

POSOL RESIDENTS MANAGEMENT COMPANY LIMITED

**MINUTES OF THE BOARD MEETING
HELD AT
QUAYSIDE, PORT SOLENT – 13TH JULY 2012**

Present: Nick Hewitson (Chairman)
Ian Currie
Tony Charles
Mark Abrams
Mike Sandall
Barry White
Andy Gerry

In attendance: Peter Williams
Nikki Avis

1. APOLOGIES

12/07/001 Apologies were received from Andy Gerry.

2. MINUTES OF THE PREVIOUS MEETING HELD ON 15TH JUNE 2012.

12/07/002 Typographical amendments were made to the minutes following which, the minutes were approved. Mark Abrams proposed and Ian Currie seconded.

3. MATTERS ARISING

12/07/003 **Port Solent Enhancement Programme** – Countrywide advised the meeting that it had sourced two contractors that would be interested in tendering to undertake the external redecoration of the worst houses on the estate. The Directors previously tasked with surveying the estate, advised that it had yet to meet but would do so accordingly and report back to the Board.

12/07/004 **Berth []** – Countrywide informed the Board that the tenant of [] Tintagel Way has advised that it is his intention to moor his newly acquired vessel on berth [] whilst he is resident in the property. A Director commented that considering the recent issues with an unauthorised vessel, that he is mindful to be cautious when approving the registration of the new vessel.

The meeting discussed the matter further and it agreed that upon receipt of the pending registration documents they are to be circulated to the Berthing Working Group for approval.

12/07/005 **[] Bryher Island** – A Director asked for confirmation whether the works to replace the dead tree have been completed. The Gardening Working Group commented that the tree has been replaced but unfortunately the owner is not happy with the replacement and the matter has been referred to Hambrooks to relocate the tree in situ and agree a compromise as the tree the owner has requested is currently unavailable.

4. MANAGING AGENTS REPORT

Finance – Budget – Expenditure

12/07/006 Countrywide advised the Board that expenditure to date was £180,933.03 as it had now received the Premier Marinas invoice for the Port Solent Charge for the year 2012/13.

Countrywide informed the Board that moving forward the monthly financial reporting is to be undertaken by David Smith, POSOL Client Accountant who will take it into account the phasing of major expenditure such as the Port Solent Charge.

12/07/007 **Santander Bond** – The Board requested clarification of why the Santander Bond has still yet to be set up as the funds are still sat in the current account and therefore not earning any interest. Countrywide commented that the matter was being dealt with by Senior Management and it hopes to be able to report back shortly to advise that it is all in place.

The meeting discussed the matter at length and it expressed its dissatisfaction of how long this matter has been outstanding. A Director proposed that Countrywide ceases setting up the Santander Bond until the Board re-evaluates the interest rates to ensure that it is obtaining the best interest rate.

Arrears

12/07/008 Countrywide advised the Board that the total arrears amount to £19,491.03 and of this £12,428.86 relates to aged debtors and that it had recovered £1,632.68 since the last Board meeting.

12/07/009 Countrywide informed the meeting that it had discussed the various courses of action available for POSOL to take in respect of recouping the outstanding arrears, such as instigating Order of Sale proceedings on property which POSOL has previously obtained charging orders. However, if the Order of Sale was granted POSOL would not be a preferential creditor and as such, it was possible that after settlement of preferred creditors that there would be insufficient funds to meet POSOL's debt.

A Director mentioned the Board's previous discussion about filing a petition for Bankruptcy against all Shareholders with arrears over a specified threshold, which would incur less legal fees than Order of Sale proceedings.

The meeting discussed both options at length and it agreed that should the Shareholder be located, Countrywide is to instruct the solicitor to instigate Bankruptcy proceedings. If the Tracing Agent is unsuccessful then it agreed to review the matter.

12/07/010 [] **Tintagel Way** – The Board discussed the outstanding balance which has accumulated on the property due to the owner continually deducting small sums from his service charge due to a dispute with POSOL in relation to television services across the estate. The Board commented that this amount should have been deducted from any refunds due back to the Shareholders.

12/07/011 [] **Tintagel Way** – Countrywide advised the Board that it had previously obtained a County Court Judgement in respect of the 2010 Service Charge, as a result of which the Shareholder is court ordered to pay £25.00 per calendar month. The Shareholder has made monthly payments ever since to the amount of £50.00 which would be deemed as reasonable by the Court.

12/07/012 [] **Coverack Way** – Countrywide advised the Board that a County Court Summons has been issued in respect of the outstanding arrears and that we are awaiting receipt of the Courts Judgement.

