

POSOL RESIDENTS MANAGEMENT COMPANY LIMITED

**MINUTES OF THE BOARD MEETING
HELD AT
QUAYSIDE, PORT SOLENT – 13th August 2010**

Present: Reg Sillence (Chairman)
Michael Slack (Deputy Chairman)
Ian Currie (Company Secretary)
Nick Hewitson

In attendance: Samantha Simpson
Nikki Avis

1. APOLOGIES

10/08/001 Apologies were received from Andy Sinton-Gerry, Mike Sandall and Barry White.

2. MINUTES OF THE PREVIOUS MEETING HELD ON 16th July 2010

10/08/002 The Board requested amendments to be made to minute 10/07/049 which ascertains what rights of way Shareholders have over the capping. The Chairman proceeded to read out Clause 6 of Schedule II in the HM Land Registry Transfer Deed (see below). The Chairman asked that the following post meeting note be inserted at the end of Minute 10/07/49.

Post Meeting Note. The right of way on foot for the purpose of access to and egress from any mooring berth allocated to the premises over such part or parts of the estate (if any) as is or are intended to afford access to and egress from such mooring berth

Following this clarification, the minutes were approved. Michael Slack proposed and Ian Currie seconded.

3. MATTERS ARISING

10/08/003 Nothing to report

4. MANAGING AGENTS REPORT

Finance - Budget - Expenditure

10/08/004 Countrywide advised the Board that expenditure as at 31st August 2010 was £171,548.64 against a budgeted figure of £194,493.

10/08/005 A Director asked for clarification as to whether the Port Solent Charge invoice was paid up to date as the actual expenditure is less than the budgeted figure. In response, it was commented that the invoice for the Port Solent Charge had been paid and the second instalment will be paid in due course, which is accordance with the budgeted figure to 31st July 2010.

10/08/006 A Director asked Countrywide for an update to the status of the pontoon repairs. Countrywide informed the Board that the contractor had returned from holiday and the necessary arrangements will now be made for the final four pontoons to be repaired.

10/08/007 A Director asked if the cause of the substantial increase in the water rates had been identified. Countrywide advised the Board that their enquiries were still ongoing and that it would report back to the Board in due course.

10/08/008 A Director requested confirmation that the invoices for the insurance renewals have been settled. Countrywide commented that all insurance premiums have been paid and that the corresponding renewed insurance policies are in place.

Arrears

10/08/009 Total arrears including all aged debts as at 31st July 2010 amount to £14,686.68.

10/08/010 [] **Newlyn Way** – See confidential minutes

10/08/011 [] **Coverack Way** – See confidential minutes

Property Alterations

10/08/012 [] **Bryher Island** – Countrywide advised the Board the property has been flagged with a caution. This will automatically raise the outstanding issues should any solicitor's enquiries be received in the event of the sale of the property.

The Board commented that until any further works are undertaken at the property, no further action can be taken by POSOL and as such the item should be removed from the Board pack until such a time further discussions are required.

10/08/013 [] **Newlyn Way** – The Covenants Working Group informed the Board that it had met with the owner on the 19th July 2010 to discuss the works currently being carried out to his property. The owner is now fully aware of POSOL's requirements and will submit the plans in due course.

Countrywide advised the Board that it had yet to receive the dimensional drawings and plans for the proposed partial conversion of the carport and the installation of tri-fold patio doors.

The Board asked Countrywide to write to the owner to chase up receipt of the plans for the Board's consideration.

10/08/014 [] **Bryher Island** – The Covenants Working Group advised the Board that it had attended the property and measured the driveway and retained car port. The measurements were recorded, and there is a total of 9.1m of available parking space.

It was commented that the amount of parking space is in fact 10cm less than the submitted plans indicated. However the Covenants Working Group recommended that consent be granted.

Countrywide has granted consent on behalf of POSOL for the car port conversion and the alterations to the patio doors. This action was endorsed by the Board.

10/08/015 [] **Bryher Island** – The Covenants Working group informed the Board that it had visited the property following receipt of an preliminary application to convert the carport and re-site the front door to the gable end of the house, with a pathway across the grass area at the side of the property for access.

The owners are prepared at this stage to leave the current driveway as it is and the Covenants Working Group informed them that sympathetic consideration would be given should they wish to change this in the future.

