

Committee(s):	Date(s):	Item no.
Residents' Consultation Committee	10 September 2012	
Barbican Residential Committee	26 September 2012	
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>did not apply</i>) Lambert Jones Mews (<i>did not apply</i>) The Postern (<i>did not apply</i>)	
* = Existing RTAs (achieved in 2011)		
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, we are pleased to report that all House Groups, which applied for Recognised Tenants' Association (RTA) status, 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. Prior to this year's Audit, the review period began at the end of March. House Groups were written to, requesting the submission of various documents by early May. As a number of House Groups had not held their AGMs by this time, it was decided that, from 2012 onwards, the review period would begin in May, with responses sought by the end of June 2012. The results are therefore being submitted 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 May 2012, 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.
 - 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 has been 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 2013, a copy of the constitution will be requested every five years. However, as part of the annual audit, we will ask for any details of changes in the intervening, 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. 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. 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 2012 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*	180	180	100%
Ben Jonson House*	194	104	53.6%
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	42	63.6%
Cromwell Tower*	98	90	91.8%
Defoe House*	170	114	67%
Gilbert House*	84	59	69%
Frobisher Crescent*	69	49	71%
John Trundle Court	131	Not recognised under 1985 Landlord Act	
Lambert Jones Mews	8	Not recognised under 1985 Landlord Act	
Lauderdale Tower*	112	78	69.4%
Mountjoy House*	63	62	98.4%
Seddon House*	74	50	67.5%
Shakespeare Tower*	105	105	100%
Speed House*	104	104	100%
Thomas More*	158	157	99.3%
The Postern	8	Not recognised under 1985 Landlord Act	
Willoughby House*	143	142	99.3%
Barbican Association* (Estate-wide)	1879	1213	64.5%

* = existing RTA (i.e. achieved RTA status in 2011).

9. The above shows that the following Tenants' Associations have qualified as RTAs for 2012 viz:-

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

10. Six House Groups are operating an ‘opt-out’ membership, whereby all residents will be members unless they choose not to be. Of these six house groups, the number of opt-outs is very small. To simplify the administrative process, House Group Chairmen are recommended to consider adopting this type of membership. This would need to be formally agreed at the House Group’s next AGM.

The House Groups currently operating an ‘opt-out’ membership scheme are:

- Andrewes House
- Mountjoy House
- Shakespeare Tower
- Speed House
- Thomas More House
- Willoughby House

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 supplies important and confidential information, properly represent long leaseholders in a block and that these procedures do not become flawed.

Strategic Implications

13. Through on-going engagement with the Recognised Tenants’ Associations, the City of London Corporation may continue to promote the 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 is sought to formally recognise those House Groups which have qualified as RTAs, as identified in paragraphs 8 and 9 of this report.

Contact:

Julie Mayer

020 7332 1410

julie.mayer@cityoflondon.gov.uk