

Sinclair Proprietors Committee Meeting

7pm 24th September 2012 - Gorgie/Dalry Parish Church

Meeting: 010

Attending: Chris Chapman [CC], Alan Eccles [AE], Bob Buchanan [BB], John Fox [JF], Richard Simpson [RS]

Apologies: Rosina Weightman [RW], Barry Moore [BM], Chris Hutton [CH], Stuart Hamilton [SH], Steven Findlay [SF]

Minutes taken by: CC

1. Chair / Treasurer's update on factor communications

CH's report on the invoice inspection done on 7th September was covered; no problems with the invoices were noted although some invoices / receipts weren't present at the time of inspection and were followed up later. At both invoice visits CH highlighted with Aspect a desire to see better accountability of the current levels in the refurbishment fund, as well as requesting that efforts be made to get better value for money (possibly changing electricity supplier, and querying the high charges for what seem like minor pieces of work on entry-phones). Also covered were complaints about low standards relating to ARC and stairwell cleaning.

CC covered the major issues worked on with the factors since April, primarily the bike store key changing, and the report on the roof tiles (the hip-ridge tiles believed to be poorly fixed). After the meeting in February where the roofing contractor was asked to investigate that issue as part of the insurance re-instatement work, no further word was received until some way through June, and then all that was provided was a 2-page note listing buildings and numbers of tiles replaced, a plan marked up with the locations thereof, and a note saying essentially that a visual inspection of the hip tiles appears fine [it had already been established in February that a visual inspection was insufficient to determine whether there was a problem]. CC requested an explanation of Aspect as to why no useful progress had been made, and why investigation into the issue wasn't done while the scaffolding was still up, as was promised at the AGM. A reply was supplied in mid August stating that Aspect was waiting to hear from the loss adjuster before they considered 'next steps', and that didn't happen. Questions regarding whether Aspect considered that they had done all that was expected of them in regard to this issue had not been answered by the date of the meeting. Investigation progress has since been made, covered later in the meeting in its own item.

In regards to the bike store lock change, concerns were raised about the problems that occurred (mix-ups with keys, proprietors being excluded), but it was generally agreed that dwelling on the issues would be unhelpful, and that everything should be sorted now.

2. Factor tendering

RS shared the current list of factors being considered, and solicited any information / experiences from other committee members. At this stage, factors are currently being brought up to speed with all the information available about the development (plans, deeds-of-conditions, insurance information, etc.). Insurance quotes will take a little time to get, but once that's done all the factors (including Aspect) should be in a position to tender. The question of development debt and possibilities of pursuing that debt after a factor change was raised; the opinion received from the other factors is that the statement that the debt must be totally written off (and can no longer be pursued) in the case of a factor change may be incorrect. However it is clear that the full amount of the development debt must be settled with the existing factor in the event of a change, even if it may be pursued separately later. CC highlighted that factors considering providing their own common block insurance policies need to make sure the policies satisfy the requirements of the deeds.

RS asked for volunteers to show other factors around the estate to cover the history and answer any questions they have on the development, to happen over the next few weeks. Following that, they will provide information and RS would finalise with the committee the terms of the tender to be requested, ideally in around a month's time. CC suggested that the next meeting would most likely be in December, by which point all of the factors (including Aspect) should have provided their tender. By that point a document should have been prepared, ready for distribution to the proprietors as part of the AGM notice, detailing the shortlist of tenders to be voted on at the AGM, the impact of any change. JF suggested that the number of factors be cut to minimise work, to no more than 3, RS would like to only do that at the final stage, to maximise the amount of information from the various factors. At the December meeting, the committee would be polled for their recommendation as to the best tender, which would be included in the distributed summary *clearly marked as an opinion only*, separate from the tender details.

Action 010-01: RS to arrange on-site walk-arounds with other factors, and progress the factor tendering to a shorter list of viable tenders

3. Hip ridge tile issue

Aspect were asked, in August, to solicit quotes from independent surveyors in regards to getting a definitive, written answer as to whether the securing of the hip ridge tiles was an issue and how it should be addressed. The opinions provided to CC were that another survey from a cherry picker would not shed any additional light on the issue, and the only way to determine how well affixed the remaining tiles were was to essentially try to pull them off, which was obviously undesirable. A fairly comprehensive answer was provided by Jim Moir of DM Hall, who consented to give a written opinion without charge. The opinion was that, although the tiles fixed only with mortar (wet-fixed) are less secure than those secured with wire as well (dry-fix), the cost of pro-actively changing all hip ridges to dry-fixing was not justified. That opinion was backed up by a representative from Redland Tiles; they won't guarantee wet-fixed tiles (due to the potential for inconsistency in the mortar used), but guarantee dry-fixed tiles, although only to the level of a one-in-fifty-year storm. The representative described last year's storms as a one-in-a-hundred year storm, and so unlikely to recur. The committee was in general agreement to follow the surveyor's recommendation, and to not take any pro-active measures in regards to

replacing the hip-ridge tiles.

