Tomintoul & Glenlivet Development Trust

Extraordinary General Meeting – Agenda

Richmond Hall, Tomintoul

21st August 2024 7 – 9pm

1.	Introduction and opening remarks	Tilly Smith	1900
2.	Apologies	Oliver Giles	1910
3.	CHT response to questions	Ronnie MacRae	1915
4.	Board response to questions	TGDT	1945
5.	Presentation	Mark and Crystal	2015
6.	Presentation	Phil	2030
7.	Any other business	All	
8.	Closing remarks	Tilly Smith	

Meeting documents can be viewed and downloaded at

www.tgdt.org.uk/download



147 SNAGGING ISSUES

"THIS IS THE FIRST TIME IN NEW HOUSE BUILDING THAT I'VE COME ACROSS A WORKTOP JOINED THIS WAY"

-SG SNAGGING SURVEYS, 30/03/2023



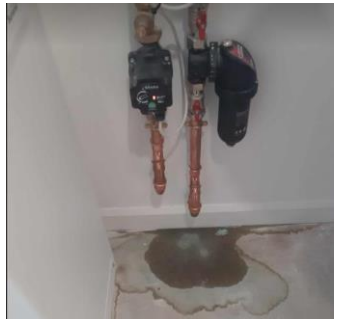


8 CULTS DRIVE TOMINTOUL

IMPACT STATEMENT

MOVE-IN DATE DELAYED BY 8 MONTHS

SNAGGING WORKS DELAYED BY 4.5 MONTHS AND COUNTING...



Some Impacts:

- **Lost 1st sale of house** and 2nd house buyer almost pulled out due to **delays**
- Mother-in-law had to find **alternative housing** in Belfast for 6-months
- Quality concerns so paid **£400 for a Snagging Report**- 147 issues noted, more upon move-in
- **Meter issues** resulted in a 7-month bill delay, **£1100 back-bill** & contact with Energy Ombudsman
- Oct/23- **Heating & HW issues** while elderly guests visiting from Cananda (**became ill!**)
- Smart meters do not work so not able to claim full SEG amount
- Jul/Aug 2024- **continued heating issues**, error code on thermostat
- **Ongoing communi-cation issues and inadequate responses** from TGDT & CHT
- **100's of emails sent and hours spent** addressing issues
- **All the above (and more) have resulted in financial, physical & mental health impacts to us and others**


Tomintoul
Affordable Housing
The Dream

What the community and the King were told



Highly insulated and economical to run

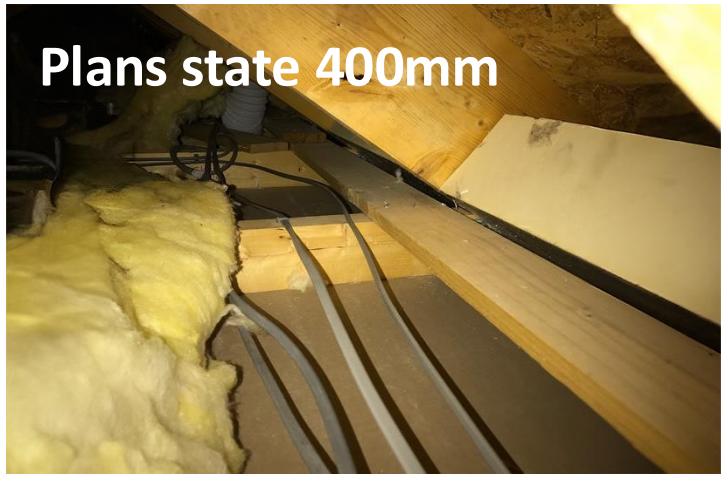
They will be Silver Active Standard homes



