



# **Powderhall Village Owners Association**

([www.powderhallvillage.org.uk](http://www.powderhallvillage.org.uk))

## **Minutes of Committee Meeting held on 17 January 2011**

**Present:** Roddy Martine (Chair), Ian Corbett (Sec.), William Mackie (Treasurer), Kathryn Tomlinson, Gordon Chromka, Andrew Nesbit, Jane Chisholm and John Riley

The committee welcomed John Riley as a new member.

**Apologies:** Frans Kooy

### Agenda:

- Approval of Previous Minutes
- Road Adoption and Parking
- Trees at B&Q
- Update on other Actions from last Minutes
- Any Other Business
- Date, Place and Minutes of next meeting

Approval of previous Minutes. The Minutes of the meeting on 29 November 2010 were approved.

### **Road Adoption and Parking**

**Actions (29/11/10)** Andrew has been in contact with the PA to the Managing Director of Taylor Wimpey in Scotland and e-mailed the background information requested by her so that she could brief the MD. In Andrew's absence, Roddy had tried a number of times to contact Taylor-Wimpey to press for a face-to-face meeting, but the office seemed to have been closed during most of December due to the bad weather. Andrew contacted Taylor-Wimpey again on his return, and the latest information is that the Powderhall situation has been raised to a higher level of management for a decision. A response is expected in due course.

In the meantime, the committee is pushing forward with its decision to seek a quote to get our own legal opinion on how we might prevent the Council adopting half of the parking spaces at Powderhall. Andrew produced a pack detailing the precise points on which we should seek a legal opinion, and Ian and Roddy met with two solicitors, Vicki Stewart and Alan Sutherland, who live at Powderhall and had offered general advice on how to proceed. At this meeting, a short-list of three solicitors with expertise in the area of Real Estate Planning was drawn up – Brodies LLP (a tier 1 company), Maclay, Murray and Spens LLP (a tier 2 company) and Burness LLP (a tier 3 company) – and Roddy requested a quote from each by e-mail. Maclay, Murray and Spens declined to quote claiming a conflict of interest because of the amount of work that they do for the City Council and Burness has still to respond. Neil Collar of Brodies requested additional information about the original Powderhall Planning Application by Bryant Homes and a copy of the Road Construction Consent (RCC) relating to

the Powderhall development. Andrew offered to deliver this information and relevant background information to Neil Collar in person.

**Action (17/1/11) Andrew to browse through the Planning Application and RCC paperwork to see if it contains any information that strengthens our case, and is relevant to the legal opinion we seek**

**Action (17/1/11) Andrew to deliver relevant information to Neil Collar of Brodies in person and to arrange a further introductory meeting with him if necessary (Roddy and Ian offered to attend such a meeting if required)**

**Action (29/11/10)** None of the committee members could find the phrase “private parking” in any of the paperwork concerned with the initial purchase of their properties, and although being considered a long shot, it was decided to open this request to all original owners at Powderhall.

**Action (17/1/11) All original owners of Powderhall properties to search their documentation to see if their properties were sold with “private parking”, and if such a phrase is found, to bring it’s attention to the committee via the website.**

Roddy has kept the City Council up to date on what we are doing by informing Councillor Louise Lang that we are seeking our own legal opinion.

### **Trees at B&Q**

**Action (29/11/10)** Louise Lang has replied to William stating that the Council’s Environmental Planning Dept. has no authority to intervene in our dispute with B&Q, but she has written again to the Chief Executive of B&Q and is awaiting a response.

William has been doing some more digging and has found that B&Q has a legal Duty of Care to ensure that the trees do not cause damage or injury (particularly now that we have provided them with a copy of the report prepared by Frontier Forestry stating that the trees are in a dangerous condition), but we cannot make them take remedial action.

**Action (17/1/11) Roddy to write again to the CEO of B&Q stating that no-one from the company has contacted him as promised in the acknowledgement of his original letter, and re-iterating our concern about the possible damage and/or injury from the trees and requesting remedial action.**

### **Update on other Actions from last Minutes**

List of Preferred Contractors **Action (02/12/09):** Gordon said that the list of preferred suppliers had been added to the website, but the link to this page is not working properly. **Ongoing**

Water seepage into underground car park **Action 5/5/10:** Sarah has given NHBC a copy of the plan requested to show that the underground car park is privately owned, but Colin McBeth of NHBC who

has been dealing with the claim has been on sick leave since well before Christmas, and no progress has been made in that time. **Ongoing.**

