

Platinum Point Owners Association Annual General Meeting

Wednesday 8th October 2008

The Forth Suite, Next Generation

Chair: Duncan Clark

Secretary: Claire Dunlop

1. Welcome, Introductions and Apologies;

The Chairman welcomed the owners in attendance and introduced those sitting at the top table as PC Pennycook (Community Liaison Officer), Kenneth Robb (Gregor Shore), David Hutton (Charles White) and Lynsay Hunter (Account Manager, Charles White).

2. Minutes of the AGM held on 26th September 2007;

No objections were made to the minutes from the previous years AGM (NB these are available on the PPOA website).

3. Position and Function of the PPOA and its Committee;

The Chairman noted that the position of the Committee is still not recognised under the Deed of Conditions. However, its usefulness is widely recognised by owners in the meantime.

4. Security Commentary by PC Pennycook;

PC Pennycook advised that the area he covers stretches from Queen Charlotte Street to Newhaven. There is a low crime rate in Platinum Point, compared to the area as a whole. Approximately 150 calls are received per day to Leith Police Station, and approximately 15 calls per month are in connection with the Western Harbour. As a rough guide, these calls are made up of one third noise complaints, 20% general issues, 7% public welfare and the remainder mainly traffic etc.

A Neighbourhood Action Unit of 10 funded officers deal with community related issues. A mobile football pitch has recently been introduced which is a five-a-side football pitch which folds into a trailer. It is set up in locations experiencing a high level of youth issues and is used to build relations in those areas with the youths. The closest the pitch has been used in relation to Platinum Point is North Fort Street.

Most crimes on the Western Harbour relate to Western Harbour Midway and Terrace from the short term lets located there due to noise from the high proportion of stag and hen parties staying there and taxi frauds.

PC Pennycook noted that around the AGM time last year there had been instances of theft from the car park under Platinum Point but in the last year he had a note of only 2 thefts from the car park. He understood this to be due to poor security in other developments on the Western Harbour making them a easier target. Crimes in the Western Harbour have a 57% solution rate. Vandalism in the whole area is down 17% in the year.

PC Pennycook advised that noise complaints in general are dealt with by the City of Edinburgh Council who build a database of problems. Police deal with issues in the early hours of the morning when it could be unsafe for Council employees to attend a disturbance. However all problems should be reported to the Police in the first instance by calling the switchboard at Leith Police Station on (0131) 311 3131. If the incident takes place before 3am a Council Worker from the Noise Department will attend. If after 3am the Police will attend. He advised that when security is improved in other areas it might have a knock on effect on the crime rate in Platinum Point.

An owner queried the cameras at Platinum Point and how they can be used to assist solving a crime, Kenneth Robb advised that the cameras recordings are saved for 3 weeks and then are recorded over. Camera recordings can only be given to the Police once a theft/incident has been reported to the Police. The Police will contact the sales office at Platinum Point to access the tapes. However it would helpful if the victim advised the sales office that the crime had taken place and to warn them the police will be contacting them for access to the tapes. An owner noted there had been a breakdown in this procedure recently so PC Pennycook undertook to advise the officers at Leith Police Station of the procedure for obtaining the tapes from Platinum Point.

An owner enquired how security could be improved at Platinum Point. PC Pennycook advised that an audit had been done in connection with Gregor Shore as to what could be improved but there is always a trade off between what the owners would want to spend and what can be achieved. He noted that high rise developments notice a decrease in crime when a concierge is present but where there is a low crime rate already such a decrease will not be seen.

The Chairman advised that Tina Finch, a current committee member, has prepared a report on security and the new years committee plan to circulate this to all owners for comment.

