

## **Haringey Leaseholders' Association Emergency Committee Meeting Held on Monday 11<sup>th</sup> October 2010 at 92 Gloucester Rd, N17**

### **In attendance**

#### **Committee**

Sue Brown (Chair) (SB)  
Delsie Grandson (DG)  
Rita Batzias (RB)  
Peter Gilbert (PG)  
Nick Martin-Clark (NMC)

#### **Others**

Lloyd Grandson, relative (LG)

### **The meeting was opened by Sue Brown at 20:15**

SB explained that the minutes of the last meeting would not be discussed as this was an emergency meeting. They would be deferred to the next meeting

#### **1. HfH's investigation into the HLA**

SB said the investigation was not legitimate as no application form had been put in this year and the recognition granted in September 2009 was based on previous years' papers. The HLA had received no money this year from HfH and HLA was a fiercely independent organisation. This was what the membership had wanted. Simon Godfrey had been given short shrift at the HLA's 2008 AGM when he tried to tell the HLA what they had to have in their constitution. SB said the HLA had previously rejected a development plan which had also tried to take control of the constitution. The trouble-makers had opened the door to HfH to take control of the HLA. SB said that she had been doing this for ten years and that she had always taken recognition to be granted on a financial year basis because it was linked to funding. The application for the financial year 2009 – 10 had been put in in May 2009 and voted on in September 2009 by the board.

SB said that Anton, the previous leaseholder board member, had indicated in an email that he had some sympathy for SB's view. NMC said Anton had been very involved in getting recognition for the HLA. NMC said it would be anomalous for the board to grant recognition outside the normal procedures for doing so. SB said the whole thing was a muddle and that this had come up at the TP Panel.

SB said that there had been no consultation. SB said she wanted the committee's support for her stance ahead of the investigation and that was why she had called this emergency meeting. DG said that, whether or not the HLA were recognised, it was still not right for HfH to investigate it. DG said that she and Rita had not been recognised by them and had not been invited. Rita said that they did not hold offices. SB said that neither did other people who were invited. DG said it was a question of who was there. SB said that if they were going to interview people they should interview everybody. NMC said that Joe Boake had said in an email that he was going to invite DG and RB after a protest. NMC said he had said PG should be invited as well because he had been to more committee meetings than Lynne this year. PG said he had come only after the event. NMC said he could still say whether or not he thought the committee was run democratically. SB said that going to the meetings would be saying that the investigation was recognised.

SB read out a draft letter asking for an urgent independent meeting to discuss provisional recognition. DG said that HfH would not be neutral. SB said it would have been ok if the

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HLA had been consulted. The 'recognition' had been suspended without trial. LG said that on top of that they had wanted to conduct an investigation without interviewing everyone. DG said HfH had taken the side of those who had signed the letter because they had forgotten about DG and RB and that they could not be the mediator, that being the case. They would not have been included if HfH had not been pushed. NMC said that they had invited absolutely everyone on the other side. SB said that Ian had not been to a committee meeting since last November and that Emeka had not been to one for two years. SB said that Emeka and Ian had not seen the bad behaviour at meetings, shouting people down and calling them names and pounding tables and threatening to beat people up and making sarcastic remarks.

SB said that was why the HLA had to have a C of C. The HLA had always been supposed to have one as it was mentioned in the constitution. NMC said the first two counts in their 'indictment' were important because they were to do with the constitution and that meant that recognition criteria were involved. That in turn meant that they could ignore the RIA. But both those counts were flimsy. The one to do with the incorrect version of the constitution on the website had been dealt with. It was the HLA's fault but it wasn't a big deal. SB said that HfH had been given the correct version. NMC said they had been present at the meeting that agreed the constitution and should have been in a position to tell anybody what the correct version was themselves. NMC said that the second count was also weird. The C of C was separate from the constitution and, even if there was somehow a constitutional issue involved, the HLA's obligation was to consult with them when we changed our constitution and that the HLA was quite prepared to do. Even if they felt the HLA should have consulted over the C of C, they would need to show that there was a really serious issue at stake in order to suspend the HLA. But there was nothing controversial in the C of C. DG said that the leasehold panel had had a C of C right from the start. SB said there was nothing in the RIA saying we had to consult them over the C of C.

