

POSOL RESIDENTS MANAGEMENT COMPANY LIMITED

**MINUTES OF THE BOARD MEETING
HELD AT
QUAYSIDE, PORT SOLENT – 16th July 2010**

Present: Reg Sillence (Chairman)
Michael Slack (Deputy Chairman)
Ian Currie (Company Secretary)
Andy Sinton-Gerry
Mike Sandall
Nick Hewitson
Barry White

In attendance: Samantha Simpson
Nikki Avis

1. APOLOGIES

10/07/001 No apologies were received.

2. MINUTES OF THE PREVIOUS MEETING HELD ON 28th MAY 2010

10/07/002 Typographical amendments were made to the minutes following which, the minutes were approved. Ian Currie proposed and Nick Hewitson seconded.

3. MATTERS ARISING

10/07/003 Countrywide advised the Board that it was in receipt of a complaint from a Shareholder with regards to the wording of minute 10/05/031 of the May Board Meeting Minutes, which Countrywide proceeded to read out to the meeting.

The Directors discussed the complaint raised by the Shareholder, and the recollection of the Board members present at the meeting with the Shareholder in question verifies the contents of minute 10/05/031. The Directors concerned expressed their apologies to the Shareholder for any misunderstanding and requested Countrywide to respond to him outlining the outcome of the Board's discussions.

4. MANAGING AGENTS REPORT

Finance - Budget - Expenditure

10/07/004 Countrywide advised the Board that expenditure as at 8th July 2010 was £154,382.95 against a budgeted figure of £175,398.

10/07/005 A Director asked for clarification as to whether Southern Aerials had submitted a second invoice for the removal of the rack mountable units from the Head End Building in Newlyn Way as they had been previously instructed to carry out the works. Countrywide advised the Board that a previous work order had been issued to Southern Aerials but no invoice was passed for payment as the works had not been carried out.

10/07/006 Countrywide advised the Board that it was investigating the substantial increase in the water rates for a particular watering point on the estate. It is trying to determine whether the increase is due to the gardeners using the point, if there is a leak in the pipe work or whether it is being used excessively by a Berth Holder.

A Director asked Countrywide to clarify whether the supply was metered; if so could it be arranged for the supply to be capped which would prevent any unauthorised usage. It was explained that these water supply points had been provided for the benefit of the Gardening Contractor and for use by nearby berth holders so capping

was not an option.

Arrears

10/07/007 Total arrears including all aged debts as at 7th July 2010 amount to £17,652.47.

| 10/07/008 **Newlyn Way** – See confidential minutes

| 10/07/009 **Newlyn Way** – See confidential minutes

| 10/07/010 **Mullion Close** – See confidential minutes

| 10/07/011 **Coverack Way** – See confidential minutes

| 10/07/012 **Sennen Place** – See confidential minutes

Property Alterations

| 10/07/013 **Bryher Island** – See confidential minutes

| 10/07/014 **Newlyn Way** – Countrywide advised the Board that the owner has commenced with the property alterations and is unwilling to provide any of the information that was requested by POSOL to further consider his application.

The Covenants Working Group will meet the owner on Monday 19th July to discuss the proposed alterations. The Board agreed that the Covenants Working Group can provide consent on behalf of POSOL should the proposed alterations be acceptable

| 10/07/015 **Bryher Island** – Countrywide advised the Board that the owners had submitted an application to convert their carport in May and that the matter had been referred to the Covenants Working group.

The owners have carried out the works without receiving POSOL consent. Countrywide has written to the owner to arrange an urgent meeting with the Covenants Working group to discuss the works. The plans submitted by the owner show 2m of retained carport however post conversion the length of the retained carport needs to be checked. The Covenants Working group will revisit the property and reassess the application.

| 10/07/016 **Bryher Island** – Countrywide informed the Board that it had received a set of revised drawings for the carport alterations that have already been completed. The plans show the amount of retained carport is 1.8m which according to the application was recorded during a meeting with a member of the Covenants Working Group.

However during a previous visit to the property Countrywide measured the retained space as 1.58m. Countrywide asked the Board for their comments and/or approval.

| A Director advised the Board that he had received a copy of an email sent by Portsmouth City Council Planning Department to the owners of Bryher Island. The email states that planning permission cannot be granted as the estate has a very evident parking problem and they have not retained sufficient parking for two vehicles.