5. Factors Report on Activities and Accounts by Lynsay Hunter, Account Manager for Platinum Point;

Lynsay Hunter advised this is her second year in charge of Platinum Point and that she tries to have regular meetings with the committee although often this is often difficult with her busy schedule. She noted that the gardener was changed at the start of the year as the previous gardener had raised his prices to a no longer competitive rate. Hunters are now the current gardeners and are making good progress in bringing the site up to standard. She also advised that some ground floor flats have put individual arrangements in place with Hunters

for them to maintain their gardens for a fee. If anyone is interested in this service they can contact Hunters through Lynsay.

Lynsay advised that the problem of weed growth in the central courtyard has been reduced by turning off the irrigation system. The Park Block end of the courtyard has not yet been handed over to Charles White for maintenance and neither has the planting along Western Harbour Place. 3 Western Harbour Breakwater and 1 Western Harbour Way have now been handed over to Charles White for maintenance and snagging issues have been worked through with Gregor Shore. 2 Western Harbour Place is still being snagged. She noted that the committee have carried out a lot of work on the snagging with Gregor Shore and everyone involved is hoping to conclude snagging issues in the near future.

The main issues which she deals with are in relation to neighbourly consideration such as noise problems, parties and rubbish left in communal areas. She requests that noise be kept to a minimum when holding a party. However if an owner is experiencing repeated problems from a particular flat they can advise her and she can contact the owner, landlord or letting agent for assistance.

Items are being left in communal areas such as furniture, boxes, prams and pushchairs. She requested that the owners of these items remove them as they create health and safety issues(in case of accident as the owner would be liable), or in the event of a fire they could create problems, they also inhibit the cleaners from doing their job as effectively.

An owner from 5 Western Harbour Way requested that thanks be passed on to the cleaners for their efforts that day in cleaning up a mess created by a resident in that stair.

It was noted that there had been issues in 3 Western Harbour Breakwater and 3 Western Harbour Way due to the size of the bin chute in comparison to the number of flats located in the stair. Chutes are being blocked with packaging material being pushed down them, the chutes are not designed to take this kind of waste. Large items should be taken down the bin stores in the car park and placed directly in the bins.

The issue of parking was raised as some owners are experiencing problems with cars being parked in their spaces. She requested that owners contact her for clarification of which space is theirs if in any doubt. Some spaces are not yet numbered and will be numbered in due course. Noticeboards are to be placed in the stair wells between the ground floor and the car park. These will hold cleaning tick lists, general guidelines for acceptable behaviour and notes of meetings/inspections. Regular newsletters are to be sent with bills such as the one sent with the latest bill. Owners can advise her if they want anything to be included in the newsletter.

Charles White have attempted to clarify bills by grouping related items such as cleaning and gardening. However miscellaneous items will always look slightly untidy at the bottom of the bill. One new owner commented that they do not have any indication of what they will be expected to pay for factoring on a regular basis. Another owner commented that reminders are being received before bills are issued. Another commented that their bill covered a period before they took ownership of the property. She advised that Charles White receive a

statement from the bank on a fortnightly basis which shows what direct debits/standing orders have been made and in connection with newly purchased flats the Solicitors advise them of the purchase date. Bills should now be received quarterly.

The Chairman noted there seemed to have been some confusion in Charles White's office at the end of March when bills should have been issued for the period to that date, but were not issued until the end of June, to include the next 3 months..

One owner requested a system where a set amount is paid each month to assist budgeting, Lynsay Hunter advised that a standing order can be set up if required. Nick Timmins noted that he has requested proof of items appearing on his bill to end of March (a 9 month period) and is still awaiting however the Deed of Condition states that Charles White have to make invoices and information available to owners within 2 months of a request. She agreed to deal with his queries asap.

It was noted that some owners have not yet received the latest bill whereas others have. David Hutton requested a list be left at the door for owners who have not received the bill. Tina Finch advised that problems could be caused at present due to a temporary postman.