Whilst in attendance, the owners mentioned to the Covenants Working Group that they are considering carrying out a kitchen extension and erecting a small green house adjacent to the under balcony extension, against the existing boundary wall.

The Board having considered the application see no reason why consent should not be granted subject to the owners submitting a full set of dimensional drawings and architectural plans for the proposed property alterations. It was agreed that upon

receipt of the plans, the matter could be referred to the Covenants Working Group for checking

10/08/016 [] **Tintagel Way** – Countrywide advised the Board that the owner had notified them that the matter to re-route the existing piping on the front and rear elevations was in hand, and that the works will be carried in accordance with the stipulations agreed with POSOL when consent was granted.

The Board asked Countrywide to draft a letter informing the owner that it will be monitoring the situation and asking for a timetable for the works to be completed.

10/08/017 [] **Tintagel Way** – Countrywide advised the Board that it was in receipt of a complaint about the recently replaced windows on the first floor of both the front and rear elevations. The complainant advised that the window frames were of a light wood colour rather than the standard white colour.

A Director commented that he thought the works in question were still in progress and asked Countrywide to politely advise the owner of the standard colour.

10/08/018 [] **Bryher Island** – Countrywide advised the Board that it had received an application from the owner to partially convert the car port into habitable space.

The application was submitted to the Covenants Working Group for consideration and the group has visited the property to discuss the proposed works. The depth from the inner carport wall to the end of the drive is 9.96m. The Covenants Working Group measured the remaining driveway which was recorded as 10cm less than the measurements provided in the submitted plans.

The Group commented to the Board that should the owner retain the minimum 2m of carport space it would leave 7.69m of remaining driveway which it feels is insufficient. It therefore recommends that the owner retains a minimum of 8m of parking space.

The Board asked Countrywide to write to the owner to inform him of the Covenants Working Group's recommendations.

10/08/019 [] **Bryher Island** – Countrywide advised the Board that it had received an application from the owner to partially convert the car port into habitable space.

The application was submitted to the Covenants Working Group for its consideration. The Group advised the Board that it has concerns about where the owners propose to site the new door. The door appears to be on an angle which would effectively reduce the amount of space in the car port. The car port has been measured at 4.96m long and the driveway as 5.6m long.

Unfortunately however, the owners do not appear to have submitted the plans to scale. Countrywide advised the Board it had already written to the owner requesting revised scaled drawings. These had been received but unfortunately the owners had not included any measurements on the plans for the Board's consideration.

A Director informed the Board that he will make contact with the owners and ask them to resubmit the drawings to POSOL's specification.

10/08/020 [] **Bryher Island** – A Director informed the Board that the owner of this property has partially converted the car port. The Covenants Working Group has attended the property and has recorded the length of remaining car port space as 3.03m.

The Covenants Working Group asked Countrywide to write to the owner and request that an application for retrospective consent be made. The owner is to be reminded of the £250 fee payable for issuing the retrospective consent.

Post meeting note. Inspection of records revealed that approval for these changes

was granted two years ago but the owner had not carried out the work until recently. No further action is needed.

10/08/021 [] **Newlyn Way** - Countrywide advised the Board that the owners of the property are in the process of selling, and are seeking retrospective consent for a loft conversion that was carried out in 2007.

The owners have submitted photographs of the alterations as they are unable to obtain plans and/or drawings as the company that carried out the alterations have ceased trading so the plans and/or drawings are no longer available.

The Covenants Working Group commented that as the owners have only installed Velux windows which are prominent across the estate, it recommends that POSOL consent is granted on receipt of the standard administration fee for retrospective approvals. This action was endorsed by the Board.

10/08/022 [] **Sennen Place** – Countrywide informed the Board that the owner has submitted an application to carry out an under-balcony kitchen extension.

The Covenants Working Group commented that it was not apparent from the submitted plans whether they will be installing steps down to the garden. Under no circumstances will POSOL consent be granted for the owners to raise the existing level of the garden.

The Board asked Countrywide to refer its comments to the owners and request written clarification on the intended access down to the garden.

Gardening

10/08/023 [] **Cadgwith Place** – Ian Currie reported that he had agreed the terms of the licence with the owner and is awaiting receipt of the signed documents and payment of the applicable fees.

10/08/024 [] **Holywell Drive** – Countrywide informed the Board that it had received further contact from the owner advising that he is still interested in proceeding with the licence of the plot of land but is seeking clarification of the associated costs.

