

The Element, Newhaven, Owners Association Committee

Minutes of Zoom Meeting 12th May, 2021 7.00pm

Preliminaries:

Present: Rodney Matthews (RM—Chairman), Ken Webb (KW—Secretary), Martyna Adamowicz (MA), Tony Barry (TB), Linda Gilroy (LG), Grant Laing (GL). No apologies.

1. Minutes of last meeting

These were unanimously passed as an accurate record of the meeting on 6th April.

2. Matters arising *(not dealt with elsewhere)*

a) Update on NHBC and Water Ingress: TB (*Action 1d*) reported as follows:

Having spoken with Jakub Swidzinski (JS), it is clear that the total number of outstanding NHBC claims by owners is eight, all from WHV block 9. He has contacted Matthew Collins (MC), the NHBC staff member who is currently dealing with the Element, and will be hearing back from him on 13th May. Apparently, there is also a group claim number for WHV block 9. When he speaks to MC he will find out what the status of that claim is and if all the separate claims can be settled under this group claim. He will also find out if this group claim can cover water ingress in two other properties that do not have a claim with NHBC, as they came to light after the NHBC insurance expired.

TB asked JS whether or not the buildings insurance would cover the cost of any repairs required to remedy water ingress. JS said that, since there is an excess charge of £1,000 for any claim made, it would not be worth making the claim on our buildings insurance. In addition, if there were several claims the fee for insurance would increase.

KW pointed out that, according to JS, action to remedy water ingress necessitates rope access, which only becomes reasonable only when there are sufficient numbers needing it to warrant paying them for a day's work.

b) Cladding, Firebreaks and EWS1 certification

The committee noted that the information document sent to all owners regarding this matter and the move towards Single Building Assessments (SBA), was comprehensive, clear and helpful.

RM reported that, in conversations with the chairman of the Western Harbour Owners Association (WFOA) in our neighbouring development, he heard that they have agreed to contract Phil Diamond, who is one of the few people in Scotland licensed to issue an EWS1 certificate, to undertake a SBA of their whole development for a fee of £14,000. However, each owner is still responsible for obtaining and paying the fee for their own EWS1 certificate from Phil Diamond when needed, which is based on the SBA he has already done.

Whilst that is an option open to us, and that Simone of TEF said could be absorbed within the Green Fund, the committee felt that the decision as to whether or not take the same course of action would be something best decided by members at the AGM this year once all the facts are more fully known.

Meanwhile, the committee asked the chairman to find out more detail about the contract between Phil Diamond and WHOA from their chairman. **(ACTION: RM)**

The committee also asked RM to find out from Simone Myburgh (TEF) in his weekly meeting with TEF, what level of EWS1 certification has already been given to the owners who have recently obtained one themselves. **(ACTION: RM)**

3. TEF report *(Previously circulated)*

a) **Finance report**— The following points were noted:

- Simone's summary page highlights that there is quite a bit of repair work to be done on the lifts, so she has warned of an overspend on that budget item in the Green Fund. The committee would like to know how much may need be taken out of the Red Fund to meet the cost of these repairs . LG suggested we also ask them to ask Otis for a prognosis for lift repairs so that adequate budgets can be set in future. **(ACTION: RM to put these questions to SM so we have an answer by next meeting)**
- The quote for cleaning the outside of the building has come in at £97,188, but this will be undertaken bit by bit, depending on which block needs it most. The committee assumes that this will then become a rolling program with a couple of blocks tackled each year, and seeks clarification on this point. **(ACTION: RM)**
- Underpayments at £14,034 have been impacted by the fact some still have not changed or were late in changing their standing orders. Nevertheless, it is less than last month (£14,648).
- The Green Fund expenditure is on budget at present. There is still a fair bit of expenditure to come in the Red Fund budget, and TEF are planning to carry some over to next year in preparation for significant CRR issues that they have identified in the plan.

