

POSOL RESIDENTS MANAGEMENT COMPANY LIMITED

**MINUTES OF THE BOARD MEETING
HELD AT
QUAYSIDE, PORT SOLENT – 21st JANUARY 2011**

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

In attendance: Samantha Simpson
Nikki Avis

1. APOLOGIES

11/01/001 No apologies were received.

2. MINUTES OF THE PREVIOUS MEETING HELD ON 17th DECEMBER 2010

11/01/002 Typographical amendments were made to the minutes following which, the minutes were approved. Michael Slack proposed and Mike Sandall seconded.

3. MATTERS ARISING

11/01/003 [] **Bryher Island** - A Director informed the Board that the owners of the property had reinstated the previous front door rather than finding a suitable alternative as they had previously advised Countrywide they would do.

4. MANAGING AGENTS REPORT

Finance – Budget –Expenditure

11/01/004 Countrywide advised the Board that expenditure as at 12th January 2011 was £310,877.77 against the budgeted figure of £352,431.

11/01/005 A Director commented that in the itemised expenditure, there were two invoices paid to Southern Aerials for seemingly the same works. Countrywide informed the Board that it would clarify the matter with the Accounts Department and advise accordingly.

In response, a Director commented that he believed that these invoices were the quarterly charges for the maintenance contract and not duplicate invoices. The Board asked Countrywide to look in to this matter and report back at the next meeting.

Arrears

11/01/006 Total arrears including all aged debts as at 31st December 2010 amount to £9,255.18.

11/01/007 [] **Coverack Way** – See confidential minutes

11/01/008 Countrywide advised the Board that it had contacted Allens Solicitors to enquire whether the Service Charge is classed as a Liquidated debt. The Solicitor advised that the lease must specify that the service charge is a reserved rent. Countrywide agreed that it will chase the solicitor for further information and report back to the Board.

Property Alterations

11/01/009 [] **Tintagel Way** – Countrywide advised the Board that it was drafting a letter to the owner. Once approved by the Covenants Working Group it would subsequently be sent to him to advise that unless the previously agreed works are carried out within the next 60 days, POSOL will have no alternative but to withdraw consent.

11/01/010 [] **Tintagel Way** – Countrywide informed the Board that the owner has until 7th February 2011 to carry out the necessary painting work as per the conditions of the consent granted by POSOL, and it is seeking the Board instructions on how to proceed should the owners fail to comply.

A Director commented that the owner may have experienced difficulties carrying out the works due to the weather conditions. In response, a Director commented that should this have been the case then the owner should have informed Countrywide accordingly. As yet POSOL and Countrywide have not received any response from the owner to any of its previous correspondence.

The Meeting agreed that the matter will be deferred to the next Board meeting and that Countrywide and a member of the Covenants Working Group would attend the property to carry out a visual inspection and report back to the Board.

11/01/011 [] **Carbis Close** – Countrywide advised the Board that it had received a response from the owners to appeal POSOL's decision. The owners have stated that there are various properties across the estate that have vertical glass panels alongside their front doors. As such they felt that this set the precedent and saw no problem with carrying out similar works to their property.

The owners commented that they did not apply for POSOL consent as the procedure for external alteration applications took too long previously and they did not see that there would be a problem installing the glass blocks. The owners have also lodged a complaint that POSOL representatives are taking photographs of their property without consent and feels this is unacceptable.

Countrywide commented that having reviewed the argument put forward by the owners, the glass panels cited as examples in properties were original design features installed by the developer, and not subject to POSOL consent.

The meeting discussed the contents of the letter and reviewed its decision. The Board asked Countrywide to respond to [] Carbis Close to advise that it had considered the content of their letter but unfortunately the glass blocks are an unapproved change in external appearance and therefore POSOL's stance on the matter remained unchanged.

