

# The Element, Newhaven, Owners Association Committee

Minutes of Meeting 8<sup>th</sup> October, 2019

7.00pm at 33/9 Western Harbour View

## Preliminaries:

- a) **Present:** Rodney Matthews (RM—chairman), Ken Webb (KW—secretary), Martyna Adamowicz-Brice (MA) & Alastair Byres (AB)
- b) In attendance:
- c) **Apologies:** Evan Simpson & Jane Brook
- d) **Introductions:**

RM welcomed newly elected members, Martina Adamowicz-Brice and Alastair Byres and gave some background information. He explained that Alastair Byres and Jane Brook, who was not able to attend, had served on the committee, Alastair as secretary, prior to the new the adoption of the new constitution at the 2017 AGM.

AB explained that problems with previous factors prior to 2015, had left the development on the brink of bankruptcy. The situation had considerably improved since the current factors were appointed. And the committee and factors had worked well together. He stood for election this time because there no one was coming forward for election at the recent AGM and he did not want any of this good work to be lost. He agreed to stand on the understanding that he would serve for a year until fresh members could be found.

## 1. Minutes of last meeting

These had been circulated to the old committee prior to the AGM, who had passed them. They were posted on the website prior to the AGM.

## 2. Matters arising

- a) **Website management:** KW reported that, following his request for help at the AGM, someone has volunteered to help manage the website, but he has not yet managed to fix up a meeting with him. **ACTION:** KW to follow up.
- b) **Neighbourhood Watch WhatsApp group:** (4.b) KW reported that a member had helped him set this up. So far 23 members have signed up, and with the addition of those present that brings the numbers up to 26. Most of these live on Western Harbour View, only one lives in Western Harbour Breakwater, and none on Western Harbour Midway. He will ask a few who live there if they could please join, as it would be helpful if we could have someone who overlooks the entrance to our basement car park to join as well. **ACTION:** KW to follow up.
- c) **Lock Boxes:** (2.e) RM reported that TEF have sent out the letter to all owners requesting them to inform TEF where these have been located. The deadline for a response was the end of September. TEF will then contact them to begin a discussion of how best to manage these in an orderly way.

d) **Parking on roads around the Element:** (Minutes of 03/06/2019 4.c) MA noted that there were still no double yellow lines on the corners of roads and access to the basement parking. She pointed out that vehicles parked on corners and along the fence on the other side of Western Harbour View were an obstacle preventing access to emergency vehicles as well as bin lorries. KW reported that he understood TEF had been in contact with City of Edinburgh Council (CEC) who have the authority to action this. CEC have agreed to take action on corners, but not on the fence side of WHV. The only recourse for the latter is for TEF to put up notices and stick notices on any vehicles parked there. **ACTION:** KW to set up a meeting with one of our local councillors to which any of the committee who are able are welcome to attend. This and other matters can be brought up (E.g. extra bins on the lighthouse park.) & TEF to follow up on signage.

### 3. Chairman's Update

The chairman updated the committee on matters relating to short term letting in the Element, especially for the benefit of new members.

There have been questions asked as to why there is still no fire safety certificate relating to cladding materials. Some mortgage companies are insisting on this, and it is preventing one or two who are trying to sell or remortgage properties from doing so through these companies. TEF asked the IQ Fire and Safety Ltd., who manage our security and fire safety, to arrange a thorough inspection of all the cladding, and this was carried out by Vertex in 2018. Whilst all the cladding was found to meet the required standards, the documentation has not been officially certified. Scottish Fire and Rescue have sent an Email recently stating that it is not their responsibility. And it is not clear who is authorised to do this. This is because the Scottish Government has not yet agreed on the standards and have offered no guidelines. However, the Vertex inspection has satisfied Aviva, who insure our buildings. TEF are therefore still waiting for the inspection documents to be officially certified. It is impossible for us to do anything more than we are doing at present until the Scottish Government sets new guidelines and regulations. It was pointed out that others have successfully sold, bought or remortgaged properties in the Element without the need for this. Owners are asked to understand that we are in the midst of a transition in regulations and to seek alternative mortgage companies if necessary.

**ACTION:** Committee to send an Email to TEF saying that there is dissatisfaction by owners caused by the fact that no one is certifying the inspections that have taken place. TEF can then use this to try and push matters forward.

### 4. Secretary's Update

KW reported that there were, currently, 246 members of TENOA and 207 voting members (one per property).

### 5. TEF reports

#### a) **Finance report and discussion:**

SM had circulated her report in an Excel Spreadsheet. AB pointed out that we have the advantage of being able to see exactly where we stand with our own accounts. (Most Factoring companies cannot produce development specific accounts like this). AB had some questions about the budget and accounts. (E.g. Why has electricity budget gone up by around 30% and why has the cost of lift maintenance for first quarter almost spent the whole budget for 2019-20?). KW pointed out that the increase in factor fees is due to the fact they are now a VAT

registered company. These and other questions will be taken up with the factors at the next scheduled meeting with them (see below)

**b) NHBC matters**

AB said that the fact that there is still no resolution of the NHBC claim for the courtyard after nearly 8 years is a matter of great concern. KW pointed out that TEF have received quotes from two different companies and that what NHBC are offering falls very far short of either. RM said that they had made a complaint, but that NHBC are very reluctant to meet claims. An update will be sought at our meeting with TEF.

MA asked why she still has not had any response from Baltic Solutions as to progress of her claim, understood to be an issue with the building, rather with her own property. She was encouraged to speak with Jakub Swidzinski (Baltic Solutions) directly about this.

**6. Setting modus operandi and dates**

The committee agreed to hold a quarterly meeting with TEF in their office to look at finances and other matters. In between they will meet in the evening once a quarter to discuss other matters. Other business can be carried out via Emails in between meetings.

Meeting with TEF on either Tuesday 5th or Thursday 7th Nov. *(But Simone will not be available between 3rd and 13th of November. 29th, 30th or 31st of October has been suggested instead. I can manage 30th or 31st. This fits with Jane's diary.)*

Committee will meet on Tuesday 3rd December at 19.00 in RM's flat.