

**POSOL RESIDENTS MANAGEMENT COMPANY LIMITED**

**MINUTES OF THE BOARD MEETING  
HELD AT  
QUAYSIDE, PORT SOLENT – 17<sup>TH</sup> AUGUST 2012**

Present: Nick Hewitson (Chairman)  
Ian Currie  
Tony Charles  
Mike Sandall  
Barry White

In attendance: Peter Williams  
Nikki Avis  
Samantha Simpson (Countrywide Branch Manager)  
Nicola Dennis (Countrywide Financial Controller)  
David Smith (Countrywide Client Accountant)

**1. APOLOGIES**

12/08/001 Apologies were received from Andy Gerry and Mark Abrams.

**2. MINUTES OF THE PREVIOUS MEETING HELD ON 13<sup>TH</sup> JULY 2012.**

12/08/002 Typographical amendments were made to the minutes following which the minutes were approved. Barry White proposed and Tony Charles seconded.

**3. MATTERS ARISING**

12/08/003 **Port Solent Enhancement Programme** – The Directors previously tasked with surveying the estate advised that due to work commitments that they had yet to meet but would do so accordingly and report back to the Board.

12/08/004 **Berth [ ]** – Countrywide advised the Board that it had yet to receive the registration documents from the tenant of [ ] Tintagel Way despite several requests to do so. Countrywide informed the meeting that it had written to the tenant and the owner of the berth giving a further 7 days for the tenant to comply with the terms of the sub-underlease.

Following the meeting's discussion on POSOL's registration requirements it was agreed that two Directors would attend Premier Marinas to discuss the unapproved vessel on berth [ ] and request clarification of what action, if any, it will take in the matter.

A Director queried the current self certification procedure and whether on initial registrations it would be prudent to request sight of the insurance schedule for the vessel. This matter was discussed at length and the conclusion was that Countrywide need only satisfy themselves that boat owners confirm they hold a valid insurance policy.

#### 4. MANAGING AGENTS & WORKING GROUP REPORT

##### Finance – Budget – Expenditure

12/08/006 Countrywide advised the Board that expenditure this month was minimal and to date the total expenditure amounts to £187,890.19.

A Director advised Countrywide of the changes he wishes to implement into the monthly financial reporting such as itemising the bank interest and phasing the major expenditure such as the Port Solent Charge and Insurance premiums. This is due to the fact that as it currently stands it can be perceived that we have dramatically exceeded the budget.

He commented that this year to date there had been significant expenditure on the water rates and asked for clarification on the matter. Countrywide advised that one of the gardening watering points had experienced a serious leak which had now been rectified. It also advised that while on site the contractor checked the rest of the watering points and discovered a couple of minor leaks, which had also now been rectified. The meeting discussed the water leaks and commented that if the leak was that bad that it should have been noticed earlier so the Board requested that in the future all meters are checked every six months.

The Board proceeded to discuss the bank accounts that are currently open in POSOL's name and what funds are kept in them.

12/08/007 **Santander Bond** – Countrywide advised the Board that due to its failure to set up the Santander Bond as per the Boards instruction, it will compensate POSOL for the interest lost in the last year.

The meeting proceeded to discuss the various interest rates currently available and the Board agreed to place the £85,000 in a Santander Bond at an interest rate of 3.2%. Countrywide commented that it would deal with the bond as a matter of urgency and report back to the Board.

12/08/008 **Service Charge Accounts for Year Ended 31<sup>st</sup> March 2012** – A Director advised the Board that it had met with Taylor Cocks Accountants to go through the year end accounts and he informed his fellow Directors that they had made a provision of £6,000 to cover doubtful debts.

He also reiterated that refunds that are due to previous shareholders should be held in retention for six years or until such time as the previous shareholder requests the funds back.

##### Arrears

12/08/009 Countrywide advised the Board that the total arrears amount to £17,783 and of this £11,744 relates to aged debtors and that it had recovered £683 since the last Board meeting.

12/08/010 [ ] **Newlyn Way** – Countrywide advised the Board that Lockings Solicitors were still trying to locate a UK home address for the owner of [ ] Newlyn Way. Countrywide requested clarification from the Board of what action it would like the solicitors to take.

The meeting discussed instigating bankruptcy proceedings against the Shareholder and it was commented that to do so POSOL would have to remove its Charging Order against the property which would mean that POSOL would be removed from the list of preferential creditors.

