

# POSOL RESIDENTS MANAGEMENT COMPANY LIMITED

## MINUTES OF THE BOARD MEETING HELD AT QUAYSIDE, PORT SOLENT – 19<sup>TH</sup> APRIL 2013

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

In Attendance: Peter Williams  
Nikki Avis

### 1. APOLOGIES

13/04/001 Apologies were received from Mark Abrams and Barry White.

### 2. MINUTES OF THE PREVIOUS MEETING HELD ON 19<sup>TH</sup> APRIL 2013.

13/04/002 Following a typographical amendment to the minutes, Ian Currie proposed, Tony Charles seconded and the Board approved them.

### 3. MATTERS ARISING

13/04/003 A Director informed the meeting that the Security Gate between Tintagel Way and Bryher Bridge was not currently locking securely and duly asked Countrywide to appoint a contractor for the gate to be repaired.

Countrywide advised the Board that it has experienced difficulties making contact with GSB Fabrications to carry out any works and therefore to prevent any delays it would appoint another contractor accordingly.

### 4. MANAGING AGENTS & WORKING GROUP REPORT

#### Finance – Budget – Expenditure

13/04/004 **Expenditure Report** - The Board discussed the expenditure report circulated prior to the meeting and Countrywide advised that expenditure to 31<sup>st</sup> March 2013 amounts to £371,136.23

A Director commented that the management fee has increased and asked for clarification from Countrywide as it had previously been agreed that the fees would not be increased.

Countrywide advised the Board that it would refer the matter to POSOL's client accountant and would report back in due course.

## Arrears

13/04/005 Countrywide advised the Board that the total arrears amount to £18,422.03.

13/03/006 Countrywide informed the Board that over the past couple of the months it had become increasingly frustrated with the progress of Lockings Solicitors and that as a result the POSOL case files have been taken over by Richard Swain, Senior Partner.

Countrywide provided the meeting with a breakdown for the costs involved in bankruptcy proceedings which could be in the region of £2,000-£2,500, and potentially may not be recoverable by POSOL.

Richard Swain advised that currently transferring cases to the High Court might not be in POSOL's best interest. Should the use of High Court bailiffs not be successful then POSOL would be liable for all bailiff costs, which could be considerable. He has therefore recommended that the best course of action would be to remain with County Court and instruct private process servers to serve the requisite paperwork.

Richard Swain now recommends the use of a specialist debt enforcement company that has recently had success in obtaining settlement of Judgement debt on Freehold properties from the Mortgagee. The debt enforcement company believe that some of the monies can be recouped from debtors within 21 days but others may take 3-4 months depending on the Mortgage Company.

A Director queried what benefit the Mortgage Company would get for cooperating with the Enforcement Company. In response, a Director commented that they will add it to the mortgage balance and it would be a secured debt.

The Board discussed the matter at length and it agreed to instruct the Enforcement Company to act on behalf of POSOL to pursue the debt from [ ] Tintagel Way and [ ] Mullion Close.

13/04/007 [ ] **Carne Place** – Countrywide advised the Board that it has received settlement in full of the arrears on the account.

13/04/008 [ ] **Sennen Place** – Countrywide advised the Board that it has received settlement in full of the arrears on the account.

13/04/009 [ ] **Sennen Place** – Countrywide advised the Board that it has received settlement in full of the arrears on the account.

13/04/010 [ ] **Carne Place** – Countrywide informed the meeting that it yet to receive any response from the owner to any of its reminders and that it will continue to chase the outstanding arrears along with the April Service Charge.

13/04/011 [ ] **Carne Place** – Countrywide advised the Board that it has received settlement in full of the arrears on the account.

13/04/012 [ ] **Newlyn Way** – Countrywide advised the Board that it had made contact with the owners of [ ] Newlyn Way and advised them that due to the high arrears that POSOL was taking action in pursuant of the arrears.

The Owner confirmed that it is their intention to sell the property and will settle the outstanding monies upon completion. Countrywide requested that they make initial efforts to clear the arrears as a sign of good faith.

Countrywide commented that they have made an offer of an initial £100.00 and further payments of £25.00 per calendar month with a promise to settle future service charge invoices. Countrywide confirmed that it had received an initial payment of £100.00 with an accompanying letter advising that they are looking to consolidate their debt with a view to settle their arrears in full.

The Board discussed the matter at length and whilst it appreciated the offer of £25.00 per calendar month it would take roughly seven years to clear the arrears. The Board requested that Countrywide write to the owner with a view to the monthly payment being increased.

13/04/013 [ ] **Newlyn Way** – Countrywide advised the Board that the Solicitors are confident that they will be able to obtain the Judgement debt particularly as a charging order has previously been obtained in 2010.

13/04/014 [ ] **Newlyn Way** – Countrywide advised the Board that it yet to receive the duplicate documentation which was previously promised by the Solicitors.

Having discussed the matter at length with Lockings, it is their recommendation to instruct a litigation lawyer as no progress is being made.

