

Woodilee Residents Association

EGM 2021-10 – 7pm, 20th October 2021 – Online Zoom Meeting

Minutes

1. Welcome and Apologies

Ewan opened the meeting, welcoming attendees to the meeting.

Committee members in attendance were:

- Ewan Miller (EM)
- Gordon Jahn (GJ)
- Neil Logue (NL)
- John Dias (JD)
- Marie Macaulay (MM)
- Shona Angus (SA)
- Stuart McIntyre (SM)
- Tracey Gow (TG)
- Joanne Hogan (JH)
- Matthew Davidson (MD)

Apologies:

- Graeme Middleton

A register of homeowners has also been retained with the meeting / voting records. A slide deck was produced for this meetings and should be shared alongside the minutes.

2. Why the Residents' Association has taken this step

EM : provided background on the grounds maintenance challenges and the full timeline as per the RA minutes. This covers RMG commitments from February (<http://www.woodilee.org.uk/wp-content/uploads/2021/03/Review-Meeting-Final-Minutes-2021-02-23.pdf>) to revise the process and share the specification before tendering in April, and the April Committee Meeting minutes (<http://www.woodilee.org.uk/wp-content/uploads/2021/05/CM2021-04-Draft-Minutes.pdf>) confirming that RMG had not completed this action when a grounds maintenance provider was proposed at the budget meeting. Whilst the subsequent timeline in the RMG communication then referred to the WRA helping with the specification and a retender in July, the WRA maintain that the they has raised the issue of Grounds Maintenance tendering sufficiently early to be addressed by April. The RMG failure to deliver on their commitments has caused all subsequent issues with grounds maintenance. Had this commitment been fully discharged, there would never have been a delay, never been a dispute with Root One and grounds maintenance would not be the issue it is.

PE : provided update on the accounting validation task he's undertaken, noting that for 2018/19 there were 5 different sets of summaries all with different numbers making it impossible to verify anything. Also noted that the float was ~£14k short and RMG were unable to account for the missing funds, but have agreed to, and have, ensured that the float fund is now at the appropriate level.

Discussion here on cash levels, floats and reserves and noting that the Woodilee accounts are currently around £200k cash. This led to a question on the claimed debt levels by RMG, and it was

clarified that this is understood to be resident to Woodilee accounts debt, and the exact calculation of how this would manifest itself on a residents bill has not been clarified by RMG.

GJ noted that the Factors Code of Conduct was updated in August 2021 (<https://www.gov.scot/publications/code-of-conduct-for-property-factors-2021/pages/section-4-debt-recovery/>) and, if RMG's debt statements are correct, there's a question over whether they have complied with current requirements, and therefore whether such an action would be legal. GJ placed this question with RMG prior to the EGM, soon after receiving the RMG communication, specifically asking if they can "demonstrate it has taken reasonable steps to recover unpaid charges from any homeowner who has not paid their share of the costs prior to charging other homeowners" (Clause 4.10 in the code of conduct). If RMG are unable to demonstrate this, it seems that there can be no apportionment of the level of debts currently claimed by RMG. At the time of writing minutes – 3 days later – RMG have NOT confirmed their compliance with the code of conduct (and therefore the Property Factors (Scotland) Act 2011).

A homeowner from within the James Salmon building, who have recently replaced RMG as the block factor, commented that they saw similar claims of high charges to change, but in the end most residents received a refund.

3. Forward look: Proposed process, timeline and transitional arrangements

The committee presented the proposed timeline for finding a new factor and appointing. This was noted as a potentially challenging timescale by some attendees.

4. Comments from the Ballot

Comments representing feedback received during the ballot were shown as part of the presentation, **excluding** any information on the author of the comment. This was used to demonstrate the concerns of residents alongside the support.

The committee tried to answer the concerns and discussions bled into the next section.

5. Questions from the floor

This section ended up as a series of discussions, largely around items such as future float provision and RMG claims of debt. The WRA noted that it's not possible to guarantee things at this stage.

Some questions on the process were also included, such as whether this vote meant there was no need to have a follow-up vote and that the committee had carte-blanche to appoint any factor.

The committee reassured the floor that with a diverse committee, there is not expected to be a situation where, for example, a factor with a financial interest of a committee member would be appointed, noting this would be an obvious conflict of interest.

The committee reaffirmed their commitment to being open with all residents throughout this process, and to running an equitable selection process. The meeting resulted in some volunteers choosing to join the process for selection.

If any other owners wish to get involved in the process, please email contact@woodilee.org.uk and the committee will get back to you.

6. Voting on the motion

The motion for the meeting was "Members of the association grant the Woodilee Residents Association the authority to decide who factors Woodilee Village estate".

In order to ensure due process and compliance with the Deed of Conditions, the committee took responsibility for printing a Proxy Voting form that was distributed, by Committee members, to all

properties in Woodilee Village as follows, ensuring at least 7 days notice of the meeting as per deed of conditions:

- Miller 1: distributed NL on 6th October 2021
- Miller 2: distributed GJ on 7th October 2021
- Persimmon: distributed GJ on 7th October 2021
- Fauldhead: distributed GJ on 7th October 2021
- Springfield 1: distributed EM on 7th October 2021
- Spider Bridge / Bothlin Court: distributed MM on 7th October 2021
- Springfield 2: distributed SM/MD on 8th/9th October 2021
- Cala 1: distributed by JH on 9th October 2021
- Cala 2: distributed by SA on 9th October 2021
- Clocktower/ James Salmon: distributed MM on 9th October 2021
- Charles Church: distributed NL/GM on 9th/10th October 2021

Some queries from Ofgang residents were received, but it was explained that they were not represented by the WRA and no forms were distributed.

Forms were received by e-mail, and a single row-per-address spreadsheet was used to ensure no duplicate votes per address, and each voting form was given an index number starting a 1. The index number was recorded with the property in the spreadsheet and the form file (PDF, JPG or PNG, as submitted by email) was stored in the Voting Forms folder with the name being the index number (and the appropriate file suffix). It's thus possible to quickly check any voting record with the original submission. E-mails have also been retained.

There is restricted access (WRA Chair and Secretary) to the file store holding these details as there is clearly PII in the form of names, addresses, e-mail addresses and signatures to protect. When the process is complete, and further validation is not required, these records will be destroyed.

A total of 254 responses were received (29.5%). Of these, 252 ultimately cast votes, with most being through the form. 4 votes were made at the meeting and confirmed either verbally or through the meeting chat (recorded as "Chat" or "Verbal" on the records). 3 late votes (after the midday deadline) were received, 2 of which were attendees at the meeting who made their vote in person and, after discussion at the meeting, the remaining late vote was added. No result was shared – even within the committee – during these discussions.

The final count was that there were 254 responses, 252 votes cast. 2 owners did not express a preference, did sign up for meeting but did not attend/vote. Of the 252 votes cast, 244 (96.8%) voted to grant the WRA the authority to decide who factors Woodilee village with 8 votes (3.2%) against.

7. Close

EM – thanks all for attendance – the committee will discuss next steps and will report back via the Website / Email / Facebook on progress.