11/01/012 [] **Bryher Island** – Countrywide advised the Board that it had received an application for the installation of bi-folding patio doors on the rear elevation at ground floor level and that the information had been forwarded to the Covenants Working Group for its consideration.

The Covenants Working Group advised the Board that it could see no reason why consent should not be granted subject to the standard terms and conditions. The Board duly endorsed this recommendation.

Gardening

11/01/013 **Estate Garden Maintenance** – Countrywide advised the Board that the Gardening Working Group met with Hambrooks for the estate walk around on Tuesday 18th January 2011.

The Gardening Working Group advised the Board that it had discussed various works with Hambrooks and agreed a further scope of works to be looked at. Hambrooks has submitted an estimate to the amount of £1000.00.

The Group commented that previously planted Ash tree saplings in the front garden of [] Sennen Place have died for a number of reasons including vandalism. Hambrooks has suggested replacing the tree with a Phormium instead. The Board agreed with the suggested replacement and asked Countrywide to issue the relevant work order.

The Group informed the Board that it had viewed the anchor at the entrance of Coverack Way that POSOL is considering relocating and commented that due to the machinery required to carry out the project the costs will be excessive.

The Group advised the Board that it believed that the area of shrubs behind the pumping station in Holywell Drive has been contaminated. As a result many of the shrubs and trees have died. The Board asked Countrywide to write to Southern Water to request they look into the matter and rectify any fault which may be causing damage to POSOL land and to reinstate the area behind the pumping station should the damage be as a result of a defective pump.

A Director commented that the Dog Fouling receptacle on the Portway had not been emptied for several weeks and that the bin is in a state of disrepair due to the volume of waste contained within it. Countrywide advised the Board that it had previously requested additional dog fouling bins from Portsmouth City Council, which it had declined as it felt they were not required. It agreed to report the matter to Portsmouth City Council appropriate action to be taken.

The Gardening Working Group advised the Board that it had inspected the tree located at the rear of [] Coverack Way in response to the owners complaint that the tree is blocking the signal to the sky dish. The Board discussed the tree and it was agreed that no works would be carried out to it the tree is a visual amenity to the estate and it would be most cost effective for the owners to relocate the sky dish.

11/01/014 [] **Coverack Way** – Countrywide advised the Board that it had chased the return of the signed license agreement. Unfortunately the owner advised that he had returned it on 5th January 2011.

Since the paperwork has not arrived, Countrywide advised the Board it had requested a second copy from the solicitor and would issue this to [] Coverack Way in due course for signature.

11/01/015 [] **Bryher Island** – Countrywide advised the Board that the owner is currently away from Port Solent and is likely to receive the requested information upon his return.

Berthing

11/01/016 **Residential Berth Lengths** – Countrywide advised the Board that following receipt of the letters from both POSOL's and Premier Marinas' solicitors, the owner of berth [] continues to dispute the matter and does not accept their content.

Premier Marinas informed Countrywide that since it has confirmed its position it will be looking to pursue the new procedures for the registration and mooring of oversized vessels in 2011.

The POSOL Chairman and a Director advised the Board that they had met with the owner of berth [] to discuss his grievances with the procedure in a bid to conclude the matter. The meeting discussed the various implications of the new procedure and the Berthing Working Group explained that Premier Marinas twenty-eight day rule is unacceptable and an insufficient time frame to be able to relocate a vessel should permission be withdrawn for any reason.

11/01/017 **Berth [] and []** – Countrywide advised the Board that Solent Marine had carried out the bolt replacement works on Friday 14th January 2011 and that it would report back to the Board upon receipt of the report.

11/01/018 **Remote Mooring Electricity Metres** – Countrywide advised the Board that as per its instruction at the previous meeting it had contacted Southern Electric with regards to the state of disrepair of some of the electricity meter boxes in remote mooring areas and stressed POSOL's concerns on the Health and Safety risk they pose.