Countrywide commented that one course of action to take would be to issue an oral examination notice against the debtor. The debtor would then be required to attend court and give details of their financial circumstances. Countrywide circulated a copy of the letter to be issued prior to issuing the notice for the Oral Examination.

The alternative course of action was an Order of Sale Notice on the debtor's property where POSOL had previously obtained a charging order. However, if the Order of Sale was granted POSOL would not be a preferential creditor and as such, it was possible that there would be insufficient equity to meet POSOL's debt.

The Board discussed the matter at length and duly agreed that once judgement has been issued if the debt remains unpaid then the Shareholder is to be summoned to an oral examination. But in the case of [ ] Newlyn way the Board agreed that it instigate Order of Sale proceedings.

12/08/011 [ ] **Newlyn Way** – Countrywide advised the Board that it has received County Court Judgement for the outstanding debt. The Board agreed that should the outstanding balance not be forthcoming then the owner is to be summoned to an Oral Examination.

12/08/012 [ ] **Tintagel Way** – Countrywide commented that the outstanding arrears are to be deducted from the credit due back to the Shareholder for the year end accounts 2011.

12/08/2013 [ ] **Tintagel Way** –Countrywide advised the Board that the owners has continued to make payments of £50.00 per calendar month for his previous service charge arrears but it will be issuing proceedings for the outstanding service charge for this year.

12/08/014 [ ] **Coverack Way** – Countrywide advised the Board that the owner is disputing his service charge arrears but has provided no evidence to support his claim. The Board asked Countrywide to issue the letter which is the stage before issuing Oral Examination proceedings.

12/08/015 [ ] **Coverack Way** – Countrywide advised the Board that it has received County Court Judgement for the outstanding debt. The Board agreed that should the outstanding balance not be forthcoming then the owner is to be summoned to an Oral Examination in front of a Judge.

12/08/016 [ ] **Mullion Close** – Countrywide advised the meeting that it has received a response to its County Court Judgement, in which the debtor disputed the current balance of her service charge arrears. The debtor is currently unemployed and also has mortgage arrears.

The Board discussed the matter at length and a Director commented that in the circumstances, the likelihood of POSOL being able to recover the outstanding service charges is minimal and that the best course of action would be to instigate bankruptcy proceedings. In response, a Director offered that bankruptcy proceedings could possibly prompt her mortgage lender to take action and therefore it would be prudent to write to said Mortgage Company and advise them of POSOL's intentions.

12/08/017 [ ] **Tintagel Way** – Countrywide advised the Board that it has received County Court Judgement for the outstanding debt. The Board agreed that should the outstanding balance not be forthcoming then the owner is to be summoned to an Oral Examination in front of a Judge.

12/08/018 [ ] **Sennen Place** – Countrywide advised the Board that it had yet to receive from the owner of [ ] Sennen Place any evidence by way of a bank statement that she had settled the outstanding amount relating to the period 1<sup>st</sup> October 2011 to 31<sup>st</sup> March 2012 nor had she made full settlement.

Countrywide commented the matter had been handed over to the credit control team to pursue the arrears and issue a pre summons notice for the outstanding balance.

12/08/019 [ ] **Newlyn Way** – Countrywide advised the meeting that the Solicitors had written to both parties solicitors and advising that POSOL was unable to consent to the transfer of ownership until it had received the necessary Deed of Indemnity for the lost Share Certificates.

A Director commented that the best course of action would be to apply for a charging order on the property for full settlement of the outstanding arrears. The meeting discussed the matter and it agreed that Countrywide would write to the purchaser of [ ] Newlyn Way to inform them of the action POSOL is taking in this matter and what is required of them to prevent any legal action being taken.

12/08/020 [ ] **Newlyn Way** – Countrywide advised the Board that it had received settlement of £400.00 from the Shareholder towards his arrears.

12/08/021 [ ] **Carbis Close** – Countrywide advised the Board that it had received settlement for all arrears relating to the property minus the service charge for April 2012. It also commented that the property is currently on the market and that the owner will be required to make full settlement of the outstanding balance for POSOL to grant consent for the transfer of ownership.

12/08/022 [ ] **Coverack Way** – Countrywide advised that it had still not received settlement of the final outstanding balance and the matter had been handed over to the credit control team to pursue the arrears and issue a pre summons notice for the outstanding balance.

