

## V&S (No.3) Limited

The Estate Office, 12A The Quay,  
Emerald Quay, Shoreham-by-Sea,  
West Sussex BN43 5JP



11 October 2023

Dear Member

We are writing to you as your Board to ask for your support as we navigate some testing times. We understand that the pool being closed is frustrating and hope the information and history below will explain things.

Since the AGM, we have been dealing with a large volume of emails from a few members. These parties are claiming that 'just fix the leak' is all that is required, despite the expert opinions to the contrary and our legal obligations. In the face of this expert opinion, which they do not wish to accept, they have broadened their approach to include questioning every aspect of the Board's conduct. It would appear that they seek to undermine the duly elected Board in general. Communication with these individuals is taking so much of our time that it is significantly affecting the ability of the Board to conduct its normal business.

We are informing you because we fully expect that, despite our best efforts, it will culminate in another attempt to remove the Board members. We ask that every one of you keeps well informed and engages in any voting processes, so that you are able to play a positive part in deciding the future of our estate. We are always happy to answer any questions put to us.

### **Pool information and update**

Since the pool was closed in early April after Southern Water gave us notice of a major leak, we have been attempting to understand and solve the problems. It has, unfortunately, taken quite some time. As we investigated things and discovered more, we became aware that the issues were considerably more complex. From the start, there has been pressure from certain parties to 'just fix the leak' which itself took much of our time, explaining why we could not simply do this. We hope the information below explains why.

Here is the timeline overview of events since April:

- Beginning of April – We received a letter from Southern Water advising of excessive water usage; as ordered by them, we shut off the supply and closed the pool.
- During April – A leak on the inbound water feed was located and fixed, and pressure testing of all the pipework was carried out.
- May/June – We contacted 13 pool companies for advice and quotes, responses were slow.
- 20 June – EQF wrote to us to say they were sending a surveyor.
- During July – We arranged for the pool to be filled, cleaned and commissioned to see if it was possible to open for the summer holidays, but too much water loss was noted on the water meter so this was not possible.
- Last week of July – EQF's contractor (Leakmaster) attended and commenced pressure tests; when we learned this was not a surveyor but a leak detection company, we instructed a surveyor to attend (due mid-September).

- Last weekend of August – Leakmaster returned to finalise tests.
- 29 August – Our surveyor (Pool Consult) attended earlier than anticipated.
- 1 September – Leakmaster test results received.
- 6 September – Full report from Pool Consult received and tendering for quotes proceeded.

Unfortunately, there was some misunderstanding in June between EQF and V&S as Leakmaster are not swimming pool surveyors; they are, as they state, 'Leak detection specialists'. Once this became clear, V&S commissioned a survey by an accredited swimming pool consultant. This survey was carried out by Ian Betts of Pool Consult, who is regarded as one of the top technical authorities in the industry. He was previously president of the ISPE and represented them on the Technical Committee when the new BS EN standards were produced. He was also involved in the PWTAG during production of the Swimming Pool Water Treatment and Quality Standards.

When the pool was originally installed some 35 years ago, it was designed as a domestic pool and, we assume, according to standards at the time. Unfortunately, what the Pool Consult survey has made clear is that when the pool was refurbished in 2017, it was not done as required. The swimming pool standards were completely overhauled in 2008 including the classification system. Since 2008, the pool has been designated as a 'Public use' pool, is classified as a 'Swimming Pool Type 2 (non-domestic)' and BS EN 15288 standard applies.

Of course, these changes in standards are not applied retrospectively but, since 2008, any upgrade or refurbishment which included any impact to the design of circulation, filtration, flow rates etc were required to be done to BS EN 15288.

When the Leisure Centre refurbishments of 2017 were extended to include converting the pool from a skimmer design to a deck level design, this required conformance to BS EN 15288. Unfortunately, there are no records of plans, specification or contract from the refurbishment, to enable us to see exactly why this was not done, so we must assume that when the works were extended to convert the pool to a deck level design, the appropriate advice was not given by the contractor. As any contract dispute claim has a 6-year time limit, we are unable to pursue the contractor.

V&S is legally obligated as part of our primary responsibility [to uphold the lease and abide by the law] to have adequate insurances in place, including public liability, and conformance with current standards after the 2017 pool refurbishment is required for these insurances to be valid.

The V&S report from Pool Consult gives the unfortunate conclusion that the pool in its current state is "not fit for purpose or compliant with the relevant industry standards". This is because the 2017 upgrade/conversion was not done to the required standards.

We are working with a few different accredited contractors to find a set of options to bring the pool back up to standard. Once we have these, decisions can be made, specifications drawn up and quotes sought. We will update you all regularly.

Yours faithfully

Board of Directors - V&S (No.3) Limited