Southern Electric advised that it was unable to take any action to repair the boxes or enforce their repair as it is the responsibility of the customer to maintain them. Southern Electric commented that the meters were very durable and did not pose any serious risk.

Countrywide asked the Board for its further instruction on whether to pursue the matter with the owner of [] Tintagel Way, who insists that he, is not responsible for the maintenance of the box and refuses to carry out the repairs as well as claiming that POSOL is liable for the electricity bills for the supply.

The meeting discussed the matter and agreed that no further action is to be taken as there is no potential risk if the box is not repaired.

Estate Security

11/01/019 **Marine Safety Ladders** – Countrywide advised the Board that the six additional marine safety ladders had been attached to the newly made brackets and will be installed before the end of January along with replacing the relevant pile caps and attaching the reflective tape and signs. A Director commented that he had witnessed the contractor in the Marina over the course of the week carrying out the various works.

Countrywide commented that the contractor is due to re-attend site to carry out the cleaning of all of the ladders above and below the waterline through out the marina in the next couple of weeks.

11/01/020 **[] Coverack Way** – Countrywide advised the Board that it still had not received a response from the owner to discuss improving the security of the area which includes his property.

The meeting discussed the possibility of installing additional security fencing between [] and [] Coverack Way in the remote berth area to prevent unauthorised persons gaining access to the capping.

The Security Working Group advised that it had yet to view the area but would do so and report back to the Board at the next meeting.

11/01/021 [] **Tintagel Way** – Countrywide informed the Board that the owner of [] Tintagel Way had raised concerns that youths were loitering and fishing off the pathway running in front of the waterside gardens in this area. The owner believed they were gaining access to the area by climbing over the wall and fence on Bryher Bridge. Furthermore the owner believes they are using the street sign as a foot hold onto the wall.

Countrywide commented that it had agreed with the owners of [] and [] Tintagel Way that the sign will be removed from the blue posts and repositioned on the wall adjacent [] Tintagel Way. It advised the Board that a contractor has been instructed to carry out the works and that the posts will be retained for future use.

General

11/01/022 **Proposed Closure of the Pathway between Oyster Quay and Port Solent** – Countrywide advised the Board that no further action was required at this time.

11/01/023 **Remote Mooring Gate adjacent to [31] Cadgwith Place** – Countrywide advised the Board that it had met with GSB Fabrications as well as the owner of [] Cadgwith Place to agree the new position of the gate to the remote mooring area.

Countrywide informed the Board that it had received the quote for the works from GSB Fabrication to the amount of £580 plus VAT. This information had been forwarded to the Security Working Group for its consideration. Approval for the quote has been given. Countrywide issued the work order to GSB Fabrications on the 6th January 2011.

11/01/024 **[30] Tintagel Way** – Countrywide advised the Board that it had written to the owner about him withholding a proportion of his service charge due to a problem he has been experiencing with the television aerial signal within his property.

The owner has responded stating that the developer never installed a supply and he had installed one at his own expense. Therefore he feels he is justified to deduct monies for a service he does not receive.

The Board discussed the content of the owner's response and it was commented that as the owner has never granted access into the property to rectify this matter, the Board was unable to rectify any fault he may have been experiencing. Therefore there is little that can be done. It was pointed out however that withholding service charge monies is not permitted in accordance with the Covenants and the debt will be pursued in the usual way.

5. **WORKING GROUP REPORTS**

Finance

11/01/025 **Port Solent Review Charge** – The Board discussed the inclusion of capital items of expenditure in the current review year and the Directors queried whether POSOL has a legal obligation to contribute to capital expenditure costs.

A Director outlined to the Board the relevant schedule from the Head Lease between Premier Marinas and Port Solent Limited which itemised Premier Marinas maintenance obligations which make up the Port Solent Charge. In response, a Director commented that even though Premier Marinas is responsible for the maintenance of such items, he would like to see written legal confirmation that POSOL must contribute towards the costs.

