

# NEWSLETTER

CENTURY HOUSE  
RESIDENTS'  
ASSOCIATION - Dec '99

## Dolphin telecom installation and other matters

There have been several important developments recently, particularly concerning the Dolphin telecom installation. This newsletter and its attachments contain a mass of information which I have tried to present in digestible form.

In the last few months Committee members have spent several hundred hours on your behalf - and that of non-members. Please spare time - perhaps an hour or so - to read and digest the information.

The following documents are attached:

- Copy of e-mail from Alison Dunning;
- Response to Alison's e-mail;
- Extracts from the transcript of a House of Commons debate on telecom transmitters.

Alison, Flat 19, raises several issues. She believes that there is no health risk from telecom masts. The committee is not convinced. This is an important issue which is examined in the attached documents.

Comptons, the solicitors recommended by Evening Standard journalist Mira Bar-Hillel, advise us to appoint a surveyor to look at the building works specification and consider the negligence aspect. The committee believe we should take this advice.

The committee is requesting an advance subscription payment of £100 a member to cover the cost of further legal advice, hiring a surveyor and various expenses. We need to take advice quickly. Please see below for further information.

We are eager to hear your response on various matters, crucial to your property. Please would you complete the attached form and return it ASAP.

## General Meeting on 6 November

The meeting was attended by: John and Judith Lockyer (Flat 1), Toby French (6), Lesley Larkins (8), David Hoon (10), Mo Zaman (12), Maria Mareczek and Regina Klimek (16), Angus French (24) and John Bradley (30). A lot has happened since the meeting, so I will combine relevant points from the meeting with more recent information.

## Story in The Mercury newspaper

Following the Evening Standard piece, a front page story about the Dolphin installation appeared in the 27 October edition of the Streatham, Clapham and Dulwich Mercury. The Mercury is a free newspaper and part of the South London Press group. In the story, a spokesman for Cambridge Property Services stated that the company '*may be willing to break its agreement with Dolphin Telecommunications if it was felt necessary*'.

**Leasehold Reform.** Reform of Residential Leasehold - specifically the right to manage - and the introduction of Commonhold were mentioned in the Queen's Speech for the new session of Parliament but we will have to wait at least until the next session for legislation.

## Documents available on request:

- Guardian article on the safety of telecom masts;
- Powerwatch information on the safety of mobile telephony;
- Letters to Keith Hill, MP from Dolphin & Smithgold.

### Suspension of work pending investigation into health concerns

This was announced in a terse memo from CPS dated 18 October and postmarked 19 November. Smithgold were more forthcoming in their letter to Keith Hill of 27 October.

CHRA made it clear, in meetings with CPS and in its observations on the proposed building works, that it did not want telecom installations at Century House. Smithgold's original position - influenced, they say, by legal advice - was that a telephone operator could compel siting of their equipment at a property. **This is not the case**, so how do Smithgold justify the Dolphin installation? There are other issues to be considered and discussed with us, as well as that of possible health risks.

On 19 October, the day after the date of the memo to leaseholders, there was a full day's work to install the cables connecting the basement equipment with the transmitters. On 25 October two officers from an organisation called Altech(?) came to commission the installation. (We persuaded them to leave.)

Further work was done on 16 November and 18 November to install covers over the cable assembly on the side of the building. We were told that this was instructed by HSB, the surveyors for the installation, but CPS said they did not know about it. They nevertheless allowed the work to go ahead, telling us that it was necessary as building regulations had to be complied with. We protested that they were breaking the promise they had made to us and to Keith Hill, MP. We asked why, given the extreme sensitivity of the matter, neither CPS nor CHRA were consulted.

We wrote to CPS asking to be involved in the health investigation. They did not reply. When David Hoon, committee member, telephoned Lucy Cummings, Smithgold/CPS, she stated that CPS would report back once their investigation was complete. This is not proper consultation; it does not take into account any concerns we may have.

We shall write further: to protest and to ask for full details of the installation and of the investigations CPS are carrying out. We may need to commission our own survey on the safety of the equipment.

### Lambeth Planning

We wrote to Heather Rabbatts, Chief Executive Officer of the London Borough of Lambeth to express concern about what we felt was a lack of action by the Planning Department.

We were told that the matters we had raised would be investigated by Mike Hayes, Director of Strategy and Regeneration. We have not heard further, but Lionel Ebury, the Planning Officer responsible for the original application, informed us that he has asked Dolphin to apply for 'prior approval' for the siting of equipment in the basement (this was not covered in the original application). This appears to be good news.

Lambeth Planning say that they would decide to consider such an application for approval - rather than letting it go through by default - and would consult locally.

**Affiliation** - We have joined CARL (Campaign for Abolition of Residential Leasehold) at a cost of £20. Their main objective is to lobby for the introduction of Commonhold, a more equitable form of flat ownership.