Lynsay Hunter advised that any unusual items on a bill will be detailed on the accompanying newsletter. The debt recovery process was discussed as the appearance of a bad debt on a recent bill had created a number of queries, Lynsay described their debt collection process as in house chasing for 6 weeks then passed to a Sheriff Officer to pursue, if the Sheriff Officer is successful then the charges incurred by the use of a Sheriff Officer are paid by the owner. If unsuccessful then, as per the Deed of Conditions, the bad debt is to be covered by other owners (minus the debtor's float).

An owner noted that a flat should not be sold if there is a debt outstanding. David Hutton advised that a inhibition can be put on a property but the problem may not have come to light at time of sale. An inhibition remains on a property for 2 – 3 years. A owner queried the apportionment of charges on her bill. Lynsay Hunter advised that communal charges such as gardening in courtyard are divided by number of flats in the development (1/245) and charges relating to an individual stair such as cleaning are shown as a % of the floor area of the stair. David Hutton advised that he is not aware of any bad debt outstanding at the moment, and that Charles White's accounts are up to date to within one week.

Lynsay Hunter advised that they are looking forward to having the snagging completed then will deal with the concierge issue.

George Elliot queried the how much of the development is still to be handed over to Charles White for maintenance, as the Deed of Conditions states that the Owners Association has no power over the factors until 2 years after the last flat is sold. The Chairman passed the question to Kenneth Robb to be covered under item no. 6 on the agenda.

6. Representation by Gregor Shore (Kenneth Robb);

Kenneth Robb advised that Craig Gorman of Charles White would not accept handover of the unadopted gardens at their last meeting and has been unable to re-arrange the meeting

since then. The moving of the lampposts has also created a problem as the moving process created mess. He is waiting for Craig Gorman to come down to the site to arrange handover but is hoping Western Harbour Place will be handed over within the next few weeks as it is currently an eyesore. Tina Finch queried what will be planted there when the weeds are removed as the ground will be bare. It was noted that there was approval by the Council as to what should be planted there. However, Nick Timmins advised that he has met with the Council on this matter and there was no specific plan even though this was required by the planning permission. Kenneth Robb agreed to check with the architect as to what will be planted there. The Chairman requested that the committee be allowed to liaise with the architect direct, Kenneth Robb agreed to this.

Snagging is to start at 4 Western Harbour Place and elsewhere. The work that is currently being carried out is due to water ingress.

When the Park Block has been completed all remaining parking bays will be finished.

Kenneth Robb noted that due to the current economic climate sales of the Park Block are slow but the block is almost completed. Completion is expected in the next 4 – 6 weeks at which stage the car park will then be completed.

With regard to the concierge's office, a lease agreement is currently being discussed as this is owned by Gregor Shore. At present Eddie, the security guard, checks the office and the cameras each weekend.

He went on to note that the main issues in the development come mainly from rented flats. One person is limited as to what they can do to tackle problems, and he recommended that owners get together to achieve more and to involve Charles White and Gregor Shore. Kenneth noted that Gregor Shore have recently assisted in removing tenants from Western Harbour Place due to party and drug problems.

It was noted that 3 Western Harbour Way is wholly let out, and a couple of flats in this stair are causing ongoing problems which Gregor Shore are assisting with. One flat in 5 Western Harbour Way is also causing regular problems. Gregor Shore has written to the occupiers of this flat. The owner of the flat currently lives abroad. Lynsay Hunter noted that she had been in contact with the letting agent of this particular flat on the day of the meeting. Kenneth Robb noted that Gregor Shore are not duty bound to assist with such problems but are happy to help where possible. One owner asked for reassurance that the Park Block would not be sold as a block for rental. Kenneth Robb could not confirm this but could confirm it would not be used for Housing Association tenants. One owner from 5 Western Harbour Way queried as to whether a group of owners could be formed to tackle the problem in their stair, Nick Timmins agreed to co-ordinate this as Stair Representative for this stair. Kenneth Robb advised that it would help if a group of owners contacted the Council together for assistance. The factor can only do so much and then the Council need to be involved. One owner noted that incident numbers must be obtained from the police when reporting a noise incident and recorded over a number of months to present to the Council. Nick Timmins noted that tenants are not always aware of the contents of the clauses in the Deed of Conditions covering noise and anti-social behaviour.

