

Water Feature Update

28 February – 1 March 2015

1 **Columbus Point (Management) Company Limited (CPMCL)**

On Tuesday 24 February the Interim Directors (Designate) “IDDs” attended a meeting with Persimmon at Eastbourne Council Offices to finalise the arrangements for the handover of CPMCL to the Members on Friday 27 February. Among the matters agreed were:

- a) Fell Reynolds Agreement with CPMCL to provide Management Services and Company Secretarial Services after handover. This agreement was signed on 24 February.
- b) CPS Agreement with Persimmon to complete the remedial works to the Water Feature (WF). This agreement was signed on 26 February.
- c) The Owners’ Manual, which is to be completed to the satisfaction of EBC who will supervise the work required. A form of Agreement has been signed between CPS and Persimmon Homes to secure this piece of work, and the manual is expected to be delivered by the end of March.

However

- d) The CPS Agreement with CPMCL to provide maintenance services has been agreed in principle but has yet to be signed.
- e) The Hazelvine Agreement is in the final stages of negotiation.

2 **The Handover of CPMCL to Members**

Christine Allan, Ray Blunden, Bruno Di Lieto and Richard Moakes agreed to become directors of CPMCL and to continue to work to ensure the smooth transition of the company’s responsibilities to its Members and towards the appointment of a new fully elected board of directors.

Sadly, Paul Gregory has decided not to proceed to become a Director. A personal note explaining his reasons is attached to this Update. We take this opportunity to thank Paul for his hard work and commitment as part of the team.

At a Board Meeting on 27 February, the new board was appointed from midnight on Friday 27 February and the former directors (Peter Taylor and Matt Paine) formally resigned by special resolution. The existing Company Secretary (Clarke Willmott/St James’s) was replaced by Fell Reynolds.

3 **IDDs’ Legal Advice**

On 23 February, before agreeing to become directors, the then Interim Directors (Designate) (IDDs) received some of the legal advice they had requested. During the meeting with Persimmon and their solicitors on 24 February, and with subsequent documents that were presented, such points as were highlighted by the Advice were clarified to their satisfaction. As a result four of the IDD’s have decided that any potential issues raised were not sufficient to prevent them from becoming Directors in the interim, and until the company’s first AGM expected to be in May.

4 **Persimmon financial contribution to CPMCL**

Set out below is the final contribution being received from Persimmon.

**COLUMBUS POINT MANAGEMENT COMPANY LIMITED
MONIES RECEIVED ON HANDOVER
27 February 2015**

1	Agreed payment in respect of new Deeds of Covenant		£200,000
2	Agreed payment in respect of incomplete legals		£20,000
3	Agreed contribution to legal costs for the proposed Hazelvine Agreement		£3,000
4	Agreed contribution for legal costs for advice to new directors		
4.1	Full amount agreed (inc VAT)	£12,000	
4.2	Less paid to Rix & Kay on and before 27/2/15 (inc VAT)	(£3,600)	
			£8,400
		Total	£231,400

All the monies will be held in trust by Fell Reynolds.

5 **Budget**

The Directors recently received a schedule of charges expended by Persimmon during 2014-15 and to be cross-charged to CPMCL upon handover, amounting to over £53,000 (plus VAT). As a result of further handover negotiations with Persimmon, the cross-charge has been reduced to £30,000 plus VAT, a total of £36,000, for the period 1 May 2014 to 28 February 2015.

Utilities (water) and the complete refill of the WF when the remedials are completed will not be charged to CPMCL.

In the future, Fell Reynolds and the Directors will exercise tight control on maintenance activities since many owners have commented on lack of supervision and activity as well as the brevity of on-site visits; in addition as part of planned ongoing financial reviews the Directors will carry out analysis of costs to ensure that the best value for money (VFM) is always sought.

6 **Fell Reynolds Invoices**

Having used all other reasonable efforts to collect monies due, Fell Reynolds have now emailed PDF copies of overdue invoices to owners who have not paid their bills. Unpaid invoices will not be ignored and proceedings for recovery will be instigated in accordance with CPMCL's ongoing instructions. These instructions come from the former directors of CPMCL and it is not planned to change this policy in respect of settlement of the next invoice due in May.

