

Powderhall Village Owners Association AGM – March 2012

Held at Broughton School on Wednesday 18th April 2012

The Chairman welcomed a large turnout of Powderhall owners and residents.

In particular, he welcomed the four Councillors, Deidre Brock (SNP), Louise Lang (Lib Dem), Maggie Chapman (Scottish Green) and Angela Blacklock (Labour) who had very kindly given of their time to attend. Deidre, Maggie and Angela will be standing at the Council Election on 3rd May; Louise, who has recently become a mother, will not be standing.

The Chairman reported that 2011 into 2012 had passed relatively smoothly in the Village.

Snow Warning

After the dire conditions of the previous winter, preparations had been made for another heavy snow fall with supplies of grit and salt being purchased for the Village. Needless to say, this did not occur but at least we are well prepared for the next time!

Trees at B&Q

The Chairman moved a vote of thanks for the determined efforts of our Treasurer William Mackie, who through sheer doggedness finally resolved the tree problem at B&Q. It took a storm to bring matters to a head, but afterwards the dangerous trees were cut back and B&Q has agreed to closely monitor the situation in future.

Water of Leith Flood Prevention Scheme

Those present would also be aware that work on the Powderhall stretch of the Water of Leith Flood Prevention Scheme has largely been completed. We are grateful to Ian MacMillan who has been liaising with the contractors Lagan Holdings.

Resident Parking

A major bone of contention for a long time now has been the private parking situation in the Village. As those of you who have been following the Powderhall Minutes will know, the Council is to legally adopt Powderhall Road from Taylor Wimpey, the

developer, in September. Council officials have continued to insist that they are legally obliged to take over the parking spaces along Powderhall Road, it having been generally understood by everybody who purchased a home at Powderhall that these were part of their 103 per cent private parking allocation.

The loss of these spaces would leave less than two thirds of the original parking allocation – only the spaces located behind the Road, the Brae and the Rigg would be ours and these are clearly inadequate to meet the needs of 335 households.

We had thought that the situation had been resolved four years ago thanks to the efforts of Councillor Trevor Davies, who was then Convenor of Transport & Infrastructure. In 2006, the Council formally agreed to allow us to keep these spaces, instructing the developer to re-draw their original plan. However, Councillor Davies was not returned at the last election, and the Council's decision, which the Committee has in writing, was subsequently overturned by officials of the Council's planning department.

Since then Andrew Nisbet and the Chairman have had several meetings with Councillor Gordon Mackenzie, Trevor Davies's successor as Convenor of the Transport Committee. The Committee has also sought Legal advice from Brodies, who confirm that the Council is NOT legally obliged to adopt the spaces, should it choose not to. It should be observed, however, that this legal opinion is at variance with that of the Council.

Councillor MacKenzie has been extremely supportive of the Powderhall owners' situation, and has issued a "Stopping-Up" order on the spaces in question. This would allow them to revert to the common land held for Powderhall Village in Trust. However, the next meeting of the Council's Transport Committee does not take place until 18th June and there is no guarantee that after the Council Election of 3rd May, Councillor Mackenzie will still be Convenor, nor that his recommendation will go unchallenged.

The outcome will depend upon the stance taken by those Council officials who appear to be leading the offensive. Owners should be aware that the matter could end up in Court.

Councillors Brock, Blacklock, Lang and Chapman all agreed that they would support

Councillor Mackenzie's proposal, but did warn that there might be those within the Council's management who might oppose it. The Committee has therefore to be prepared to make a representation to the Council prior to the meeting on 18th June.

The Chairman said that he would certainly be keeping everybody informed as to what happens next.

Questions to Councillors

The Chairman then invited Councillors to say a few words and to take questions from the floor.

With regard to the parking situation, all four of our Councillors pledged their support for Councillor Mackenzie's Motion to be put before the Transport Planning Committee meeting on 18th June..

With regard to the proposed Gamesa Offshore Wind Development at Leith, Councillor Brock drew attention to a Planning Application display that would be open to the public on 9th May at the McDonald Road Library from 3pm –8pm. Since this is a major project that will dramatically affect the waterfront at Leith, it was recommended that as many locals as possible should go to have a look.

The Chairman then thanked Councillors Deidre Brock, Louise Lang, Maggie Chapman and Angela Blacklock for attending the meeting and wished the Councillors Blacklock, Chapman and Brock well on the 3rd May. He also thanked Louise Lang for her support and efforts over the past four years, and wished her well in her retirement.

