

--