7. Chairmans Report

The Chairman thanked Lynsay Hunter, David Hutton and Kenneth Robb for their contributions. He advised the owners that the Committee meets monthly to cover important items, items covered in the last year include;

- Snagging – the Committee have changed their approach to snagging in the last year. Previously they have communicated with Gregor Shore via Charles White but have started to deal direct with Gregor Shore on snagging issues. Lists have been prepared and agreed and are currently being worked on.
- Charles White – Lynsay Hunter has recently had a change in the level of her responsibilities. There have been a number of complaints on the lack of response from her., Previously she held responsibility for 2,500 units and this has been substantially reduced, so hopefully there will now be a more efficient response rate.
- Billing – this has caused general confusion. The committee have made suggestions to Charles White to improve it.
- Security – there was a meeting held in Newhaven Church Hall earlier in the year and a talk on security was given by PC Blenkiron, based on a report on security concerns prepared for Gregor Shore. As previously advised Tina Finch has prepared a report on security which will be circulated to all owners.

8. Concierge;

The Chairman noted that all owners should have received the report prepared by Tina Finch on the results of the concierge questionnaire. One third of those responding said they didn't want a concierge, two thirds said they did and of these half wanted daytime only. The other half said full service. Indications of the potential cost have been circulated. 75% of owners did not reply. These are generally considered to be supportive of the concierge service. In any event, flats were sold on the basis of having a concierge and the Deed of Condition states there will be a concierge. The approach taken has to be a middle one i.e. daytime service only and not a night time service. If then 12 hours does not seem to be what is needed that can be adjusted. One owner queried as to what will be covered by the concierge that the factor doesn't already do. Duncan noted that until recently there had been 24 hour security on-site based in the concierge office but provided by Gregor Shore. For example, if a resident could not get out of the car park due to failure of the gate mechanism then there was someone on-site who could assist. There is currently no on-site monitoring of cleaning, maintenance, and repairs generally. There is need for a reference point, and a delivery point, and if a resident is in trouble then there is someone on-site who can assist.

Comments were received from the owners that the service provided by the concierge will overlap what is provided by Charles White. It was noted that the welcome pack issued by Charles White includes a costing for night time concierge plus day and night together, However, this was divided by 450 flats in error as it was assumed at the time that the concierge would be shared between phase one and phase two of Platinum Point. The Deed of Condition states the concierge is for phase one only. Unfortunately, at the purchasing

stage, owners have been given varying and consequently confusing information by Gregor Shore on the matter of these costs.

Lynsay Hunter advised that their scope is outlined in the welcome pack and, although there will be crossover on a day to day basis with the concierge, Charles White will still carry out the site inspection every 6 weeks but the concierge will be on-site every day. The employment of a concierge would be done through Charles White as per the Deed of Conditions but the committee also would deal directly with the concierge.

An owner requested an approximate figure of what the cost to each flat would be, for a 12 hour daytime service it is estimated that the cost per flat would be around £350.00 per year.

There was a query on who would pick up the cost for vacant flats. This would be Gregor Shore for unsold flats.

|The Chairman noted that several costings for comparison would be required before any decision made, and that the Committee had already approached several concierge service providers, as had been reported to owners at the recent meeting at Newhaven Church hall.. In the Deed of Condition it is made clear that it is the factor that will employ the concierge on behalf of the owners.

One owner made the comment that the money paid to a concierge should be offset by a reduction in Charles Whites management fee (currently £95.00 per year – Nick Timmins advised that this is cheap in comparison to other factors). It was also noted that the relationship with the factor is pertinent to a successful concierge service and that the cost of the concierge can not be looked at in isolation and owners need to be able to budget for the factoring service in total i.e. would there be compensatory savings achieved elsewhere as a result of putting a concierge service in place. It appeared to be generally agreed that Charles White should be able to demonstrate that the site can be managed more effectively as a result of there being a concierge.

