

Committee(s):	Date(s):	Item no.
Residents' Consultation Committee	12 September 2011	
Barbican Residential Committee	26 September 2011	
Subject: Recognised Tenants' Association – Annual Review	Public	
Report of: Town Clerk	For Decision	
<u>Summary</u>		
<p>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.</p> <p>A summary of the results of this audit are as follows:-</p>		
House Groups		
Achieved RTA recognition	Not achieved RTA recognition	
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>membership levels too low – only represents 37% of total long leaseholders</i>) Lambert Jones Mews (<i>did not apply</i>) The Postern (<i>did not apply</i>)	
* = Existing RTAs (achieved in 2010)		
Recommendations		
<p>The Barbican Residential Committee is requested to agree the formal recognition of those House Groups and the Barbican Association, as identified in paragraph 9 of the report, as Recognised Tenants' Associations, until the outcome of the next annual review.</p>		

Main Report

Background

1. Following the annual audit of House Group's Membership lists, Constitutions and AGM minutes, it is pleasing to report that all House Groups which applied for Recognised Tenants' Association (RTA) status, bar one, have been successful in meeting the requirements for recognition, as set out below.
2. The Landlord and Tenant Act 1985 (as amended), governs the process by which the City, as landlord, may grant Recognised Tenants' Associations 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 we engage with RTAs on many levels.
3. 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.
4. The 2011 review period began at the end of March when House Groups were written to requesting the submission of various documents. Responses were sought by 3rd May in the hope that the results could be presented to the June Committee cycle although due to the number of House Groups who had yet to hold their AGMs, it has since been decided that for 2012 the review period will begin in May with responses sought by the end of June 2012. The results will, therefore, be submitted annually to the September cycle of Committees.
5. 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 2011, was requested, to be signed and dated by the Chairman of the House Group/Association- next year, the date will be as of 31st May 2012*)
 - 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 [?????]*)
 - 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
6. It is acknowledged that the submission of the constitution is unnecessary if a House Group has in previous years made this available to the Town Clerk as part of the annual audit. Therefore, from 2012 onwards, a copy of the constitution will instead be requested every five years. As part of the annual audit, however, we will also ask that any details of changes in the intervening year should be submitted so that our records are kept up to date.
7. 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 from an existing RTA if the minimum requirements have not been met although this year, this will not be necessary and in any event, would require the City to give at least six months' notice of its intention which 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 2011 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 at 31 March 2011</i>
Andrewes House*	180	180	100%
Ben Jonson House*	194	99	51%
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	39	59%
Cromwell Tower*	98	86	88%
Defoe House*	170	106	62%
Gilbert House*	84	58	69%
Frobisher Crescent	48	24	50%
John Trundle Court <i>(obtained 37% long-leasehold membership)</i>	131	Not recognised under 1985 Landlord Act	
Lambert Jones Mews	8	Not recognised under 1985 Landlord Act	
Lauderdale Tower*	112	70	58%
Mountjoy House*	63	43	68%
Seddon House*	74	45	60%
Shakespeare Tower*	105	105	100%
Speed House*	104	104	100%
Thomas More*	158	81	51%
The Postern	8	Not recognised under 1985 Landlord Act	
Willoughby House*	143	79	55%
Barbican Association* (Estate-wide)	1879	1131	60%

* = existing RTA (i.e. achieved RTA status in 2010).

9. The above shows that the following Tenants' Associations have qualified as RTAs for 2011 viz:-

Andrewes House	Lauderdale Tower
Ben Jonson House	Mountjoy House
Bunyan Court	Seddon House
Cromwell Tower	Shakespeare
Defoe House	Speed House
Frobisher Crescent	Thomas More House Group
Gilbert House	

Willoughby House
Barbican Association

10. Whilst John Trundle Court failed to meet the 50 % minimum representation of long leaseholders this year, it may still reapply if Membership numbers have improved at any point during the course of the year. 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 9 of this report, is sought.

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