

# PROPRIETOR'S ASSOCIATION GLASGOW HARBOUR (TWD) FORMATION MEETING

## MEETING MINUTES

**LOCATION: ST PETER'S CHURCH HALL, PARTICK, GLASGOW**  
**DATE/TIME: MONDAY 6<sup>TH</sup> SEPTEMBER, 20.10 AT 7.00PM.**

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### 1.0 PARTIES

#### 1.1 IN ATTENDANCE

David Kingham (DK) representing Hacking & Paterson  
Malcolm Carrick (MC) : Chairman elect  
Ian McCauley (IM) : Vice Chairman elect  
Liz McGlinchey (LM) : secretary elect  
Kathleen Grace (KG)  
Rod McKendrick (RM)  
John Mulcahy (JM)  
Alan McClelland (AM)  
Alan Waugh (AW)  
Simon McGillvray (SM)  
Alicia Salceda (AS)  
+ 43 Signed in members of the Proprietors Association by ownership

#### 1.2 APOLOGIES

David Doran (Hacking & Paterson)  
Ben Sawatzky

**2.0** Housekeeping and code of conduct for forthcoming discussions delivered by LM., introduced Mr David Kingham of Hacking & Paterson to open the meeting.

**3.0 DK** opened the meeting by welcoming everyone and acknowledging the excellent turnout evident. Apologies were passed on from David Doran who is responsible for managing our development account but who is currently on holiday. Referring to the terms laid out in our deed of conditions, DK advised the meeting the developer holds the right of responsibility for the maintenance of the development until the last property has been sold. The title deeds also advise that having purchased a property you automatically become a member of the association of proprietors. The Deed then requires that a formal committee be formed after a specific timescale and as such they communicated this to everyone, seeking volunteers who were interested in being involved, hence the people present have been actively working hard to get to where we are today. He then advised the gathering of some of the initiatives which the group have been successful in achieving in the last year since forming at the end of 2009, including setting up the website and publishing the first newsletter. Not forgetting to mention that considerable amount of time and effort have gone into getting us to this inaugural meeting to formally ratify the constitution and committee. DK then advised that we held 70 proxy votes for the chairman plus another few nominating other person's to vote. DK had co-ordinated the registration process alongside Murdo MacDonald who kindly offered to assist with this task. Being satisfied with the proxy and registration system, David then proceeded to handover the meeting to our Chairman elect Malcolm Carrick.

**4.0 MC** proceeded to welcome our fellow proprietors and neighbours and thanked them for such an overwhelming support and turnout. He advised the audience of his history within the development having been here since day 1. Expressing his desire and commitment to making and maintaining Glasgow Harbour

as a better place to be. Introductions to the gathering of all members of the group were then conducted along the top table. He thanked KG and LM for their preparations for this meeting. Malcolm then outlined that most of the group have met every 4<sup>th</sup> Tuesday since inception. (Copies of the minutes of every meeting were available for perusal by everyone) Listing the groups achievements to date including opportunities for communication via the website, the red mailbox outside the concierge office and the newsletter. Being aware that another newsletter is overdue but recognizing that current events should take precedence and then outcomes can be communicated after today's milestone within the next newsletter. Communication can also be made via H&P. Other initiatives taken include removal of tubes in the basement in a effort to reduce the electricity costs which also has given the added benefit of providing a store of replacement tubes as and when required. We sourced cheaper electricity costs and are currently monitoring the outcome of that. Ongoing investigation into the need to ensure the concierge is able to be contacted has resulted in a telephone successfully being installed today. The contact number will be updated on the website and communicated through other channels. **ACTION MC**

There is an ongoing list of items to be investigated and hopefully improved, with this in mind we are seeking support in the form of new members both to the committee and sub group. A couple of places are available at the moment also we would welcome all interest in the form of a sub committee of people who can give up just a little of their time to commit to a task or project if unable commit full time.