David Hutton noted that there is a complication in the way the Deed of Conditions is written with regard to the way a concierge service will be managed and that Charles White would require a majority of owners to agree before they would proceed to appoint a concierge (although, as the Chairman noted, there is no such provision in the Deed of Conditions). All other costs such as gardening and cleaning would remain the same. The chairman commented that as the development is still fairly new some costs are still not fixed.

An owner queried as to how the decision will be made and if it will be enforceable to those that oppose the decision. The Chairman said that it would be enforceable as it is laid out in the Deed of Condition that there will be a concierge on-site. A consultation process with owners is being undertaken as far as possible. However buy-to-let landlords have not yet been consulted as the recent questionnaire was not posted off-site, and so the data in the report on responses will be skewed towards owners living on-site.

David Hutton advised he is supportive of the Platinum Point Owners Association coming into being, but in terms of the Deed of Condition Charles White is the delegated authority for decision making. Charles White currently have delegated authority to make decisions on

behalf of owners until such time as a group can be formed as per the Deed of Conditions (two years after last flat has been sold) and can make decisions on their own. There was a query on how it would be handled if owners refuse to pay as they did not wish to have the service. It was noted the debt would be handled in the same way as is any bad debt is.

9. Insurance;

The Chairman referred to the problem of valuation of each flat for insurance purposes. All common areas are apportioned on a per flat basis but should have been calculated on a square footage percentage basis. Small flats have therefore been valued too highly and larger flats too low. To solve the problem another survey is required; the cost of this will be roughly £17.00 per flat. Larger flats are currently undervalued for insurance purposes., and smaller ones overvalued. David Hutton has been quoted £2,500.00 plus VAT for a survey to be carried out by a specialist re-instatement value company.

Up until now individual flat (the private as opposed to common area) buildings insurance has been done through a block policy but this is not required in the Deed of Conditions. From the renewal date of 1st May 2009 common areas only have to be insured through the block buildings insurance policy through Charles White and individual flats may be insured privately.. There are potential problems with this as Charles White does not have control over individual owners if they do not insure their properties. The insurer, however, will require details of individual property insurance in order to cover communal areas, these details will need to be supplied to the broker at renewal the renewal date. Indemnity insurance will be needed if not everyone provides their insurance details. (It must be noted however that each owner has a legal right to see each and every one of their neighbour's insurance policies, to see that they conform, and to see evidence of payment of premium).

Authority is provided in the Deed of Condition for the factor to create the instruction for the valuation. It was noted that due to the compound interest calculation the re-instatement value and the commission has been increased.

The broker will write to all owners to offer to each to take part in the block policy if they wish to do so.

10. Alteration to rules;

It was agreed that the rules will be changed with immediate effect to state that all committee members retire automatically at each AGM.

11. Any other closing business;

None.

12. Election of Committee members for 2008 – 2009;

Claire Dunlop, Tina Finch and Pat Rennie are retiring from the Committee after 2 years of service, The Chairman thanked them for their valued contribution.

The following committee members were elected;

1) Kathleen Watt

Proposer – North Kerr

Secunder- Duncan Clark

2) Anne-Louise Duncan

Proposer – Tina Finch

Secunder – Pat Rennie

3) Margaret Rooney

Proposer – Lindsay Brown

Secunder – North Kerr

4) North Kerr

Proposer – Duncan Clark

Secunder – Kathleen Watt

5) Andrew Mitchell

Proposer – Duncan Clark

Secunder – Steven Cleland

6) Nick Timmins

Proposer- Duncan Clark

Secunder – Kathleen Watt

7) Duncan Clark

Proposer- Nick Timmins

Secunder – Kathleen Watt

8) Lindsay Brown

Proposer – Margaret Rooney

Secunder – Tina Finch

There being no other business to discuss the meeting was closed.