



# POSOL Residents Management Company Limited

Autumn Newsletter 2009

*Welcome to this edition of our biannual Newsletter. We hope you will enjoy reading it and that you will find the information it contains to be helpful. Managing an estate with 423 houses and 310 berths means that it is difficult to please everybody all of the time. Your directors do try but are the first to admit that they do not succeed in every case. Inevitably, the newsletters tend to harp on problem issues but there is so much that is right about our marina village and its residents that we should not allow the occasional difficulty to spoil our view of life here by the sea.*

## Pontoon Maintenance

Each year, our Managing Agent organises a contractor to carry out essential maintenance work on POSOL pontoons, some of which requires individual pontoons to be clear of the vessel(s) normally moored to it.



Scheduling this work is difficult and is sometimes weather dependent. The aim is to carry out such work in the late autumn when many boats will be ashore and Premier Marinas normally have space available in the public marina to accommodate boats which need to be moved for a day or two. The work has sometimes been frustrated when an owner fails to move his boat, having been given reasonable written notice. Imagine the frustration of an owner, who has travelled to Port Solent specially to move his boat, only to find that the work cannot be carried out because his neighbour, who shares the pontoon, has not arranged for his boat to be moved!

Where work cannot be undertaken because the pontoon is not clear, the contractor has to make another visit which means extra cost for all berth owners. We understand that the scheduled work will

sometimes clash with other calls on an owner's time and where this happens we will always try to juggle the schedule to fit but this can only be attempted if the owner tells us what his situation is. Sometimes,

Countrywide gets no response at all to the notice of impending maintenance work and just has to hope that "it will be all right on the night".

POSOL has been reluctant to have Premier Marinas move boats without having the owner's written permission and we're sure you will understand the reason why in today's litigious climate. However, the frustration of other owners and the unnecessary costs incurred in cases where a boat which should have been moved is still in its berth means that POSOL has now

to consider advising owners, when the notice of the planned maintenance is sent out that, if the boat is on its berth when the contractor needs access, POSOL will arrange to have it moved for a short while until the work has been completed and then for it to be returned. Every care will be exercised and only fully qualified operators will be used.



This step will only be taken as a last resort and every effort will first be made to obtain the active cooperation of the owner. Please help yourself by helping POSOL to ensure that your pontoon is safe to use.



# Communications

## Monthly News Sheet by e-mail

The response to the suggestion in the last newsletter that POSOL might publish a short monthly e-mail listing principal activities in the preceding month has not met with a great response. Just 11% responded initially but we do now have sufficient e-mail addresses to carry out a trial of the scheme. The object is to let you, the shareholder, understand more about the work carried out by POSOL and its managing agent. The directors feel that many shareholders are unaware of all the work that goes on to administer the estate and that they are then inclined to query the

cost when it comes to paying the Service Charge. If one thinks one is being overcharged for a service, one tends to be unhappy about it and we don't want unhappy shareholders, do we?

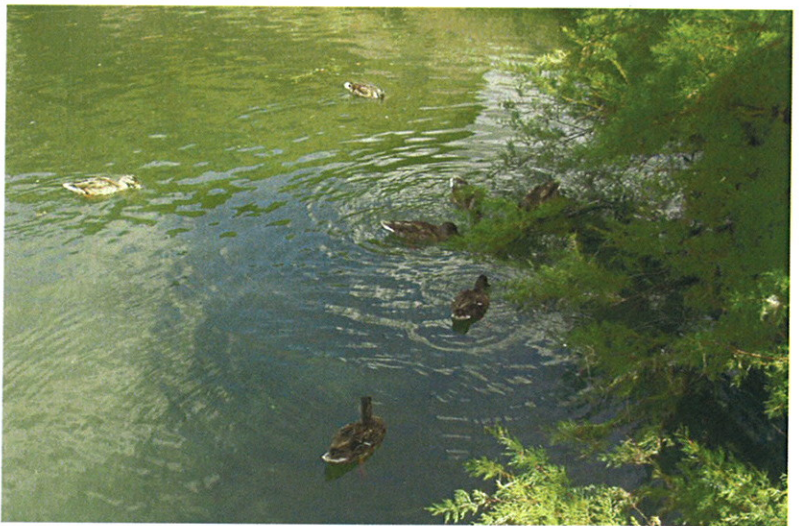
Perhaps the low initial response to the idea indicates that most folk are quite content with the way things are run.

We will be putting out the first of these monthly e-mails to those who have given us their address at the end of October. Please let us have feedback on the relevance of the information provided and your suggestions for improvement.

## Television Service

Those owners in the newer part of the estate who had been receiving analogue television signals were understandably annoyed when these signals disappeared a few weeks ago. These were provided by Virgin Media who decided to stop supplying analogue television channels well in advance of their final demise in 2012.

Very briefly, the problem stems from a contract between the developer and a company called Nynex early in the 1990's. This was to supply the then four terrestrial channels by cable to a single point in each of the houses on the newer part of the estate (those houses to the east of Bryher Island Bridge and those on Bryher Island). Owners would then have the opportunity to pay for additional satellite channels if they wished. POSOL picked up the tab for providing the basic four channels.



