

## **POSOL RESIDENTS MANAGEMENT COMPANY LTD**

### **MINUTES OF THE BOARD MEETING HELD AT PORTCHESTER BUSINESS CENTRE, PORTCHESTER – 17<sup>th</sup> FEBRUARY 2017**

Present/Apologies      Julian Shaw (JS) Chairman  
                                 Ian Currie (IC) Secretary  
                                 Paul Le Maistre (PLM)  
                                 John Palmer (JP)  
                                 Reg Sillence (RS)  
                                 Mark Abrams (MA)

Attendance:              Samantha Simpson (SS) SDL Bigwood PRS and Estate Management  
                                 Ruth Hoff (RH) SDL Bigwood PRS and Estate Management

Apologies                 Melvin Farndell (MF)

#### **MINUTES OF THE LAST BOARD MEETING 17<sup>TH</sup> JANUARY 2017**

17/01/001      The minutes of the December meeting had been previously circulated and it was agreed that they represented an accurate record of the meeting.

PLM Proposed and IC Seconded.

#### **MATTERS ARISING**

17/01/002      No matters arising.

#### **MANAGING AGENT'S AND WORKING GROUPS' REPORT**

##### **FINANCE**

17/01/003      Finance reports for expenditure to 31<sup>st</sup> January 2017 were circulated. Expenditure as at that date was £442,360.75 against a budget figure of £476,249.00.

17/01/004      The Board reviewed the list of aged debtors on a case by case basis. The total amount of aged debt stood at £6,839.51, a reduction of £213.77 on the previous month.

17/01/005      SS put forward a proposed invoice template for the April service charge that had been specifically adapted for POSOL's needs. The Board discussed the template and advised of a couple of changes that it wished to make. SS agreed that she would raise these with the software engineers but did advise the Board that not all of the changes may be possible due to IT constraints. SS advised that a covering letter would accompany each invoice which would contain details of how to make payment to POSOL.

- 17/01/006 SS advised the Board that SDL Bigwood had investigated the possibility of offering a Direct Debit system to POSOL Shareholders. It had been noted however that very few shareholders had used this method of payment under Countrywide's management and at present the set up costs were too prohibitive for such a small number of users. A Director [ ] commented that he was aware of the costs and that given that POSOL offered a number of other ways to make payment, a Direct Debit was not essential at this stage.
- 17/01/007 The Board discussed the introduction of late payment administration fees. It was noted that a growing number of shareholders were delaying payment of their service charge or attempting to bypass the legal covenants by paying in instalments in arrears. The Board advised that it would not tolerate late payment or agree to any monthly payment plans. The legal documentation clearly stated that all service charge should be paid in full within 14 days of the date of the demand. Any payment not received by this date would be subject to additional interest charges. Furthermore, with effect from 1<sup>st</sup> April 2017, POSOL would introduce a series of late payment administration fees each time it was required to write to a shareholder regarding late or non-payment of their service charge. Full details of the charges would be circulated to all shareholders with the April service charge demand.
- 17/01/008 A Director [ ] had circulated draft budgets for the forthcoming financial year 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018. He asked his fellow Directors and SDL Bigwood to review them. The Board approved the budget subject to some minor amendments.

## **COVENANTS**

- 17/01/009 [ ] Bryher Island – SS advised that final attempts to reach the owner by telephone and letter had not been successful. The Board expressed its disappointment in the actions of the shareholder and it was agreed that legal advice should be sought as to how to progress the matter.
- 17/01/010 [ ] Carbis Close – SS advised that Portsmouth City Council's Planning Enforcement Team had reviewed the case and informed her that it would not be taking any further action as the window in the dormer was not in breach of any building regulations.
- 17/01/011 [ ] Bryher Island – A Director [ ] advised that the Covenants Working Group had met with the owners of the property to discuss the proposed extension on the side elevation. The CWG had proposed some changes to the extension, which in general, had been accepted by the owners. The Board advised that in principle it was happy that the proposed alterations as they would be in keeping with the marina environment, however it was noted that there still remain concerns that the extension will result in building within 7m of the marina containment wall. These issues will need to be resolved with Premier Marinas and Portsmouth City Council before POSOL feels able to issue its decision on the application for POSOL Consent.

It was noted that Premier Marinas had objected to the works due to the breach of covenant, but in spite of this, PCC's Planning Department had given approval. It was

noted that PCC's Legal and Estates Departments were also aware that an internal Council department had effectively breached one of their own legal covenants. A Director [ ] agreed that he would make further enquiries with both parties so that POSOL could make an informed decision.