- 12/07/013 [] **Newlyn Way** – Countrywide advised the Board that a County Court Summons has been issued in respect of the outstanding arrears and that we are awaiting receipt of the Courts Judgement.
- 12/07/014 [] **Coverack Way** – Countywide informed the meeting that the Tracing Agent acting on behalf of POSOL has located an alternative address for the owner and the County Court Summons has been issued accordingly.
- 12/07/015 [] **Mullion Close** – Countrywide advised the Board that a County Court Summons has been issued in respect of the outstanding arrears and that we are awaiting receipt of the Courts Judgement.
- 12/07/016 [] **Tintagel Way** – Countrywide advised the Board that a County Court Summons has been issued in respect of the outstanding arrears and that we are awaiting receipt of the Courts Judgement.
- 12/07/017 [] **Carne Place** – Countrywide advised the Board that it had received settlement in full for the outstanding arrears.
- 12/07/018 [] **Sennen Place** – Countrywide advised the Board that it had received settlement of the majority of the arrears as the owner is still disputing the charge for the period 1st October 2011 to 31st March 2012, as they believe that they made the necessary payment of these funds to Countrywide.

Countrywide commented that it has thoroughly checked through all bank statements and cheque payments received for POSOL but it was unable to locate the payment. Therefore, it has duly requested that the owner provides a copy of her bank statement showing the payment to Countrywide.

- 12/07/019 [] **Carbis Close** – Countrywide advised the Board that the owner of [] Carbis Close has contacted the Court to file her defence on the basis that she has paid her Service Charge arrears in full but there is a remaining balance of £475.28 as well as the legal fees which have been incurred.
- 12/07/020 [] **Newlyn Way** – Countrywide advised the meeting that it had received the first instalment of £500.00 from the owner of [] Newlyn Way and that it awaited receipt of the next instalment of £250.00.
- 12/07/021 [] **Newlyn Way** – A Director proposed that to progress this matter, a letter should be sent by the Locking Solicitor's on behalf of POSOL without prejudice to all parties that unless they comply with the legal requirements to register the new owners with the Land Registry, it will have no alternative but to instruct solicitor's to pursue the outstanding monies
- 12/07/022 [] **Cadgwith Place** – Countrywide advised the Board that it had received settlement in full for the outstanding arrears.
- 12/07/023 [] **Coverack Way** – Countrywide advised the Board that it had received a partial settlement of the arrears and that it was actively pursuing the remaining outstanding balance.
- 12/07/024 [] **Bryher Island** – Countrywide advised the Board that it had received settlement in full for the outstanding arrears.
- 12/07/025 [] **Coverack Way** – Countrywide advised the Board that it had received a partial settlement of the arrears and that it was actively pursuing the remaining outstanding balance.
- 12/07/026 [] **Bryher Island** – Countrywide advised the Board that it had received settlement in full for the outstanding arrears.
- 12/07/027 [] **Bryher Island** – Countrywide advised the Board that it had received settlement in full for the outstanding arrears.

12/07/028 Countrywide advised the Board that it had received numerous calls from Shareholders to request to pay their Service Charge by Direct Debit. Therefore, Countrywide proposed that a letter be issued to all Shareholders offering the Direct Debit facility on a bi-annual basis to those Shareholders who wish to take it up.

The meeting discussed the matter at length and the Board approved for a letter to be circulated prior to the October Service Charge invoices.

12/07/029 **Service Charge Refunds** – See confidential minutes

Property Alterations

12/07/030 [] **Cadgwith Place** – Countrywide advised the Board that it had received an application from the owner to erect a fence at the end of the garden similar in style to the waterside properties on Bryher Island, which is not in keeping with the neighbouring properties. Upon consideration of the matter the Covenants Working Group agreed to meet with the owner accordingly to discuss his application.

12/07/031 [] **Newlyn Way** – Countrywide advised the Board that the letter of conditional approval has been issued in respect of the submitted application to partially infill the car port and to replace the windows.

12/07/032 [] **Tintagel Way** – Countrywide advised the Board that it had written to the owner informing the owner of the Board's comments regarding the proposed window on the rear elevation and suggesting that it is revised to match the window of the neighbouring property. To date, Countrywide had yet to receive a response from the owner.

12/07/033 [] **Sennen Place** - Countrywide advised the Board that the letter of conditional approval has been issued in respect of the submitted application to erect a fence at the bottom of the waterside garden.

12/07/034 [] & [] **Sennen Place** – The Covenants Working Group advised the Board that it had reviewed the application to carry out a loft conversion at the two adjoining properties and that it had concerns with the shape of the proposed triangular window and the likely precedent it would set across the estate.

