

**28th May 2024 – A response to the proposed CBW app ‘terms of use’
From Mike O’Driscoll, Warwick leaseholder.**

Summary: In this letter, I reply to CBWRA’s ‘consultation’ regarding proposed new terms and conditions for use of the CBW app and highlight that **these “terms and conditions” are deliberately confusing those things which obviously should be banned (e.g. bullying, hate speech, personal attacks) with things which are simply aspects of freedom of speech (e.g. choosing to make an ‘unconstructive or ‘negative comment).**

There is absolutely no objective or rational basis to state that people must only make ‘constructive or ‘positive’ comments and this is an unreasonable imposition on free speech and is a pretext for continuing to close down criticism of the committee or any meaningful debate.

I also highlight that approximately 88% of CBW app users have been excluded from this ‘consultation (only 140 leaseholders have been invited to comment on the proposed rules and there are 1200 users of the app).

Even before this supposed ‘consultation is closed, **Chris Garston has weighed in on the CBW app and, in what seems a bad tempered and patronising post (29.5.24) has told residents that Garton-Jones would withdraw funding of the CBW app unless CBW app users obey his arbitrary ‘rules’ (which are not those proposed by CBWRA and have not been agreed by anyone).** Mr Garston’s demands seem include to include arbitrary stipulations that users must not make ‘negative’ posts or anything that makes other residents ‘uncomfortable’. (which could be pretty much include anything). **Isn’t threatening to effectively close down the app unless people do what you demand a form of bullying?**

In my view, CBWRA has also sought to systematically suppress discussion on the CBW app by refusing to publish important documents there (such as motions for Annual General meetings or the manifesto of candidates for Chair) and by insisting that residents must make enquiries privately by email to CBWRA rather than to post them on the app (even though there is no basis for this in any terms or conditions of the app). This is unacceptable and must stop.

In short my message regarding these proposed ‘terms and conditions’ is: NO to bullying, NO to hate speech, NO to personal attacks but YES to freedom of speech and YES to different points of view, YES to meaningful discussion of issues that are important to residents. There is no rational or objective basis for demanding that residents only make ‘positive’ or ‘constructive’ posts and no such conditions exist on any social media platform or online community anywhere that I am aware of. This is a crass attempt to continue censorship and make residents afraid to criticise the committee. The rules of the CBW app must not be dictated by Chris Garston of Garton-Jones and there cannot be two sets of rules.

Following Right to Manage, when [the CBW RTM company \(and its unelected directors\)](#) have responsibility for a £5 million service charge budget it will be even more important that we can have an honest and open forum for residents to express their views – good or bad, positive or negative.

Action you can take: **I encourage residents to reply to CBWRA (info@CBWRA.com) to support the points in this letter or to give their own feedback to CBWRA by 5PM on Friday 31st May. You may also wish to include accounts of your own experiences on the CBW app and what changes you would like to see.**

Dear CBWRA 'co chairs' Larisa Villar Hauser and Louis Sebastian Kendall

Thank you for sending the proposed 'term of use' for the CBW app.

1. Excluding 88% of app users from the consultation on app 'terms and conditions'

I note that only RA members (i.e. approximately 140 leaseholders) have been sent this email. but there are (the last data I was given by CBWRA) approximately 1,200 app users. So CBWRA have excluded the vast majority of CBW app users (88.4%) from the consultation about the app 'term of use'. This is typical of your weird controlling excluding behaviour and it is the opposite of what building a community looks like. It is small wonder that there are so few members and that CBWRA finances are in such a sorry state.

2. The motion passed at SGM in September 2023

[It is a shame that it has taken 9 months for you to respond to the motion which I submitted to the September 2023 Special General Meeting](#) (which followed the inquorate/invalid May 2023 Annual General Meeting)

My resolution, in September 2023, was this:

"No resident's CBW app account should be closed without a formal and transparent process, which is in writing, and in which the evidence of breaking the rules of use is presented to the resident concerned, they have a chance to respond and that they are given two warnings before account closure".

[I proposed this motion not just because of the arbitrary closure of my own CBW app account on a false pretext, without any process or evidence or right of appeal](#), but also because I was aware that account closure or potential account closure was seemingly being used as a weapon to intimidate residents who might be critical of the committee, or who stood up to bullying by committee members or their friends, and this has had a 'chilling effect' leading to self-censorship, an absence of any meaningful discussion on the app and widespread disengagement from CBWRA generally (as we can see in the fact that they have only 140 members out of 1,150 leaseholders).