NMC said that this second count had not been clearly expressed and was wishy-washy. Counts three and four were nothing to do with the constitution. It was clear that counts one and two were a pretext and that what was really going on was the rows that had been happening. The constitutional stuff was just flim-flam.

DG asked what HfH and the rebels wanted from the HLA. SB said they wanted to win control of the HLA. DG asked what they would do. SB said probably little. NMC said the HLA would no longer be independent if the rebels won because they would have taken over with the support of HfH and would be in their pockets. SB said the rebels were not interested in local leaseholder groups, an advice service or increasing the HLA grant. They just wanted an email discussion group which would simply be a talking shop.

DG asked if HfH investigated other umbrella groups. SB said that they could investigate a group they had funded but the HLA had not had any money. SB said the HLA needed recognition but as an equal and that if they caved in over this investigation they would lose our independence. A vote was taken and agreed unanimously.

SB said that NMC's position was different because he had been defamed. DG said she had looked at the phrase in Nick's email that HfH said breached their equalities policy. SB said that Anton had supported NMC. NMC said it was part of a nasty email exchange and that he would take it back if Alena would take back what she had said. NMC said it was unfair to pick on one line out of one email out of context. DG said that HfH could not be neutral in an investigation if they were accusing NMC of breaking the law by writing that. SB said that NMC wanted to go along on a personal basis to defend himself against the personal attacks against him. NMC said that he was not now going to because he had been told in an email that the interviews would not be minuted properly and that he did not want to be part of a process that wasn't transparent.

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NMC asked what the committee felt about SB writing a letter to Alena apologising over his email as one of the points in the indictment was that SB had appeared to condone it. It had now become a very serious thing affecting the HLA overall. NMC said that there were other points that needed to be raised with Alena like asking her if she would support mediation and withdraw her call for derecognition now that she was on the board as well as asking her about our database. If the HLA were disassociated from that issue then HfH could not pursue point 3.

SB said that, if there was misbehaviour in a meeting, the Chair would take it up individually outside the meeting with the person concerned. SB said she had done that with NMC. DG said the Committee should wait and see if HfH asked for it. NMC said they had already indirectly asked for it. SB said it went against the grain. DG said that if the HLA wrote one letter they would ask for more. LG said it was just going on with HfH's agenda not the HLA's. NMC said they had made a big thing of this particular issue. PG suggested two letters, one for the apology issue and then take up the other issues in another letter. SB said she had already written to the Chair of the Board about Alena explaining that she had a personal interest in the HLA issue and should not take part in a discussion or vote on it. SB said it was wrong that Alena had been invited to take part in the investigation. How could a Board member take part when the report had to go to the board? DG said that it was to do with things that happened before she became a board member. SB said it did not matter, she was one now.

SB agreed to write to Alena. A vote was taken and agreed unanimously, the wording to be agreed between NMC and SB, the letter to dissociate the HLA from the issue. PG said it should be drafted after a night's sleep.

## 2. Responses regarding mediation

SB said she thought the letters to Ian and Emeka were a bit more forgiving because they offered the chance to back out of the letter. But vitriolic emails had come in. SB read some extracts from Ian Lush's email. She said that Ian had said the £100 figure was wrong. NMC said that the figure was per side not per person. Ian had referred to 'the future, if any, of the HLA'. NMC said that was outrageous and that he thought Ian should resign just for that. SB agreed. SB said that Ian's threat to take 'action' against anyone suggesting that he should resign if he didn't accept mediation was nonsense. NMC said the letter already said that. SB said his threat to issue proceedings against anyone criticising him was 'rubbish'. SB said it was a free country. DG said it was a voluntary organisation. LG said that, if someone didn't like what they heard said, they should leave. DG said he was not employed. SB said Ian seemed to think he could say anything he liked about us but not the other way around. NMC said his attitude was unbelievable. PG asked how Ian's involvement in the HLA impacted on his professional or private life. NMC said that if, for instance, the HLA updated the committee membership page by saying that Ian Lush had been asked to resign then that could have an effect. DG said that the HLA would not be foolish enough to do that.

