

Haringey Leaseholders' Association Committee Meeting

Meeting held on Friday 4th December 2009 at the Civic Centre, Wood Green

In attendance

Committee:

Sue Brown (Chair) (SBr)
Alena Breckova (Vice chair) (AB)
XXXX (Treasurer)
Nick Martin-Clark (Funding & Press Officer) (NMC)
Rita Batzias (RB)
Scott Russell (SR)
Piers Johnson (PJ)
Belinda Batten (Minutes) (BB)
Sarah Cope (SC)
Anne Crellin
Delsie Grandson

Leaseholders:

Beryl Stockman (BS)
Geraldine & David (D & G)
Nadia

Other:

Lynne Featherstone – Liberal Democrat Member of Parliament for Hornsey and Wood Green.

Apologies:

Emeka Ekeowa
Hussain Azhar
Ian Lush

The meeting was opened by Sue Brown at 18:45 in room 6

1. Lynne Featherstone (MP) discussion

(LF) Lynne is concerned about the number of leaseholder complaints she is receiving, and wants to know if she can be of any assistance, or do we want her to raise any issues in parliament.

She is concerned about:

- overcharging of costs
- the procedure for cost estimates
- contractors overcharging
- poorly completed work
- disabled facilities
- land sales

(D&G) They are section 20 experts through their own knowledge and experience of a current legal case. They have a dispute with the Landwater company which started 3 years ago.

They said that the contract was given to the lowest contractor bid, with no scope of works, or tenders seen by the leaseholders. They felt the company and the works were railroaded onto leaseholders.

The resulting service charge was no less than £65,000 per leasehold property which was demanded immediately.

They pointed out if the section 20 notices and consultation process was not properly carried out for major works, then they were not allowed to be charged more than £250. They stated 'Graftenway v Camden council' as an example case.

Landwater applied for a dispensation and it was put to appeal. Lord Justice Karnworth was put on the case.

(LF) Lynne noted Barry Gardner (MP) who was involved with the Landwater case put pressure on to change legislation, but has since walked away from the case through 'exhaustion'.

(General discussion) There was a general discussion about the 2007 Homes for Haringey Decent Homes program means once dispensation is applied, then leaseholders may as well forget about it and we have no power, any case is null and voided. The £200m grant for Decent Homes is going ahead regardless of consultation.

There was also general discussion throughout about past experiences with LVT and service charges, and lack of response from HfH.

(LF) She spoke to Paul Bridges who said not every repair is inspected. LF pointed out that when a direct concern is raised then the case must be inspected. She felt Paul Bridges did not respond to genuine concerns.

When being asked about future help, she said the most important things is getting serious hard evidence, and be relentless in chasing responses.

Action: Alena to give notes or a draft letter to LF on dispensation. **Action: AB**

(NMC) Nick spoke about the 'Core Group' of HfH officers and contractors who meet regularly to discuss costs, progress etc. The content of these meetings have now been declared confidential. Nick mentioned to LF directly about Ola Akinfe (the executive director in charge of Decent Homes) and the confidential content of these meetings to be looked into.

(Group discussion) There was a general discussion about gagging orders in Haringey being common practice. Also about dispensation and Section 20 meaning no 'real' rights to leaseholders under current law.

(Group discussion) There was a discussion about the 3 years payment terms not being fair (eg. for pensioners). If there is true hardship the council can take equity on the sale of the flat, and in the event of sale or death they can recoup these charges, however this is still unfair practice as interest is applied over those many years. Also unfair being the charge prospectively before works even begin. Also unfair is the 5% discount being applied for < 14 days payment, even though in real timescales of people being on holidays, hospitalised etc. they don't really have the chance to gain the discount through early payment terms, this should be increased to 28 working days (noted by RB).

(LF) Mentioned just briefly that she is still looking into the digital aerials case, so this topic was not raised as a separate agenda item to be discussed further.

(SBr) The Chair noted to LF that HfH is meant to be an independent arms-length body, but she felt that Haringey council keeps getting involved and influencing things. Numerous letters have been sent to Clare Kober but have produced no results for this topic.

XXXX asked Lynne F to investigate through HfH 'the take up of all the payment options' particularly for the elderly/disadvantaged leaseholders and whether HfH were communicating this effectively to leaseholders faced with major bills.