Current issues being discussed with H&P include water ingress, window cleaning including the issues with cradles. We understand that not everything needs to be at the lowest cost but in certain areas we are seeking to control an improvement in the quality and service we are receiving. We are currently meeting with ground contractors with a view to improving the quality of cleaning and seeking better value for money. MC went on to advise that the car parking is a very emotive topic, being aware this is a very difficult situation for everyone. The group have previously looked at various options including speaking with our neighbours in Cala and Dandara to find out if we could learn from any of their successes. As this is an ongoing issue we will continue to look at various options and suggestions whilst in the meantime being aware that getting rid of some of the abandoned cars has hopefully eased the situation.

Security is another high profile topic of which there are many concerns particularly in the basement due to lack of coverage of the cameras. The group have been reviewing quotations of which there are 4 in total, which we will collectively review at our next meeting and let you know the outcome. We have many items to take forward onto our next agenda which as your caretaker committee we relish and hopefully can continue as formally constituted. We also seek to encourage new interest from yourselves in whatever capacity you can afford. MC then thanked everyone and handed the meeting over to Ian McCarley (IM) to then conduct the voting.

**5.0** IM began by introducing the various methods by which the constitution had been communicated to our fellow proprietors and confirmed that H&P had sent out a copy with the letter, (a copy was made available for perusal at the meeting) and Rod McKendrick had uploaded a copy onto the website. IM then went on to describe the constitution as a fairly standard and well used version and asked if anyone had any issues or objections to any of the content or parts of the constitution and if not he would proceed to seek a vote of acceptance.

**PROPOSER : Mr Scott McCauley      SECONDED : Mr Tom Maguire**

**SHOW OF HANDS : 58 (for acceptance of constitution)**

**+ EXCESS OF 60 PROXY VOTES HELD IN FAVOUR OF CHAIRMAN**

IM then asked if anyone would not like to adopt the constitution : **SHOW OF HANDS : NIL**

IM then confirmed that the Constitution of the Proprietors Association Glasgow Harbour was now in place and does not contradict any common law etc.

An interest in joining the committee was offered by **Mr Mark Docherty** therefore IM took the timely decision to formally vote Mark onto the committee.

**PROPOSER : Mrs Liz McGlinchey      SECONDED : Mr Rod McKendrick**

Ian reiterated to the audience that there would be opportunities for involvement and support of the committee in the future and to please feel free to let us know of their particular area of interest or skill.

**A SHOW OF HANDS : MAJORITY then voted Mark onto the committee**

The following then occurred for all other members of the caretaker committee in the following order:-

**LIZ MCGLINCHEY : SHOW OF HANDS : MAJORITY**

**ROD MCKENDRICK : SHOW OF HANDS : MAJORITY**

**ALAN MCCLELLAND : SHOW OF HANDS : MAJORITY**

**ALAN WAUGH : SHOW OF HANDS : MAJORITY**  
**KATHLEEN GRACE : SHOW OF HANDS : MAJORITY**  
**ALICIA SALCEDA : SHOW OF HANDS : MAJORITY**  
**MALCOLM CARRICK : SHOW OF HANDS : MAJORITY**  
**SIMON MCGILLVRAY : SHOW OF HANDS : MAJORITY**  
**JOHN MULCAHY : SHOW OF HANDS : MAJORITY**  
**IAN MCCARLEY : SHOW OF HANDS : MAJORITY**

IM then stated that the committee were now in a position and properly set up to represent the interests of our fellow proprietors within the development.

Nomination forms had been completed by all members of the group (with the exception of Mark Docherty) in advance of the meeting and will be held on file alongside the published meeting minutes. A form will be made available to Mark Docherty to complete prior to our next meeting. **ACTION LM**

IM then advised the meeting that we would now take a few moments to collect notes of their interest, concerns and issues before proceeding with a short question and answer platform of 30mins.

**7.0** Kathleen Grace and Liz McGlinchey then proceeded to collect the feedback and post the notes onto the pre arranged flip chart paper on walls. A few topics were then taken from the variety and questions posed firstly to DK of H&P regarding the concerning bad debt situation.

**DK** proceeded to advise to the best of his knowledge currently our bad debt situation is sitting around £160,000. Whilst this is concerning to all, he advised that due to the current economic situation many more proprietors are getting into bad debt situations. There are compounding factors, the size of the development, so many properties bought by investors, the recession, consequently proprietors unable to pay.