The meeting commented that if the Planning Department are rejecting applications due to the adverse affect it may have on the parking, it will reinforce POSOL's stance to endeavour to enforce the rule that sufficient parking for two vehicles is retained.

The Board asked Countrywide to advise all applicants that they should contact the Council as they may need to seek planning permission as well as POSOL consent for this type of external alterations. In response, the Board were advised that this is already being done.

The Covenants Working Group recommended to the Board that consent is not granted as they have not retained the minimum 2m. This action was endorsed by the Board.

| 10/07/017 **Bryher Island** – Countrywide advised the Board that the owners had submitted a preliminary application for a carport conversion for the Board’s consideration.

The meeting discussed the preliminary application and commented favourably about the quality of the paperwork submitted. The Board agreed that the Covenants Working Group would visit the property to meet the owners and report back to the Board with their recommendations.

| 10/07/018 **Newlyn Way** – Countrywide informed the Board that it had received an application from the owner to replace the rotten wooden balcony. The owner has identified that it would be replaced on a like for like basis and the soft wood would be treated with two coats of timber treatment.

Countrywide has granted consent on behalf of POSOL for the standard alteration. This action was endorsed by the Board.

| 10/07/019 **Bryher Island** – Countrywide advised the Board that the new owners of the property have submitted an application to partially convert their carport.

The Board asked Countrywide to write to the owners and advise them that the application has been forwarded to the Covenants Working Group for consideration and that their decision will be forwarded in due course.

| 10/07/020 **Tintagel Way** - Countrywide advised the Board that the owners have submitted an application to widen the driveway of the property.

The Board asked Countrywide to write to the owner and advise that the application has been forwarded to the Covenants Working Group for consideration and their decision will be forwarded in due course

| 10/07/021 **Sennen Place** - Countrywide advised the Board that the owners have submitted an application to carry out an under balcony kitchen extension.

The Board asked Countrywide to write to the owner and advise that the application has been forwarded to the Covenants Working Group for consideration and their decision will be forwarded in due course

10/07/022 The meeting discussed the current procedures for submitting applications for external alterations for the Board’s consideration. The Board agreed that all applications should be received by Countrywide and forwarded to the Covenants Working Group in good time to enable the WG to consider the proposals at a meeting which will normally be held a week before the monthly Board meeting.

| 10/07/023 **Tintagel Way** – Countrywide advised the Board that it had received a response from the owners stating that the works to re-route the external pipe work were in hand and asked for clarification of any complaints received, which may have prompted POSOL to contact them again.

Countrywide has replied to the owner informing him that no further complaints have been received but that it was POSOL’s responsibility to monitor the matter and ensure that the conditions under which consent was granted are adhered too.

| 10/07/024 **Newlyn Way** – Countrywide advised the Board that the owners of the property are unwilling to remove the fence they have erected on their property, which is obstructing the view from neighbouring properties.

Countrywide agreed to arrange a meeting between the owners and the Covenants

Working Group to discuss the matter. The Board previously granted consent to enable the owners to erect one fence for privacy from the remote mooring area, but not for the fences erected on the opposite wall adjoining [] Newlyn Way.

Gardening

10/07/025 [] **Cadgwith Place** – A Director advised the Board that the final amendments requested by the owner have been made to the licence agreement and all was agreed with the licensee on the 19th July 2010.

The Director is awaiting signed copies of the agreement together with payment of the relevant license fee and legal costs.

10/07/026 [] **Holywell Drive** – Countrywide advised the Board that it is awaiting a response from the owner and therefore had nothing further to report at this time.

10/07/027 [] **Coverack Way** – Countrywide informed the Board that it had received a request from the owners to purchase the plot of land adjacent to their property which they propose to fence off for security reasons. The owners had previously made this request several years ago, but did not proceed as the legal costs involved were high.

The meeting agreed that POSOL would not sell the plot of land but might be prepared to lease it on a rolling contract basis. The Board asked Countrywide to review all correspondence and arrange a meeting with the owners and the Covenants Working Group to discuss the matter further.

Berthing

10/07/028 [] **Berth Lengths** – Countrywide advised the Board that it had sent a letter on behalf of POSOL to the owner of berth [] to confirm its position and how it arrived at the nominal length of 11m for the residential berths in the marina. The owner has also been invited to meet with the Berth Working Group to discuss the matter further in an attempt to resolve it.

The WG discussed members' availability to attend the meeting and asked Countrywide to finalise the arrangements with the owner and the Berth Working Group. The Group will report back to the Board next month.