Action: Lynne Featherstone will be following up these issues in the future:

- dispensation
- rescheduling of the upfront payment charge, and payment options, including the 5% discount
- query the reps why they are being prevented from reporting back
- audit review of excessive leaseholder charges, including major works
- she will have a 'sensitive' dig around Ola and the management positions being obstructed
- the lack of inspections on completed major works, and the lack of response on genuine complaints
- the Haringey council interfering with HfH
- the take up of all the payment options

Action: SBr to follow up with LF at a future date for progress. **Action: SBr**

2. Correspondence

a. Letter received from T.Thevanesan (Head of HfH) about our proposals:

Sue presented a 7 page letter from Nesan Thevanesan dated 3rd December (see attachment scanned with the minutes) accepting some of our proposals for HLA, including the following topics;

- i) £10,000 per annum funding grant to be provided to HLA. This will be at the cost of approx £2.25 per leaseholder, which is in line with CAB costs of £4.00 per leaseholder. This fee will be refunded to leaseholders if they personally object. The Chair stated this fee would probably increase in the future.

There was a general group discussion about the validity of the fee, and if the £2.25 charge per leaseholder by HfH is directly related to the grant they will subsequently pay to HLA. It was thought that if HfH decide to grant HLA funding, this has no influence in any way for what HfH then decide to charge leaseholders of their own account.

The Vice-Chair stated that too much importance should not be attached to this offer as it was insincere. HfH would find a way of backing out of their promises one way or another.

There was a discussion about the funding the leaseholder levy or 'opt out' fee is part of the management charge on the service charge statements that leaseholders receive. If a leaseholder wishes to opt out the fee is refundable by HfH which they will deduct from HLA payment. The management fee is made up of other charges which as yet have not been contested at the LVT as to whether this charge is allowed or not as part of the lease. (there was no decision there). In the letter, HfH have decided not to go to The LVT to seek dispensation 'for the policy of increasing the grant'.

Also it was discussed that current 200 subscribers may be aggrieved to pay again through the service charge, and there were several possibilities put forward of refunds or putting the charge up to £22.25.

Action: Sue to email a reply for the £2.25 service charge wording to be approved **Action: SBr**

- ii) They will look into giving us premises.
- iii) Section 29

Action: Alena is to draft up recognition comments under the Landlord and Tenant Act (1985)

Action: AB

- iv) Section 20 – HfH will provide details to us on a scheme by scheme basis.
- v) Payment options are under review.
- vi) Dispensation – HfH have decided not to pursue this option of meeting with us.

b. Door knocking emails:

i) It has been noted that Chettle Court group fell apart.

ii) Ferry Lane Action Group (FLAG) – Piers was wanting to set up a core active group to discuss joint costings for windows etc. Piers raised the door knocking topic in order to speak specifically to leaseholders about joining a leaseholder group (subgroup of HLA), raising awareness of HLA, and raising awareness of the Decent Homes mutual benefit of joining a group.

FLAG is a 'residents' group, not just a leaseholders group.

(SBr) Sue stated we would like to set up groups in different estates. HLA will support FLAG, possibly even through funding.

The purpose of the door knock will be raising awareness of HLA, and encouraging participation in FLAG.

The Treasurer attacked Nick for not having done any door-knocking when he was outreach officer and stated that he was only in favour of it on the Ferry Lane Estate because he owned a property there. She asked how many leaseholders were on the committee of FLAG and then informed the committee that there were two. Nick said that there was a constitutional obligation to support local leaseholder groups. The Treasurer said that Nick deserved 'to be beaten up'. Nick appealed to the meeting for support. The Vice Chair said that if Nick behaved differently he would not be subject to any threats whether literal or metaphorical. The Vice Chair read a long email from Nick sent during the week. Nick asked what in that email was disrespectful or abusive. The Vice Chair answered 'We have other things'. Nick asked the Vice Chair if she supported the constitution 'yes or no'. The Vice Chair replied that the constitution 'was a living document'. Nick called for a vote of confidence in the Vice Chair. The Vice Chair responded 'Fine'. The Chair called the meeting to an end.

The meeting closed at 9.06pm.