**A Question** was raised "Is this bad debt problem similar on other sites?"

**DK answered** - Although there are many problems at the present time due the current situation, many individuals and investors alike are falling into bad debt on other sites as well as ours however not many are as bad as ours. Since December 2009, actions to recover some large debts have been successful and we are continuing to work with all proprietors to address these problems. We have implemented a Notice of Potential Liability which is then placed on all properties which are in a bad debt situation to enable recoup of money on sale of the property.

**Question directed at DK from gentleman** "I have a basic service problem, I've written to you, called to try and discuss the problems but no-one seems interested."

**A/ DK** advised that he was sorry but perhaps this was not the right time or platform to discuss individual issues as he did not wish to take away from the purpose of the meeting, advising the gentleman to make contact again.

**Question from S Gray** "Does this £160,000 debt include the £88,000 which is overdue to Glasgow Harbour LTD as advised to us today?" It seems that not charging interest does not provide any incentive to pay?

**A/DK** To meet the bills, all arrears have to be paid out of the owners float which you all paid when you purchased your property. I don't believe that charging interest would have any effect on the payment of the current bad debt.

A member of the audience then interjected to question if interest was applied to the principle debt would it then accrue and therefore increase the overall bad debt due by all other proprietors?

**DK** advised that no as this would only be applied to the arrears account when settlement was proposed and not passed onto others.

**Q/ Mr Henderson** then asked DK at what point the bad debt figures had been taken from as in his experience the amount can greatly differ depending on at what day in the month the calculation is taken. Given the dates of direct debit payments etc. He suggested that perhaps a more accurate overview of the bad debt position be made available and payment plans could be a possibility.

**DK** then advised he would find out the accurate debt figures immediately before last run of accounts and pass onto the committee in time for the next committee meeting. He advised that there has been a letter of introduction included in every new resident pack which includes a direct debit proposal. **Action H&P**  
**MC** advised the gathering that perhaps the committee could pick up the bad debt problems and communicate to everyone to seek options to try and get the bad debt down.

**AM** then suggested that payment plans should be made available and that he had never heard this option mentioned before.

**DK** advised that in his experience the current bad debtors would not be interested in payment plans. **AM** said he disagreed.

**DK** asked if everyone had received a copy of the letter from McGrigors (lawyers for Glasgow Harbour LTD) along with the covering letter from H&P. The answer was yes however no other breakdown in how this total came about - **IM** then asked "Is this debt the responsibility of individuals or are we collectively responsible?"

**DK** advised that all owners were burdened with this payment in the title deeds but they would be better taking legal advice on whether or not GHIL could seek recovery from one owner for the total debt. The bills appear sporadically from GHIL. H&P submit the bills on their headed paper to the clients, when payment is received it's then passed on to GHIL with a list of non payers. He also advised that the Cala development to the best of his knowledge had no bad debts.

Liz McGlinchey then moved the meeting on to another point from the posted notes.

**Question from Proprietor/:** What is being done about satellite dishes?

A number of proprietors expressed concern at the proliferation of satellite dishes on balconies, the sighting of which contravenes the Deed of Conditions.

**JM** acknowledged that it was essential to maintain the aesthetics of the development and satellite dishes detracted from the appearance and iconic status of the development. The meeting was then advised that the committee had already raised this matter with H&P who had responded by indicating that it was not a matter which they were prepared to get involved in despite the flagrant breach of the deed of conditions. In view of this, the committee has approached Glasgow City Council directly and enforcement action is now being considered by the Planning Department. **ACTION COMMITTEE**

**Question from Pauline Taylor :** "Having had problems with car parking for 17 days, I would like to know who is responsible for signage etc in the car park area. Currently there is nothing to say that the parking is private or that people should park only in their designated parking area."?

**A/ DK** advised that H&P's role is to administer the maintenance and insurance of common areas and is aware that the car parking is very contentious at all developments. It would be up to the owners themselves to decide collectively through the Association, how best to deal with these problems at which point we would always like to work with owners to resolve these issues.