10/07/029 [] **Berth [] and []** – Countrywide advised the Board that it had contacted Baker Trayte and Walcon Marine and asked them to supply quotes for the replacement of all 310 bolts and a quote for the removal, replacement and sonic testing of a sample of 30 bolts.

Estate Security

10/07/030 [] **Marina Safety Ladders** – Countrywide advised the Board that it had taken delivery of six marine safety ladders with anti crush sleeves. A contractor has been instructed and will attend site on Tuesday 20th July 2010 to meet a representative of the Board to discuss the design for mounting brackets brackets and related hardware and the installation of the ladders to the ends of the identified pontoons.

The Security Working Group asked Countrywide to clarify if the posts that it had identified as needing cleaning or repairs had been looked at by a contractor. Countrywide informed the Board that to date they had not issued a work order but will request that the contractor carries out these works after the new safety ladders have been installed. A Director commented that the tops of the posts should be painted pillar box red, and it was asked if an item can be placed in the monthly email and in the next instalment of the biannual newsletter.

10/07/031 [] **Remote Mooring area adjacent to [] Cadgwith Place** – Countrywide advised the Board that it had received several complaints that a resident is storing items on the hard standing in a remote mooring area. Countrywide, having written to the owner,

informed the Board that the owner of the items is unwilling to remove them as he believes he has been granted permission by a previous Director.

The Board asked Countrywide to write to the owner and request the items are removed forthwith. The Director concerned is no longer a POSOL shareholder and no written agreement to store equipment in this way is available. A Director suggested that if the items remain after 14 days, the matter should be referred to Verisona solicitors.

General

10/07/032 **Proposed Closure of the Pathway between Oyster Quay and Port Solent** – The Board is taking the appropriate action to oppose any closure or restriction of the right to use the pathway in front of the Oyster Quay development. See confidential minutes.

| 10/07/033 **[] Coverack Way** – See confidential minutes

10/07/034 **Tintagel Way Parking Bays** – Countrywide advised the Board that the bays have been marked out in accordance with the Title Plans held with the Land Registry and a hatched area has been marked out in front of the bays to prevent people from parking there and blocking access to the garages.

| 10/07/035 **[] and [] Coverack Way** – Countrywide advised the Board it had received a letter of complaint from several residents, known as “Residents of Coverack Way”. They have raised an issue about the state of the external appearance of these two houses and that the front gardens are rather overgrown and unkempt.

Countrywide informed the Board that it had written to the owners requesting they address the issue with the exterior décor of the property and it had instructed Hambrooks to attend to the gardens.

A Director asked for a letter to be sent to all residents informing them that it is their own responsibility to redecorate and maintain the exterior of their properties.

5. WORKING GROUP REPORTS

Finance

10/07/036 The Chairman advised the Board that he had received a copy of all the purchase invoices related to the Port Solent Charge from Premier Marinas for the previous financial year 2009 - 2010 for review. The Port Solent Base Charge is reset every five years.

He commented that a meeting will have to be arranged with the Shareholders who have volunteered to assist with the review, to brief them of the protocol of the review and outline what POSOL needs to achieve.

The Directors asked for clarification on whether the amount claimed back is on an annual basis and if Premier has ever increased the Port Charge by the full permitted 12%. In response, they were advised that any amount claimed back is deducted from Premier Marinas invoice for the first year following the review and overall they have never increased it by more than the minimum 4% year on year.

Covenants

| 10/07/037 The Covenants Working Group advised the Board that the owner of [] Bryher Island had compiled a first draft of a comprehensive paint colour chart for the properties on the estate to inform the Shareholders of the appropriate colours to use when carrying out the external redecoration of their property. Once it has been finalised the document will be available for consultation on the website.

Gardening

10/07/038 **Gardening Working Group** – A Director asked the Board for a volunteer to join Gardening Working group to assist the current member of the group. Andy Sinton-Gerry agreed to participate in the group. The Board endorsed his involvement.

10/07/039 The Gardening Working Group advised the Board that it is awaiting receipt of a revised quote for the works to [] Cadgwith Place and [] Newlyn Way. He commented that the overall presentation of the estate was looking good and the final works to the D-section in Holywell Drive will be carried out shortly.

Website & Shareholders Communications Working Group

10/07/040 **Website Rejuvenation** – The Communications Working Group advised the Board that it had arranged a meeting with Apollo Media and would report back to the Board on the outcome of the meeting.