CC suggested a compromise solution where, if any hip tiles come off in the future, since a scaffold would need to be erected to fix those tiles anyway, that we take that opportunity to upgrade the entire ridge to dry-fixing. To do so we would need to exclude it from the insurance claim and bear the costs ourselves (since under an insurance claim only an individual tile would be replaced, and only like-for-like, i.e. wet-fixed). However that would have the benefit of reducing the level of any claim (and helping our insurability by improving our claims history), and ensuring that if a ridge has to be fixed, it will only have to be visited once and not multiple times. If that is feasible, the committee should vote properly on whether that should be the policy in the future.

Action 010-02: CC to investigate possibility of excluding hip ridges from any future storm damage claims so they can be upgraded / fixed properly.

Action 010-03: CC to inform Aspect of the decision regarding the hip ridge tiles

4. Insurance Excess Apportionment

As part of the insurance re-valuation survey report, Aspect proposed that the apportionment of insurance excesses be revisited, to potentially apportion a larger part of the excess to a property if it is involved in an insurance claim (obviously excluding common claims such as claims on the roofs or common parts of the buildings / developments). Specifically, they suggested that if a property is the source of an escape of water, it could carry a higher share of the excess; the intention being to both encourage properties to pro-actively maintain their own plumbing, and to lessen the cost to properties not involved.

The issue of individual property insurance was raised again, and the deeds consulted; the need for a common buildings policy is clear and unavoidable. The deeds do suggest that charging a higher share to properties that are incurring a higher cost to the development is justified.

It was pointed out that the issue of blame / negligence is hard to prove, and generally agreed that any apportionment policy shouldn't be based on fault or negligence, only on which properties were involved. The difficulty of identifying the source of a leak was also pointed out, and it was agreed that such an apportionment shift could only happen if the source was clear.

The current system (based on the grouping of blocks based on their claims history) was agreed to be no longer appropriate, now that the excess has returned to being £2,500 per building. It was suggested that we should return to splitting the excess 332 ways instead. At this point AE had to leave the meeting, resulting in an insufficient quorum to vote decisively on any further motions, and no clear consensus had been reached, so it was agreed that a final decision on changing the apportionment policy should be deferred to the next meeting.

RS suggested that a mandatory plumbing check might be a more effective method of reducing the incidence of claims.

5. Gardening

The meeting running short of time, the committee considered briefly the issue of tree removal as raised by the gardening sub-committee. The consensus was that for trees in front of proprietors windows, the proprietors should be consulted, but that in general trees should not be removed without approval from the committee. The gardeners were clear that trees could be removed, but generally not transplanted elsewhere, as such the decision to remove a tree is not one to be taken lightly. The tree by 7 SP, adjacent to the power sub-station, rooted by the wall, was agreed to be removed as it is clearly problematic for the walls of 7 SP.

Finally, JF suggested the possibility of a compost heap to make more effective use of garden waste, this was agreed to be added to the agenda for the next meeting.

Summary of actions

Action	Description	On
010-01	RS to arrange on-site walk-arounds with other factors, and progress the factor tendering to a shorter list of viable tenders	RS
010-02	CC to investigate possibility of excluding hip ridges from any future storm damage claims so they can be upgraded / fixed properly	CC
010-03	CC to inform Aspect of the decision regarding the hip ridge tiles	CC

Outstanding issues from previous meetings

Action	Description	On
001-02	Committee should prioritise writing up and agreeing the refurbishment / maintenance plan with Aspect	Committee & Aspect
001-04	Committee should work with Aspect to nail down a document detail exactly what they think their responsibilities are, and on how to collaborate on monitoring progress of development issues.	Committee & Aspect
001-07	Committee to work with Aspect to make clear the plan for the bike-sheds and settle on a timetable	Committee & Aspect
005-01	CH to chase up Aspect for insurance premium invoice.	CH
005-05	Aspect to communicate desire for placing a sign to Scottish Power	NL

005-06	AE to assemble concise documentation of all events relevant to the mono-block repair	AE
005-07	JF to prepare list of possible gardening tasks	JF
007-01	Committee to invite factors to submit tenders for development to consider	Committee
007-02	Committee to seek a representative for Sinclair Close	Committee
007-03	Committee to enact a plan for changing the bike shed locks	Committee
008-01	CC to communicate opinion on gardening tenders to Aspect and request them to instruct Roots n' Shoots accordingly	CC
008-02	BB to investigate lock options and feed back quotes on ASSA type locks	BB
008-03	CC to request test bike shed light installation via Aspect / Doug Ferrier	CC
008-04	RS to investigate potential factors and develop plan for gathering tenders.	RS
009-01	CC to request timber-work only paint quote from Nancy and clarify scope of other paintworks	CC
009-02	CH to investigate billing issue with Aspect during next invoice inspection	CH
009-03	CC to request of Nancy / electrician that if stairwell timers need replaced, they be replaced with daylight sensor versions	CC
009-04	CC to communicate desire for better lightbulbs to Nancy, and get cost estimates of same	CC
009-05	CC to communicate to Nancy that Trevor's initial plan should go ahead ASAP	CC
009-06	CC to write up policy on getting fly-tipped items picked up at cost to development	CC
009-07	CC to make up proposal for new signs on fly-tipping	CC
009-08	CC to send around proposals for maps that might be put up in the doorways	CC