17/01/012 [ ] Bryher Island – It was noted that this planning application had been deferred within PCC as the applicant had been required to submit further information in relation to the stability of the marina containment wall should the proposed works take place. It was noted that the owner has made no attempt whatsoever to communicate with POSOL or SDL Bigwood in relation to the works. No formal application for consent has been made.

Having seen plans published on PCC's planning portal, the Board raised concerns about the potential breach of covenant by building within 7m of the marina containment wall. This issue will need to be resolved with Premier Marinas and Portsmouth City Council before POSOL is in any position to consider any application for POSOL consent made by the owner. It was noted that Premier Marinas had objected to the works and that PCC's Legal and Estates Departments were also aware of a potential breach of one of their own legal covenants.

17/01/013 SS advised that SDL Bigwood had received some negative comments in relation to the recent fencing works carried out in Coverack Way and that she would be visiting site after the meeting to inspect them.

17/01/014 SS requested permission from the Board to obtain quotations for new road signage around the estate. A number of signs were worn and in some extreme cases, damaged and the metal posts were overdue maintenance and redecoration.

## **GARDENING**

17/01/015 A Director [ ] advised the meeting of the proposed tree works for the estate and the urgency required in carrying them out prior to the nesting season. It was noted that a large number of trees were due to be felled. The Board questioned the need to fell the trees when previously regular pruning and maintenance had sufficed. A number of Directors raised concerns about the removal of trees without any planned programme of replacement or screening to follow. SS advised that communication with shareholders was essential especially given several trees in the list of proposed works were growing in residents' front gardens. It was also noted complaints had already been received from residents in Tintagel Way about the potential removal of trees in the area without any form of suitable replacement.

17/01/016 SS put forward a draft grounds maintenance contract for review. It was agreed that the Gardening Working Group would review the contract first and report back to the Board with any amendments after their next meeting.

17/01/017 *See confidential minutes.*

17/01/018 SS advised the Board that the Gardening Request Form had been revised and put into a new POSOL format and that copies would now be provided to Escapes and uploaded on to the POSOL website.

17/01/019 It was noted that the list of gardens which had opted out of the POSOL maintenance contract was out of date. It was important that any contractor working on site had up to date information and as such it was agreed that SDL Bigwood would collate up to date information by sending out letters to all shareholders with the service charge demands in April.

#### **BERTHING**

17/01/020 The Board discussed a number of ongoing issues in relation to strengthening the existing berthing regulations and ensuring that all of POSOL Shareholders met their legal obligations in accordance with their sub-underlease, which in turn would allow POSOL to comply with its own obligations in its lease with Premier Marinas.

It was agreed that these would form the basis of ongoing discussions with Premier Marinas and that there may be an opportunity for POSOL to seek further legal advice from a marine specialist.

#### **SECURITY**

17/01/021 Nothing to report.

#### **COMMUNICATIONS**

17/01/022 Estate Newsletter – it was agreed that the practice of sending out a newsletter twice a year with the service charge demands would be reinstated as this was an effective tool for communicating estate issues to all shareholders. All Directors, as chair of their respective working groups, would contribute articles for the next newsletter.

#### **ANY OTHER BUSINESS**

17/01/023 It was noted that some shareholders were marketing their properties on line as short term holiday or Air Bnb lets. This is not permitted under the covenants and any shareholder doing so is in breach. SS advised that she would carry out further investigation to identify the shareholders concerned in order address this with them.

17/01/024 SS advised that she was receiving a growing number of comments from shareholders across the estate in relation to indiscriminate parking and breaches of the estate parking regulations. She advised the board of a number of issues that had been identified that SDL Bigwood would now be following up.

- 17/01/025 SS advised that she had received communication from the owner of [ ] informing POSOL that he was intending to install a water supply to the remote mooring area where his berth is located. It was agreed that POSOL would give the Water Company a wayleave agreement to do so subject to the Shareholder and the Water Company making a formal application to POSOL. Furthermore, the Board advised that it would not be paying any associated costs in relation to the installation of the water pipework/supply or drawing up of the wayleave agreement.
- 17/01/026 A Director [ ] advised that there was not any further update on the matter relating to Oyster Quay but that he was aware that both parties' legal teams were currently drawing up legal paperwork in relation to the matter.
- 17/01/027 It had been reported that the Harvester pub at the Boardwalk had applied to PCC for a late Licence, and a shareholder had queried as to whether POSOL would be making any formal representation. The Board advised that POSOL would not be making a formal objection but encouraged any shareholder in the area concerned about the impact the granting of a late license to make their own representations to the Council at the earliest possible opportunity.