The Board discussed the matter at length and it agreed that POSOL should write to new owners of [ ] Newlyn Way to advise that should this matter remain unresolved it will apply to obtain a charging order on the property with a view to forcing a sale.

13/04/015 [ ] **Newlyn Way** – Countrywide informed the meeting that Solicitors wrote to the owners on the 15<sup>th</sup> April 2013 and to date had yet to receive a response.

13/04/016 [ ] **Newlyn Way** – Countrywide advised the Board that the owner has missed a further payment. The Solicitors have written to the owners on the 15<sup>th</sup> April 2013 and to date had yet to receive a response.

13/04/017 [ ] **Carbis Close** – Countrywide informed the meeting that the owners of [ ] Carbis Close had contacted the office to discuss the arrears on the account. They commented that at present they are spending majority of their time in the USA and therefore have not received the correspondence issued. The owner has agreed to make the necessary payment as soon as possible.

Countrywide confirmed that future correspondence will be issued by email.

13/04/018 [ ] **Carbis Close** – Countrywide advised the Board that the owner has missed one of their payments. The Solicitors have written to the owner on the 15<sup>th</sup> April 2013 and to date had yet to receive a response.

13/04/019 [ ] **Carbis Close** – Countrywide informed the meeting that Solicitors wrote to the owners on the 15<sup>th</sup> April 2013 and to date had yet to receive a response.

13/04/020 [ ] **Cadgwith Place** – Countrywide advised the Board that it has received settlement in full of the arrears on the account.

13/04/021 [ ] **Coverack Way** – Countrywide advised the Board that following the recommendation of the Senior Partner at Lockings, they are contacting the Mortgage Company with a view to receiving settlement of the arrears from a specialist enforcement company.

13/04/022 [ ] **Coverack Way** – Countrywide informed the meeting that Solicitors wrote to the owners on the 15<sup>th</sup> April 2013 and to date had yet to receive a response.

- 13/04/023 [ ] **Coverack Way** – Countrywide advised the Board that it had yet to receive a response from the owner and therefore will be contacting the mortgage company for settlement. The Mortgage Company has settled arrears on earlier occasions.
- 13/04/024 [ ] **Coverack Way** – Countrywide informed the meeting that a summons has been issued for a County Court Judgement and it currently awaits a date from Portsmouth County Court. In the meantime, the solicitors intend to contact their mortgage company for settlement.
- 13/04/025 [ ] **Bryher Island** – Countrywide informed the meeting that Solicitors wrote to the owners on the 15<sup>th</sup> April 2013 and to date had yet to receive a response.
- 13/04/026 [ ] **Tintagel Way** – Countrywide advised the Board that the owner has increased his standing order and is still making an effort to clear his arrears.
- 13/04/027 The Board commented that those properties which have arrears are not to receive the year end 2011 credits which for those that have minimal arrears this will make a considerable difference to the total arrears on the estate.

### Property Alterations

- 13/04/028 [ ] **Bryher Island** – See confidential Minutes
- 13/04/029 [ ] **Bryher Island** – The Board discussed the submitted application for an under balcony kitchen extension and upon recommendation from the Covenants Working Group agreed that consent be granted subject to the standard terms and conditions and the relevant informative for such an alteration. The Covenants Working Group are to compose an appropriately worded informative for Countrywide to add to the standard letter of conditional approval.
- 13/04/030 [ ] **Carbis Close** – The Board discussed the submitted application for an under balcony kitchen extension and upon recommendation from the Covenants Working Group agreed that consent be granted subject to the standard terms and conditions and the relevant informative for such an alteration. The Covenants Working Group are to compose an appropriately worded informative for Countrywide to add to the standard letter of conditional approval.
- 13/04/031 [ ] **Carne Place** – The Covenants Working Group advised the meeting that it has received an application from the owner to undertake a partial car port infill, under balcony kitchen extension, installation of a Juliette balcony and loft conversion.
- Having reviewed the plans the Group commented that it had agreed the under balcony kitchen extension as it does not exceed the flank wall and the loft conversion on the basis that the windows in the dormer have obscure glass. However, the car port infill does not adhere to the 2m rule and the proposed windows are not aligned and therefore are not symmetrical.
- Following a lengthy discussion of the plans the Group agreed to meet with the owner to discuss the plans and will report back to the Board in due course.
- 13/04/032 [ ] & [ ] **Sennen Place** – Following a lengthy discussion of the proposed windows to the front court yard elevation of the properties, the Board wished to discuss the matter further with the Covenants Working Group before making a final decision.
- 13/04/033 [ ] **Bryher Island** – The Covenants Working Group advised the meeting that having reviewed the submitted application for the installation of a patio fence it could see no reason for consent not to be granted subject to the glass being clear or obscured to match the balcony.

The Board endorsed the recommendation of the Covenants Working Group.

13/04/034 [ ] **Cadgwith Place** – Countrywide advised the meeting that it has issued the letter of conditional approval for the alterations.