12/08/023 [ ] **Coverack Way** – Countrywide advised the Board that it had still not received settlement of his service charge for one of his berths and that it was still actively pursuing the monies.

12/08/024 [ ] **Carbis Close** – Countrywide advised the Board that the owner of [ ] Carbis Close has informed them that she is currently experiencing financial difficulties and has asked for the Board's consideration to accept payment by monthly instalments.

The meeting discussed the matter and it asked Countrywide to contact the owner to request further details for its consideration.

12/08/025 [ ] **Coverack Way** - Countrywide advised the Board that the owner of [ ] Carbis Close has informed them that she is currently experiencing financial difficulties and has asked for the Board's consideration to accept payment by monthly instalments.

The meeting discussed the matter and it asked Countrywide to contact the owner to request further details for its consideration.

12/08/026 [ ] **Bryher Island** – Countrywide commented that the outstanding arrears are to be deducted from the credit due back to the Shareholder for the year end accounts 2011.

12/08/027 [ ] **Bryher Island** – Countrywide advised the Board that it had received settlement of the outstanding balance in full.

12/08/028 Countrywide advised the meeting that the letter to be circulated to all Shareholders inviting them to pay by Direct Debit will be issued shortly.

12/08/029 Countrywide advised the Board that it would be reinstating the charging of interest on all outstanding arrears at 4% above the base rate as stated in the Covenants for the estate.

### **Property Alterations**

12/08/030 [ ] **Cadgwith Place** – The Covenants Working Group advised the Board that it had met with the owner to discuss the external alterations carried out to the top floor gable wall on the rear of the property, which were not carried out in the conjunction with the plans approved by POSOL.

The owner commented that he had no choice but to amend the style of the window and that he submitted plans for the large rectangular window and was granted conditional approval. Upon

investigation of this matter, Countrywide ascertained that the amended plans submitted by the owner of [ ] Cadgwith Place were for the rear gable wall to be replaced with glass as originally planned but with a high level window instead of a Juliette balcony. The Group duly circulated a copy of the approved plans.

The Board discussed the matter at length and it agreed that the window as constructed will not receive POSOL consent and that it will duly request that the works are carried out as per the conditionally approved plans.

12/08/031 [ ] & [ ] **Sennen Place** – The Covenants Working Group advised the meeting that it had yet to meet with the owners of [ ] Sennen Place to discuss the redesign of the windows, but would do so accordingly and report back to the Board.

12/08/032 [ ] **Carbis Close** – The Covenants Working Group advised the meetings that the owner of the property has replaced the windows in the property. The Group commented that the workmanship of the works was to a high standard but they have used incorrectly coloured frames.

Upon further discussion, the Group agreed to meet with the owner of the property to discuss the matter and report back to the Board accordingly. The meeting asked Countrywide to write to the owner to make the necessary arrangements

12/08/033 [ ] **Bryher Island** – Countrywide advised the Board that it had received an application from the new owner of [ ] Bryher Island to erect a toughened glass fence at the end of the waterside garden to his property.

The application had been reviewed by the Covenants Working Group prior to the meeting who requested further information by way of a sketch/plan to be submitted for its consideration. Countrywide advised the meeting that it had contacted the owner and awaiting receipt of the sketch/plan.

12/08/034 [ ] **Bryher Island** – The Covenants Working Group advised the Board that it reviewed the submitted application to partially convert the car port and commented that it was mindful to approve the plans without the squaring off of the front entrance door as the angle will be very slight and will not have any negative visual impact and the plans do allow for 2 metres of retained car port space.

The meeting asked Countrywide to write to the owner accordingly.

12/08/035 The Covenants Working Group asked for the Board's consideration of implementing a policy that when Shareholders wish to erect glass fencing in the gardens that it is always to match the existing glass situated in the balcony and that it is not be coloured, mirrored or etched.

Upon consideration of the matter, the Board agreed that to have such a policy in place would be prudent considering the number of applications it had received in recent months.

12/08/036 A Director informed to the Board that he had been approached by the shareholder of [ ] Bryher Island to complain that a resident on Bryher Island has a large bird feeder in their garden which is attracting a lot of wild life and as a result the neighbouring gardens and boats located in the vicinity are covered in bird fouling.