As before, the Directors urge landlords and anyone else who has not yet received their invoice to contact Fell Reynolds without delay and to obtain a copy of their invoice for settlement.

New owners and anyone in doubt should contact Fell Reynolds' Accounts Department (accounts@fellreynolds.com /01303 228688). New owners should also contact their own conveyancers to check that the invoice has been paid by the Vendor or whether an allowance for all or any part of it had been included in their Completion Statement.

7 Current Works

The remedial work is continuing and is expected to be completed with a final testing and refill and recommissioning.

The lighting fault on the paths of Leg 2 (the central cascades) is taking longer than normal to remedy and the cost is higher than Persimmon expected. A Purchase Order to fix the vandalised bollard light at the end of Leg 3 has been approved and the light is due to be repaired very shortly. Persimmon has listed these items within their handover and remedials and the owners will not have these costs cross-charged to CPMCL.

The pavement bricks on the paths which are currently considered to be a potential trip hazard will be re-layed, also at Persimmon's expense, as soon as the work has been costed and those costs approved. In the meantime please take care.

8 Vandalism & Antisocial Behaviour

As previously mentioned, all owners should report antisocial behaviour to police (call 121) and any damage caused by vandalism to Fell Reynolds (01303 228688/management@fellreynolds.com) and remain vigilant at all times. Take no personal risks and do not challenge perpetrators.

From this weekend the costs of vandalism will be spread equally across all owners. **Now that Persimmon is no longer paying for damage caused through vandalism and antisocial behaviour, all owners have a vested interest in ensuring the WF is a clean and safe environment.**

As always,

9 New Owners & Leavers

New Property Owners

If you know any owners who might not be on this mailing list, please pass them a hard copy of this Update.

We extend a warm "Welcome to Columbus Point!" to all new owners.

If you are receiving this message from a neighbour and you are a new owner, please let us (cpmcl-ids@outlook.com) have your contact details to receive future Updates.

If you do not have access to the internet and would like these Updates hand delivered or posted, please telephone 01323 479832 so we can arrange for a volunteer to deliver a hard copy of each Update to you.

Past WF Updates, history and background, informative documents and presentations can be downloaded from the web from www.waterfeature.eu

Former Property Owners

If you are receiving this message because you were an owner of a property but have now sold, please advise us so that we can remove your details from the mailing list.

And lastly

10 Thank you

After a very busy period leading up to the handover of CPMCL to the Members, innumerable meetings, hundreds of drafts, hours of reading and editing documents, thousands of email exchanges and telephone calls, we're planning to take a break from the pressure of producing a weekly Water Feature Update.

Even so, if you have questions, suggestions or anything you want to discuss, or if you wish to know more about the volunteering to become a director on the new board to be elected at the first AGM, contact us at any time, either in person or through cpmcl-ids@outlook.com

Thank you all for your patience and support through this difficult year.

Christine Allan, Ray Blunden, Bruno Di Lieto and Richard Moakes

CPMCL Directors (Designate)

Email: cpmcl-ids@outlook.com

Paul Gregory's note to the Members

Dear CPMCL Members

After long contemplation, trusted advice, recent events, the meeting with members and, finally, solicitors' advice, regrettably I have made the personal decision that I am not going to go forward and agree to become a Director of Columbus Point (Management) Company Ltd.

Based on what I have seen and experienced in my time as a potential director, I am really not sure that I would be able give sufficient time to the company, look after my business and other commitments, and, at the same time, achieve an acceptable work life balance. I also believe, based on advice as it currently stands, that I would be unable to fulfil my legal obligations and duties to members, firstly to promote the long term success of the company to meet the needs of its members and secondly question whether I would truly be able to exercise independent judgement as a full board member of CPMCL.

The time that I have spent as a potential director, has shown the incredible amount of excellent work and negotiation that was done before I turned up on the scene and has also continued right up to the wire. A huge amount has been achieved, to the advantage of the company and members. I take my hat off to you all and the past members of the old Owners' Committee.

Because I have made the decision to revert to being "just a member" does not change the fact that I have been privy to the work and machinations that have gone on. I will still support the work that the directors are doing to sensibly and economically manage something that, in the words of Gordon Jenkins, should never have been built in the first place!

Paul Gregory