A Director asked for clarification on which items of expenditure were used to calculate the base charge in the early stages of the site's development. A Director commented that there are 25 headings contained within the underlease which outline the categories which are included in the Port Solent Charge.

A Director mentioned to the Board that if there had been any error on the part of Premier Marinas, it had been that no portion of the charge was allocated to a sinking fund. It would therefore seem reasonable on the part of Premier Marinas to collect funds for capital expenditure items amortized over a period years.

The Chairman advised the Board that he was due to attend a meeting with Trevor Allen of Premier Marinas and asked for its approval for the matter to be added to the agenda of items to be discussed at the forthcoming meeting. The Board agreed to his proposal.

11/01/026 **Sinking Fund Deposit** - Countrywide had previously notified the Board that the £200,000 bond held at Barclays had matured. It had advised the Board of the current interest rates available.

A Director had researched the market for details of other banking institutions offering slightly higher rates.

The Board discussed the matter at some length and concluded that for the sum involved the small increase to be gained by using institutions such as overseas banks may be negated by the increased risk. It was therefore agreed to keep the money on deposit with Barclays for a further six month term, whilst if possible Countrywide alert Barclays that their interest rates were rather uncompetitive and seek higher rates if possible.

11/01/027 **Budget for 2011-2012** – A Director asked the Board and the Working Party members for any comments on the previously circulated draft budget.

The Gardening Working Group advised the Board that it has reviewed the draft budget and is satisfied with the proposed allowance for gardening works.

The Security Working Group asked the Board to consider a budget of £2000.00 for the forthcoming year due to the security works it wishes to carry out to various areas across the estate.

The meeting discussed the budgeted figure relating to professional and/or legal costs. The Board agreed to ensure adequate funding is available to seek the relevant advice on matters pertaining to Port Solent and therefore an allowance of £15,000 is to be included in the 2011-2012 budget.

It was also commented that there have been increases in the VAT amount and the Port Solent Charge has been reviewed and as such, this would need to be taken into consideration.

The Company Secretary, Mr Currie, will incorporate all of the proposed amendments into the budget and circulate a revised version to the Board before the Board Meeting in March for approval.

The Board expressed its thanks to Mr Currie for all the hard work and effort he contributes to preparing the annual budget each year. The Board commented that the Company Secretarial fee has not been increased this year and has not been for several years previously. Mr Currie added that he was satisfied with the present fee.

Covenants

11/01/028 **External Alterations Policy Review** – The Board welcomed the Chairman of the Covenants Working Group to discuss the proposed changes to the External Alterations Policy to deal with the increased volume of applications.

The Chairman explained that Shareholders would submit applications to Countrywide a minimum of a two weeks prior the POSOL Board meeting. The applications would be forwarded to the Covenants Working Group for its consideration before it is reported to the Board for its endorsement or refusal.

The meeting discussed the advantages and disadvantages of publicising applications to adjoining properties to allow Shareholders to submit any comments or objections before conditional approval is granted and work has commenced.

Once conditional approval has been granted by POSOL the responsibility is with the owner to notify Countrywide when the works have been completed as per the submitted plans. The works would then be visually inspected by Countrywide or a member of the Covenants Working Group, who will recommend whether final consent should be granted.

Should the external alterations carried out differ from that of the submitted drawings, a letter of non-compliance would be issued requesting that the alterations are rectified. If the owner still fails to adhere to the terms of the conditional consent within the allotted time scale, the property will be flagged as non-compliant.

The Chairman of the Covenants Working Group commented that the terms of the revised policy state, that should a Shareholder be dissatisfied with the outcome of their external alterations application, he/she is able to lodge an appeal within three months of the Board's decision. They will be invited to meet the Board for approximately thirty minutes to put forward their argument and if possible come to a compromise that appeases both parties.

The Chairman of the Group recommended that the policy once approved be uploaded to the website or circulated to the Shareholders.