10/07/041 **Monthly Newsletter** – The Communications Working Group advised the Board that a draft of this month's newsletter is under going a final edit and will be ready for circulation to all participating Shareholders in the coming week.

10/07/042 **Flood Risk Response** – The Communications Working Group asked Countrywide to put the Flood Risk response email from the Environment Agency on the News Section of the POSOL website.

10/07/043 **Management Statistics** – Countrywide advised the Board that during the period 21st June 2010 to 15th July 2010 it had received 153 letters/emails and sent out 292 letters/emails. It received 60 phone calls in and made 61 calls out. 5 applications for external alterations had been received and 6 property assignments were completed.

Berthing

10/07/044 [] and [] **Bryher Island** – Countrywide advised the Board that it dealt with a boundary dispute between the properties. The property [64] Bryher Island is currently on the market and a dispute had arisen over the demised water space of each property.

The neighbours at [] Bryher Island were made aware of this as a potential purchaser requested Premier Marinas permission to moor a 20m vessel on the pontoon, which would encroach on their water space.

Countrywide, having obtained the Title Plans from the Land Registry for both properties, has informed both parties and the solicitors acting on behalf of [] Bryher Island of the actual ownership of all areas of water space.

Premier Marinas had rejected the application to moor a 24m boat on this berth.

Security

10/07/045 **Unauthorised access to the Waterside** – The Security Working Group informed the Board that youths are gaining access to the waterside and walking along the capping. It recommended to the Board that a fence be erected alongside [] Coverack Way with private access for the owners and POSOL.

The Board asked Countrywide to arrange a meeting with the owners of [] Coverack to discuss the proposal to increase the security of the area adjacent to his property. It asked Countrywide to obtain quotations from metal workers based on the specification decided by POSOL following the meeting with the owner.

Television

10/07/046 The Television Working Group advised the Board that it had reviewed the Counsel Opinion (obtained by POSOL in 2005) in connection with the planned analogue

switch off in 2012 and the implications this will have on the estate.

The Counsel opinion states that POSOL's obligation to provide the four terrestrial channels will cease when the analogue signal is switched off in 2012..

A Director asked Countrywide to write to the owner of [] Carne Place to thank him for the information he had provided regarding the Land Tribunal and the removal of a covenant. , However they only deal with restrictive covenants and not positive ones which is the case here.

The meeting confirmed that it will continue to maintain the Head End building in Newlyn way and provide the relevant service until 2012. It was proposed that the Television Working group be dissolved. The Board endorsed this proposition.

A Director commented that several tenanted properties in Tintagel Way have erected satellite dishes indiscriminately. In response a Director commented that under an EU Directive, POSOL is unable to prevent residents from erecting aerials to receive information.

This was fully explained in a document sent to all shareholders in 2003. The document is available on the POSOL website to view or download under the heading Guidelines for Television Supplies.

10/07/047 **Tenanted Properties** – A Director commented that several tenanted properties on the estate are in breach of the covenants by hanging out washing in the garden of the waterside properties, causing nuisance. . He asked that all let properties be made aware of the covenants that govern the estate. He was also concerned about indiscriminate parking, often by tenants.

Countrywide advised that it periodically provided the major letting agents with copies of the Welcome to Port Solent brochure which gives the reader a summary of the main covenants. Agents are then asked to provide this to all new tenants in the area.

ANY OTHER BUSINESS

10/07/048 **Proposed Redevelopment of Port Solent** – See confidential minutes

10/07/049 **Use of the Capping** – Countrywide advised the Board it had received a complaint from the owner of [] Bryher Island about the capping being used as a walkway by a POSOL Director, which contravenes the covenants.

A Director asked for clarification of the covenant imposing the restrictions over the use of the capping. In response he was informed that it is believed to be in his sub-underlease but will need to be confirmed.

A Director commented that the ruling has always been that right of way is across the capping from the garden to the pontoon and not along the capping. However, if consent is granted by the neighbouring properties the sensible, pragmatic approach is not to intervene but all owners have the right to object.

10/07/050 A Director proposed that a Working Group be formed to provide assistance with the opposition to the proposed redevelopment of Port Solent. Nick Hewitson agreed to participate in the group. Reg Sillence also agreed to take part. The Board agreed with this arrangement.

7. **DATE OF NEXT MEETING** – 13 August 2010

