

POSOL RESIDENTS MANAGEMENT COMPANY LIMITED

**MINUTES OF THE BOARD MEETING
HELD AT
QUAYSIDE, PORT SOLENT – 13TH DECEMBER 2013**

Present: Nick Hewitson (Chairman)
Ian Currie (Company Secretary)
Mark Abrams
Geoff Saunders
Melvyn Farndell

In Attendance: Samantha Simpson
Nikki Avis

1. APOLOGIES

13/12/001 Apologies were received from Mike Sandall.

2. ELECTION OF POSOL CHAIRMAN

13/12/002 Nick Hewitson had indicated his intention to stand down as Chairman at last month's Board Meeting. It was proposed by Nick Hewitson and seconded by Ian Currie and unanimously resolved that Mark Abrams be and is hereby appointed Chairman of the Board.

The Board expressed its thanks to Nick Hewitson for the many years of service as Chairman of the Board.

3. MINUTES OF THE PREVIOUS MEETING HELD ON 15TH NOVEMBER 2013

13/12/003 Following the amendments made to the minutes prior to meeting, Mark Abrams proposed, Ian Currie seconded and the Board approved them.

4. MATTERS ARISING

13/12/004 **Southern Aerials Invoices** – Countrywide informed the meeting that it had queried the invoices with Southern Aerials. They advised that the Service Invoice of £180.00 was for the period 1st April to 30th June and was invoiced late. The invoice for £516.00 related to the call out to repair the system in July. The two invoices were for two different matters but unfortunately they had been invoiced close together.

13/12/005 **Remote Mooring Gates** – Countrywide advised the Board that the last two shrouds on the inner gates on Tintagel Way were still pending completion. The contractor advised that the steel worker who he had previously used is no longer trading and therefore is unable to complete the works.

Countrywide informed the Board that it had made several enquiries with other contractors to find one who would be able to finish the works. A Director commented that he has had previous dealings with a company Maximoto and would recommend them. It was agreed he would pass their details to Countrywide.

- 13/12/006 **Security Gate adjacent to []** – Countrywide advised the meeting that the Security Working Group had not yet viewed the gate but arrangements were currently being made with the Shareholder/resident for a mutually convenient appointment.
- 13/12/007 [] **Holywell Drive** – Countrywide advised the meeting that it is still awaiting receipt of the outstanding balance on the account but confirmed that it would not issue Land Registry Consent for the sale until the account had been cleared.
- 13/12/008 [] **Newlyn Way** – Countrywide advised that it had requested full settlement of the outstanding balance from the Mortgage Company and is awaiting receipt of the payment.
- 13/12/009 [] **Tintagel Way** – Countrywide advised the meeting that it had flagged the property for an unauthorised property alteration.

A Director commented that it had been previously agreed that legal advice would be sought and he queried whether the matter had been referred to Verisona for legal advice as any delay on POSOL's behalf could be used in defence by the Shareholder.

Countrywide advised that it is currently collating all the information required by Verisona on a number of issues to seek legal advice.

- 13/12/010 **Berth []** – Countrywide advised the meeting that it is awaiting written confirmation from the owner of what action she is taking in respect of the vessel trespassing into her water space.
- 13/12/011 **Parking in Cadgwith Place** – Countrywide advised the meeting that it was still awaiting receipt of the costs associated with the designs for the parking area in Cadgwith Place from Portsmouth City Council.

5. MANAGING AGENTS & WORKING GROUPS REPORTS

Finance – Budget – Expenditure

- 13/12/012 **Expenditure Report** – Countrywide circulated a revised expenditure report to all Directors present and advised that expenditure to 30th November 2013 amounts to £332,958.49. A Director commented that at present they were £13,000 under the budgeted amount.

Arrears

- 13/12/013 Countrywide advised the Board that the total arrears for the aged debtors amount to £25,553 with approximately £16,000 owing from the October 2013 invoices.
- 13/12/014 [] **Bryher Island** – Countrywide advised the Board that this matter is still ongoing and the Shareholder has yet to settle his outstanding service charges.
- 13/12/015 [] **Carne Place** – Countrywide advised the Board that it had accepted a proposed payment plan of £37.00 per calendar month, which while it will not clear the account before the year end it is going some way to reducing the overall balance.
- 13/12/016 [] **Sennen Place** – Countrywide advised the Board that it had spoken to the owner to request that they increase their monthly instalments to ensure their account is clear before the year end.
- 13/12/017 [] **Sennen Place** – Countrywide informed the Board that the owner has resumed his monthly payments and is therefore making a considerable effort to clear his arrears.