### Land Registry searches and the roof lease

David Hoon ordered Land Registry searches for details of various properties: the freehold itself, flats where the leaseholders are not members of CHRA (so that we may invite them to become members) and, following information revealed by the freehold search, the roof lease.

The roof lease was created in September 1997 in order to rent roof space to Orange for their installation. It was sold by Smithgold to Wingdawn Property Company, apparently for £15,000 (which seems a low price given the revenue that might be produced - we read that annual rent of between £6,000 to £10,000 is typical for such installations). Longmint purchased the lease earlier this year, presumably to enable them to arrange and benefit from a deal with Dolphin.

David Hoon persuaded the Land Registry to provide us with a copy of the roof lease. As the roof lessee makes no service charge contribution we could consider leases to be faulty and apply to have them altered. The roof lease states that the freeholder covenants to provide insurance. *We wonder what insurance arrangements exist and if flat leaseholders are paying to insure the Orange installation. The lease also states that the roof space shall be used only by Orange - i.e. not by anyone else, not by Dolphin.*

There are more complex issues relating to the fact that the installation is over areas owned by the freeholder and a leaseholder. These concern control of land, which a telecom operator is required to have for an installation, and the implied obligations for 'quiet enjoyment' and not to 'derogate from grant'.

### Contact with local residents

Edna Patterson, a representative of residents of the Albert Carr Gardens Estate, has spoken about the telecom installations to Julian Heather and to Keith Hill. We have delivered information to residents at Century House who aren't CHRA members, including one who has knowledge of electromagnetic fields and the health risks they may present. We intend to contact other local residents.

### Legal advice

We met John Midgely of Comptons, solicitors, on 9 November for a two hour meeting covering building works issues, the telecom installations and our relationship with the freeholder/agents. We now have a letter from them, which the Committee will discuss shortly. We know that we want to instruct a surveyor - cost circa £1,500 - to assess the proposed building works. This would need to be done quickly as works are due to start in March 2000. We should also probably ask Comptons to consult Counsel about the telecom installations.

There will be more on legal advice in our next communiqué. *The committee strongly believe that legal action must be initiated to solve our problems and ensure we get fair treatment.*

### Company searches

We have performed Company Searches on a number of companies including Smithgold, Longmint and Longmint Management.

Smithgold, the company which owns our freehold, is owned by Longmint. Lucy Cummings, Neil Bellis and Juliet Bellis own one third each of Longmint.

Longmint Management is a new company, formed in February 1999 and owned by Neil Bellis and Lucy Cummings. We see that 'Cambridge Property Services' correspondence is now on Longmint Management rather than Longmint notepaper.

The accounts posted for Smithgold seem to indicate that up until 1997, the Century House freehold was valued at £18,000; then re-valued at £25,000 before the creation and sale of the roof lease; and re-valued again at £18,000 after the roof lease sale. Whatever the amount, it is less than the value of any one leasehold flat.

Subsequent to Longmint's purchase of Smithgold, Smithgold have bought other - at least four - freehold properties. Longmint and Smithgold have charges (loans or mortgages) against about 75 freehold properties. Leaseholders at these properties may be useful contacts.

#### Leasehold Valuation Tribunal (LVT) cases involving Longmint

We have discovered that two groups of leaseholders with Longmint as their freeholder made applications to the LVT for a determination on the reasonableness of service charge costs. Both cases were successful for the leaseholders.

In one of them, concerning costs amounting to a little over £3,000, a leaseholder represented himself while Longmint were represented by a QC, Lucy Cummings, Juliet Bellis and Ian Thompson of surveyors Haywards. We wonder at what cost the QC was employed and whether the amounts in dispute merited such an expense?

Ian Thompson is also surveyor for *our* building works.

The Tribunal referred to 'exhaustive representations' made by the leaseholder; to Miss Cummings 'refusing to provide copy documentation'; to the leaseholder being 'faced with intransigence'.

#### Internal redecoration and repair

This is being foisted upon us. Much as we would like the work to be done, it is sensible to do it only after the major works are complete. This is a position we thought we had agreed with CPS.

Other points: Is a surveyor needed? Why weren't we consulted earlier? The type and quantity of carpet is not specified and its cost - £20/m<sup>2</sup> - seems expensive. Should it be necessary our intention is to challenge the works on the grounds of reasonableness (s19 Landlord and Tenant Act 1985 as amended).

#### Streatham Regeneration Meeting on 30 November

David Hoon and I attended the above. Lambeth is promoting 'regeneration' of several town centres including Streatham. Streatham has also been awarded an English Heritage grant which should mean that £900,000 is spent on improving a designated conservation area consisting of commercial premises and public spaces.

London Transport are to apply to the Government to extend the East London tube line to Streatham Station using existing over-ground track! The application is supported by mayoral candidates Ken Livingstone and Frank Dobson.

David and I spoke to several councillors including Jim Dickson, the leader of the council, concerning the Dolphin installation at Century House.