3. Bullying by CBWRA committee members and their 'friends'

Bullying by committee members or 'friends of the committee' has long been ignored and certain residents who are critical of the committee have been systematically bullied with apparent impunity by these people. [One person who has been the subject of multiple complaints from residents, and who was discussed at the meeting of Chair candidates in April continues to engage in personal attacks on the app](#) and on the very day I write this (29.5.24) is apparently complaining that people have blocked him and is demanding that the blocking function on the CBW app be removed – presumably so that he can continue to attack them.

For reasons that are unclear to me it appears that the co-chairs and committee think they have a right to operate in a criticism-free environment, where only praise is allowed and any form of questions or scrutiny inevitably result in personal attacks on the questioner. I have a considerable database of this behaviours by committee members (and others) against myself

and others on the CBW app going back many years and it includes some of the most outrageous and systematic online bullying that I have ever seen in any context.

One member of the committee, who engaged in bullying on the CBW app on numerous occasions, recently resigned following the publication of tweets which were rabidly antisemitic and called for military strikes on the UK.

One member of the committee who is also a Director of the CBW RTM company has been the subject of 4 police complaints from 3 residents and yet remains in position.

4. Who is in charge of the CBW app – residents, CBWRA or Chris Garston of Garton-Jones?

In his post on the CBW app on 29.5.24, Chris Garston appears to be cutting across this 'consultation' on the CBW app 'terms and conditions'; and threatening to withdraw funding of the CBW app unless CBW residents obey his arbitrary rules, which are not the same as those proposed by CBWRA, and which have not been consulted on or agreed by anyone, but which also stipulate no 'negative posts'. Again we must ask – who will judge what is a 'negative post' and why are 'negative posts' not allowed. If a resident wants to criticise Garton-Jones estate agents (as many have in the past) no doubt this will be called a 'negative post' and not allowed. Ditto - If people want to criticise the CBWRA committee – or Urang (after they are appointed).

We can all agree that there should be no bullying, personal attacks, hate speech etc but the idea that people must only say 'positive' or 'constructive' things is not reasonable or workable, It does not apply on any social media platform for that reason, It prevents any meaningful discussion and prevents criticism of Garton-Jones estate agents or the CBWRA committee. It is a form of intimidation in my view to tell people that they must only say positive or 'constructive' things (as judged arbitrarily by Chris Garston/CBWRA?).

5. My feedback on the proposed new 'terms of use' of the CBW app (which apparently will also apply to the CBWRA Facebook group)

These 'terms and conditions' which CBWRA propose are shown below (as circulated by CBWRA on 20.5.24). **Note that these contain no reference to me or the motion passed at SGM which have forced CBWRA to produce these guidelines.**

Although these 'terms and conditions' are 9 months late, and I will give some credit for the fact that CBWRA are CONSULTING residents (RARE!) about the guidelines, even if 88% of app users have been excluded. Whether CBWRA take the feedback on board or not is another matter- I think it is highly unlikely based on previous experience.

[Needless to say no such guidelines were applied in the closure of my app account which was simply because I pointed out that the CBWRA Chair and committee were misinforming residents by saying \(up till the end of 2022\) that Right to Manage was not possible](#) and I challenged the behaviour of the former Chair (who has been the subject of 4 complaints to the Police by 3 different residents) and other committee members.

The 'Co Chairs', Louis Sebastian Kendall and Larisa Villar Hauser claim there is some legal reason why they cannot discuss the closure of my CBW app account but this is total nonsense and they know it. When asked by my solicitor to produce any evidence to support this claim they were unable to do so. It is simply censorship and sadly censorship which will continue if these rules are adopted as they stand, **because anytime you may wish to ask the committee a difficult question or (god forbid!) criticise them, then you will be told that your post is 'not constructive' and if you persist then your account will be closed.**

Following Right to Manage, when [the CBW RTM company \(and its unelected directors\)](#) have responsibility for a £5 million service charge budget it will be even more important that we can have an honest and open forum for residents to express their views – good or bad, positive or negative.

I therefore encourage residents to give feedback to CBWRA (info@cbwra.com) on these proposed guidelines/rules and to support me in saying that it is not reasonable to make it a rule that posts are 'constructive' and this is an absurdly subjective term which the (unelected) committee can and will use to suppress criticism or difficult questions which they would prefer not to answer. **FREEDOM OF SPEECH** is an important principle and such an arbitrary and subjective limitation on it is absurd. Residents should also have the right to be present when an appeal is heard.

The proposed new terms of use as circulated by CBWRA (to RA members only) on May 20th, 2024.and my feedback

Dear RA member,

We hope you're enjoying the warmer weather and promise of summer.