In response, a Director commented that he had suffered similarly a couple of years ago which resulted in a vermin issue so all residents in neighbouring houses agreed that they would refrain from using bird feeders. The Board agreed that the complainant should contact the neighbour in the first instance in an attempt to resolve the matter amicably.

The meeting agreed that the matter was a neighbour dispute and not a POSOL issue but it would place an article in the upcoming October newsletter and possibly on the website.

### **Gardening**

12/08/037 The Gardening Working Group commented that it felt that Hambrooks needed gently reminding that the D-Section in Holywell Drive requires some attention as it currently has a broken pillar and looks unsightly. They should also be reminded that particularly through the summer months that litter picking is vital to ensure the estate is looking its best.

The Group also asked Countywide to chase Hambrooks for the quotations relating to the rejuvenation of Newlyn Way.

### **Communications**

12/08/039 **Bi-Annual Newsletter** – The meeting discussed the upcoming newsletter to be circulated to all Shareholders along with the October service charge invoices.

Countrywide asked for clarification of who will be undertaking to draft the newsletter. A Director commented that he believes that it is a member of the Communications Working Group.

### **Berthing**

12/08/040 **Access to Remote Mooring Areas** – A Director advised the meeting that he had been approached by a representative from a utility company requesting access through the gates to read the meters as Countrywide have repeatedly refused to allow access to their engineers.

A Director recommended that a security key be granted to them so they will have access to all meters. In response, it was stated that granting access should be down to Countrywide as POSOL does not want security keys be given out.

Countrywide informed the meeting that the POSOL policy is that the responsibility for these meters is the Shareholders and therefore they are also responsible for granting access to any contractor/engineer wishing to attend to their mooring/property. Should POSOL wish to change the policy, then it would undertake to grant access but it would require structuring so that meters are read in bulk as it would be time consuming for the meters to be read one at a time.

### **Estate Security**

12/08/041 **Contractors accessing the Waterside** – The Board discussed that now a majority of the locks on the security gates have been replaced that access through to waterside for unauthorised contractors has been restricted and that it has approached by a contractor who expressed his concerns that POSOL was hindering his ability to work.

A director commented that POSOL had not restricted his ability to work only that he does not have free access to walk around the waterside along the capping. The meeting proceeded to discuss the possibility of instigating licences to operate to ensure that all contractors have the relevant public liability insurance.

The Board agreed that an article be placed in the newsletter advising all Shareholders that any contractors carrying out works on any property on the estate should not be given free access to the remote mooring areas and that POSOL does not accept any liability.

The Board also agreed that all non security gates which have key code entry pads should be replaced with security locks, to increase the security of these areas.

12/08/042 **Security Gates** – Countrywide advised the Board that it had been in communication with GSB Fabrications in respect of the delays that they have experienced in getting these works completed and that until the works have been completed in full and signed off by itself or a member of the Security Working Group it would receive no further payments from POSOL.

Countrywide advised the Board that it had received complaints from some Shareholders that certain gates could still be opened despite new locks and shrouds having been fitted. Countrywide had investigated the matter and have confirmed that in some areas it was possible to reach through the bars of the gates and open the lock. Countrywide advised that moving the signage on the gates to block this would be a simple and effective solution. Countrywide are arranging with GSB to review the security of each gate and make suitable alterations.

### **General**

12/08/043 **Breaches of Covenant** – See confidential minutes

### **Port Solent Community Working Party**

12/08/044 Nothing further to report that has not been reported elsewhere.

## **5. ANY OTHER BUSINESS**

12/08/045 A Director informed the Board that by requesting a Shareholder or Boat owner to provide their Boat insurance policy details, POSOL may be accepting liability if an accident was to occur whilst in the marina.

The Board discussed POSOL insurance requirements and the self certification procedure and it agreed to amend the Boat Registration forms to remove the obligation to provide the policy schedule number from the forms.

12/08/046 The Covenants Working Group reported that a member of the Group had advised that he had concerns that decisions made by the Board over the past couple of years have been inconsistent and therefore he recommends redrafting all the policies currently in place.

The Board discussed the matter at length and even though they welcomed his suggestion they did not feel that the current policies needed to be as rigid as proposed but are happy to address the matter in the upcoming newsletter.

12/08/049 Tony Charles offered his apologies for the September Board meeting.

## **6. DATE OF NEXT MEETING – 14<sup>h</sup> September 2012**