13/04/035 [ ] **Newlyn Way** – The Covenants Working Group advised the Board that it has received an application from the owner to clad the newly erected wall in the car port. The Group commented that subject to the cladding being a colour match it could see no reason for consent not to be granted.

The Board endorsed the recommendation of the Covenants Working Group.

13/04/036 [ ] **Sennen Place** – The Covenants Working Group advised the meeting that it had received a further application from the owner to bring forward the front door of the property in conjunction with the recently installed roller shutter door. Having considered the application, it is the recommendation of the Covenants Working Group that the application is refused on the basis that it is not in keeping with the rest of the estate.

The Board agreed with the recommendation of the Group and consent for the application was refused.

13/04/037 [ ] **Coverack Way** – The Covenants Working Group informed the meeting that it had received an application for retrospective consent for a loft conversion from the owner of [30] Coverack Way. The Group advised the meeting that the works have been carried out as per the submitted plans except for the installation of a court yard facing window depicted in the plans.

Having considered the application, the Covenants Working Group advised the Board that it could not see any reason not to grant the necessary retrospective consent in accordance with the submitted plans with the exception of the courtyard facing window.

The Board endorsed this recommendation and subject to receipt of the associated cost for retrospective consent asked Countrywide to issue the letter of consent.

13/04/038 The Board wished to formally express its thanks to Tony Charles for all his hard work and commitment to matters concerning the Covenants Working Group and duly accepting the role of acting Chairman in the absence of Nick Hewitson.

The Board agreed to re-elect Nick Hewitson as Chairman of the POSOL Board of Directors and elected Tony Charles as Deputy Chairman.

### **Gardening**

13/04/039 The Gardening Working Group informed the Board that it had undertaken an estate walk around with Countrywide and Hambrooks. Following this it had agreed approved general maintenance works to be undertaken by Hambrooks at a cost of £1,137.00.

13/04/040 **Newlyn Way Rejuvenation** – The Gardening Working Group informed the Board that it had received the quote from Hambrooks for the rejuvenation works to the selected plant beds at a cost just in excess of £6,000.00. Having considered the quotation, the Board agreed for the works to commence in accordance with the quote.

The Group advised the meeting that Countrywide will write to all Shareholders affected by the rejuvenation plans and to allow for their consultation. The plans will be uploaded onto the POSOL website.

13/04/041 [ ] **Bryher Island** – The Gardening Working Group advised that it had been contacted by the owner of [ ] Bryher Island as she feels that her front garden requires some attention and has requested that it be rejuvenated to be like the neighbouring property with a rockery feature. The cost of these works will be in excess of £900.00.

The Board proceeded to discuss the Shareholders expectations when requesting works being undertaken to their front gardens and agreed to cap POSOL's contribution as the service charge monies are for routine maintenance only. The Shareholders are entitled to undertake works themselves and the Board welcomed receipt of applications from Shareholders.

Having considered the quote, the Board agreed that due to the high costs it is unable to approve the works and asked Countrywide to write to the owner accordingly.

13/04/042 Countrywide advised the Board that it has received a quotation for the repair works to the pergola on Bryher Island. The Board discussed the quote and agreed for the works to proceed.

### **Communications**

13/04/043 Countrywide asked the Board for clarification on whether the password to the website should be changed as it had on previous occasions.

The Board clarified that it was happy for the password to remain the same for a further 12 months.

### **Berthing**

13/04/044 **Berth Licensing in Tintagel** – The Board confirmed it was not possible for a Q or R berth to be licensed to anyone other than a bona fide tenant of the house to which such mooring was registered.

### **Estate Security**

13/04/045 A Director commented that in his professional opinion that the costs for the installation of CCTV would exceed the expected costs as it would require a significant amount of ground work to lay the cabling and due to the block paving this would be very expensive to reinstate.

The meeting agreed to review this matter further at a later date.

### **General**

13/04/046 Countrywide and a Director advised the meeting that they had walked the estate to locate and check all the watering points owned by POSOL. They commented that it seems that several of them are being used by unauthorised persons, which has resulted in increased costs to POSOL.

Due to unauthorised use of communal water points for the use of grounds contractors it would appear that several leaks have resulted which have incurred additional costs to POSOL. The Board proceeded to discuss the various options available to restrict unauthorised access to the watering points.

## **5. ANY OTHER BUSINESS**

13/04/047 Countrywide advised the meeting that it had yet to receive a response from the owner or tenant in respect of the oversized satellite dish but it had written to Portsmouth City Council Planning Department who confirmed that it will review the matter.

13/04/048 A Director advised the Board that an article has been placed in the newsletter informing Shareholders that they are possibly paying Southern Water for 'Surface water drainage' which does not apply to POSOL as all surface water runs off into the Marina.

13/04/049 Countrywide asked for clarification whether shareholders are able to retain garages when they sell their property.

The Board advised that only 'A' Shareholders can own a garage so when they sell their property they will have to sell the garage along with it.

**6. DATE OF NEXT MEETING – Friday 17<sup>th</sup> May 2013**