POSOL supplied similar aerials to those few houses affected by this latest situation so that a television service was quickly restored.

Unfortunately Nynex became Cable and Wireless, Cable and Wireless became NTL and NTL became Virgin Media. The original contract was no longer recognised but most people switched to satellite and digital services as time went by so POSOL just had to deal with a relatively small number of houses where, for one reason or another, there was no cable signal to the house. In such cases high gain aerials were installed to enable reception of the Freeview channels.

It is time to resurrect the TV Working Group to analyse the options available to deal with the older part of the estate where ageing tuners and distribution amplifiers provide television signals to the older part of the estate over underground copper conductors put in place 20 years ago. The covenants require POSOL to supply the original four terrestrial channels. These will cease to exist in 2012 so what happens to POSOL's legal obligation then? We're sure that many, if not most,, people will wish to continue to receive a service similar to that which they have now. You will see that there is much to consider and the reformed group will be tasked with advising the board on the options available to it. POSOL will probably need to consult with you all, when it knows what is possible and the costs involved.



# Security

## Security Grilles in Lock View and Portway

In 2006, following vandalism caused to the gutters and roofing tiles on 2 groups of garages in Lock View and one block backing onto Portway, and in response to complaints by a number of shareholders, POSOL organised and funded the manufacture and erection of metal security grilles fixed to the most vulnerable parts of the garage blocks. This action has been successful in reducing the instances of repeated vandalism.

However, in December 2008, following a complaint about the grilles, by a Port Solent shareholder, to the planning department at Portsmouth City Council, POSOL received notification from the Council that the grilles required planning permission and that as no permission had been granted the Council were considering taking Enforcement Action. Such action would have to be taken against the owners of the garages concerned, individually.

POSOL recently arranged for the grilles to be surveyed in preparation for the submission of a retrospective planning application for the retention of the grilles. However, the survey revealed that in the case of the 2 sets of grilles in Lock View, these are overhanging the public highway (i.e. footway) and that even if planning permission was received a Section 278 Agreement would also be needed under the provisions of the

Highways Act (i.e. for carrying out work in/over the public highway).

A meeting has been held with Officers of the Highways Department and their advice is that as the grilles overhang the highway and therefore could represent potential risk to pedestrians they would be likely to object to the granting of planning permission for their retention, should an application be submitted.

POSOL has therefore concluded that there is no alternative other than to remove the 2 sets of grilles in Lock View and make good the guttering and re-decorate the fascia and soffits.



The third set of grilles, along the Portway, are heavily screened by landscaping and set well back from the edge of the public highway and will

therefore be retained, subject to agreement with the Council.

The Board consider it regrettable that it is necessary to remove the grilles but hopes that as the grilles have been successful in modifying the behaviour of the vandals over the past 3 years, that there may be less risk of a recurrence of the previous incidents in the future.

## Vandalism

We recently had a very serious case of malicious vandalism against one shareholder's property. In the night, his boat was cast adrift, expensive garden furniture was tossed into the marina and a downstairs

window smashed. Nobody reported seeing or hearing anything.

This does appear to have been a one-off case but it does remind us all to be vigilant at all times and to report anything suspicious to the Police without delay.

## Keys to Security Gates

The security gates giving access to the marina containment walls were fitted with security locks to overcome a number of problems. Among these were the need to protect the privacy and property of residents. Single keys were issued free of charge to remote berth holders, the owners of houses adjoining the gates for emergency use and to each waterside house in Tintagel Way because these have a rear access pathway between the containment wall and their gardens. Master keys were issued to Premier Marinas and the emergency services.

It seems that some owners have given keys to tradesmen on a permanent basis so that regular work

can be carried out when the owner is not present to provide access through the house. While, at first sight this might seem reasonable, it immediately risks infringing other owners' privacy and, possibly, their security also. Where work of a one-off nature is to be undertaken at the rear of a waterside property, Samantha Simpson at Countrywide will always be willing to make a loan key available for a short time so that large sized items can be managed. She will, however point out the Health and Safety issues involved in working next to deep water.

To limit access to the marina capping, our managing agent has instructions not to sell keys to owners other than those indicated above.

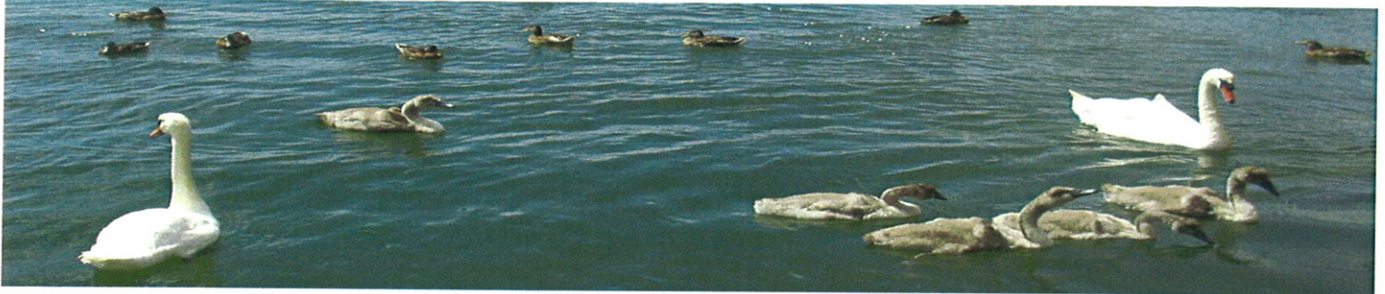


## Covenants

### Washing on View

A number of households have been ignoring the covenant not to hang washing out to dry where it can be seen from other houses. The covenant

concerned is very specific and, like all the others, is designed to improve the quality of life here at Port Solent. If you have been in the habit of doing this, please respect our environment and stop putting washing out for all to see.