13/12/018 [] **Carne Place** – Countrywide advised Board that it had received a cheque from the owner and upon cashing the cheque was contacted by the Bank who advised the cheque had been reported as stolen.

Further to the Bank's instruction, Countrywide has taken no further action at this stage and if no alternative payment is made by the January Board meeting the arrears procedure will recommence.

13/12/019 [] **Carne Place** – Countrywide advised the Board that the owner pays by monthly instalments, and it had written to the owner to re-evaluate their monthly payment to ensure all arrears are settled before the end of the financial year.

13/12/020 [] **Newlyn Way** – Countrywide advised the Board that the owner had defaulted on his payment plan and therefore the matter had been referred back to Solicitors and the owner had been informed accordingly.

Following receipt of Countrywide's correspondence, the Shareholder contacted Countrywide to apologise for the error and requested to be able to make payment without incurring further Solicitors costs. Countrywide advised that the terms of the payment plan agreed by the Shareholder clearly stated that any default would be dealt with by the Solicitors.

Following a lengthy discussion on the matter, POSOL agreed that on this occasion it would accept further payments from the Shareholder on the basis that it was an oversight. However, it was stressed that any further defaults for whatever reason will not be accepted and the requisite legal action to recover the balance would be taken.

13/12/021 [] **Newlyn Way** – Countrywide advised the Board that it is currently awaiting settlement of the arrears following POSOL's confirmation that it will issue the relevant Share Certificate and Land Registry Consent for the property to be registered in the new owners' name.

13/12/022 [] **Carbis Close** – Countrywide advised the Board that it is seeking a County Court Judgement for the remaining outstanding balance.

13/12/023 [] **Carbis Close** – Countrywide advised the Board that the owner has made considerable effort to clear the arrears and currently there is only the October 2013 invoice outstanding on their account.

13/12/024 [] **Coverack Way** – Countrywide advised the Board that the owner has made considerable effort to clear the arrears and currently there is only the October 2013 invoice outstanding on their account.

13/12/025 [] **Holywell Drive** – Countrywide advised the Board that the file has been referred to Solicitors who are seeking a County Court Judgement.

13/12/026 [] **Cadgwith Place** – Countrywide informed the meeting that the Shareholder has requested copy invoices from the Solicitors which have been duly issued and payment is expected.

13/12/027 [] **Cadgwith Place** – Countrywide advised the Board that the owner has settled the October Service Charge but the April invoices still remain unpaid. The credit control department is pursuing these funds accordingly.

13/12/028 [] **Coverack Way** – Countrywide advised the Board that whilst it had received email correspondence from the owner it had not received settlement of the outstanding balance so the matter has now been referred to solicitors for a County Court Judgement to be obtained and possibly commence bankruptcy proceedings.

- 13/12/029 Countrywide advised the Board that the following accounts have been referred to Solicitors to seek a County Court Judgement and potential bankruptcy proceedings, [] Coverack Way, [] Coverack Way, [] Coverack Way, [] Coverack Way, [] Mullion Close, [] Mullion Close, [] Bryher Island and [] Tintagel Way.
- 13/12/030 [] **Bryher Island** – Countrywide informed the meeting that this matter concerning the transfer of ownership to the new owners is still ongoing. The new owner has advised that significant progress has been made and that he is willing to settle the balance.
- 13/12/031 [] **Bryher Island** – Countrywide advised the meeting that the owner has settled the outstanding balance in full.
- 13/12/032 [] **Newlyn Way** – Countrywide advised the Board that the owner has settled the October Service Charge but the April invoices still remains unpaid. The credit control department is pursuing these funds accordingly
- 13/12/033 [] **Coverack Way** – Countrywide advised the Board that the ownership of this property had been transferred in the latter part of 2012 however due to an administrative error in the Set Up team, the ownership details had not been amended on the system.

Countrywide offered it sincere apologies for this error and advised that it would be contacting the new owner to discuss and arrange payment of the outstanding balance as soon as possible.

- 13/12/034 [] **Bryher Island** – Countrywide advised the meeting that both the accounts department and the owner of [] Bryher Island have encountered serious difficulties with the bank refusing to honour the Direct Debit that he has set up to pay the service charge.

The accounts department is continuing to liaise with the owner and is hoping to resolve this matter in due course.

- 13/12/035 The meeting discussed at length the various debt recovery options available and what processes Countrywide uses on other Freehold estates under its management.

Countrywide advised that it had previously had success in obtaining a final Charging Order and subsequent Order or Repossession, on a freehold house on behalf of one of its clients to recover substantial arrears which had accrued on the property. It also informed the Directors that generally as part of the arrears chasing policy it would levy administration fees for late payment.