The Reality



Pipes not insulated



100mm Insulation installed



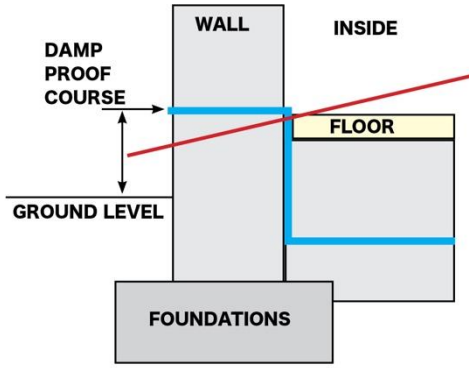
Front doors don't pass regulations



Mother and child electrocuted



No FREE electricity



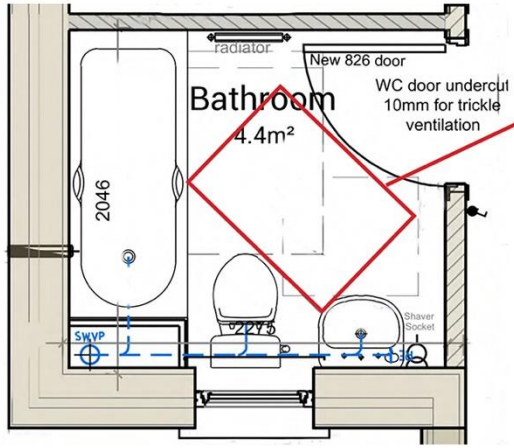
All Damp Proof Course needs to be 150mm above ground level on the outside and this is not the case in many instances.

Damp proof course too low

The Reality



Completion Certificate a year after people moved in!



All bathrooms need a 1100mm x 800mm moving space for the disability act. Houses not built to correct size.

Bathrooms don't pass regulations



Footpaths without bollards



Lamp post in middle of pavement



Roofs on some houses need replaced



All Patio doors badly fitted or not fit for purpose

Our Aims As Residents

a) To live in a home built to the specifications that were **advertised**

b) For that home to be **safe** and built to the **correct standards**

c) For the Tomintoul and Glenlivet Development Trust (TGDT), who commissioned the development, to **work with us** to achieve this aim.

Main Structural/Design Defects

- The roofs on at least 6 of the properties are not as per the regulations
- Some properties had no loft insulation. Some only had 100mm when the regulations stipulate at least 300mm and building warrant 400mm. This has led to increased heating costs in one of the coldest villages in the UK
- Some insulation has been added but this was installed in a rough manner blocking the ventilation for solar inverters creating a fire risk
- Copper pipes are not lagged in the houses and could burn your hand or freeze, and is inconsistent with the detail in the building warrant and SAP/EPC.
- Thermal images of one property shows missing or poorly fitting insulation and no wall dwangs
- Residents are getting no benefit from exporting excess electricity to the grid

Main Structural/Design Defects

- Gable restraint straps missing that are specified on the building warrant
- Front doors should be 800mm but are only 740mm with high thresholds that are not fit for purpose
- Accessible patio doors should be 800mm but are 775mm with high thresholds, again not fit for purpose
- Patio doors are badly fitted, defective, falling apart, don’t close or lock properly
- 25% of glazing in a tested property is missing the compulsory E coating making them not fit for purpose

Main Structural/Design Defects

- The houses have been built lower into the ground than as per the building warrant so there is not a 150mm minimum ground clearance for the damp proof course/radon membrane
- Building standards accessibility not met in the bathrooms, dimensionally or structurally
- Specified humidistat extractor have not been fitted
- Specified acoustic wall vents have not been fitted
- Solar invertor needs air cooling through blocked eaves and missing ridge vents
- Houses are missing a detailed and definitive pack of documentation for equipment and all warranties
- Non completion of lamp post, footpath barriers and kerbing
- The CNPA approved landscape plan has not been delivered

