

Isle of Whithorn Leisure Limited

Registered office: 1 Dashwood Square, Newton Stewart, DG8 6EQ

Company Registration No.: SC055894 (Scotland)

MINUTES OF THE ANNUAL GENERAL MEETING 2021

HELD ON SUNDAY 29TH AUGUST 2021 IN ST NINIAN'S HALL

ACTION

PRESENT

Morag Roberts (Secretary and minute taker) (43), Muriel Sneddon (Treasurer) (10), Andrew Read (Committee member & AGM Chair) (31), Martin Sneddon (10), Kathryn Norgate (14), Diane Edwards (22), Diane Collins (34), Mags Barker(42), Heather Whyte(12), E & G Perrett(2), S Walker & S Pollard(12A), David Carle(35/36/41), S and A Burnett(37), David Ordish(43), Barbara and Duncan Sands(44), Glyn Mountain and T Deegan(7), William & Barbara Turnpenny(19), Elaine & Mike Strumik(39), Chris Harrison(25).

APOLOGIES

John & Jill Ellerton((9), Sandra Kay(21), Anne Kay(40), Barbara Royle(38), Georgina Souter(6), Nan & Willie Bell(16), David Smith(45), Edward & Judith Ireton(5), Mr & Mrs Simpson(15).

MINUTES OF THE 2019 AGM

Acceptance of the minutes of the 2019 AGM as a true record were proposed by David Carle and seconded by Kathryn Norgate. They were accepted unanimously.

MATTERS ARISING FROM THE 2019 MINUTES

1. Garage Ownership

David Ordish asked if the issue of 2 owners of garages living off site had been resolved.

It was confirmed that the owner who had sold his chalet had quickly sold his garage to another chalet owner, leaving one garage still owned by a non-chalet owner who lives in the Isle.

The Committee have written several times to the owner. He is not prepared to sell his garage to a current owner nor pay any rent to the company as a contribution towards the maintenance of the access

road to the garage. The garage is currently rented to a chalet owner

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and is well maintained. There is no provision in the burdens or elsewhere that says garages can only be owned by chalet owners.

The availability of garages and the general condition of garages was raised. It is for each garage owner to ensure that their garage is insured and maintained to a reasonable standard, particularly those in the block of six adjoining garages.

2. Rule 11

Morag read out Mr and Mrs Bell's request to have Rule 11 removed. This request is on the basis that it breaches the Burdens which are encased in the Title Deeds of each property. Mr and Mrs Bell have consulted their lawyer for clarification and were advised that the only way to change a Burden is through the Scottish Land Tribunal, the sole arbiter. This requires the agreement of each chalet owner. The committee or some chalet owners at an AGM cannot alter the Burdens, even if there was a unanimous vote.

Diane Collins pointed out that rules are not legally binding and they are not the burdens. Following discussion from the floor where it was pointed that lettings of chalets have been going on for over 30 years and would be difficult to challenge now, it was felt that Mr and Mrs Bell needed to attend a meeting in person to further clarify their request to the other owners.

Mr & Mrs
Bell

TREASURER'S REPORT

The treasurer's report had been circulated in advance of the meeting. Morag reported:

1. All chalet owners had paid the levy in 2020 and no-one is in arrears.
2. There were no major works on site in 2020 because of the pandemic. The improvements to the roads, begun in 2019, will be revisited in 2021-2022 by the committee and if further work is needed this will be recommended to owners. There is still need to build up a contingency fund for road maintenance and the lights, and any other unexpected work.

Committee

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3. The 2021 mistake with the levy figure. It should have been £450, discounted to £360. The committee suggested £400, discounted to £320. This error will be taken into account when setting the levy next year.

Committee

4. The sundry income of £250 in the accounts for 2020 was from the sale of the trailer which was not used for some time and was in need of repairs. Heather Whyte objected to the sale. S. Pollard thought we could have sold it for more.

SECRETARY'S REPORT

The secretary's report had been circulated in advance of the meeting. On behalf of all owners Morag thanked the three committee members who had retired in 2020, Diane Collins, Chris Harrison and Dave Wheatley, for their hard work on behalf of us all. Morag said she wasn't going to go through the report point by point as much of it would come up in later items.

SITE MAINTENANCE

1. Site Map

The committee is still trying to get a definitive map of the site as it became obvious in 2019 that the site plans held do not always correspond with the actual Land Register plans for each chalet. Each owner was again asked to let Muriel at chalet 10 have a photocopy of their ground plan so the committee can work out what is private ground and what is communal ground.

All owners
&
Committee

2. Trees

Land owners are legally responsible for maintaining the safety of trees on their land. The Committee requested an assessment of the 3 trees on communal land behind the dyke boundary with Garlieston Rd, from 3 tree surgeons. The Committee was advised that all 3 trees needed to be reduced in size to remove unsafe branches. This has been done and the committee will continue to monitor them.

Committee

3. Signs

The "dog" sign is to be moved from the wall of garage 1 at the site entrance to a more obvious position, beneath the new Laigh Isle sign.

Committee

The meeting was advised that the word "Private" on the Laigh Isle

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sign at the entrance had been excluded from the new sign as access laws had changed over the years.

4. Street lights

Muriel asked for a volunteer/s to be responsible for resetting the street lights as necessary. Diana Edwards agreed to do this.

Diana
Edwards

5. Bins

In addition to the new recycling bins D&G council are planning to introduce a garden waste collection. This will be an opt-in scheme with individual house owners paying an annual amount for the provision and collection of a bin/s.