The Board commented that as it is not qualified to undertake legal matters, all such matters will be referred to Verisona Solicitors for the relevant paperwork to be drafted. Verisona's fees for undertaking such works are in the region of £400 to £500 plus VAT. These fees are in addition to the annual rent payable to POSOL on the anniversary of the Licence start date. The Board asked Countrywide to write to the owner informing him of the its comments.

10/08/025 [] **Coverack Way** – Countrywide informed the Board it had reviewed all of the past correspondence on the matter and advised the Board of the circumstances as to why the matter did not proceed on a previous occasion.

The Board commented that under no circumstances would it sell POSOL's land assets. It asked Countrywide to inform the owner that if he wishes to licence the land, then he will need to submit an application which includes the dimensions of the intended land and confirm acceptance of POSOL's terms and payment of all fees associated with drawing up the Licence Agreement.

Berthing

10/08/026 **Berth Lengths** – The Berthing Working Group advised the Board that it had attended a meeting with the owner of berth [] and discussed the issue of Berth lengths within the residential marina.

The Board asked Countrywide to respond to the letter it had received disputing the length of the residential berths and to advise that POSOL is investigating his

comments and making the necessary enquiries, and will respond to his letter in due course.

10/08/027 **Berth [] and []** – Countrywide advised the Board that it discussed the failed bolt with Walcon Marine once again.

Walcon Marine commented that it was not worthwhile to randomly test the bolts as they feel that they have already passed their best. The general life span of the pontoons was said to be 25 years and many of those in the marina are nearing that age. Walcon Marine believes that there will be a general deterioration in the structure of the pontoon, in addition to rusting, elongated holes, worn bolts and rubber donuts. Furthermore, they feel it is not worthwhile simply replacing the bolts as there is a distinct possibility that the whole structure may have to be replaced in a few years time.

In 1997 Walcon Marine undertook a condition survey of all 92 finger pontoons that were in situ at the time. They propose carrying out the same exercise to determine on a grander scale what repairs are needed, if any, so they can be phased in over a set period of time.

Countrywide informed the Board it had located a copy of the 1997 survey and proceeded to read out the survey comments with reference to pontoon [] and []. The Board commented that another survey should be commissioned as the previous one is out of date and does not include all 151 finger pontoons. Subsequently the Board asked Countrywide to source two quotes for the full survey and to replace all the 604 bolts.

A Director commented that the Board should consider implementing a five year plan to phase the replacement of the pontoons. In response, another Director noted that once POSOL was in receipt of the full survey the Board could discuss the significant expenditure that would be entailed in replacing the pontoons.

10/08/028 **Remote Mooring area adjacent to [] Cadgwith Place** – Countrywide advised the Board that it had sent a letter to the owner informing him that he had until 15th July 2010 to remove the items.

A Director informed the Board that he had contacted a previous Director to discuss the matter and will report back upon receipt of his response.

Countrywide will monitor the situation and it will be referred to Verisona Solicitors should the items remain upon expiry of the 14 day notice.

10/08/029 **[] Bryher Island and Berth []** – Countrywide advised the Board that it had received a request from the berth owner to moor an oversized vessel on berth []. The owner wished to moor a Linssen measuring 11.58m long and 3.86m wide.

Premier Marinas has confirmed that it has no objection for the trespass into its water space. Concerns however have been raised over a possible trespass into the neighbouring berth, and therefore the matter has been referred to the Berthing Working Group for their consideration.

A Director advised the Board that he had attended the property and measured the width of the berths from one pontoon finger splay to the other. The recorded measurement was 8.5m.

Countrywide informed the Board that in the sub-underlease for the property the water space is not demised on a 50/50 basis and it seems that berth [] is slightly narrower than the neighbouring berth.

The Berthing Working Group will attend the property once again and report back to Countrywide accordingly with their findings.

Estate Security

10/08/030 **Marina Safety Ladders** – Countrywide advised the Board that the repairs and/or replacement of the safety ladders around the marina are ongoing. The works to clean and repaint the red safety pile caps will be undertaken in due course as the contractor is currently pricing replacement caps as a possible alternative.

A Director asked if it was worthwhile replacing and/or repairing the safety ladders if the Board are considering replacing the pontoons. Countrywide informed the Director that for Health and Safety reasons the works must be undertaken.