### Landlords and Tenants

If you rent your property out we ask you to be sure to bring the covenants governing our estate to the tenant's attention. It is clear that a number of breaches are the result of a lack of knowledge and most people see the benefit if the issue is explained to them. A good way of making tenants aware is to let them have a copy of the leaflet we produced entitled "Welcome to Port Solent". You

can download a copy by accessing the POSOL web site at [www.posol.co.uk](http://www.posol.co.uk).

On the home page click on the tab 'Living at Port Solent', then open the file 'Welcome to Port Solent.pdf'. Alternatively you can get a copy by asking Samantha Simpson at Countrywide.

Remember that the owner is responsible for any breach of covenant by his tenant.

### Animal Fouling

While not specifically covered in the Covenants, this comes under the heading of nuisance, which certainly is.

In the spring newsletter we wrote about the nuisance caused by dogs fouling our pavements. Unfortunately, we still have some examples and, because we don't recall having seen any stray dogs, we have to assume that there are still one or two anti social owners who do not bother to clear up after their pet(s).



One result of animal fouling is the number of unsightly burned patches of grass on some of our otherwise attractive green areas. One or two of these grassed areas appear to have become regular toilet areas and we are considering how

we can protect these with regular applications of a deterrent product. If you live near one of these patches and could give a few moments each week, speak to Samantha at Countrywide and perhaps we can come to some arrangement.



## Gardening

The rejuvenation of the landscaping in Tintagel Way is, like the curate's egg, good in parts.

Overall, people are pleased with the result but are concerned that so much of the new planting has failed. Where this has happened, the dead plants have been removed on the grounds that bare ground is better to look at than dead plants. While this has been unsightly for



a time, replacement shrubs will be planted in November, when the weather is more suitable for new plants to get established. At the same time, some of the healthy new planting will be relocated

to provide a more attractive arrangement. All failed plants will be replaced at the cost of the gardening contractor in accordance with our contract.

The routine maintenance of the gardens generally has been satisfactory but, as always, there are specific areas to which extra attention needs to be paid. Now that the major

rejuvenation programme has been completed, these individual areas will get the treatment necessary to further the overall aim of making our estate look more attractive.

## Premier's Proposed Charges for Longer Boats

Premier Marinas has written to a number of owners whose boats are acknowledged to trespass into its water and for which their "Letter of Comfort" has been issued accepting the trespass. They have stated that, in future, there will be an annual licence issued for boats which extend beyond their POSOL berth (usually boats longer than 11m) and that they intend to apply a fee which is related to the amount by which the boat extends beyond its berth.

A number of very unhappy shareholders have taken issue with Premier over this proposal and the present position is that Premier has modified its scheme and delayed implementation by some months. POSOL is seeking a meeting with Premier to express its concerns and obtain clarification of what exactly is now intended. POSOL believes that the initial proposal was ill considered and not fully thought through. Unfortunately, the marina manager has been away sick for some weeks so the meeting will



have to be arranged with a more senior manager. We expect that this will have taken place by the time you read this newsletter. Affected berth holders will be advised of the outcome of this meeting as soon as practicable.



## Marina Capping

Although, as individual owners, we have no right of way along the top of the marina containment wall, it must be left clear for marina staff, emergency services and health and safety inspectors to carry out their duties. There are a number of overgrown shrubs planted in gardens

which overhang the capping and make it difficult to pass. Similarly, some owners have placed tubs and pots in such a way that they too obstruct free passage along the wall. If yours is one of these houses, please ensure that these obstructions are removed as soon as possible.

## House Decoration

It is pleasing to note that quite a few of our rendered houses have benefited from being cleaned and repainted this year. However, others have fallen further into shabbiness and are now well overdue for a facelift. Well maintained properties maintain and enhance the attractiveness of our estate and serve to keep values up generally. If yours is one of the houses concerned, please consider putting the remedial work in hand as soon as you can. We all know that money is tight right now but keeping property in good repair is always a good investment.



## Finally...

*This is the time of year when many of us will be thinking of winter refits for our boats. If you are among these we wish you success and hope you get done all those jobs that you have planned for. If you plan to stay afloat and take advantage of the less crowded local waters this winter, we hope that you will enjoy some of those magical crisp sunny days and gentle breezes we sometimes get in the winter months. And, if you are among those who just enjoy living by the water at Port Solent and appreciate the ever changing scenery, we trust that you will enjoy this "season of mellow fruitfulness".*