SB said that she had not threatened Ian with expulsion but he had been asked to resign. There was a big difference. NMC said that he had not been asked to turn up to mediation just to support it in principle or, if not, offer another way forward.

SB then turned to XXXX's email. She criticised XXXX for saying that the current meeting was unconstitutional and said XXXX never stated what part of the constitution she was relying on. SB said there was nothing in the constitution about the length of notice for a Committee meeting, only for General Meetings. DG said it was an emergency. SB said that in January she had been given less than 24 hours' notice of the meeting organised by the rebels. NMC questioned whether that meeting was considered valid even so. It was agreed to postpone a decision on that point. XXXX had complained that no agenda had been circulated. SB said that at short notice that might not be necessary and again the constitution did not demand it.

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NMC said that XXXX had not said that she was unable to attend. She could have attended if she had wished. SB read out what XXXX had copied from the website to do with the agenda. NMC said the HLA had to be very careful to be fair to everybody and that it had been. XXXX had complained that no papers had been provided. SB said that there had not been any papers. NMC said that the Committee had to be prepared for XXXX to stand up in court and say that she had been acting in the interests of leaseholders because the HLA was badly run.

XXXX had complained about the location of the meeting saying that showed the meeting was not meant to be open to all members. PG said this was 't waddle'. DG pointed out that meetings had been held at Piers' flat. XXXX had said that the meeting was supposed to be open to the general membership. SB said it had been advertised on the website. SB said it was not a private meeting. SB said nothing had been done outside the constitution. DG said meetings had been held in the Sandlings before.

SB said the mediation request was not ridiculous. The suggestion that minutes were being rewritten was felt to be infra dig – under the constitution all final versions of minutes had to be approved at committee meetings and this had been done for all except the previous meeting's minutes. SB said all committee meetings had been constitutional. NMC said the committee would have to run the risk of XXXX going to a solicitor. NMC said XXXX's approach was tyrannical. SB said both Ian and XXXX were trying to intimidate the committee. The Committee had to stand up to them.

With regard to the Data Protection issue DG noted that Piers had supported the majority view last time. SB read out the bit about applying for a ruling from HfH on the meeting. SB said that the accusation that a small group was acting outside the constitution in order to take over the HLA was exactly what XXXX was doing. The threat, underlined by XXXX, to refer the HLA to the Audit Commission provoked general laughter. SB said that the Audit Commission's remit had been to investigate the spending of public bodies and the HLA was not a public body, but anyway the Audit Commission had been abolished.

NMC said that if XXXX put out a mailing saying that the committee had spent leaseholder money unconstitutionally that was a serious matter. SB referred to the constitution's section on finances and read it out. The order of the sentences was awkward but the meaning was clear. The point was the difference between 'signature' and 'signatory'. If the Treasurer went on holiday for a month you could still sign a cheque. SB said XXXX was trying to grab power to herself. NMC said the sentence about the Treasurer had been added in afterwards. NMC said that 'signatory to the American Declaration of Independence' was different from 'signatory on an account' as the second involved repeated signings.

SB said that nothing had been heard from Emeka and that Piers had refused to resign. What to do next? SB said she wanted to set a final date for agreement to mediation of the 15 October after which action should be taken to withdraw the Committee's working relationship with those members. DG said no emails should be sent to inform them of committee meetings; there should be no communication. NMC said they should be told that notice of future committee meetings would be available on the website and that that notice would be adequate if they checked there. NMC said it should be explained that the mediation was not £100 per person but per side and say that there were no plans to suspend anyone but XXXX. They would get minutes when they appeared on the website. SB said the Committee had bent over backwards for months to try to achieve a reconciliation but that it had proved a waste of time. SB said the HLA needed to get on with the work.