One of our other developments for example voted that they did not want to employ external agents to legislate parking, therefore these problems are ongoing. Proprietors have to instruct us and we can help. This is where from this point forward we can work with your newly formed committee to which you have delegated authority to take decisions on the best interest of the development.

**Q/** A question was raised around the lack of any signage at the ramp area before anyone enters the parking zone.

**A/** Malcolm agreed that this was a good idea and the committee will take this forward to look into.

#### **ACTION MC**

Also the appearance of bollards in owner's spaces which owner's have initiated themselves but which change the appearance of the development would be welcomed if brought through the committee as we totally understand the reasons behind this. It was noted that some owner's may have moved away and not passed on the key allow use of the space by new occupant.

The bad debt subject was brought up again by gentleman on the front row, expressing his concerns of the situation and having been aware that one person who owns 19 flats is included in this debt also inquired as to who is responsible ultimately for the GHIL debt.

**DK answered/** Everyone is ultimately responsible for the common realm charge which is due from day 1 when we signed for our properties. He reiterated that these charges when received from GHIL are then sent out by H&P on their headed paper, when monies are paid they then are forwarded to GHIL. He believes that Cala owners have also been contacted and suggested that our committee may wish to liaise with Cala committee.

**Q/Mr Love** asked if we the committee had a Service Level Agreement with H&P?

**A/ MC** advised we did not.

**Mr Stephen Gray** questioned **DK** further on the subject, suggesting that H&P were being negligent in not pursuing the non payers when they knew who they were.

**DK** then responded by assuring Mr Gray that this was not the case.

It was then advised from the audience that McGrigors had been contacted and advised they had no information but that H&P should be contacted with regards to details of this debt.

**Question by Mr Henderson** "Can I ask why the insurance proposal put forward by the caretaker

committee was steam rolled by H&P and the proposal not taken up?"

**A/DK** advised immediately that he did not agree with the language used i.e. steamrolled this was definitely not the case. He further advised that he did not have a copy of the specific policy to hand but when the annual renewal was being proposed they did not know the company nor did they have sufficient information regarding their terms and conditions to allow the change to be made. Their decision was based on their commitment to act in the best interest of all proprietors.

**Mr Henderson** then asked about the commission to which **Mr Kingham** responded advising that of the 30% Broker fee, 20% then went to H&P. **Mr Kingham** also advised that payment of such commission as common practice within the industry and was necessary to ensure H&P could underwrite payment of the premiums, even when many owners had not met their accounts. It was also pointed out by **DK** that the proposal from the committee of owners also included a level of commission

**AM** then asked what difference this would then make to the next renewal time?

**MC** responded by confirming that we all share and understand the frustrations of the past however we are now embarking on a new level of relationship and hope that with the will of the proprietors now being channeled through the committee we can openly discuss and reach better agreement on these type of issues.

At this point **LM** called for the meeting to move on as there had been 40 mins of question and answer time. The audience were thanked for their feedback and assured that all information gathered will be collated and used by their committee to prioritise our future tasks. Also the committee will endeavour to communicate back to our fellow proprietors the details of the meeting and all future projects and developments by as many channels as possible, noting that not everyone has access to a computer.

**IM** reiterated our position moving forward as a newly formed committee, we will be working with H&P For the good of everyone .

**MC** thanked everyone again for such a good turnout and for their support of the committee. He reminded everyone of our commitment to our development but that we cannot tackle every area without the further support and help of our fellow proprietors. We would therefore be grateful for any time no matter how little that anyone can commit to. **MC** then invited comments and contact details to be posted onto the flip pages before leaving this evening. Everyone was invited to join us and their neighbours for tea or coffee all prepared for us by **Kathleen**.

At the close of the meeting **Bob McIntyre** very kindly offered his thanks to the committee for their work and efforts over past weeks and months to get to where we are tonight.

Next AGM September 2011

Distribution : All committee members, **D Kingham H&P**, **D Doran H&P**, Website and hard copy for non computer users (TBA)

Explanations:

41 Signed in proprietors some with multiple votes

10 Committee elect members

Excess of 60 proxy votes were held in favour of the Chairperson

7 proxy votes held by third party attendees

**APPROVED**

**SIGNED**.....

**DATE** .....