b) **Indemnity Insurance for TENOA committee**

KW had circulated an email sent to TEF from our insurers with regard to Management Liability. The fee for “providing cover for the Officers of the Residents Association with a £1,000,000 and Corporate Legal Liability with a £5,000,000 Limit of Indemnity would be £308.01 including Insurance Premium Tax.” The committee agreed that this was a reasonable offer and requests TEF to add it to our buildings insurance. **(ACTION: RM to communicate decision to TEF)**

c) **TEF Operations Report** *(KW referred to an email report from JS)*

- i) **Substation:** Additional support beams have been fitted to support corroded steel beams, as instructed by PJ of Create Engineering). PJ needs additional drawings for the substation, but it is TENOA who have to authorise the release of these drawings. **(ACTION: RM to request the drawings from Jacobs architects.)**
- ii) **Water ingress into BT,CCTV and PUMP ROOM:** This needs urgent attention. To remedy this the contractor will have to close off WHM courtyard gate for around a month, remove slabs and any debris to reveal the membrane, then either patch it up or apply new membrane to seal it off. **(ACTION: RM to include a request these drawings from Jacobs architects as the same time as above action.)**

- iii) **Roof repairs:** HB Building have been contracted to inspect and repair the single ply roof membrane in each block where issues have been reported. HB will inspect 11WHB, and any other blocks where issues have been reported, in November. At this stage no other urgent work on the roofs are required.
- iv) **Upgrading Green areas around development:** JS has discussed options for upgrading green areas around the development with the gardener (Scott) and have agreed the type of plants that will be used. This will be tackled in stages to spread costs.
- v) **Garden Courtyard:** TB asked what was being planned to repair the tiling lining the water feature and tree planters. RM responded that TEF would tackle this when members come forward with creative ideas as to what to do with this (see minute 5 of last month's meeting), and when funds are available. At the moment CRR issues have priority.

4. Chairman's Update

RM had nothing to add to what he had already shared.

5. Secretary's Update

- a) **Correspondence:** A draft document in response to a member's Emails had been drafted and circulated to members for comment. This was discussed in detail and KW will redraft and respond when more facts are clear.
- b) **Membership:** KW reported that some new owners have applied for membership, replacing some who have left. There are currently 251 members of which 210 are voting members, one more than last month.
- c) **Website:** KW reported that he had paid the Basic Word Press renewal and the domain fees. The former is for 3 years and cost £301.97, the latter is for two years and cost £28.97, both inclusive of VAT. The minutes of 3/12/2019 have been added and the rest of the site is up-to-date.
- d) **Neighbourhood Watch:** The main activity this past month has been more about protecting and feeding the pair of swans in the pools by the lighthouse park who are, after four or more years, at last, sitting on eggs that we hope will hatch in due course.

6. TENOA matters

a) **Addressing complaints of noise from guests in short lets.**

KW reported that owners living in flats above and below the properties that TB lets have repeatedly been disturbed by noisy guests and said he had been in conversation with him about this matter. TB said that during lockdown his normal clientele were not able to book his accommodation. Instead those who lived in Edinburgh were booking the accommodation, purportedly as essential workers, but were using the accommodation for a party. These were evicted each time there was a disturbance. However, because he only heard about the problem via email after the event, it was too late. The actions he has taken to prevent such disturbances are:

- To give neighbouring owners his mobile number and ask that, should they be disturbed, they text him immediately. He is usually able to contact his guests within 15 minutes.

- Making it clear to prospective guests on the websites advertising his property that it was in a residential block and that noisy parties were not permitted.
- Making it clear when people book that should there be a complaint about noise (or smoking) that they will lose their deposit and be asked to leave.
- Putting notices up in the apartment and on the balconies asking guests not to make a noise and/or smoke.

KW said that he hoped owners of other properties that they let out to holiday guests or on short lets would follow a similar practice.

b) Planning for AGM: To be carried forward, but it is hoped to be able to do this in the courtyard garden in the second half of August.

7. AOCB

KW asked if someone on committee would be prepared to examine TEF's finance report spreadsheet ahead of the committee meeting and summarise main points for discussion or to question. GL agreed to take that role on.

8. Date of next meeting: Tuesday 15th June 2021, 7.00p.m.