SB said she was thinking of putting in a complaint about the election being unfair because she could not think of how Alena could have got hold of the information for her mail-out unless Lynne passed her a copy of the HLA database. HfH had said they had not given her a copy of theirs. PG said it might be a legitimate enquiry to ask Alena how she got the addresses. SB said UK-Engage had replied to her complaint that they were satisfied. NMC said it was awkward because people were considered innocent until proven guilty. LG said

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that he could complain on the grounds that he received communications he didn't want. SB said that would be a good approach. NMC asked if LG had had a leaflet. He said no. RB and DG and PG said they had had a leaflet. PG said he would need to check if he still had it. NMC said that maybe there was some explanation we couldn't think of.

### 3. Data Protection, Legal Action and Costs

NMC said that the last meeting had asked him to get in touch with the ICO to find out the position. The ICO had told him the HLA faced a strict liability problem. That meant XXXX had exposed the HLA to a certain risk of a fine. How serious that risk was was open to debate but it was not right that the HLA should be exposed to any such risk. In order to mitigate it the HLA had to take action against her. NMC said that, after shopping around, he had found a good deal from a reputable firm who were willing to write a tough letter for £300 + VAT. That was better than other offers which had been around £2,000. DG asked what XXXX would do. NMC said that the original plan was to give XXXX 7 days but that he was now concerned after reading XXXX's email that she was likely to send more damaging emails and perhaps the committee should move more quickly. NMC said that a court case was likely because XXXX was not listening to reason. Apparently an injunction was very expensive though. NMC said that XXXX should be given not a week but 24 hours to return the database. Because of the difficulty of moving quickly when such large sums of money were involved the committee decided to give her 7 days in the letter. The committee gave authority to spend up to £500 in total on legal fees without having another committee meeting. The committee should consult by email for any further legal expenditure up to that amount. A unanimous vote in favour of asking Bolt Burdon to write the letter was taken.

### 4. Suspension of the Treasurer

SB said that under 5 (f) of the constitution members could be suspended by the committee. SB said only XXXX would be suspended because of her abuse of the database. SB asked for the Committee's agreement to suspend XXXX. PG said it seemed logical. SB said everything else had been tried. A vote was taken and her suspension was agreed unanimously. SB said that she wanted to put something tactful on the website to counter anything that XXXX might be putting out on the mailing list. LG said that would alert leaseholders to what was going on. LG said that for XXXX it was a win-win situation because the Committee could not do nothing but anything it did do would have to be justified to the membership. DG said perhaps the solicitor could help with the wording to go on the website. DG strongly recommended that a solicitor look at the wording. SB said that the HLA might get sued. NMC said that probably would not break the bank.

### 5. Amendment to the Code of Conduct

SB said that Joe Boake had mentioned a possible change to the phrase 'The Chair also has final approval of minutes sent out with papers for the next meeting.' Joe had said that the other side were agitated about this and he had suggested inserting 'draft' in front of 'minutes' to make it clear that the minutes were not final until approved at the committee meeting. This was unanimously agreed.

### 6. Future meetings

SB said that NMC had suggested holding a GM as well as an AGM. The AGM had to be by the end of January. NMC said we had to follow our constitution which meant that another General Meeting needed to be held first, possibly at the end of November. DG asked where it would take place. SB said that was why the HLA were asking for provisional recognition from

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HfH, with a view to using the Civic Centre. Wednesday 24 or Thursday 25 November were mentioned as possible dates. RB and PG could not make the 24 so 25 was provisionally agreed. DG said she would make a special effort to manage a Thursday. SB said that working back from that, 14 days notice had to be given. That meant it had to be sent out before Thursday 11. November. SB said NMC had suggested employing some people to stuff envelopes. NMC asked if the HLA should expel XXXX at the General Meeting. NMC said it might be better just to have the AGM in January as that would give more time to do positive things. On the other hand the Committee's whole stance was that they had followed the constitution. RB asked if the meeting was going ahead or not. The committee agreed that everyone was too tired to take a decision and that a decision should be taken by email. There would probably have to be another Committee meeting quite soon to deal with matters.

**SB closed the meeting at 23:00**