The Board discussed further the implications of notifying neighbouring properties. A Director commented that notification should be reserved to only properties adversely affected by the alterations as it could lead to unnecessary objections from other residents. It was commented that the advertising of the application could be classed as an infringement of the Data Protection Act.

The Covenants Working Group asked that the matter be deferred to the next meeting giving the Board an opportunity to read through and consider the proposed new policy for External Alterations, in addition to seeking legal advice with regards to the Data Protection Act.

11/01/029 [] **Bryher Island** – The Covenants Working Group advised the Board that it had reviewed the owner’s appeal and after due consideration of her comments felt that removing a portion of the garden to create parking would be a loss of visual amenity, and POSOL’s position on the matter therefore remains unchanged.

11/01/030 [] **Sennen Place** – The Covenants Working Group informed the Board that it has reviewed the ongoing work at [] Sennen Place and confirmed that the owner had not sought POSOL consent prior to carrying them out.

Countrywide to write to the owner requesting he make an application for POSOL consent as soon as possible.

11/01/031 [] **Bryher Island** – The Covenants Working Group advised the Board that it will inspect the alterations carried out to the property as it appears that the alterations carried out contradict the plans submitted by the owners to both POSOL and Portsmouth City Council.

Countrywide informed the Board that it had received a complaint from a neighbouring property about the alterations that have been carried out to the balcony. It reviewed the property file and can find no submitted application to alter the balcony. The Covenants Working Group are to review the matter and refer back to the Board in due course.

Gardening

11/01/032 Nothing further to report

Website & Shareholders Communications Working Group

11/01/033 **Website Rejuvenation** – The Communications Working Group advised the Board that it had received three quotations for the rejuvenation and maintenance of the POSOL website.

The Board considered the submitted quotations.

11/01/034 A Director asked the Board for its permission to have his personal email address removed from the POSOL website and would like the Board to give further consideration to the adoption of generic email addresses for all Directors.

Berthing

11/01/035 **Berths [] and []** – See confidential minutes

Security

11/01/036 Countrywide asked the Board for its consideration on the wording to be used on the signs to replace those which state that ‘Clamping is in Operation’ as it is no longer lawful to clamp vehicles on private property as of the 1st January 2011.

The Board advised that the proposed changes in the law had not gone through and the Board therefore agreed that it would defer the matter until such a date it is necessary to replace the signs.

Port Solent Community Working Party

11/01/037 The Port Solent Community Working Party advised the Board that it will attending a meeting with Premier Marinas to discuss its vision/proposals for the Marina and would advise the Board accordingly of the outcome.

The Group informed the meeting that Portsmouth City Council is shortly due to respond to the comments submitted by the group following the C.I.E in response to their plans for development.

6. ANY OTHER BUSINESS

11/01/038 **Parking Restrictions** - A Director advised the Board that he has received a letter from Portsmouth City Council in reference to a previous proposal to put down double yellow lines in Tintagel Way. The Director expressed his concerns that the Council was reconsidering instigating parking restrictions, when it had indicated that the proposals would not go ahead due to objections received from Shareholders and residents.

The Board asked Countrywide to look into this matter and report back to the Board in due course. To assist Countrywide, the Director provided a copy of the letter he had received from PCC.

11/01/039 A Director asked Countrywide if salt/grit bins could be provided across the estate for use during times of severe weather conditions. Countrywide advised the Board that due to insurance liability issues it would have to seek advice and report back to the Board in due course

11/01/040 [] **Newlyn Way** – See confidential minutes

11/01/041 [] **Carbis Close** – See confidential minutes

11/01/042 **Estate Parking** – A Director commented that he had seen several untaxed, unregistered foreign vehicles seemingly abandoned on the estate. In response, a Director mentioned that little can be done about these vehicles as they are not subject to the same road tax rules and there is no centralised database to obtain the information on the registered owners.

7. DATE OF NEXT MEETING – 18th February 2011