

Committee(s):	Date(s):	Item no.
Residents' Consultation	13 September 2010	
Barbican Residential	27 September 2010	
Subject: Recognised Tenants' Association – Annual Review		Public
Report of: Town Clerk		For Decision

Summary

Having undertaken a thorough review of the levels of membership and constitutional make-up of the various Barbican Residents' Associations, this report outlines those which have met the required qualification for Recognised Tenants' Association (RTA) status.

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

House Groups	
Achieved RTA recognition	Failed to achieve RTA recognition
Ben Jonson House* Bunyan Court Cromwell Tower* Defoe House* Gilbert House* Lauderdale Tower* Mountjoy House* Seddon House* Shakespeare* Speed House Thomas More House Willoughby House* Barbican Association*	Andrewes House (<i>did not apply</i>) 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>membership levels too low – 27% of total long leaseholders</i>) Lambert Jones Mews (<i>did not apply</i>) The Postern (<i>did not apply</i>)

* = Existing RTAs (achieved in 2009)

Recommendations

The Barbican Residential Committee is requested to agree to the following:-

- (a) the formal recognition of those House Groups and the Barbican Association, as identified in paragraph 8 of the report, as Recognised Tenants' Associations, until the outcome of the next annual review.
- (b) that those House Groups who failed to achieve RTA status for 2010 be noted, with any updates in achieving the minimum criteria being brought back to Committee for formal recognition.

Main Report

Background

1. The Landlord and Tenant Act 1985 (as amended), governs the process by which the City, as landlord, may grant Recognised Tenants' Associations (RTAs) status. Recognition demonstrates that an RTA has a degree of representation and that it operates in a fair and democratic manner. Furthermore, such recognition confers legal rights involving tenants in informal and formal consultation practices. It is, therefore, incredibly important that a landlord regularly reviews this information as we engage with RTAs on many levels.
2. 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.
3. The 2010 review period began at the beginning of May when House Groups were written to requesting the submission of various documents. Responses were sought by 21st May, although it has since been acknowledged that the three week period to respond to this request may need extending next year as there were a number of House Groups who failed to meet this initial deadline.
4. 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 (*a list of members of the Association, as of 31st March 2010, was requested, to be signed and dated by the Chairman of the House Group/Association*)
 - ☐ 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 (*should be mentioned in the constitution, a draft copy for which is available at http://www.rpts.gov.uk/pubs_and_forms/html_docs/tenass.htm#annex2)*

- ☐ A copy of the constitution of the Association should be provided, the rules for which should be fair and democratic and must also, at a minimum, cover the following:
 - ☐ Openness of Membership
 - ☐ Payment and amount of subscription
 - ☐ Election of Officers
 - ☐ Voting arrangements and quorum
 - ☐ Notice of meetings
 - ☐ Independence from the Corporation
- 5. Failure to meet the criteria of an RTA does not affect the status of representation on the Residents' Consultation Committee. It does, however, mean that as landlord, the City may withdraw RTA recognition, but it may not do so without giving at least six months' notice of its intention.

Current Position

- 6. Having now received much of 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 2010 RTA status.

7. RTA Qualifying Membership

<i>Recognised Tenants' Associations (House Groups who have achieved 2010 RTA status is indicated in bold)</i>			
	<i>Total no. of Long Leaseholders</i>	<i>Number of Flats registered</i>	<i>Expressed as a percentage at 31 March 2010</i>
Andrewes House (did not apply)	180	Not recognised under 1985 Landlord Act	
Ben Jonson House*	194	110 flats	57%
Brandon Mews	25	Not recognised under 1985 Landlord Act	
Breton House	101	Not recognised under 1985 Landlord Act	
Bryer Court	55	Not recognised under 1985 Landlord Act	
Bunyan Court	66	66	100%
Cromwell Tower*	98	82	83%
Defoe House*	170	86	51%
Gilbert House*	84	53	63%

John Trundle Court (obtained 27% long-leasehold membership)	131	Not recognised under 1985 Landlord Act	
Lambert Jones Mews	8	Not recognised under 1985 Landlord Act	
Lauderdale Tower*	112	75	67%
Mountjoy House*	63	41	65%
Seddon House*	74	44	59%
Shakespeare Tower*	105	105	100%
Speed House	104	76	73%
Thomas More	158	81	51%
The Postern	8	Not recognised under 1985 Landlord Act	
Willoughby House*	143	79	55%
Barbican Association* (Estate-wide)	1879	1089	58%

* = existing RTA (i.e. achieved RTA status in 2009).

8. The above shows that the following Tenants' Associations have qualified as RTAs viz:-

Ben Jonson House
Bunyan Court
Cromwell Tower
Defoe House
Gilbert House
Lauderdale Tower
Mountjoy House

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

9. Those that achieved RTA status in 2009 have succeeded in retaining it for the second year running and, therefore, there is no need for the City, as a landlord, to provide six month's notice of its intention to withdraw its current recognition.
10. Those House Groups who have failed to meet the minimum criteria this year may still submit the necessary paperwork and, providing that this meets the requirements, the Barbican Residential Committee will be updated and asked to formally recognise the House Group as an RTA at the next available meeting.

Financial and Risk Implications

11. There are no financial and risk implications.

Legal Implications

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

Strategic Implications

13. Through ongoing engagement with the Recognised Tenants' Associations, the City of London Corporation may continue to promote theme of The City Together: the Heart of a World Class City which supports our communities.

Consultees

14. The Comptroller and City Solicitor and the Director of Community and Children's Services have both been consulted in the preparation of this report and their comments are included.

Conclusion

15. In light of the returns submitted by the various Residents' Associations, the Barbican Residential Committee's authority to formally recognise those who have qualified as RTAs, as identified in paragraph 8 of this report, is sought.

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