

Haringey Leaseholders' Association Committee Meeting

Meeting held on Wednesday 14 January 2015 at 92 Gloucester Road, N17

In attendance

Committee:

Sue Brown (Chair) (SB)
Nick Martin-Clark (Treasurer) (NMC)
Peter Gilbert (Secretary) (PG)
Lloyd Grandson (LG)

Member of the Public

Andrew Lyssis (AL)

The meeting was opened by the Chair at 7.05 pm

Welcome

The Chair welcomed everybody to the meeting, including AL whose first meeting it was. Committee members introduced themselves to him. (In subsequent conversations during the meeting, SB suggested that she might put someone who lived in Oakfield Road in touch with AL. AL commented in reply to LG that Homes for Haringey (HfH) were being unhelpful about the Decent Homes project in respect of the block where his mother was a leaseholder and were trying to cover up mistakes which they had made in the process.)

Apologies

Apologies were received from Grace Lungu, Stephanie Rice and Keith McKenna.

Draft Committee Meeting Minutes

The draft minutes of the Committee Meeting held on Wednesday 3 December 2014 were circulated and read at the meeting and, subject to one amendment, were unanimously agreed.

Matters arising

There were no matters arising which did not feature elsewhere on the agenda.

De-recognition of the HLA – further action

SB said that at the HfH Board meeting on 20 October 2014 HfH had launched a number of personal attacks on her which had then been posted on the HfH website. They had remained there until she had complained, when they had been taken down.

SB continued that she had discussed over the phone with NMC how best to proceed and had since corresponded by email with officers of HfH. It was agreed that PG should send copies to LG and AL and should keep them copied in.

NMC said that he, SB and PG had met HLA's solicitor in December and would be asking for judicial review if this were necessary once HLA had made as much progress as possible with its complaints and its appeal against de-recognition.

SB outlined the background for AL, including the in-fighting within HLA in 2009 and 2010, the de-recognition of HLA by HfH from December 2010 to September 2012, the establishment of the Haringey Leaseholders Campaign Group (HLCG) in early 2011 and the untrue complaints that had been made against HLA. She said that after the HLA AGM in 2014, because a number of complaints had been made about HLA the Chief Executive of HfH had asked the Resident Scrutiny Panel (RSP) to investigate HLA. She had been happy with this as the RSP, of which she had been a member at the time, had worked well since it had been set up. However, that had not been the case in the RSP's investigation of HLA. The RSP had observed the Whistleblowers' Charter, which should not have been applied in this case. The summary report that the RSP had issued had included a lot of errors – e.g. that HLA had a two-tier membership (in fact, HfH officers had suggested the introduction of a two-tier membership at a previous AGM and this had been rejected by the AGM) – but had not discussed the report with the HLA before issuing it. The RSP had hidden behind the Whistleblowers' Charter to investigate accusations on which HLA had not been asked to comment.

At the HfH Board meeting on 20 October 2014, the Chair had defamed her and the Board had dismissed her from the Audit Committee. The evening before she went on holiday in November, the RSP had voted her off the Panel because 'her position had been untenable'. The RSP had not implemented the disciplinary procedure under its Code of Conduct, but had made up the process as they had gone along. She had written back to ask on what grounds this had been as they had not followed the disciplinary procedure. SB commented that the RSP had lost all credibility.

At the Board meeting, because, according to the Chair of the Board, HLA was 'litigious', he had only referred to alleged financial irregularities and that the HLA Committee could not demonstrate the support of 60% of leaseholders, a condition which HfH had completely ignored in the past but now sought to enforce.

In reply to AL, SB said that HLA had only limited funds. She added that HfH's contract as an ALMO would come up for renewal in 2016. She had met the leaseholder member of the Board, who had not been present at the meeting on 20 October. The HLA had made a number of requests under the Freedom of Information Act (FoI) since then.

NMC commented that HfH was trying to get rid of HLA, indeed of any umbrella group. HLA was in a race against time to try to put in an appeal before the Board put in place an alternative structure for leaseholder representation. HfH had said that there was no point in appealing unless HLA could get the RSP to alter its report. (SB commented that on the previous occasion when HLA had been de-recognised HfH had not wanted to hear the appeal in full.) Accordingly, the Committee needed to do all it could to present its case to the RSP.

NMC added that he was compiling the appeal and that the HLA had made a number of FoI requests. He had found out that the Whistleblowers' Charter was probably completely inappropriate. Also, although under its Terms of Reference the RSP was supposed to make recommendations, the summary report into HLA had not made any recommendations.