A Director commented that it had previously reviewed this matter and it was deemed that the legal documentation for the estate does not allow POSOL to charge admin fees.

The Directors discussed this matter at length and agreed that it required further discussion as due to extensive work undertaken by Countrywide for debt recovery it is feasible that in the coming years Countrywide may have to increase its management fee. A Director commented that this seems highly unfair for those Shareholders who pay in full and on time and Countrywide's ability to charge admin fees to those accounts of only late payments should be thoroughly considered.

Property Alterations

- 13/12/036 [] **Newlyn Way** – Countrywide advised the meeting that conditional approval had been granted for the under balcony kitchen extension and the installation of solar panels and relevant letter issued to the owner.

- 13/12/037 [] **Carbis Close** – Countrywide advised that it had issued the letter of conditional approval for the replacement of the windows and doors within the property and is awaiting confirmation that the works have been completed.
- 13/12/038 [] **Newlyn Way** – Countrywide advised that it had issued the letter of conditional approval for the replacement of the balcony slats with tinted glass and is awaiting confirmation that the works have been completed.
- 13/12/039 [] **and [] Bryher Island** – Countrywide advised that it had issued the letter of conditional approval for the under balcony kitchen extensions on both properties and is awaiting confirmation that the works have been completed.
- 13/12/040 [] **Sennen Place** – Countrywide advised the meeting that whilst the proposed under balcony kitchen extension had been granted conditional approval it had yet to issue the relevant letter of consent as there is an outstanding conveyancing matter. Once resolved the Letter of Conditional Approval will be issued. The new owner has been made aware.
- 13/12/041 [] & [] **Newlyn Way** – Countrywide advised the Board that it had issued the letter of conditional approval for the removal of the shared low level planter and is awaiting confirmation that the works have been completed.

Gardening

- 13/12/042 Countrywide advised the meeting that it was due to meet with the Gardening Working Group and Hambrooks for routine estate walkaround in the New Year.

Communications

- 13/12/043 A comment had been made at the AGM with regards to the content of the POSOL website in particular the minutes which are often delayed being uploaded.

Countrywide confirmed that it would aim to issue the minutes to be uploaded within the following days after the monthly Board meeting and it apologises for any delays that had occurred.

- 13/12/044 **Communication between Directors and Shareholders** – See Confidential Minutes

Berthing

- 13/12/045 **Water Supply to Remote Mooring Areas** – See Confidential Minutes

- 13/12/046 **Surface Water Drainage** – Countrywide advised the meeting that it has received an initial report from Southern Water which stated that the surface water drains into the main sewers not the marina basin. Countrywide queried this further as it contradicted the drainage plans held on file.

Following a review of the matter, Southern Water agreed to instruct Clancy Dowcra to undergo further tests on the estate in the presence of Samantha Simpson, Branch Manager. These tests were undertaken and whilst they did determine that the water goes into the Marina it does so using Southern Water surface drainage pipe work and therefore the standing charge is still payable. However there may be situations where the water goes directly into the marina not through Southern Water pipes and a discount may be applied for.

The Board discussed the matter at length and it agreed that there was no further action it or Countrywide could take in this matter. Individual Residents would now need to contact Southern Water to arrange any deductions applicable their property, and it was agreed an update would be published on the POSOL website to that effect..

Estate Security

13/12/047 Nothing further to report that has not been covered elsewhere in the minutes.

General

13/12/048 **Budget for Upcoming Financial Year 2014-2015** – The Company Secretary asked the members of the Working Parties for its consideration of possible expenditure for the upcoming financial year as he would shortly be compiling the new budget.

A Director commented that due to the number of contentious issues relating to berthing, covenants and debt recovery matters currently being handled by POSOL it may be prudent to increase the budget for legal costs. The meeting discussed this matter further and it agreed to a budgetary figure of £15,000 for the next financial year.

6. ANY OTHER BUSINESS

13/12/049 **Anti-Social Behaviour on the Estate** – Countrywide advised the Board that it had received several reports that the tenants of [] Tintagel Way have been causing serious nuisance issues and being verbally aggressive to the residents in the neighbouring properties including an incident where one of the individuals was caught on a neighbour's vessel in the early hours of the morning. When challenged the tenants proceeded to throw objects at the property.

Countrywide duly advised the complainants that whilst it and POSOL were sympathetic it unfortunately has no jurisdiction to intervene in such matters and recommended that this incident and any future occurrences be reported to the Police.

Countrywide advised the meeting that upon speaking to the Letting Agent, the occupants have been given notice to vacate the property and should be gone within the next month.

7. DATE OF NEXT MEETING – Friday 17th January 2014