

**Platinum Point Owners Association 'Property Management Initiative' Meeting**

**Incorporating the**

**Annual General Meeting**

**Wednesday 14<sup>th</sup> October 2009**

**The Forth Suite, David Lloyd Sports Centre**

**Chair: Nick Timmins**

**1. Welcome, Introductions and Apologies**

Chairman of the PPOA, Nick Timmins, welcomed the owners in attendance and those tenants who were present as observers.

**2. Minutes of the AGM held on 8<sup>th</sup> October 2008**

No objections were made to the Minutes from the previous year's AGM (these are available to view on the PPOA website).

**3. Property Management Initiative**

The Chair outlined the 'Property Management Initiative' exercise which had been undertaken to review the property management of Platinum Point. Relevant statute had extinguished the clause in the Deed of Conditions guaranteeing tenure to Charles White Limited until 2 years after the last flat was sold. Such clauses only have a 5-year validity.

A panel was put together from amongst the ownership (only partly from the PPOA Committee) and an Invitation to Tender was issued to a range of local Property Management Companies, including Charles White Limited. Four tenders were received, but Charles White chose not to tender. One tender was withdrawn at a late stage. Ross & Liddell Limited were chosen from among the 3 remaining contenders, and the question of whether they should replace Charles White Limited was put to the ownership via postal vote.

**4. Outcome of the Ballot**

Two thirds of all proprietors were in favour of change. Therefore, in a letter dated 1<sup>st</sup> October 2009 Charles White was invited to engage in an orderly handover to Ross & Liddell over a period ending on 1<sup>st</sup> February 2010. It had been hoped that this AGM would be an opportunity for owners to meet representatives from Ross & Liddell for the first time.

In the event, Charles White's lawyers threatened Nick Timmins personally with Interdict and Damages in a letter dated 5<sup>th</sup> October 2009. Specifically their letter read, "We require that you immediately cease and desist your agitation for the appointment of Messrs. Ross & Liddell as Factors. Failing hearing from you within 7 days, in writing, confirming that you have withdrawn the purported Invitation to Tender, informed Ross & Liddell that the purported tendering process is at an end and informed those proprietors with whom you have been in contact that matters are not

being taken forward, our clients shall have no option but to raise proceedings against you for Interdict and Damages.”

We were advised by our lawyer that it would be unwise for Ross & Liddell to attend the AGM in the circumstances and that Nick Timmins should give our lawyers time to examine the whole situation before making further comment at the AGM. [Subsequently, following that advice it became clear that Charles White’s lawyers had no grounds for carrying out this threat.]

#### **5. The “Gregor Shore Debt”**

The Chair explained the background to an approximately £30,000 unpaid account left owing to Charles White by Gregor Shore when they went into Administration in October 2008. Charles White had been attempting to reclaim these monies from the proprietors of Platinum Point, even though there is no basis in the Deed to support this action. Some proprietors had paid under threat of legal action, while others had refused to do so. One test case was going through the courts with the next hearing due mid-November 2009. The Chair thanked those who had contributed to a “fighting fund” to support the legal action, and one major donor in particular.

#### **6. Buildings Insurance**

It was explained that the Deed has a flaw in that it does not require private flats to be insured in the block policy. At the renewal on 1<sup>st</sup> May 2009 Charles White had given owners the opportunity to opt **in** rather than opt **out** of the private flat part of the block policy. This had resulted in misunderstandings, leaving some private flats uninsured altogether.

#### **7. Report on Factors’ Accounts for Financial Year Ended 23<sup>rd</sup> June 2009**

The Chair wrote to Charles White in July asking for details of the Accounts. However, detailed Accounts were refused despite the clause in the Deed that permits any proprietor the right to see “full details of Accounts validly vouched”. Various people have tried in vain to obtain more detailed figures, but these were not forthcoming. The Chair has written a letter of complaint to the PMAS and a reply is awaited.

#### **8. Report from Forth Ports on Progress in the Western Harbour Peninsula**

Gerry Rooney reported on the following highlights:

- The Bryant development was now sold out.
- The tower block at The Element is scheduled to be completed by December 2009.
- The Council are minded to grant planning consent for Western Harbour Park. The granting of the formal consent is subject to a satisfactory legal agreement to ensure the availability of public access to the park in the long term. In the meantime Forth Ports are actively reviewing funding alternatives to progress the park (and Lighthouse Park) to completion.
- The first of 102 Port of Leith Housing Association flats will be ready for occupation in early 2010. The remainder will be completed by August 2010. PoLHA has also submitted a planning application for the development of 111 flats immediately south of ADM Milling.
- Barratt has committed to the construction of the corner block at Newhaven Place/Ocean Drive.
- Forth Ports continue to press for Gregor Shore in Administration to carry out improvements to the plot of land between Platinum Point and the Bryant development.

## **9. Police Report by PC John Pennycook**

There had been several break-ins in the last few months in Platinum Point and other Western Harbour developments. The culprits had been identified. Ten officers had been allocated to apprehend them.

The break-ins had shown up weaknesses in the Platinum Point flat doors, which were easy to force in the absence of additional locks.

## **10. Proposals for Site Security**

- Any improvement to security of individual apartments was the responsibility of the owner(s).
- Additional mortise locks are recommended.
- Owners had had positive experience of 2 local firms, namely ETC Locks and Capital Locks. Discounted rates were being negotiated.
- Stronger springs on the communal exit doors were being considered.
- CCTV recording was being used as far as possible, with cameras trained on stair entrances.
- Locks on landing fire doors were discussed but would need a crush-bar for quick escape. This would be subject to fire regulations.
- The bin store exit door was being padlocked from the inside.
- The vehicle gates have been shown to be inadequate in high winds. The exit gate had been modified but this too has proved inadequate.
- A grid above each gate is being considered to prevent climbing over.
- Number code access to external doors is to be abolished. The doors are to be modified to prevent the lock being 'slipped' with a card.

## **11. AOCB**

- A controlled parking scheme, similar to that used at The Element, was considered but rejected.

## **12. Serving on the Committee**

The Chair explained that serving on the Committee does not have to be onerous. Meetings were generally held monthly, and it is desirable that there should be one representative from each stair. He thanked the current committee members for their hard work during the 2008–09 season. At this point everyone on the Committee stood down, in accordance with the rules.

## **13. Appointment of New Committee**

The following committee members were appointed for the 2009–2010 season:

1) Gerry Rooney  
Proposer – Linda Campbell  
Seconder – Angela Thompson

2) Helen Gallagher  
Proposer – Nick Timmins

Secunder – Gerry Rooney

3) Gillian Waddell

Proposer – Nick Timmins

Secunder – Ann Dean

4) Tina Finch

Proposer – Linda Campbell

Secunder – David Gillon

5) Gwenne MacRaid

Proposer – Margaret Rooney

Secunder – Nick Timmins

6) Lindsay Brown

Proposer – Mike Thompson

Secunder – Linda Campbell

7) Maxim Tereshchenko

Proposer – Linda Campbell

Secunder – Margaret Rooney

8) David Gillon

Proposer – Nick Timmins

Secunder – Gerry Rooney

9) Nick Timmins

Proposer – Bill Buchan

Secunder – Kirtsty McNab

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