Solar Panels, Heat Pump, Car Charger & Controller

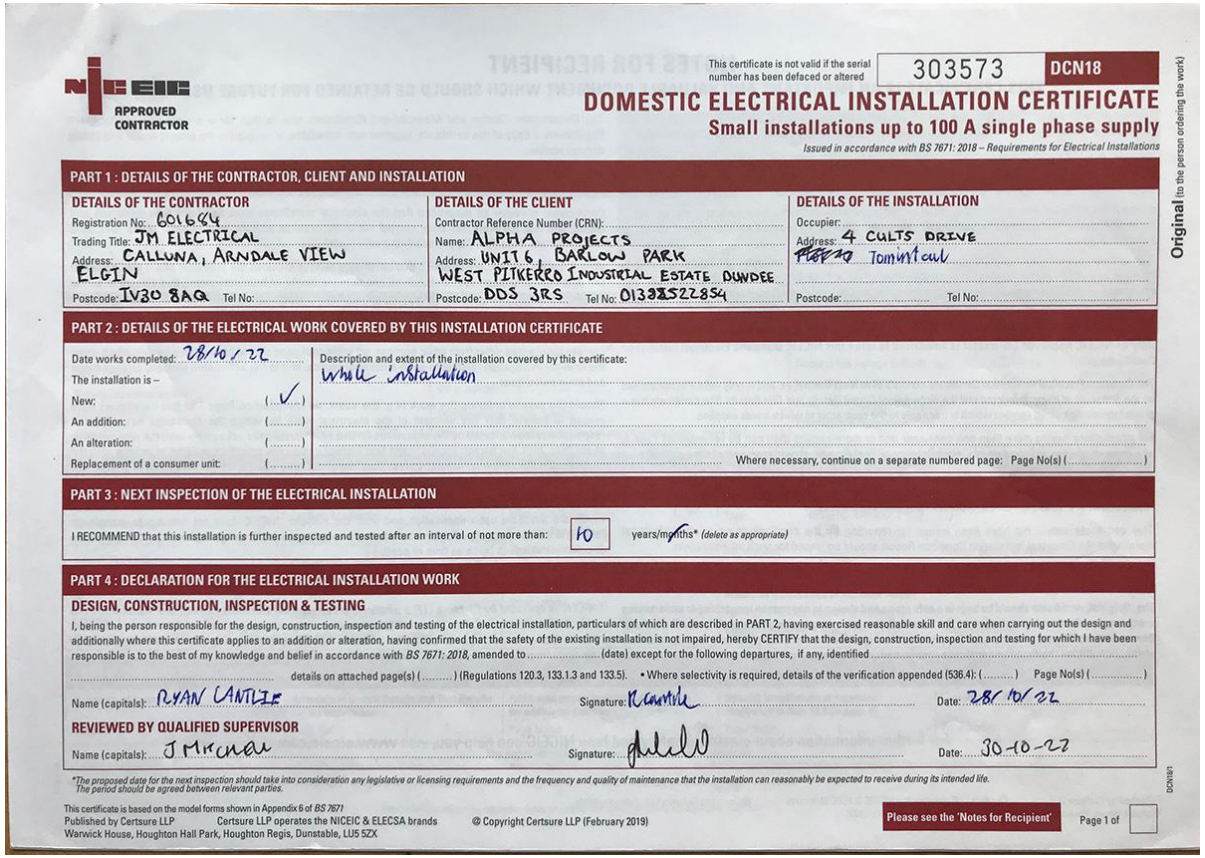


Each house is fitted with a modern Eco heating system – 4 parts working to make the bills less. These items don't talk as they are incompatible so the heating is expensive and there is no benefit from the solar panels. At certain times of the day you should be able to use electrical items for free but that is not the case.

The Sunamp Controller has not been installed correctly

The electricity meters were all fitted to the wrong houses so bills are incorrect 18 months on.

Electrical Safety



NICEIC APPROVED CONTRACTOR

This certificate is not valid if the serial number has been defaced or altered 303573 DCN18

DOMESTIC ELECTRICAL INSTALLATION CERTIFICATE

Small installations up to 100 A single phase supply

Issued in accordance with BS 7671: 2018 – Requirements for Electrical Installations

Original (to the person ordering the work)

PART 1 : DETAILS OF THE CONTRACTOR, CLIENT AND INSTALLATION

DETAILS OF THE CONTRACTOR
Registration No: 601684
Trading Title: JM ELECTRICAL
Address: CALLUNA, ARNDALE VIEW, ELGIN
Postcode: IV30 8AQ Tel No:

