

Minutes of Meeting

Date: Tuesday, 24th September 2024

Time: 7:00 PM

Location: Microsoft Teams Virtual Meeting

Attendees:

- Chrissy Rooney (CR)
- Dasha Chan (DC)
- Hazel Hutton (HH)
- James McIntyre (JM)
- Lhyam Sumal (LS)
- William King Hay Chan (WC)

Apologies:

- Shareen Ali
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Agenda Items Discussed

1) Minutes of the Previous Meeting

The minutes from the meeting on 11th September 2024 were prepared by LS. HH approved the minutes, and DC seconded them.

- The minutes were confirmed as accurate and approved for publication on the website.

2) Update on Adoption of Roads and Boundary Lines

- LS emailed the council to confirm whether Meikle Earnock Road had been officially adopted. It was confirmed as adopted, but the verges have not been maintained by the council despite their responsibility.
- LS will follow up with H&P as there is documented proof from Alistair (H&P) indicating that the council has taken over these responsibilities. LS referred to an email from Alistair acknowledging the grass verge issue and committing to adding it to the task list.
- CR mentioned that verges were cut at one point but noted the maintenance stopped a long time ago.

- LS clarified that the deed of condition with H&P specifies that the roads and footpaths are adoptable, the only thing to be excluded appears to be front gardens. Therefore, we can appoint someone to manage these areas.
- LS stated that the deed of conditions, originally written by Morton Fraser (who have since merged with McRoberts), is being reviewed for clarification. LS has reached out to Morton Fraser's legal team to request free legal advice, which is offered to association groups. Awaiting reply.
- LS further explained that if paid legal advice is needed, the responsibility falls on the factor (H&P) to organise, and the committee is not required to appoint a treasurer to manage legal fees.

3) Email Response from Alistair at H&P

- LS reported that Bellway Phase 1 and Stewart Milne Phase 1 site plans were missing, even though the committee had requested them from AL. Other development site plans had been provided by H&P but were of poor quality.
- HH noted that some of the provided plans were unreadable, especially due to the lack of colour coding to match the key and some blurry text.
- LS will email H&P to request updated versions of the missing and unreadable plans before the meeting on 25th September or at the meeting.
- HH pointed out that the task sheet provided by H&P was dated from 2018. An updated version will be requested from H&P to ensure current information is available for the committee.
- CR and LS both noted that the task sheet was a general overview, and not specific to their area. Clarification and a detailed task breakdown will be requested at the meeting. Further clarification will be requested as to what is sent to contractors to carry out.
- LS asked DC about the complaint forms she had collated. DC confirmed that the feedback was exclusively from residents and did not include input from any committee members, ensuring that the feedback was unbiased.

4) Discussion for Meeting with H&P

LS led a discussion to prepare for the upcoming meeting with H&P on Wednesday, 25th September. The group reviewed and elaborated on key talking points, ensuring alignment on issues to be raised. LS will represent the group to maintain structure and efficiency during the meeting.

Confirmed attendees for H&P include Alistair Leitch and Lynsey Hutchison, the latter of whom has recently returned from long-term sick leave.

Key discussion topics for the meeting include:

- **Communal Areas:**
 - Request clarification from H&P on who determines what is classed as communal ground, including who defines and maintains the grass verges.
 - The committee wants the entire development to be considered as one entity, not divided by builder phases.
 - Request updated and corrected site plans to reflect the entire development, addressing missing and unreadable plans previously provided.
- **Action Plan:**
 - Request that H&P create an action plan based on the feedback submitted by residents. The committee will review and suggest amendments, if necessary, before a mutually agreed version is sent to all residents.
- **Contractor Issues:**
 - Ask for clarification on why there are two different contractors (Clean Sweep and MacDonald Bros Landscapes) managing the development's landscaping. Seek an explanation for the split and confirm the scope of their responsibilities, particularly why some residents receive front grass cutting services while others do not.
- **Billing Discrepancies:**
 - Discuss discrepancies in the bills issued to residents, with some residents on the same street being charged different amounts for management fees and shared service costs. Clarify with H&P if there is a standard billing model in place. DC and WC provided an anticipated annual common service charge document given at the time of house sale which is not in line with actual charges.
- **Resident Engagement:**
 - The committee will inform H&P that they plan to establish regular patch visits to monitor work quality, with a structured feedback mechanism to report back to H&P. A designated point of contact will be requested for ongoing communication.

- Query H&P about when they began informing new residents about the local association and providing information on how to join.
- **Deed of Conditions and Contractual Obligations:**
 - Clarify the 5-year obligation to remain with H&P, as per the deed of condition, and confirm if this period begins from 2018 or from January 2025 when Stewart Milne went into liquidation.
 - The committee plans to hold an AGM, which H&P will be invited to, and performance KPIs will be set for H&P, such as maintaining a maximum 3% complaints rate per quarter. AA asked where we got 3% from and LS stated this figure is based on a fair assessment of current complaint volumes (9 complaints in 3 months).
- **Additional Advice and Legal Action:**
 - The committee will inform H&P that they have sought additional advice from external parties, including the council, TIS, and Morton Fraser Legal.
 - We will be informing H&P that we are aware they are in breach of contract.
 - In cases of continued breach of contract, the committee is prepared to replace H&P as the factor if issues are not resolved.
- **Requests for H&P:**
 - H&P will be given 30 calendar days to provide:
 - A comprehensive action plan based on the complaints feedback from residents.
 - Detailed task specifications and timelines for all contracted services.
 - Clarification on billing discrepancies and the number of households withholding payments.
 - A breakdown of the number of residents opting out of front grass cutting.

5) Any Other Business

- HH and CR will ask friends from Bellway Phase 2 if they can provide copies of their deed of conditions to compare with those of Phase 1, given that all properties fall under the same H&P management.

- A meeting with Hannah Beaton (from TIS) will be arranged in November to discuss formalising the association's structure, including adopting a voting process for key decisions.
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Minutes prepared by: Hazel Hutton

To be approved by: The Advisory Committee at the next meeting.