

The Element, Newhaven, Owners Association Committee

Minutes of Zoom Meeting, Wednesday, 4th August, 2021
7.00pm

Present: Matthews (RM—Chairman), Ken Webb (KW—Secretary), Tony Barry (TB), Linda Gilroy (LG), Grant Laing (GL), Martyna Adamowicz (MA)

In attendance for item 1 only: Simone Myburgh (SM) & Marc Myburgh (MM) (TEF)

1. TEF report

a) Finance report: The committee examined an interim report that SM had sent the day before, a full report will be available later. KW explained that this was due to the fact that the meeting had been scheduled earlier in the month than usual due to the proposed date of the AGM and the requirements for due notice to members. SM pointed out that the Green Fund is on budget. She offered to answer any questions the committee may have after seeing the full report if they contact her.

b) Update on current NHBC related repairs: TB updated the committee on a letter he had received from NHBC in which they agreed to reexamine cases where owners have disputed their decision not to process their claim. TB said he has yet to hear by what criteria they are making decisions.

c) Single Building Assessment (SBA) update: SM had circulated a detailed information paper from the Scottish Government outlining what they are currently proposing to do about SBA. She told the committee that, because she had expressed an interest, The Element will be included in the main phase of action, the first being a pilot study.

A decision to actually participate has to be made by a majority vote at an AGM or EGM of owners, since all owners will have to share the cost of the survey. SM advised the committee to wait until we see how this plays out for the Western Harbour development before making that decision. MM said it would also be wiser to wait, because the requirements for SBA were not yet fixed. RM pointed out that even if we do decide to go for SBA, owners will still need to pay for their own EWS1 certificate.

d) Other matters:

- LG expressed some concern about two sycamore trees that were planted either side of WHB11, the roots of which could damage foundations as the tree grows bigger and taller. SM noted the concern and acknowledged that removing them and replacing them with more appropriate planting would be easier now than later. She said TEF would ask David Bonar to advise.
- The committee asked TEF to bear in mind the potential danger of water ingress seeping into the structural foundations of the Element. SM said she had been examining what has been written about the cause of the collapse of the building in Miami. But, in that case the water ingress had been invisible and was seeping directly into the structures supporting the building. In our case it is clearly visible and leaks into the basement carpark from the garden above. There is none affecting the main structures supporting the building.

MM added that flaking paint on beams supporting the building was not due to water ingress, but due to the wrong kind of paint used for a structure in a marine environment. This will be dealt with in due course.

- The committee discussed the date of the AGM at which TEF have to be present. They said that, since the final accounts for the financial year (ending on Sept. 30th) would not be ready till mid October and owners need two weeks prior to the AGM in which to examine them, it would make better sense to normally hold our AGM in early November.

At this point SM & MM left the meeting

2. Minutes of last meeting

These were passed as an accurate record. It was noted that all matters arising were dealt with under other agenda items.

3. Complaints procedure and mediation *(Item 2a in minutes of last meeting)*

LG & KW reported on a meeting they had had with May Millward MBE, Project Officer Scottish Mediation on Zoom on Thursday 22nd. She explained that the aim of mediation is resolution and agreement. To that end the mediator facilitates a conversation between two individuals and helps to each to see clearly what the nub of the disagreement is. Any formal process is suspended during the time of mediation. She advised us to amend our complaints procedure to incorporate mediation and that it is best to offer mediation as early on in a complaints procedure rather than leaving it till there are no other options.

She also recommended to us the service offered by Strathclyde Law School Housing Mediation department, whose staff were all accredited through Scottish Mediation. LG had also researched the way they operate and KW and LG were satisfied with the service they offer. This is also the service that the complainant in a complaint process that remains, as yet, unresolved suggested we look into. Alternatively, May said she would be happy to refer us to another accredited mediator should we choose to do so.

Scottish Mediation would undertake to do this for us pro bono under the Scottish Mediation Third Sector Project arrangement. And in either case, where a committee is involved, that committee should appoint one of their members to represent them in the process.

For the current case the committee appointed KW to represent them and to contact Strathclyde Law School Housing Mediation department to set this up and to communicate with the complainant.

The committee agreed to work on an amended complaints procedure that will be drafted by LG with KW after this current case has been resolved.

ACTION: KW & LG

4. Secretary's Update

- a) Correspondence:** KW thanked RM for responding to Emails during his absence. RM reported that there had been another enquiry as to how best to obtain an EWS1 certificate. RM emphasised to this person that TENOA cannot offer advice or specific contacts on the matter, but reassured them that others have been able to obtain an EWS1 certificate and sales have been completed.
- b) Membership:** KW reported that there are currently 254 members of which 211 are voting members. New owners have all been invited to apply for membership, both in the TEF welcome letter and by KW as secretary, —usually after about three months of waiting for them to apply. Two out of four of those invited in this round have applied so far.
- c) Website:** The Constitution has been updated with an amended appendix 2 as per the EGM decision.

5. TENOA AGM planning

It was noted that the Scottish Government is allowing meetings out doors now. However, in order not to exclude those who might still be reluctant to attend such an event, and since no formal AGM notice has yet been announced, it was decided to postpone the meeting till early November, and that this should be the regular time for an AGM. This would also enable members to read TEF's annual report prior to the AGM. It is hoped that, by then, people will feel ready to meet indoors as well, and that we can use the meeting room in the David Lloyd club. Nominations for the committee, for which the closing date was 30th July, would be held over till the AGM.

6. Date of next meeting.

There being no other competent business on the agenda the committee agreed to convene again on 8th September 2021.