DETAILS OF THE CLIENT
Contractor Reference Number (CRN):
Name: ALPHA PROJECTS
Address: UNIT 6, BARLOW PARK, WEST PITKERRO INDUSTRIAL ESTATE DUNDEE
Postcode: DD5 3RS Tel No: 01382522854

DETAILS OF THE INSTALLATION
Occupier:
Address: 4 CULTS DRIVE, Flat 10 Tomintoul
Postcode: Tel No:

PART 2 : DETAILS OF THE ELECTRICAL WORK COVERED BY THIS INSTALLATION CERTIFICATE

Date works completed: 28/10/22
The installation is –
New: (✓)
An addition: (.....)
An alteration: (.....)
Replacement of a consumer unit: (.....)

Description and extent of the installation covered by this certificate:
Whole installation

Where necessary, continue on a separate numbered page: Page No(s) (.....)

PART 3 : NEXT INSPECTION OF THE ELECTRICAL INSTALLATION

I RECOMMEND that this installation is further inspected and tested after an interval of not more than: 10 years/months* (delete as appropriate)

PART 4 : DECLARATION FOR THE ELECTRICAL INSTALLATION WORK

DESIGN, CONSTRUCTION, INSPECTION & TESTING

I, being the person responsible for the design, construction, inspection and testing of the electrical installation, particulars of which are described in PART 2, having exercised reasonable skill and care when carrying out the design and additionally where this certificate applies to an addition or alteration, having confirmed that the safety of the existing installation is not impaired, hereby CERTIFY that the design, construction, inspection and testing for which I have been responsible is to the best of my knowledge and belief in accordance with *BS 7671: 2018*, amended to ..... (date) except for the following departures, if any, identified .....

..... details on attached page(s) (.....) (Regulations 120.3, 133.1.3 and 133.5). • Where selectivity is required, details of the verification appended (536.4): (.....) Page No(s) (.....)

Name (capitals): RYAN CANTLIE Signature: R Cantlie Date: 28/10/22

REVIEWED BY QUALIFIED SUPERVISOR

Name (capitals): J MICHAN Signature: J Michan Date: 30-10-22

**The proposed date for the next inspection should take into consideration any legislative or licensing requirements and the frequency and quality of maintenance that the installation can reasonably be expected to receive during its intended life. The period should be agreed between relevant parties.*

This certificate is based on the model forms shown in Appendix 6 of *BS 7671*
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Please see the 'Notes for Recipient' Page 1 of

DCN/01



- Signed off October 2022
- Heating installed November 2022
- Solar installed December 2022
- Eddi manufactured January 2023

Snagging

- Why did the Trust leave the snagging to the tenants? As owners of 8 houses, they should take control of this and check each house professionally to make sure these houses are a properly built community asset
- House No 4 Cults: 175 items on their snagging list, 35 items fixed in 22 months
- House No 8 Cults: 147 items on their snagging list, 5 items fixed in 22 months
- House No 6 Cults: 120 items on their snagging list, 0 items fixed in 22 months

Communication

- TGDT and CHT are not listening to the residents concerns
- **Over 2500** communications have been made about the issues and concerns with minimal response from CHT and TGDT.
- In the first meeting to raise the issues Tilly Smith apologised and said she knew little about the problems, even having been copied in to every email sent regarding just one of the houses No4 Cults. In the last meeting to call the EGM the board and Tilly still didn't know much about what has gone on and this is 9 months later.
- We feel the TGDT should be pushing the CHT to get the residents houses fixed and should also be paying for an independent surveyor to find the problems and report after the work is carried out that it has been completed to a high standard. This work should go in tandem with the bought properties.

Who is responsible for what?

- Negotiate and agree building contract – **CHT**. The building company are not even NHBC registered
- Appoint and supervision of consultants, design team and clerk of works – **CHT**. Clerk of works has missed lots of structural issues during and at end of job
- Oversee the implementation and satisfactory completion of works – **CHT**. Not implemented well, corners cut, and completion of major structural issues and snagging is now 17 months after hand over
- Monitor progress – **CHT**. How often did you attend site as the surveyors who have looked at the houses that the residents have asked are shocked at the errors

Who is responsible for what?

