

Committee(s):	Date(s):
Residents' Consultation Committee	25 November 2013
Barbican Residential Committee	9 December 2013
Subject: Recognised Tenants' Associations – Annual Review 2013	Public
Report of: Town Clerk	For information

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 that 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	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 2012)	

Recommendations

Members are asked to note the formal recognition of those House Groups and the Barbican Association, as identified in paragraph 7 of the report, as Recognised Tenants' Associations, until the outcome of the next annual review in 2014.

Main Report

Background

1. Following the Annual Audit of House Group's Membership lists 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 June. House Groups were written to, requesting the submission of various documents by the end of July.
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.
 - 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 is required once every five years, with the next inspection required as part of the 2016 Audit.

- 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
6. 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

7. 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 2013 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*	182	Opt-in membership	
Ben Jonson House*	194	105	54%
Brandon Mews	25	Not recognised under 1985 Landlord Act	
Breton House	105	Not recognised under 1985 Landlord Act	
Bryer Court	55	Not recognised under 1985 Landlord Act	
Bunyan Court*	66	Opt-in membership	
Cromwell Tower*	98	95	96%
Defoe House*	170	130	73%
Gilbert House*	84	64	76%
Frobisher Crescent*	69	Opt-in membership	

John Trundle Court	131	Not recognised under 1985 Landlord Act	
Lambert Jones Mews	8	Not recognised under 1985 Landlord Act	
Lauderdale Tower*	113	79	69%
Mountjoy House*	63	Opt-in membership (- 1)	
Seddon House*	74	63	85%
Shakespeare Tower*	106	Opt-in membership	
Speed House*	104	Opt-in membership (- 1)	
Thomas More*	160	Opt in membership	
The Postern	8	Not recognised under 1985 Landlord Act	
Willoughby House*	144	Opt-in membership (-1)	
Barbican Association* (Estate-wide)	1890	1217	65 %

* = existing RTA (i.e. achieved RTA status in 2012).

8. The above shows that the following Tenants' Associations have qualified as RTAs for 2013 as follows:-

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 Group
Willoughby House
Barbican Association

9. Eight House Groups are operating an ‘opt-in/out’ membership, whereby all residents will be members unless they choose not to be. Of these 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.

Financial and Risk Implications

10. There are no financial and risk implications.

Legal Implications

11. 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

12. 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

13. The Comptroller and City Solicitor and the Director of Community and Children’s Services have both been consulted in the preparation of this report.

Conclusion

14. 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.

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