

The Element, Newhaven, Owners Association Committee

Minutes of Meeting 3rd December, 2019

7.00pm at 33/9 Western Harbour View

Present: Rodney Matthews (RM—Chairman), Ken Webb (KW—Secretary), Jane Brook (JB), Evan Simpson (ES), Alastair Byres (AB),

In attendance: TEF representatives, Simone Myburgh (SM) and Jakub Swidzinski (JS)

Apologies: Martyna Adamowicz-Brice (MA)

1. Minutes of last meeting

The minutes of both the meeting on 8th and 31st of October were passed with amendments that had been suggested prior to the meeting. Matters arising were dealt with elsewhere.

2. TEF

- a) **End of financial year dates:** due to the date when TEF took responsibility for factoring the Green Fund currently ends 14th July and Red fund ends 30th September. The committee agreed to change year end date for both funds to the 31st October. This will also make it possible to set the date for the AGM in early October when appropriate rather than early September so that red fund element of our factoring fees and budget can be agreed before the end of the year.
- b) **Financial report:** SM had produced a financial report prior to the meeting. SM answered questions the committee raised, following which the report was accepted.
- c) **Red Fund FAQs:** SM showed the committee Red fund FAQs. She proposes publishing these on the website.
- d) **Cladding and Fire Barriers:** the committee went through the details of the report of the survey of cladding and fire safety submitted by Vertex. SM and JS answered questions put to them concerning matters that were highlighted as needing to be addressed. There were two in particular.
 - The specification of one or two fixtures (highlighted on p.10 of the report) was not known. The problem, it was explained, is that there is no information about the specifications of these items available either in the original architect's detailed plans (which are unavailable now) or in the City of Edinburgh Council's planning department that issued the building warrant and completion certificate. The only recourse is to ask an expert to look at them and advise us. TEF have been diligent in trying to locate such a person. However they are few and far between, extremely stretched by a massive demand for them in the UK as a whole, They are actively chasing this up.
 - On p. 13, it was not known if one particular material used, and produced by Kingspan, met the requirement of BR135. The factors have since received a letter from Kingspan certifying that the material does meet the required standards. In addition, investigations have been carried out around the buildings and fire breaks are in place as required

The problem, as our chairman pointed out clearly in his letter to all owners, is that building standards and regulations are an area devolved to the Scottish Government. Hence, since there is no such thing as the BR135 in Scotland, no one can legitimately certify the report. The responsibility for sorting this problem, which affects all high rise buildings using cladding in Scotland, rests with the Scottish government, not with the factors, let alone TENOA. As reported in his letter, RM has been in touch with our MSP and MP regarding this matter. We have had assurances from both that the Scottish government are aware of this and are actively trying to coordinate with the government in Westminster to urgently resolve the issue..

- e) **Ops report:** JS (Baltic Solutions) updated the committee on ongoing actions.

- **Dealing with water ingress:** Work to prevent water ingress in some apartments not covered by NHBC. Work will also need to be done to prevent water ingress into the Scottish Power substation in the basement. This will also involve resurfacing the access ramp into the basement car park from WHM. He is currently obtaining quotes for work that will have at least a 5 year warranty.
 - **Sealing riser cupboards** to prevent fire spreading and other matters and other matters.
 - **Fire alarms:** JS said fire panels are being checked to see if alarms can be added on different floors to boost the signals.
 - **Courtyard garden:** Slabs are being relayed this week. Lamp force is examining wires to the bollard lights that were causing fuses to trip because of water ingress. The Christmas tree will soon be replanted in a box to provide deeper roots.
- f) **NHBC claim for communal areas:** As requested and reported in the minutes of 31st October meeting, the committee is asking TEF to obtain legal advice as to how much it might cost to pursue these claims, the probable timescale and likelihood of success. As soon as this information and advice has been received the committee will make a decision as to whether or not to pursue these claims any further.
- g) **Making material alterations to fabric of building:** Owners are reminded that, under our title deeds, we are not allowed to alter the outer fabric of the development, even if it is the outer wall of their own property, without prior permission from the factors. In one case an outside tap has been installed on the courtyard wall from a ground floor property. Permission in this one case has been granted retrospectively after consulting with the insurers of our development who assured them that it would not compromise our collective insurance. Owners are responsible for any claim against damage caused to other properties by what they have done.
- h) **Lock Boxes:** SM suggests a meeting between owners who have fixed lock boxes so that we can deal with the matter in a way that is neat and tidy. She will also attempt to gauge the feeling of other owners in the same block about the matter.
- i) **Critical Risk Assessment update:** AB asked if JS could please provide the update on work to address the items that required urgent attention in F3's critical risk assessment report that came out in 2016. What was needed, he said, was for reference to be made to that report, item by item, in the work that has already been done. It would help if this could be presented in a brief summary to the committee prior to the next meeting so that we can examine it.

3. Complaint

A complaint had been received which the committee is in the process of dealing with appropriately.

4. Chairman's Update

RM has been advised by one owner, who owns three flats that he lets out for short lets, that he is dissatisfied with the agent he is using and has written in to the City of Edinburgh Council asking them to investigate the company.

5. Secretary's Update

- a) **Membership:** 247 members, 207 voting members
- b) **Website:** No further progress. KW will put out another request for help.

6. TENOA

Two complaints concerning the behaviour of other residents have been received:

- a) Someone has reported that there is a smell of cannabis in the stairwell of block 9 and asked us to do something about it. RM has written to the person who made the complaint saying that TEF do monitor this kind of reporting. He encouraged the person to report it to the police, but warned that it was not an issue high on their list of priorities, and he may not get a response. Other committee members who live in the same stairwell have not noticed the smell. KW commented that some people have a highly sensitive

sense of smell, which may account for the fact that others have not noticed this. The issue has also been mentioned in a conversation among the Neighbourhood watch group.

- b) Someone else complained about dog fouling in the basement. TEF are aware of this and have written a letter to the person who they believe owns the dog. The committee wish to remind owners who keep dogs as pets please to refrain from allowing their dogs to do this anywhere in the development.

7. AOCB

There was no other business to discuss.

8. Date of next meeting. 14/01/2020