6. Garden Waste and Cages

David Ordish asked that owners use their common sense when depositing garden waste in the cages citing large tree branches were still being dumped in a cage even though they would never rot down and that large grass turves and earth had been dumped in the grass cutting cage. Owners should take unsuitable material to the council tip.

All

7. Beds and Borders

The contractor had resigned from tending the common beds and borders. The volunteer group of owners had not materialised, so a contractor to tend beds and borders only will be sought.

Committee

ELECTION OF DIRECTORS

1. Morag Roberts and Muriel Sneddon have both served for 3 years, so needed to be re-elected. Both were willing to serve until Easter 2022. Two other nominations had also been received - for Kathryn Norgate and Diana Edwards. All four were duly elected unanimously.
2. Diana Edwards said that a person in the process of buying a chalet is willing to stand as a director. She has lived on the site before and was a director. When the chalet sale is completed, the committee will find out if she can be co-opted on to the committee or whether it is possible to elect a director outside of an AGM with the agreement of all chalet owners.

ISSUES SUBMITTED FOR DISCUSSION

Isle of Whithorn Leisure Limited

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Company Registration No.: SC055894 (Scotland)

1. The issues raised were very contentious, and at times the debates became quite heated.

It was suggested that whilst Laigh Isle should try to retain as much of its original concept as possible it needs to move forward from the constraints put in place when the chalets were built forty-five years ago. Minor concessions (against the burdens) could be, and have been, allowed by the committee.

2. **Motorhomes and similar vehicles**

Kathryn Norgate and Diana Edwards stated their concerns. Their submissions had been circulated with the AGM papers.

Barbara Sands (44) then recounted the hostile reception they had from one owner who objected to their transit van being on their drive and called it a motorhome. There are no fixtures or fittings in their van. Barbara stated that prior to purchase of the chalet they checked through the burdens to make sure they do not infringe them. She pointed out that the burdens refer only to caravans not being parked on front or rear gardens – drives are not mentioned, nor are motorhomes.

There was some discussion about the possibility of motorhomes being used as extra accommodation by holiday renters. Andrew (Chair) replied that bookings from the big agencies like Airbnb, Booking.com and Sykes etc have no parameters about what form of transport a client may arrive in and there are no options to apply such parameters. Effectively the option to discriminate isn't available, and such companies wouldn't apply one. Restrictions as to the number of people coming are set in the set-up of the account and Andrew and Yvette's chalets are set to three or four people.

Muriel Sneddon (10) then read out a statement (see below), which re-iterated Muriel and Martin's position, adding that due to insurance requirements and security their motorhome would remain parked at No 10 indefinitely. Muriel further stated that as this issue had been ongoing since 2019 and that written statements from Nos 14 and 22 would be included as an official record of the meeting then No 10's written response should also be recorded in the Minutes.

Statement:

Any direct or indirect written correspondence from any individual, group or the Company in pursuance of this issue

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(Motorhome) to be received from legal representation only for our Solicitor to respond to. Any direct or indirect verbal comments will be dealt with appropriately.

As far as we (Martin and Muriel Sneddon) are concerned the matter is now closed with no further discussion.

Andrew (Chair) then reported the position as the committee see it based on legal opinion received and what is stated in the burdens.

The burdens say that the parking of caravans on either the front or rear garden is prohibited. Drives are not mentioned. The committee cannot extend the burden to include other vehicles such as motorhomes or camper vans, or boats. Legal advice is that an owner can put the matter to the Sherriff Court for a court decision as to whether motorhomes infringe the burdens.

3. Company garage

Glyn Mountain (7) said he had raised this originally as he queried the amount charged in 2019 when the garage was rented out. He said he accepted the information provided by Morag – that the rent was £120, not £50 as he thought, and that the rental period was 6 months. He asked how the committee could rent the garage out as he regarded that as running a business and that is forbidden by the burdens. Morag replied that the garage has been rented out since 2011 and that the Company's Articles of Association (1.111(2)) says one of the objects of the company is "to promote, establish, develop and carry on any other business which directly enhances the value of or render more profitable any of the Company's properties, assets or rights." Therefore, there is no reason why the garage can't be rented out to contribute to the Company's finances.

Currently the garage is not rented out as it is used to store the Company's records. Only committee members have access to it.

4. Sheds

1. Glyn Mountain (7) had submitted concerns about sheds, which had been circulated with the AGM papers. In particular the size of some sheds and did they have the agreement of the committee.

Muriel responded stating that approximately 65% of owners have some form of storage unit. Storage units are various in material, colour, design, size, and capacity with most owners discreetly siting

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their storage units in the best location taking into consideration chalet configuration - under a window or along a solid wall but usually tight against chalet wall.

Morag said that erection of a shed has become the norm on the estate and not all owners have informed the committee when they plan to erect a shed or store. It is expected that owners will co-operate by having as small a shed as possible and siting it discreetly against a chalet wall. Glyn said there needs to be guidance to owners about size and thinness of acceptable sheds.

All

The committee thinks that tall thin sheds/tool stores are acceptable, so long as they are narrow, not obvious, and erected adjacent to the chalet and not obviously in the garden.

2. Mr Perrett (2) raised the siting and size of the shed at chalet 1 which abuts chalet 2's drive and can only be accessed from chalet 2's drive. Mr Perrett will speak directly to his neighbour to try to resolve this.

5. The astronomy dome

1. Glyn (7) said he has paperwork saying there are no burdens applicable to the garage.
2. Andrew (Chair) reported that the committee are waiting for the title deeds for the garage to be registered and available on the Land Registry Scotland site.

ANY OTHER COMPETENT BUSINESS

None.

The meeting finished at 8.10pm.