- Liaise with architect and contractor to ensure that relevant authorities have made necessary inspections and all the necessary completion certificates are available for handover – **CHT**. Did the authorities inspect the major structural and building regulations compliance issues and pass them? How did these pass the completion certificate?
- Liaise with TGDT and the contractor, during defects liability period and up to the issue of the certificate of completion of making good defects, to ensure that all defects are addressed – **CHT**. Can you do this please?
- Liaise with the Contractor and Clerk of Works on inspection of property for final list of defects and issue to contractors – **CHT and TGDT**. Can all the residents please see the final list of defects to make sure you have everything as all that has been fixed so far in the last 22 months are a minimal number of points in some of the houses

Remember our simple AIMS

a) To live in a home built to the specifications that were **advertised**

b) For that home to be **safe** and built to the **correct standards**

c) For the Tomintoul and Glenlivet Development Trust (TGDT), who commissioned the development, to **work with us** to achieve this aim.

Having listened to our concerns, will you help us achieve our AIMS?

Questions?

Notice of general meetings

36 At least 14 clear days' notice must be given of any general meeting.

37 The reference to "clear days" in article 36 shall be taken to mean that, in calculating the period of notice, the day after the notice is posted, (or, in the case of a notice sent by electronic means, the day after it was sent) and also the day of the meeting, should be excluded.

38 A notice calling a meeting shall specify the time and place of the meeting; it shall

(a) indicate the general nature of the business to be dealt with at the meeting; and

(b) if a special resolution (see article 41) (or a resolution requiring special notice under the Act) is to be proposed, shall also state that fact, giving the exact terms of the resolution.

39 A notice convening an annual general meeting shall specify that the meeting is to be an annual general meeting.

40 Notice of every general meeting shall be given

(a) in hard copy form

(b) in writing or (where the individual to whom notice is given has notified the company of an address to be used for the purpose of electronic communication) in electronic form; or

(c) (subject to the company notifying members of the presence of the notice on the website, and complying with the other requirements of section 309 of the Act) by means of a website.

Special resolutions and ordinary resolutions

41 For the purposes of these articles, a "special resolution" means a resolution passed by 75% or more of the votes cast on the resolution at a general meeting, providing proper notice of the meeting and of the intention to propose the resolution has been given in accordance with articles 36 to 40; for the avoidance of doubt, the reference to a 75% majority relates only to the number of votes cast in favour of the resolution as compared with the total number of votes cast in relation to the resolution, and accordingly no account shall be taken of abstentions or members absent from the meeting.

42 In addition to the matters expressly referred to elsewhere in these articles, the provisions of the Act allow the company, by special resolution,

(a) to alter its name

(b) to alter any provision of these articles or adopt new articles of association.

43 For the purposes of these articles, an "ordinary resolution" means a resolution passed by majority vote (taking account only of those votes cast in favour as compared with those votes against), at a general meeting, providing proper notice of the meeting has been given in accordance with articles 36 to 40.

Motions

Resolutions

Proxy votes

49 Any ordinary member who wishes to appoint a proxy to vote on his/her behalf at any meeting (or adjourned meeting):

(a) shall lodge with the company, at the company's registered office, a written instrument of proxy (in such form as the directors require), signed by him/her; or

(b) shall send by electronic means to the company, at such electronic address as may have been notified to the members by the company for that purpose, an instrument of proxy (in such form as the directors require);

providing (in either case), the instrument of proxy is received by the company at the relevant address not less than 48 hours before the time for holding the meeting (or, as the case may be, adjourned meeting).

50 An instrument of proxy which does not conform with the provisions of article 49, or which is not lodged or sent in accordance with such provisions, shall be invalid.

