# The Element Newhaven Owners Association (TENOA)

**Annual General Meeting**

 ***Wednesday 21st May 2014***

***Presiding***

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| --- | --- |
| Julie Grieve, Independent Chair**Presenting**  |  |
| Alex McDivitt, City Factoring |  |
| Graham Robertson, Hamilton Robertson Insurance Brokers |  |
| ***In attendance***Numerous Owners |  |

***Apologies*:**

|  |  |
| --- | --- |
| None Noted |  |

**Chairman's Introduction**

Julie Grieve introduced herself and welcomed everyone to the meeting and explained the purpose of the Annual General Meeting. She also provided clarification on some of the points highlighted in the Letter dated 14th May 2014. An explanation of what would be expected in terms of behavior was given. A summary of the Agenda was also given.

In terms of the proposals contained in the letter of 14th May was confirmed that, no formal objections had been received prior to the AGM. Rosemary Gibson challenged the stated position and made objection to the proposals contained within the letter, the proposed agenda and the running of the AGM. Julie Grieve asked for a show of hands of those present and the extant proposals were supported by an overwhelming majority.

**Report of the Last Year**

It was confirmed that this item had been dropped from the Agenda as the previously circulated content could not be agree on by the "old" Committee.

**Insurance Update**

Julie Grieve welcomed Alex McDivitt to the AGM for this part of the Agenda A recap of the previous agreement to have the roof repaired was given and it was reconfirmed that the Loss Adjuster will appoint a Surveyor to oversea the works.

 In response to a question from the floor Mr McDivitt confirmed the roof repair was now going ahead.

Graham Robertson, the insurance broker was introduced at this stage and, after a brief introduction from him, he confirmed that this ongoing claim is a massive problem for the current insurer who have subsequently declined to renew this at renewal. There were 7 major points which they were concerned about – a significant element of which was the insurers concerns over interference with the claim by a number of committee members, including a recently received solicitor’s letter. He did confirm, however, he had now received 17 quotes for renewal and had managed to place the insurance for an annual premium of £106k, a substantial increase on the previous premium.

A specific question from the floor asked about the claims history, the new policy details and the construction of the building. It was also stated that the next step should be NHBC to get them to step in to confirm ownership of the problem. Alex McDivitt confirmed numerous maintenance issues which comprised 54 pages; however, he was unable to proceed with any of this until he was appointed.

Alex McDivitt explained the insurance renewal process and the factor tendering process. Matt Hanson requested a copy of the claims history. Alex McDivit confirmed that such a request had previously been blocked whilst negotiations over the insurance negotiations had been ongoing but that he and Graham Robertson had now agreed this could be released.

**Appointment of Property Manager**

Prior to the AGM there had been a number of Proxy Forms returned which had already been counted. Julie Grieve explained the voting process and issued voting forms for completion by those in attendance. The completed forms were collected and 2 volunteers taken from the audience to count the votes cast. The outcome was:

**YES - 130 / NO - 70**

It was confirmed that 139 votes were required for City Factoring to be appointed on a permanent basis. Following this vote, therefore The Element was now considered to be factorless and, subsequently, all contracts such as buildings insurance, communal electricity, lift maintenance etc. now fall. The question being asked by many present was what happens now?

A specific question from the floor asked if the "new" Committee would have the mandate to appoint a new Factor on a temporary basis. It was agreed by a show of hands from those Owners present that City Factoring be appointed on a further temporary basis. The outcome was:

**YES - 72 / NO - 3**

A further proposal was forwarded by Matt Hanson that this should be for 1 month, however, after further discussion it was agreed that this period of temporary appointment be extended to 3 months to allow the new committee sufficient time to undertake a tendering process. Alex McDivitt was asked if City Factoring would proceed on this basis and he agreed to do so.

It was further agreed that the "new" Committee will produce a Letter of Appointment to confirm this and then, subsequently, set in motion a tender process for the appointment of a Factor on a permanent basis.

**Election of Committee**

Prior to the AGM there had been a number of Proxy Forms returned which had already been counted. Julie Grieve explained the voting process and issued voting forms for completion by those in attendance. For clarity, this was 1 vote (as stated in the Deed of Conditions) which comprises the 6 nominations those voting wished to comprise the "new" Committee.

There was a lot of debate between a few individuals on the content of the Constitution and questioning the voting procedure. Julie Grieve reread the relevant section of the Constitution, in particular the Clause which made reference to the voting procedure. For confirmation, this was 1 vote for 6 nominations to comprise the "new" Committee.

Prior to the votes being cast, all of those present who had previously nominated themselves for election identified themselves to the audience and gave a brief summary overview of their nomination.

The completed forms were collected and 2 volunteers taken from the audience to count the votes cast. The outcome was:

**Candidate 1 - Rev Rodney Matthews - 84 votes**

**Candidate 2 - Andrew Laing - 110 votes**

**Candidate 3 - Alastair Byres - 110 votes**

**Candidate 4 - John Kimber - 51 votes**

**Candidate 5 - Alan Henderson - 99 votes**

**Candidate 6 - Evan Simpson - 20 votes**

**Candidate 7 - Peter Anderson - 87 votes**

**Candidate 8 - Kathleen Dickson - 92 votes**

**Candidate 9 - Michael Sullivan - 117 votes**

**Candidate 10 - Rosemary Gibson - 33 votes**

**Candidate - 11 - Graeme Ferguson - 139 votes**

**Candidate 12 - Marc Myburgh - 93 votes**

This was confirmed after the 3rd counting of the votes. It was confirmed that the "new" Committee therefore comprises the following nominations:

**Andrew Laing**

**Alastair Byres**

**Alan Henderson**

**Michael Sullivan**

**Graeme Ferguson**

**Marc Myburgh**

**Any Other Business**

There was no other business discussed to the closure at 2230 hrs of the venue where the AGM was being held. This being the case the AGM closed at that time.