

The Element, Newhaven, Owners Association Committee

Minutes of Meeting 9th September, 2020 (on Zoom)
7.00pm

Preliminaries:

- a) **Present:** (in the Zoom room) Rodney Matthews (RM—Chairman), Ken Webb (KW—Secretary), Tony Barry (TB), Alastair Byres (AB), Jane Brook (JB), Grant Laing (GL), Evan Simpson (ES).
- b) **Apologies:** Martyna Adamowicz —(The committee sends her best wishes for the important job she is doing in the test and trace team for the government.)

1. Minutes of last meeting

The minutes of the last meeting were passed as an accurate record. These will now be posted on the website.

2. Matters arising

a) **Barriers around patios (2a):**

- The committee wishes to make it clear that the authority to permit or prohibit any plan to erect any structural or external alterations around a patio wall rests solely with the Factors who are already dealing with a couple of cases in an appropriate way. The way the committee recommends dealing with this matter has been outlined in the minutes of the last meeting.
- The question of whether or not barriers around all patios need to be erected will be one of the issues that David Bonar of F3 Surveyors will examine when he does a review of critical risk matters starting on Sept. 17th (see below). An estimated cost of completing any work that is deemed necessary to comply with building and health and safety regulations will be included in his report when it is eventually available.
- And the question of how we prioritise and tackle that will have to wait till we hold an EGM in March for members to vote on owners' contribution to the Red Fund fees that will be required (See finance report below)). Meanwhile the committee advises TEF not to approve of any plans to erect other erect structural or external alterations until such time as we receive F3's updated report on critical issues.

- b) **EWS1 certification and questions regarding cladding (2b):** TEF have tried to contact Paul Nelis, of Fire Risk Assessment (Scotland) Ltd. but due to high demand he has not yet responded with any details. They assure us that they are chasing the matter up and will report as soon as they have further details. Meanwhile the committee advises owners that there are other contractors who can do the work and issue an EWS1 certificate for a fee. However, until we hear back from Paul Nelis, we are unable to move forward with the proposed plan outlined in the minutes of our last meeting.

3. TEF report

a) Finance report and Budget for next year: AB had examined the report and raised questions in a meeting with Simone (TEF) prior to this meeting. The committee thanked him for his detailed scrutiny of the finances. AB made the following points:

1. **Outstanding payments:** £19,000 marginally up from last month. 16 accounts in arrears including 7 NOPLs. This is a 4% default but one which TEF regard as manageable. They are taking all legal steps to pursue the payments.
2. **Green Fund:** This is on budget for the year.
3. **Red Fund:** On budget for the year. Next year's budget will be affected by the additional work identified by F3's Report update which will be forthcoming in due course.
4. **2020/21 Budget:** RM and AB met Simone and Jakub on the 31st August to talk through the draft budget for 2020/21, commencing 1st October. The budgets for both funds are in line with this year's actuals.

Green Fund total budgeted expenditure is £366,000. This would be covered by planned income of £367,000 assuming 100% fee income (278x12x110).

As indicated above, TEF have informed the committee that David Bonar of F3 Surveyors will commence his survey of critical risk issues on 17th September. An update of progress will be available at the AGM. An EGM probably in March 2021 will be necessary to approve any amendment of the Red Fund budget and consequent adjustment of the Red Fund fee.

Red Fund budgeted income of £66,720 will only cover current anticipated expenditure (£67,000 actual for 11 months to end August 2020). It does **not** include any additional costs associated with essential work identified by F3 Surveyors.

TEF's recommendation is to retain the Fee levels from 1st October for Green Fund at £110 and Red Fund at £20 per month.

The Committee accepted the report and approved this provisional budget for the year on the understanding that it will require to be adjusted, either after 6 months or for 2021/22, to take account of additional Red Fund costs.

b) Update on main maintenance work done in last month

KW reported that there had been three main issues that TEF had to deal with about which TEF had kept all residents well informed: the replacement of a malfunctioning part of the lift in WHV block 9, the repair of a noisy extractor fan that had been running all night on one occasion, and replacing the old mechanism for opening the exit gate from the basement car park using a fob with one that relied on an infra-red sensor.