Charles White and Deacon Insurance

The Chairman next called upon David Hutton, Executive Director of Charles White and Nicola Rankine, Factor, to provide an overview of factoring concerns over the past year.

This began with a presentation from Chris Cadwallender of Deacon Insurance who explained the charges over the four Powderhall Blocks - The Road, the Brae, 2 to 6, The Rigg and 7 to 13, The Rigg (The Town Houses are separate).

He was asked why the Insurance was divided up in this way, 6, The Rigg, **not** being attached to 2 to 5, The Rigg? He said that this was the information supplied by the

Developer. He and Charles White were asked to investigate the situation. The premiums on all four blocks had reduced, largely as a result of less water damage over the past year.

The matter of exterior staining caused by overflow pipes was raised, and it was pointed out that dripping outlets are the responsibility of individual properties, and that all that Charles White could do is to send a letter to the offending owners. In future, it was asked that if the Factor did not receive a response within a fortnight, that the matter be handed over to the Council to serve a compulsory order. It was also suggested that where properties are leased out through a Letting Agent, owners should be obliged to notify the Factor as to who they are and supply contact details.

Nicola was once again asked to obtain floor plans for all Powderhall properties so as to be able to identify water outlets, etc. These should be available from the Council Planning Department.

Internal Boilers

The problem facing owners with Internal Boilers and the legal necessity (after 12th December) to introduce Inspection Hatches was discussed. This again is the responsibility of the individual Home Owner, but it was suggested that affected Stairs might look at finding a common solution.

Bike Storage

The Factor was asked to look into the provision of more bike storage. In a lot of cases, bike stores are being used for general storage, and it should be made clear that this is not acceptable.

Approval of 2012 Minutes and Accounts

The Chairman then asked for approval of the Minutes of the 2010 AGM and for the 2011/2012 Accounts which had been prepared by our Treasurer William Mackie. Approval on both Motions was Forwarded and Seconded.

Election of PVOA Committee for 2012/13

The current Powderhall Village Owners Association committee consists of : Gordon Chrumka, Frans Kooy, Roddy Martine (Chair), William Mackie (Treasurer), Ian MacMillan, James Marsden, Andrew Nesbit, John Riley and Kathryn Tomlinson,

Formal approval for these members to continue to serve on the Committee was

Forwarded and Seconded.

PVOA Committee

For the past year, the Chairman has also been fulfilling the role of Secretary, and he said that while he was prepared to continue to do so until the parking situation was resolved. At this juncture, he felt that it would be time to hand over at least one or both of these offices to somebody else.

He therefore invited any Owner who was interested in joining the Committee to make themselves know, either after the meeting or through the PVOA Website..

Stair Rep Vacancies

The Chairman observed that there are vacancies for Stair Reps at 6, The Brae, 12 , Powderhall Road, and 19, Powderhall Road. If there is anyone from these Stairs, it would be very helpful if you would to volunteer. All that was necessary was for them to receive the Minutes by e.mail, print them out, and post them on the communal Notice Boards.

New Parking Permits

New Parking Permits have been issued to all Owner Properties – one Resident Permit and one Visitor Permit per household. Two car households are advised that they may apply to Charles White for a second Resident Permit, but must give proof of necessity. It has to be made clear that Vans and Commercial vehicles are not eligible for permits.

Garden Committee

It was suggested that the Garden Committee be reformed and the Chairman was pleased to welcome two members from the floor. Should anyone else wish to become involved in the gardening, planting and landscaping, they should contact the Chairman through the Powderhall Web Site.

FACTORING

Charles White has factored Powderhall Village since the development was created. However, with 335 home owners in the village, it would be extraordinary if everybody was happy with the status quo, and it has been strongly suggested that it is now time for the Factoring Contract to be put out to tender.

To this end, a Sub-Committee comprising James Marsden and Ian MacMillan has

been set up, and with majority approval, it was decided that they should be asked to take the necessary steps to put the Factoring of Powderhall Village out to tender.

Now this is just the first step since a change of Factor requires a Quorum of **all** Powderhall Owners to agree to do so. Nevertheless, with the recent difficulties we have been having with Charles White and costings, it was unanimously decided that it would do no harm to look at the options.

In keeping with the normal procedure in such matters, however, Charles White will be invited to tender, along with at least two other Factoring companies of proven competence.

Conclusion of AGM

The AGM concluded with the Chairman thanking all concerned, and pledging the PVOA Committee to continuing to look after the best interests of Powderhall Village.