Having considered the application, the Covenants Working Group recommended that it is mindful to issue the requisite approval for the alterations but would meet with the owner to discuss the Board's comments with a view to revising the design of the windows.

12/07/035 [] **Bryher Island** – The Covenants Working Group advised the Board that it had reviewed the application to carry out a partial car port infill at the property.

Having considered the application, the Covenants Working Group advised the Board that it could not see any reason not to grant the necessary consent subject to the front entrance door being squared off instead of being at an angle as indicated on the submitted plans and the proposed vision panel being horizontal and set to high level so not to be visible from the road.

The meeting asked Countrywide to write to the owner accordingly.

Gardening

12/07/036 The Gardening Working Group advised the Board that it had met with Simon Moseley of Hambrooks who has taken over from Barry Turner in looking after Port Solent and that its first impressions of him were very positive.

Unfortunately it seems that the programme of works reported to Hambrooks during the last estate walk around with Barry Turner has not been passed over and the Group asked Countrywide to relay the information accordingly.

12/07/037 **Newlyn Way Rejuvenation** – The Gardening Working Group advised the Board that during its meeting with Hambrooks they discussed the rejuvenation of Newlyn Way and asked Hambrooks to put together a proposal for the Boards consideration.

A Director commented that it would be beneficial for Hambrooks to create a working plan for the Board to review.

Berthing

12/07/038 Countrywide advised the Board that it had attended a meeting with Premier Marinas to discuss various berthing queries and general communication with Premier since the departure of Hollie Luff and Dan Hughes.

Countrywide commented that the outcome of the meeting with Premier Marinas was positive and it was agreed that regular meetings and possibly teleconferences would be undertaken to discuss any future berthing matters that arise to ensure a better working relationship going forward.

Estate Security

12/07/039 Nothing further to report that has not been reported elsewhere.

General

12/07/040 Nothing further to report that has not been reported elsewhere.

5. WORKING GROUP REPORTS

Finance

12/07/041 A Director advised the Board that he is due to meet with Taylor Cocks Accountants to finalise the statutory accounts for the Year Ended 31st March 2012.

Covenants

12/07/042 [] **Newlyn Way** – Countrywide advised the Board that it had received a complaint from a neighbouring property stating that the satellite dish in the garden is placed in a prominent position and is rather intrusive.

The meeting discussed the matter at length and the Board asked Countrywide to write to the owner to advise that it was in receipt of a complaint and request that the satellite dish is relocated to another elevation and less intrusive position.

12/07/043 [] **Bryher Island** – The Covenants Working Group advised the meeting that it had yet to view the door replacement at the property which was brought to its attention during the last Board meeting.

Countrywide commented that the owner had sought POSOL consent for the door replacement and that a Letter of Conditional Approval was duly granted.

12/07/044 **Breaches of Covenants** – See confidential minutes

Gardening

12/07/045 The Gardening Working Group advised the meeting that during its estate walk around with Hambrooks it discussed the D-Section in Holywell Drive which was in need of some attention. The Group agreed for Hambrooks to remove some of more clustered plants.

Communications

12/07/046 A Director commented that he felt that on the website an article should be placed which outlines specifically the remit of a 'POSOL' Director as he feels that neighbour disputes are not a matter to be dealt with by the Board and would like the matter to be clarified for all Shareholders.

The meeting discussed the proposal at length and agreed that it would be beneficial

Berthing

12/07/047 Nothing further to report that has not been reported elsewhere.

Security

12/07/048 **Increasing Estate Security** – Countrywide advised the Board that it had received several complaints from Shareholders and Residents that the gates are still able to be opened without the use of a key and therefore are insecure.

The meeting discussed the matter at length and feel that the works carried out by GSB Fabrications who were made fully aware of the remit for the works and that they should not have used a uniform shroud as each gate is different and therefore the shroud should have been adjusted accordingly.

The Directors commented that due to the various delays experienced and the fact that the works are not fully compliant with the remit, that final settlement of their invoice should be withheld until POSOL are satisfied that the locks/gates are fully secure.

Port Solent Community Working Party

12/07/049 Nothing further to report that has not been reported elsewhere.

6. ANY OTHER BUSINESS

12/07/050 The meeting discussed the ownership of garages on the estate and whether they are available to sell to third parties. Countrywide confirmed that only 'A' Shareholders are able to own garages as it is prohibited by the Transfer Documents for the House.

7. DATE OF NEXT MEETING – 18^h August 2012