RM pointed out that the fact that the lift in WHV block 9 needs spare parts replacing most frequently is a legacy from the fact that the original plan to install two lifts was not followed. This is something we will have to live with at this time, since installing an extra lift has already been ruled out as far too costly.

TEF informed the committee that spare parts for lifts of many makes are sourced from Spain. TB raised the question of whether or not it might be wise to have spares in stock for parts that were most likely to need frequent replacement due to wear and tear. This was particularly important in the light of uncertainty about the impact of Brexit on importing goods from Europe.

ACTION: RM agreed to have a conversation with TEF about this.

5. Secretary's Update

KW reported that there had been no change in membership since the last meeting. He has updated the website to include the Chairman's last two letters, having found a way to do that by copying and pasting text rather than uploading a document.

6. Chairman's Update

Prior to the meeting RM had circulated a paper to the committee detailing the historical development of TENOA, including the reasons why the constitution had been drawn up in a particular way. It was, the committee recognised, helpful to gain a longer perspective like this in order to see how far the situation in the Element has improved as a result of TENOA and TEF working in collaboration. Newer members of the committee, especially those who joined since the changes made in the constitution in 2017 found this very helpful.

The committee recommended that this document be used as a basis of drafting two different documents. The first of these, aimed at those who were either thinking of purchasing property here or had recently done so, would be, once approved by the committee, posted on the website. A second document, designed to inform those who were thinking of being nominated for or had recently been elected onto the committee, would be circulated as called for.

The committee agreed to allow TEF to borrow elements from it to use in publicity about their work, which other developments are beginning to take an interest in.

ACTION: RM & Committee at next meeting

7. Planning for the TENOA AGM

AGM date and platform: RM suggested that we plan to hold the AGM around the 12th of November. Whilst the committee would prefer to hold the AGM as usual, in David Lloyd Club's meeting room they recognised that we had to prepare for the eventuality that this may not be possible. To that end the committee agreed that KW should upgrade his Zoom account to a monthly subscription (£11.99 plus VAT) as this would allow for the meeting to take longer and up to 100 participants can join. GL agreed to help KW research how to hold a vote using the Zoom platform. **ACTION:** KW & GL

Amending the constitution: RM reminded the committee that prior to the current constitution the committee consisted of only six members, including the Chairman and secretary who were chosen by the committee and not by the members. He pointed out that potential new members also feel daunted by the prospect of being elected for 3 years and renewable for a further 3 years. In practice many have stood down before time and we have been able to function with four members and two office holders, the chairman and secretary, who are both elected annually. Hence he proposed the following two changes in the constitution.

- a) The purpose of the first proposal is to reduce the maximum period for anyone to hold office as a Committee member **from six years to four years**. And the maximum period for either Chairman or Secretary to hold office will be **five years**. This involves a change in the wording of the first sentence of item 13.
- b) The purpose of the second proposal is to reduce the number of members of the Committee **from six to four**, to bring it in line with the total number that was stipulated in the previous constitution. It is further proposed that the consequential time period to be served as a committee member in order to maintain a rota basis will be reduced **from an initial period of three years to two years** with the possibility of re-election to serve a second two year period. These changes will require amending the wording of Appendix 2 of the constitution.

As per the item 17 of the constitution, for these changes to be adopted a vote in favour of at least 75% of voting members present would be required. These changes would take place with immediate effect from the date of the passing of the motion.

8. AOCB

AB raised two matters

- a) In order to avoid any misunderstanding we should not distribute or post on the TENOA website draft minutes of our meetings (except to committee members). KW said he had not posted the minutes of the last meeting until after they had been passed.
- b) He asked RM where are we regarding approaching the Block reps as potential committee members? RM replied that he was in conversation with them.

9. Date of next meeting: (Provisionally, Monday 12th October 2020)