Source: TGDT Constitution

Ordinary resolution

- (1)An ordinary resolution of the members (or of a class of members) of a company means a resolution that is passed by a simple majority.
- (2)A written resolution is passed by a simple majority if it is passed by members representing a simple majority of the total voting rights of eligible members (see Chapter 2).
- (3)A resolution passed at a meeting on a show of hands is passed by a simple majority if it is passed by **[**F1a simple majority of the votes cast by those entitled to vote**]**
- (4)A resolution passed on a poll taken at a meeting is passed by a simple majority if it is passed by members representing a simple majority of the total voting rights of members who (being entitled to do so) vote **[**F2in person, by proxy or in advance (see section 322A)**]** on the resolution.
- (5)Anything that may be done by ordinary resolution may also be done by special resolution.

Special resolution

- A special resolution of the members (or of a class of members) of a company means a resolution passed by a majority of not less than 75%.
- (2)A written resolution is passed by a majority of not less than 75% if it is passed by members representing not less than 75% of the total voting rights of eligible members (see Chapter 2).
- (3)Where a resolution of a private company is passed as a written resolution—
- (a)the resolution is not a special resolution unless it stated that it was proposed as a special resolution, and
- (b)if the resolution so stated, it may only be passed as a special resolution.
- (4)A resolution passed at a meeting on a show of hands is passed by a majority of not less than 75% if it is passed by **[**F3not less than 75% of the votes cast by those entitled to vote.**]**
- (5)A resolution passed on a poll taken at a meeting is passed by a majority of not less than 75% if it is passed by members representing not less than 75% of the total voting rights of the members who (being entitled to do so) vote **[**F4in person, by proxy or in advance (see section 322A)**]** on the resolution.
- (6)Where a resolution is passed at a meeting—
- (a)the resolution is not a special resolution unless the notice of the meeting included the text of the resolution and specified the intention to propose the resolution as a special resolution, and
- (b)if the notice of the meeting so specified, the resolution may only be passed as a special resolution.

Chapter 2

- (1)In the Companies Acts a “written resolution” means a resolution of a private company proposed and passed in accordance with this Chapter.
- (2)The following may not be passed as a written resolution—
- (a)a resolution under section 168 removing a director before the expiration of his period of office;
- (b)a resolution under section 510 removing an auditor before the expiration of his term of office.
- (3)A resolution may be proposed as a written resolution—
- (a)by the directors of a private company (see section 291), or
- (b)by the members of a private company (see sections 292 to 295).
- (4)References in enactments passed or made before this Chapter comes into force to—
- (a)a resolution of a company in general meeting, or
- (b)a resolution of a meeting of a class of members of the company,
- have effect as if they included references to a written resolution of the members, or of a class of members, of a private company (as appropriate).
- (5)A written resolution of a private company has effect as if passed (as the case may be)—
- (a)by the company in general meeting, or
- (b)by a meeting of a class of members of the company,
- and references in enactments passed or made before this section comes into force to a meeting at which a resolution is passed or to members voting in favour of a resolution shall be construed accordingly.

68 Resolution to remove director

- (1)A company may by ordinary resolution at a meeting remove a director before the expiration of his period of office, notwithstanding anything in any agreement between it and him.
- (2)Special notice is required of a resolution to remove a director under this section or to appoint somebody instead of a director so removed at the meeting at which he is removed.
- (3)A vacancy created by the removal of a director under this section, if not filled at the meeting at which he is removed, may be filled as a casual vacancy.
- (4)A person appointed director in place of a person removed under this section is treated, for the purpose of determining the time at which he or any other director is to retire, as if he had become director on the day on which the person in whose place he is appointed was last appointed a director.
- (5)This section is not to be taken—
- (a)as depriving a person removed under it of compensation or damages payable to him in respect of the termination of his appointment as director or of any appointment terminating with that as director, or
- (b)as derogating from any power to remove a director that may exist apart from this section.
- Source https://www.legislation.gov.uk/ukpga/2006/46/section/168

AGENDA

1. Welcome and Introductions
2. Presentation on development from members
3. Residents Experience
4. Questions on Presentation and Experience
5. TGDT and CHT Response
6. Questions for TGDT and CHT
7. Residents Final Words
8. AOB
9. Date of next meeting to review what is agreed