The Board asked Countrywide to chase the contractor for a start date as they are eager for the works to be completed as soon as possible.

10/08/031 [] **Coverack Way** - The meeting discussed the necessary improvements needed to the security fencing adjacent to [] Coverack Way to prevent unauthorised access to the capping.

A Director commented that the owner of the property will welcome additional security measures. The Board asked Countrywide to write to him and invite him to meet the Security Working group to discuss the matter further.

General

10/08/032 **Proposed Closure of the Pathway between Oyster Quay and Port Solent** – As discussed at the previous Board meeting, the letter drafted by Verisona solicitors to the Oyster Quay Management Company Limited has been sent and Verisona has yet to receive a response.

10/08/033 **Portsmouth Local Redevelopment Framework – The Portsmouth Plan**
Countrywide advised the Board that a letter was sent to all Shareholders on 6th August 2010 informing them of POSOL's position and what action POSOL has taken and what it is proposing to do in this matter.

A Director informed the Board that he and a fellow Director attended a meeting instigated by RAPS which all interested parties were invited to attend. He commented that various issues were discussed. In particular, concern was expressed that very little information had been provided in the framework document in relation to the core infrastructure such as drains and roads etc.

Representatives from each interested party will form a group currently identified as the Option Five Committee. Nick Hewitson will speak on behalf of the POSOL Board and its Shareholders.

A Director commented to the Board that Verisona Solicitors had read through the Land Registry documentation. Unfortunately, they are unable to confirm with certainty the strength of the Master Lease as the marina facilities are not defined in detail. Verisona has offered an invitation to Tony Charles of Portchester Planning Consultancy, appointed to act on POSOL's behalf, to discuss the matter if he so wishes.

A Director advised the Board that Tony Charles on behalf of POSOL has drafted a letter to be sent out attached to the monthly email which urges Shareholders to send their objections to the Council. Countrywide commented that only 90 Shareholders opted to receive the monthly email and therefore a majority of the Shareholders will not receive it.

A Director mentioned that a copy of the letter has been circulated by RAPS, the Yacht Club and other parties so most shareholders are likely to receive at least one copy if not more.

Countrywide proceeded to read to the Board a response from the owner of [] Carbis

Close which commended the actions of POSOL in challenging the Redevelopment Framework.

On behalf of Tony Charles, a Director informed the Board that he feels Portsmouth City Council have in fact broken the law as they have not undertaken stage one of the planning consultation process. Tony Charles recommends that POSOL advise the Council of its mistake and offer to work in conjunction with it. All Board members present favoured this proposal and therefore it was agreed.

The Chairman asked the Board for any comments on the proposed objection drafted by Portchester Planning on behalf of POSOL before it is submitted to Portsmouth City Council. Nick Hewitson proposed, Michael Slack seconded, all the Board was in favour of it being issued.

The meeting discussed whether the document should be circulated and shared with other interested parties and it was agreed that at this time a copy should be provided to RAPS.

10/08/034 **Portsmouth City Council Parking Proposals for Lock View** – Countrywide advised the Board that Portsmouth City Council is proposing to introduce parking restrictions in Lock View.

The proposed restrictions are to extend the existing double yellow lines and limit waiting times of 3 hours with no return within 4 hours. The Council feel this will accommodate local needs as well as improving road safety and traffic management in particular for emergency and service vehicles.

Countrywide had notified all Directors of these proposed restrictions prior to the meeting and advised the Board that the reaction it had received had been varied. Concerns have been raised about the traffic being pushed from Lock View onto the estate and worsening an already evident problem.

Given the diversity of their opinions, Countrywide asked the Board for instruction on how to proceed with the matter.

The meeting discussed the parking problems across the estate and the possibility that these restrictions could be extended on to the estate. A Director commented that as it is the commercial units and offices causing the problem then they should seek alternative arrangements for staff parking.

The Board requested that Countrywide submit formal objections on behalf of POSOL. This was agreed unanimously by all present.

5. WORKING GROUP REPORTS

Finance

10/08/035 **Year End Accounts 2009-2010** – Ian Currie asked the Board for any comments or queries with regards to the Year End Accounts that were circulated with the Board Pack.