We have prepared a new set of App Terms of Use and are sending them to RA members for review before they are implemented. We would be grateful if you could let us have any comments by 5pm on May 31st. (info@cbwra.com)

These Terms of Use will also be used on Facebook.

Thank you and all best,

Larisa and Louis

Welcome to the Chelsea Bridge Wharf Residents App!

CBWRA proposed terms and conditions	My (Mike O'Driscoll) reply
<p>Welcome to the Chelsea Bridge Wharf Residents App!</p> <p>Communities thrive on mutual respect, inclusivity, and constructive engagement. When joining the CBW App community, you agree to abide by the below terms of use, designed to foster a positive environment for all:</p>	<p>These are fine words but sadly they are also grossly hypocritical empty words coming from CBWRA which has presided over a hotbed of extreme online bullying for 3 years.</p> <p>What respect has been shown to residents who are bullied mercilessly just for questioning the wisdom of the Chairs or committee</p> <p>These 'terms and conditions do not distinguish between RULES and GUIDELINES.</p> <p>e.g. is it a RULE that users must only make constructive posts? Can their account be</p>

CBWRA proposed terms and conditions	My (Mike O'Driscoll) reply
	closed for criticising the committee or Garton-Jones Or is this a GUIDELINE. The intention is clearly to blur the lines so that people are afraid to be critical.
<p>1. Be Constructive: Engage in discussions thoughtfully and respectfully. Add content that contributes positively to the community. Do not use derogatory remarks, trolling, or inflammatory language.</p>	<p>"Be constructive". Why should all posts be "constructive" and who will judge that? The CBWRA committee of course. Will criticism of the CBWRA committee be considered 'constructive'? No of course not, so basically this means a ban on criticism of CBWRA and (when they are in place) probably Urang too. It is good if people make 'constructive' points and intelligent discussion would be welcome as it is entirely absent on the CBW app but to insist on posts being 'constructive' as a rule is ridiculous. Can you imagine what Facebook or Twitter would look like if it was a rule that posts must be 'constructive'? About 90% of the content could be considered in violation.</p>
<p>2. Respect Your Neighbours: Remember, every member is a valued part of our neighbourhood. Treat others with kindness, empathy, and understanding. Personal attacks, harassment, or bullying will not be tolerated.</p>	<p>Obviously these are SENTIMENTS that all reasonable people would agree with. Several members CBWRA committee have frequently shown the opposite of these values and there have been no consequences: one person who is still a member of the committee and a Director of the RTM company has been the subject of 4 police complaints and has insulted residents (neighbours) for no valid reason on multiple occasions. A 'friend of the committee' who has been the subject of multiple complaints from residents continues to engage</p>

CBWRA proposed terms and conditions	My (Mike O'Driscoll) reply
	<p>in bullying behaviour and is apparently lobbying for the blocking function on the app to be removed as he is unhappy that some of his victims have blocked him.</p>
<p>3. **Zero Tolerance for Discrimination:** Our community is built on diversity and inclusion. Discriminatory behaviour, including racism, sexism, homophobia, or any form of hate speech, is strictly prohibited.</p>	<p>This is more gross hypocrisy as such behaviour has not been dealt with, even when it involved committee members.</p> <p>A former committee member engaged in tweets over many months which were rabidly antisemitic as well as calling for military action against the UK. When the committee were informed of this (by me) with the relevant evidence no action was taken and her wholly implausible story (that she had been impersonated) was simply taken at face value by the co-chairs. This person had also used the term 'retards' on the app without any consequences. This person resigned, not because CBWRA forced her to, but because I published the tweets.</p> <p>A post on the CBW app, during the 2023 chair elections, which seemed to try to link me to 'Irish terrorism' was left up for more than 48 hours.</p>
<p>4. **Uphold Integrity:** Maintain the integrity of our community by sharing accurate information and avoiding deceptive practices. Do not engage in activities that could cause harm to others, including spreading factually incorrect, unfounded or misleading information, promoting scams, or encouraging harmful behaviour.</p>	<p>In the vast majority of 'claims' or debates online, there is no objective basis on which to determine what is 'factually incorrect' or 'misleading'. This is well known to philosophers and to Facebook 😊. That is why Facebook on the whole do not attempt to regulate 'misinformation' unless it relates to something</p>