Rubbish Collection **Action 5/5/10:** Apart from the disruption caused by the weather and annual leave over the Christmas period, there have been very few complaints recently about collection of general rubbish, although the emptying of recycling bins has been less reliable. Sarah will continue to keep a watch on the Council's performance, and will take action again if necessary. **Completed**

Refilling of grit bins **Action 27/1/10:** Ian and Roddy had refilled the grit bins at Powderhall before Christmas, but already, some bins are nearly empty. Sarah will keep pressure on Taylor Wimpey to refill the bins again as a matter of urgency. There is a planned meeting soon between Charles White and Taylor Wimpey at Director level, and Sarah will make sure that the grit bins at Powderhall will be raised at that meeting. It was suggested that we should pay to have grit delivered ourselves and get the gardeners to spread it on roads and pavements when required, but it was decided to wait until we get feedback from the meeting between Taylor-Wimpey and Charles White. Roddy also said that there had been a request for an additional grit bin close to the road that goes over the underground garage, as snow and ice cause the greatest problems on this road. **Ongoing**

Communal Electricity Supplier The committee decided, on the basis of information from John Wilkinson of Telecom Plus, forwarded by Sarah, that changing supplier from Scottish Power to Utility Warehouse would be cheaper.

**Action (17/1/11) Sarah to implement change of supplier for communal electricity from Scottish Power to Utility Warehouse.**

Social Event **Action (29/11/10)** Unfortunately, the social event planned for the early evening of 19 December did not take place because both the members of staff at the Elbow Kitchen and Bar responsible for producing the advertising posters for display at Powderhall were on leave at the same time. **Completed**

Fire in Underground garage The refurbishment is now complete. **Completed**

CW Accounting System The new Charles White accounting system (RPM) is now in use and the next invoices will show any payments made by standing order or direct debit in the previous quarter. A letter explaining the new layout of the invoice will be included with the next bill. **Completed**

Secretary for 2011 Ian reported that he had a nil response to his notice asking for volunteers for the position of Secretary from March 2011 onwards, and his offer to work with any volunteer over the coming months to ensure a smooth handover.

**Action (29/11/10) All committee members to try the personal approach to encourage friends and neighbours to take over the position of Secretary from next March.**

Buildings Repairs **Action 29/11/10:** Sarah needs a formal letter from the PVOA Committee instructing her to share the costs of repairing accidental damage to the fabric or structure of the buildings (that would have been the subject of a valid insurance claim but where the work is done privately because the cost of repair is below the excess limit) among all owners covered by the particular buildings insurance policy. The current Deed of Conditions does not give Charles White the authority to charge for work on non-communal areas.

**Action (17/1/11) Ian to draft a formal letter for Roddy to sign and send to Sarah instructing Charles White to share the cost of repair work to the fabric of the building that would have qualified as a claim on the buildings insurance, except that**

**the cost of repair is below the insurance excess, among all owners covered by that particular buildings insurance policy.**

### **Any Other Business**

Loose Tiles Sarah advised that the tiles at door entrances of 6 and 7 Brae and 9,10 and 11 Rigg that had loosened during the recent freeze would be replaced by Colin Beer Property Maintenance in the next few days.

Digital TV Sarah confirmed that the communal television aerials at Powderhall were suitable for the reception of digital signals when the switchover to digital television commences from May 2011.

Bike Storage Sarah will get quotes on how to increase the storage of bicycles in the bike stores at Powderhall (the store in 7 Brae is particularly affected because of the large number of flats). Sarah will also take steps to have the tyres currently in this bike store removed if the owner has not responded to the notice to remove them within the next two weeks.

Management Charges Sarah advised that the increase in management charges at Powderhall in 2011 would increase by £3.60 per annum in line with inflation.

Powderhall Factor Sarah advised that her increased management responsibility within Charles White over the next 6 months at least will mean that she will no longer be factor for Powderhall, but the new factor will report directly to Sarah.

Emergency Cover A number of Powderhall residents had problems contacting Charles White for advice and information about what to do and who to contact in emergencies (burst pipes, etc.) during the recent cold spell, because Charles White staff were unable to get to the office. A more effective and readily accessible system of emergency contact details needs to be in place.

**Action (17/1/11) Sarah to consider how such a system could be put in place and report back.**

### **Date of AGM**

**Action (17/1/11) Ian to contact Tom Marr at Broughton Primary School to find out when the school hall would be available in March for the AGM.**

Water of Leith Flood Prevention It was noted that the Council has recently appointed the contractor for the flood prevention work on this stretch of the river and work will begin at Bonnington in March.

### **Next Committee Meeting**

The next committee meeting will be in Ian's flat (7/21 Brae) on Thursday 28 February at 7:30pm.