A Director commented that to dispel any confusion among Shareholders, a commentary should be inserted into the breakdown of expenditure to explain why some items are over budget and some are under budget. Ian Currie advised the meeting that the Accounts are a statutory requirement and are filed with Companies House and therefore recommends such information be included as a separate document when the accounts are circulated to the Shareholders.

10/08/036 **Port Solent Charge Review** – A Director advised the Board that the review was in progress with the assistance of two volunteer Shareholders.

Covenants

10/08/037 [] and [] **Coverack Way** – Countrywide advised the Board that it had sent a letter to all residents of Coverack Way notifying them that Shareholders had been made aware of the complaint and POSOL will continue to monitor the situation.

Countrywide proceeded to inform the meeting that the owner of [] Coverack Way has responded to its letter advising they will address the issues raised by the complaint.

10/08/038 **Paint Colours** – The meeting discussed the comprehensive paint colour chart compiled by a Shareholder for properties on the estate. It was commented that even though the colour is specified in some Transfer Documents for some parts of the estate, the developer didn't exclusively use that shade.

A Director commented that even if all properties were decorated the same, they would weather at varied rates and ultimately they would look different. The Board has always encouraged Shareholders to use a similar colour to the original.

The colour chart will be published on the POSOL web site.

The Board asked Countrywide to write to the owner of [] Bryher Island to thank him for his assistance. Countrywide informed the Board that it had done so already.

10/08/039 [] **Mullion Close** – Countrywide commented that consent for a car port alteration was granted on the basis that the owner of [] Mullion Close had a separate garage with parking space in front. The meeting discussed the implications if the owner chooses to sell that garage at any point and what restrictions the Board could implement.

The Board agreed to redraft the Car Port Alterations policy which will be circulated to the Board for approval. A note will be entered in the record for [] Mullion Close to ensure that the house and garage titles cannot be separated.

Gardening

10/08/040 A Director advised the Board that he had witnessed 2 residents lifting up their dog over the newly installed fence to enable it to use the D-section garden area in Holywell Drive as a toilet. The Board agreed to put an article in the next instalment of the POSOL newsletter.

Website & Shareholders Communications Working Group

10/08/041 **Website Rejuvenation** – The Communications Working group advised the Board that it has submitted a proposal to Apollo Media for the content of the new website. Upon receipt of the new design layout, the Working Group will report back to the Board.

10/08/042 **Monthly Email Newsletter** – The Communications Working Group advised the Board that a draft of this month's newsletter is undergoing a final edit and will be ready for circulation to all participating Shareholders in the coming week.

10/08/043 **Bi-Annual Newsletter** – Countrywide asked the Board to consider what articles/information it wished to be included in Autumn 2010 newsletter which will be sent out at the beginning of October with the service charge invoices.

10/08/044 **Management Statistics** – Countrywide advised the Board that during the period 19th July 2010 to 12th July 2010 it had received 181 letters/emails and sent out 813 letters/emails. It received 64 phone calls in and made 53 calls out. 7 applications for external alterations had been received and 3 property assignments were completed.

Berthing

10/08/045 Nothing further to report

Security

10/08/046 Nothing further to report

6. ANY OTHER BUSINESS

10/08/047 [] **Bryher Island** – Michael Slack declared his interest in this matter and exited the room, abstaining from any discussions.

The meeting discussed a complaint Countrywide had received from the owner of [] Bryher Island. A Director proceeded to read the content of the letter to the room.

The two page letter listed a number of issues, each of which was considered and discussed.

One complaint refers to a Shareholder using the marina capping wall as a walkway to access to his berth. The other relate to issues with property alterations and installations he has carried out to the property.

In response to this matter, the meeting commented that the access via the marina capping wall has been resolved and that the owner of [] Bryher Island has now agreed that he will no longer use the capping as an access pathway to his mooring.

With regard to the various alterations, the owner has POSOL consent for them and they are all in keeping with POSOL's policies.

The Chairman will draft a response to address the all the concerns of the complainant which will be circulated to the other two Board members present at the meeting for approval.

10/08/048 [] **Kelsey Head** – A Director advised the Board he had received an application from the owner to erect rigid canopies on the front and rear elevations of the property.

The Director circulated the application to the Board and it was commented that whereas POSOL sees no problem with erecting one on the rear elevation, consent will not be granted for one on the front elevation.

The Board asked Countrywide to write to the owner of the property advising him of the Board's comments.

7. DATE OF NEXT MEETING – 17th September 2010

