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FW: Brookvale Estate

To chair@brookvaleresidentsassociation.co.uk Copy Mark Alp <mark.alp@bellway.co.uk> •
Dan Channon <dan.channon@trinityestates.com> • admin@brookvaleresidentsassociation.co.uk

Dear Acting Chair,

Following my email dated 20th January, 2025, I am now in a position to respond in full and feel that it is important to set out Bellway's contractual obligations and provide an overview of the current structure of the management company for the Brookvale development:-

1. As you are no doubt aware, Brookvale Management Company Limited (crn: 12098396) (the **Manco**) was set up to manage the communal areas and facilities at the Development. It is standard practice for most housebuilders to set up a management company which will ultimately be responsible for the upkeep and management of a development following completion (subject to the payment of a service charge by residents).
2. At the point when the Manco is incorporated, it is usually the case that a development has not yet been constructed and as such, Bellway representatives will be appointed as directors.
3. A tendering process will then be undertaken where managing agents (such as Trinity Estates) are invited to tender for the works to upkeep the Development. Subject to the outcome of that process, a managing agent will be selected and an agreement between the Manco and the managing agent will be entered into. This agreement is usually for a set number of years, and after expiry a similar tendering process will need to be undertaken and a new managing agent can be appointed if necessary. Please note, it is not until the site is formally handed over to the Manco that it becomes the managing agents responsibility to upkeep the land.
4. I note in your letter you query whether there are plans in place to accommodate a residents management company. We would kindly point out that the Manco is a resident run management company, I would refer you to clause 26 of the Contract for Sale entered into between Bellway and all plot purchasers. Clause 26 states (amongst other things) that upon completion of the purchase of a property at the Development, the purchaser agrees to become a member of the Manco, and if requested to do, will accept the appointment as a Director or Secretary of the Manco.
5. At the point in time which the Development is completed (i.e. when all plots are sold, open spaces are completed and roads adopted by the local Highways Authority) Bellway will (1) appoint its solicitors to formally transfer the open space at the Development to the Manco and (2) resign as Directors of the Manco.

6. Following the resignation of the Bellway representatives, residents who wish to become Directors of the Manco are free to do so. Irrespective of whether a resident becomes a director, all residents are members of the Manco and have various rights as members (as set out in the Manco's Articles of Association).
7. It is acknowledged that currently Bellway representatives remain the Directors of the Manco, this is due to delays with the adoption of the roads at the Development. Unfortunately these delays are outside of Bellway's control due to the involvement of an independent third party. Rest assured that Bellway remain committed to working with the local Highways Authority to arrange for the roads to be adopted, at which time, the Bellway directors will resign from the Manco and the process outlined above will be completed.

We note in the letter that you make various requests, i.e. inspection of documents, to be invited to meetings etc. As outlined above, at the point in time when the land is formally transferred to the Manco, and the Bellway representatives resign as Directors of the Manco, as a resident, and a member of the Manco, you would have various rights as set out in the Manco's Articles of Association. Such rights includes, amongst other things, attendance at meetings. Whilst it is your prerogative to do so, in circumstances where the Manco is intended to be a resident run management company, it is not necessary to set up a residents association.

Whilst we note your request for the common parts at the Development to be transferred to Brookvale Residents Association, unfortunately Bellway would be unable to agree to such transfer. Bellway is contractually obliged to transfer the applicable land to the Manco and, as such, would be unable to agree to any other such transfers.

Bellway acknowledges the delays with the formal transfer of the land to the Manco, and the subsequent resignation of the Bellway representatives as directors of the Manco. This is due to the delays with the adoption of the roads at the Development, please be rest assured that Bellway remain committed to resolving the issues with the local Highway Authority. Following the adoption of the roads, the transfer and resignation process will be completed, at which point residents can choose to become Directors of the Manco.

We will endeavour to keep all residents updated with progress made to have the roads at the Development adopted and we thank you and your fellow residents for your continued patience.

Kind Regards

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