SB said that she had written to HfH's Company Secretary before the Board meeting and had tabled a number of objections. However, at the meeting the Board members had not been told that she had tabled that paper and had not read HLA's response to the RSP summary

report. The Chair of the HfH Board had interfered and had said that the report should not include any recommendations. He had thereby imposed his own view.

NMC added that HfH had said that the RSP report was exempt from FoI provisions and was legally privileged. None of those objections appeared to apply.

PG had made a number of applications for disclosure under FoI provisions and had been promised replies by early in February.

SB said that the HfH Company Secretary had acknowledged to her that SB had not broken its Code of Conduct.

LG said that the Data Protection Act might override the Freedom of Information Act. SB replied that HLA might need to appeal to the Information Commissioner. In reply to AL, she said that when HLA had previously been derecognised it had made a successful appeal to the ICO, who had said that HfH officers were not exempt from disclosure, but the process had taken a year.

NMC added that HLA was trying to secure a level playing-field for leaseholders with HfH through the battles that it was fighting to secure acknowledgment and recognition. SB commented that HfH was using the RSP while pretending to treat it with respect.

NMC said that he hoped to be able to submit an appeal to the RSP fairly soon, maybe even by the end of the week. It might be necessary to do so before the Leasehold Panel's next meeting on 28 January. Possibly the RSP would take time to consider the appeal and might reject HLA's submission. Then, according to the HfH Company Secretary, there would be no point in appealing further to the HfH Board. The petition to HfH had been begun at the HLA General Meeting on 25 October.

SB added that after HLA had been de-recognised the HfH Company Secretary had shown that she misunderstood the status of the HLA's database, first by asking for it to be returned to HfH and then by asking whether SB could provide contact details for every leaseholder whom it contained. The Company Secretary had thought that it was HfH's property and had been given to HLA under licence.

NMC commented that the Committee had to fight for what was legally right and also had to seek the support of leaseholders.

PG said that he intended to attend the meeting of the Leasehold Panel on 28 January.

NMC said that a full report would be made to the next HLA GM (which would be the Annual General Meeting). SB said that if leaseholders were unhappy with the action that was being taken they could say so at the AGM and challenge the Committee.

NMC said that, although the Committee had been on the receiving end, one of its opponents had fabricated a conversation with NMC, saying that NMC had told him to go back to Sri Lanka. SB said that the conversation had been mentioned at the 2014 AGM. NMC said that he had not known prior to the AGM that Phil Hettiaracchi came from Sri Lanka.

Consultation on Haringey Council's New Housing Strategy

SB commented that Haringey Council's new draft housing strategy did not appear to contain anything on which HLA could comment.

Competition and Markets Authority (CMA) Study into the Provision of Residential Property Services in England and Wales

PG drew the Committee's attention to those recommendations in the CMA Study, which had been published in December 2014, that were of relevance to leasehold properties owned by local authorities and managed by ALMOs. He said that he would mention them at the next meeting of the Leasehold Panel.

Co-options to the Committee

It was noted that, as AL is not a leaseholder, he was not eligible for co-option to the HLA Committee. SB suggested that if Keith McKenna remained in contact regarding the Decent Homes work that was being carried out at his block he could be encouraged to join.

HLA Website

SB commented that HfH officers appeared to read the website.

Outreach

SB commented that AL was an example of the contacts that NMC was making in his outreach work. Although AL was not a leaseholder, he was helping to galvanise local residents in Lawson Court. Similarly, Keith McKenna was working hard with fellow-leaseholders at Wall Court.

NMC said that although outreach was a gradual process he was bit by bit managing to involve more people. The struggle with HfH was taking up much of his energy.

Treasurer's Report

To be deferred to the next Committee meeting.

Any other Business

SB said that there needed to be an independent organisation that represented leaseholders and that could support them against HfH where necessary. NMC concurred, commenting that HLA "kept HfH honest". SB said that at some point she would see Cllr Alan Strickland (Cabinet member of Haringey Council for Housing and Regeneration) and update him.

Date, time and place of Next Meeting

7pm on Wednesday 4 March at 92 Gloucester Road, N17. PG would confirm with Grace Lungu and Stephanie Rice whether they too would be able to attend.

The meeting closed at 9.10pm with a vote of thanks to NMC for his hospitality.