

Committee(s): Barbican Residents Consultation Committee (for information) Barbican Residential Committee	Dated: 27 th September 2021 8 th October 2021
Subject: Recognised Tenant Association (RTA) Audit 2021	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	Contribute to a flourishing society (1-4)
Does this proposal require extra revenue and/or capital spending?	N/A
If so, how much?	
What is the source of Funding?	
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Town Clerk	For Decision
Report author: Julie Mayer – Committee and Member Services Officer	

Summary

Having undertaken a review of the levels of membership and constitutional make-up of the various house groups, this report sets out those that meet the required qualification for Recognised Tenant Association (RTA) status.

A summary of the results of the review are as follows:-

House Groups	
Achieved RTA recognition	Not achieved RTA recognition
Andrewes House	Bryer Court (<i>did not apply</i>)
Ben Jonson House	John Trundle Court (<i>did not apply</i>)
Brandon Mews (<i>pending AGM minutes</i>)	Lambert Jones Mews (<i>did not apply</i>)
Cromwell Tower	The Postern (<i>did not apply</i>)
Defoe House	Bunyan Court (<i>did not apply</i>)
Frobisher Crescent	
Gilbert House	
Lauderdale Tower	
Mountjoy House	

Seddon House Shakespeare Speed House Thomas More House Willoughby House Barbican Association Breton House	

Recommendations

1. The Barbican Estate Residents' Consultation Committee are asked to note the results of the RTA Review for 2021, as set out in paragraph 8 of the report.
2. The Barbican Residential Committee are asked to formally recognise the status of the House Groups and the Barbican Association as Recognised Tenants' Associations, as set out in paragraph 8 of the report.

Background

1. Following a review of House Groups, we are pleased to report that all of those which applied for Recognised Tenant Association (RTA) status, have been successful in meeting the requirements for recognition.
2. Members are asked to note that the Barbican Estate's officers continue to encourage house groups to achieve this status and the Town Clerk's request for documents includes those who have not previously applied.
3. The Landlord and Tenant Act 1985 (as amended), governs the process by which the City, as landlord, may grant Recognised Tenant Association status. Recognition demonstrates that an RTA has a degree of representation and that it operates in a fair and democratic manner. Such recognition also confers legal rights involving tenants in informal and formal consultation practices. It is, therefore, incredibly important that a landlord regularly reviews this information, as they engage with RTAs on many levels.
4. Furthermore, an RTA can, on behalf of its members :
 - Ask for a summary of costs incurred by their landlord in connection with matters for which they are being required to pay a service charge;
 - Inspect the relevant accounts and receipts;

- Be sent a copy of estimates obtained by the landlord for intended work to their properties;
 - Propose names of contractors for inclusion in any tender list when the landlord wishes to carry out major works;
 - Ask for a written summary of the insurance cover and inspect the policy;
 - Be consulted about the appointment and re-appointment of the agent managing the services.
5. Prior to the 2021 review, the House Groups were written to, requesting the submission of various documents.
6. The criteria which, at a minimum, a Residents' Association must meet in order to qualify for RTA status is as follows:-
- ☐ The Tenants' Association must represent a minimum of **50%** of the long leaseholders in a block/tower who pay a variable service charge to the Landlord.
 - ☐ An annual general meeting must have taken place (*a copy of the minutes of the last AGM were requested*)
 - ☐ Names and addresses of residents elected to the following posts must also be provided – Chair / Hon. Secretary / Hon. Treasurer
 - ☐ To conform with the provisions of SS18-30 of the Landlord and Tenant Act 1985 (as amended) there should be only one vote per dwelling.
 - ☐ A copy of the House Group's Constitution is required once every five years; a review of all Constitutions took place in 2016, and they were provided for 2021.
 - ☐ The Constitution should cover the following points and House Groups are asked to advise the Town Clerk, in the intervening period, if any of the following details change.
 - ☐ Openness of Membership
 - ☐ Payment and amount of subscription
 - ☐ Election of Officers
 - ☐ Voting arrangements and quorum
 - ☐ Notice of meetings
 - ☐ Independence from the Corporation
7. Failure to meet the criteria of an RTA does not affect the status of representation on the Barbican Estate's Residents' Consultation Committee. It does, however, mean that, as landlord, the City may withdraw RTA recognition from an existing RTA if the minimum requirements have not been met. However, should this be necessary, the City would be required to give at least six months' notice of its intention. This would hopefully provide a house group with enough time to resubmit a successful application.

Current Position

8. Having now received the required information, for which the co-operation of all the House Group Chairmen and Secretaries is very much appreciated, the following table sets out which Groups have qualified for RTA status.

RTA Qualifying Membership

BOLD = Successful House Groups	<i>Total no. of Long Leaseholders</i>	<i>Number of Flats registered</i>	<i>Expressed as a percentage</i>
Andrewes House	184	Opt-in membership	
Ben Jonson House	196	53%	
Brandon Mews	24	87.5%	
Breton House	109	Not recognised	
Bryer Court	55	Not recognised	
Bunyan Court	68	Not recognised	
Cromwell Tower	103	Opt-in/out membership	
Defoe House	173	Opt-in/out membership	
Gilbert House	87	Opt-in/out membership	
Frobisher Crescent	69	Opt-in/out membership	
John Trundle Court	133	Not recognised	
Lambert Jones Mews	8	Not recognised	
Lauderdale Tower	114	Opt-in/out membership	
Mountjoy House	63	Opt-in/out membership	
Seddon House	75	89%	
Shakespeare Tower	111	Opt-in/out membership	
Speed House	109	Opt-in/out membership	
Thomas More	162	Opt-in/out membership	
The Postern/Wallside	22	Not recognised	
Willoughby House	147	Opt-in/out membership	
Barbican Association	2011	85%	

9. Most of the House Groups have adopted an '*opt-in/out*' membership, whereby all residents (leaseholders) will be members unless they choose not to be.

Legal Implications

10. It is important that the City regularly reviews levels of membership to ensure that RTAs, with which it consults, properly represents long leaseholders in a block and that these procedures do not become flawed. However, this review does not have to be annual.

Conclusion

11. In light of the returns submitted by the various House Groups, the Residents Consultation Committee (RCC) are asked to note the outcome of this years' RTA Review. The Barbican Residential Committee (BRC) are asked to formally recognise those House Groups which have qualified as RTAs, as identified in paragraph 8 of the report.

Julie Mayer

Clerk to the Barbican Residents' Consultation Committee and Barbican Residential Committee, Town Clerks

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