CBWRA proposed terms and conditions	My (Mike O'Driscoll) reply
	<p>which is likely to cause extreme harm (i.e. people claiming that COVID is a hoax).</p> <p>As in most instances there is no objective basis to determine misinformation this article simply allows the CBWRA committee to arbitrarily define what is misinformation and thus to close down criticism and debate, as ever.</p> <p><u>In fact (in my view and supported by considerable evidence) The CBWRA committee has a history of misinforming residents on some of the most important issues telling residents for over 2 year that RTM was not possible. There are numerous other examples which I have documented here.</u></p> <p><u>Most recently it would appear that CBWRA are claiming to have secured an electricity deal outside of bulk retendering when in fact this appears to have been the work of L&Q (a similar thing seems to have occurred in relation to the Building Safety Act costs)</u></p> <p><u>My CBW account was closed on the pretext of 'misinformation' . In fact the 'misinformation' was that I was telling residents that Right to Manage was possible and CBWRA were telling residents that it was not.</u></p>
<p>5. **Use Authentic Identity:** Transparency is key to building trust. Please use your real identity while interacting on the platform. This helps ensure genuine connections and fosters a sense of community among Chelsea Bridge Wharf residents.</p>	<p>There is absolutely no reason why users should not use usernames if they wish, provided their real identity is known to those running the CBW app) i.e. as is currently the</p>

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	<p>case). It seems that the CBWRA committee and friends demand that those crucial of the committee must use their real names whereas for others it is not an issue. Forcing people to publicly display their real name makes it less likely that they will give their honest views and for some it may actually put their personal safety at risk. The aim here is nothing to do with ‘genuine connections’ whatever that means – it is to disincentivise people from being critical of the committee.</p>
<p>**Complaints Procedure:**</p> <p>Should you encounter content or behaviour that violates these terms, we encourage you to report it promptly. Here is our complaints procedure:</p> <p>1. **Report:** Write to us at info@cbwra.com to flag any content or behaviour that you believe violates these terms of use. Provide specific details and evidence to support your report.</p>	<p>The complaints and appeals process, as described by CBWRA, is also a nonsense. There is no transparency and given CBWRA’s track record of dismissing complaints without any serious consideration than there is no reason to have any confidence that appeals would be heard in an impartial way. Since leaseholders cannot attend committee meetings they would have no way to know how the appeal had been heard, or to represent themselves.</p>
<p>2. **Review:** We take all reports seriously. Our moderation team of Residents Association (RA) members, acting reasonably, will review the reported content or behaviour to determine whether it violates the terms of use.</p>	<p>A process which will apparently be done in private with no account of how decisions are reached</p>
<p>3. **Action:** If the moderation team reports that the content or behaviour is found to be in violation of these terms, appropriate action will be taken. First, the app member who is alleged to have breached them will be notified and details of the violation will be shared with that member. The app member will</p>	<p>If someone has published hate speech such as a racist attack it should be removed IMMEDIATELY and the discussion about it occur afterwards. Are you seriously suggesting</p>

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<p>be given the opportunity to respond. After consideration of any response (if one is received), the moderation team may, if appropriate, issue a written warning to the offending app member and also request the member to remove any content that violates the terms of use. In the event that the app member refuses to remove the content in question, they will be issued with a second warning and the content will be removed. Any app member who receives a warning may appeal the decision of the moderation team by following the appeals process at step 6.</p>	<p>that such posts will be left up while you converse with the poster?</p>
<p>4. **Account Suspension or Termination:** In the event the same app member receives 2 warnings for violating these terms of use, their account may be suspended or terminated. This app member may appeal the decision of the moderation team by following the appeals process at step 6.</p>	<p>Suspended OR terminated? That is quite a big difference. Suspended for how long and why? What would justify a 'termination'? There is so much subjectivity here that it is basically on the whim of the (unelected) committee to decide</p>
<p>5. **Severe violations:** In the case of severe violations of these terms of use, the moderation team reserves the right to temporarily suspend an app member's account while the matter is being reviewed in accordance with step 3.</p>	<p>What constitutes a 'severe violation?'. What are examples of this? Hopefully it would include hate speech but that is not made clear.</p>
<p>6. **Appeal:** Any app member who receives a warning or has their account suspended or terminated has the right to appeal the decision. Appeals should be submitted to info@cbwra.com. Appeals will be reviewed by the RA committee at the next committee meeting. The RA committee will vote on whether or not to take further action and their decision will be final. The fact that an appeal has taken place and the outcome of the appeal will be shared with members via the committee meeting minutes. The member requesting the appeal will be notified of the RA committee's decision.</p>	<p>The appeal process takes place in private without the person accused being present. The unelected committee (most of whom do not attend committee meetings) will VOTE on the outcome? This really is written on the back of an envelope even though you have had 9 months to do it.</p>