

<b>Committee(s):</b>	<b>Date(s):</b>
Residents' Consultation Committee	28 November 2016
Barbican Residential Committee	12 December 2016
<b>Subject:</b> Recognised Tenants' Associations (RTAs)– Annual Review 2016	<b>Public</b>
<b>Report of:</b> Town Clerk <b>Report author:</b> Julie Mayer	<b>For information</b>

### Summary

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

A summary of the results of this audit are as follows:-

<b>House Groups</b>	
<b>Achieved RTA recognition</b>	<b>Not achieved RTA recognition**</b>
Andrewes House* Ben Jonson House* Bunyan Court* Cromwell Tower* Defoe House* Frobisher Crescent* Gilbert House* Lauderdale Tower* Mountjoy House* Seddon House* Shakespeare* Speed House* Thomas More House* Willoughby House* Barbican Association*	Brandon Mews ( <i>did not apply</i> ) Breton House ( <i>did not apply</i> ) Bryer Court ( <i>did not apply</i> ) John Trundle Court ( <i>did not apply</i> ) Lambert Jones Mews ( <i>did not apply</i> ) The Postern ( <i>did not apply</i> )
* = Existing RTAs (achieved in 2015)	

### **Recommendations**

1. The Barbican Estate Residents' Consultation Committee are asked to note the results of the RTA Audit 2016, as set out in paragraph 8 of the report, until the outcome of the next Annual Review in 2017.

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, until the outcome of the next Annual Review in 2017.

## **Main Report**

### **Background**

1. Following the Annual Audit of House Groups, we are pleased to report that all house groups, which applied for Recognised Tenant Association (RTA) status, have been successful in meeting the requirements for recognition.
2. Members are also asked to note that the Barbican Estate's officers continue to encourage house groups to achieve this status and the Town Clerk's annual request for documents includes all 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 this year's Audit, the review period began at the end of July. House Groups were written to, requesting the submission of various documents by the end of August 2016.
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 this year, with the next due in 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, this report now sets out which Groups have qualified for 2016 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>
<b>Andrewes House*</b>	184	Opt-in membership	
<b>Ben Jonson House*</b>	195	<i>Final result pending the meeting of the House Group's AGM in early December</i>	
Brandon Mews	24	Not recognised under 1985 Landlord Act**	
Breton House	106	Not recognised **	
Bryer Court	55	Not recognised **	
<b>Bunyan Court*</b>	66	Opt-in membership	
<b>Cromwell Tower*</b>	100	Opt-in membership	
<b>Defoe House*</b>	170	Opt-in membership	
<b>Gilbert House*</b>	87	Opt in membership	

<b>Frobisher Crescent*</b>	69	Opt-in membership	
John Trundle Court	131	Not recognised **	
Lambert Jones Mews	8	Not recognised **	
<b>Lauderdale Tower*</b>	113	Opt-in membership	
<b>Mountjoy House*</b>	63	Opt-in membership	
<b>Seddon House*</b>	74	Opt-in membership	
<b>Shakespeare Tower*</b>	109	Opt-in membership	
<b>Speed House*</b>	104	Opt-in membership	
<b>Thomas More*</b>	162	Opt in membership	
The Postern	8	Not recognised **	
<b>Willoughby House*</b>	146	Opt-in membership	
<b>Barbican Association*</b>	1905	1229	64%

\* = existing RTA (i.e. achieved RTA status in 2015).

- This year, all of the House Groups have agreed to adopt an 'opt-in/out' membership, whereby all residents (leaseholders) will be members unless they choose not to be. Where there has been any dissent, it has only affected 1 or 2 households.

### Legal Implications

- It is important that the City regularly reviews levels of membership to ensure that RTAs, with which it consults and to which it supplies important and confidential information, properly represent long leaseholders in a block and that these procedures do not become flawed.

### Strategic Implications

- Through on-going engagement with the Recognised Tenants' Associations, the City of London Corporation achieves its objective of '*making a positive impact on the lives of all our service users by working together*'.

### Conclusion

- In light of the returns submitted by the various Residents' Associations, the Residents Consultation Committee (RCC) are asked to note the outcome of this years' RTA Audit. 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.

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