

Haringey Leaseholders' Association Committee Meeting

Meeting held on Monday 20th August 2018 at Wood Green Social Club, N22

In attendance

Committee:

Nick Martin-Clark, Chair (NMC)
Margaret Clapson, Treasurer (MC)
Julie Weir, Observer (JW)

Sue Brown, Secretary (SB)
Clare Richards, Committee Member (CR)

The meeting was opened at 7:20pm

Welcome and Introductions

None necessary

Apologies

Apologies from Michael, Peter and Salvatore

Update on contempt

Good news from Wiltshire Court

Julie rejoined the meeting. Grazia had gone to the Civic Centre unfortunately. This was an extra item that had arisen shortly before the meeting. Julie Weir from Wiltshire Court in Stroud Green had had success in getting a refund on scaffolding that had been left up for an unduly long time. This was encouraging.

JW said that when she had asked Mike Bester why the scaffolding had been up so long Keepmoat responded that it was because of the need to put in windows. But no windows had been put in. This was so ridiculous that HfH had to make a concession.

SB said this was a common problem. SB said it was mainly used for storage. JW said that was a great point.

JW said it was not just the cost but the shutting out of light as well. Windows had been put in about 20 years ago not recently. JW said she had had to be like a dog with a bone. NMC congratulated her on sticking with it. JW said that £6,500 had been refunded on a block cost of £39,000.

CR said she should contest it on behalf of Lawson and Keith McKenna should contest it on behalf of Wall Court.

£600 had come from the scaffolding but then there was more for the lack of lightning protection (which had nonetheless been charged) meaning that the total saving was £1,000 per flat. There was probably more to come. One issue was that poor repairs to the brickwork had not been taken up in time with the contractor (despite complaints) so that the matter was now outside of the defects liability period and had to be handled as a repair. There was a lack of respect with workmen breaking things on a balcony through carelessness. One workman had referred to their homes saying 'This place is a s*ithole'.

NMC wanted to know if there was a clear rationale for the refund.

CR said she was querying a £500 charge just for oiling some levers on her windows. She hoped that Mike Bester would help. JW said it was 'profit through confusion' and that HfH were very rude over the phone. This was why emails were essential as there was a record. The information provided was full of jargon and not clear. It was incredibly hard to make things happen and you had to bang on and on and on. This was what JW had experienced over some failed entrance doors. Somebody had been found sleeping on the stairs, someone had defecated on the stairs and there were vulnerable, elderly, people living in the block. Fatma Ahmed had sold up rather than face the problems with HfH. This was appalling. People were being forced out of their communities.

Agreed NMC would write to Mike Bester and copy JW in. Agreed to bring this item to the AGM. JW said she was willing to be a speaker.

Minutes of the meeting on 9th July 2018

Agreed nem com.

Matters arising not on the agenda

MC asked about the meeting with Dalvi. NMC had written to Mahi Evangelou on 2.8.18 but no response had been received. NMC said Dalvi had given nothing. HLA recognition had been stripped of all benefits and now the rules had been changed as well.

SB said that the meeting should note that Kevin Young had left HfH.

SB asked if we had asked for Leasehold News to publicise the AGM. Had not been done. Susan Wright was probably best person to contact.

MC asked about the meeting with Dawn Barnes. NMC said that he had met her along with Tina Buckingham and that that was how the HLA had got the Civic for the AGM. This was a positive.

Treasurer's Report

NMC counter-signed check for 20 pound room hire costs.

The latest statement July to August. HLA had 2,754. Money had been repaid to MC and NMC as agreed at the last meeting.

The cost of the flier was agreed in principle. 500 leaflets.

AGM arrangements

Dawn Barnes had agreed to be a speaker. Along with Julie Weir this was a good line-up. NMC said he was worried about numbers. SB said non-quorate meetings happened if the HLA didn't put the effort in. CR said people wanted to turn up for the AGM.

SB said some people at the special forum meeting hadn't been aware of the HLA's recent GM. NMC said that not having piggy-backing was a problem. MC said distributing leaflets was hard work as you couldn't get into blocks easily.

NMC said he was coming back every weekend in September to distribute leaflets. Had to make child-care arrangements in France. Couldn't bring daughter although she had helped door-knock previously! MC said she would help.

NMC said the constitution needed changing at the AGM with the quorum being reduced to 15. The refusal of HfH to help meant that the HLA had to adapt. The HLA would be happy to keep the quorum at 25 but only if HfH went back to helping HLA. The database was gradually degrading and was now 10 years out of date. Gradually the HLA was being ground down. So in order to survive the constitution had to be changed.

CR and MC suggested putting notices up in shops. SB said it was important to make sure the notice specified Council leaseholders. MC said size of draft notice was fine. NMC said he wanted to change the draft to include Julie Weir. A shop advert needed to be smaller, A5 size.

The Leasehold Improvement Forum meeting on 8.9.18 was an opportunity to publicise the AGM as MB had pointed out. Notification hadn't yet gone out but HLA had been informed.

The back of the flier should have the standing order form. MC said Civic Centre postcode should be on the flier.

MC asked about the accounts and NMC said he would help.

Website

Charlie Howard was handling this.

Recognition situation

Meeting on this scheduled for next day 21st August at Commerce Rd. SB and PG were coming. Also to discuss Leasehold Panel situation. SB pointed out that there used to be a forum as well as the panel.

NMC wanted to write a response to the latest version of the Recognition Criteria. Even though some of the more aggressive things had been taken out the central problem of control being given entirely to officers and the absence of any derecognition provision remained.

MC asked about the proposal to call a meeting of all members to dissolve a group. NMC said the idea of getting a quorate meeting to dissolve a group was silly as groups fall to pieces if people don't turn up. This was what had happened with the HLCG. MC asked if this was also for local groups. SB said yes. NMC said the HLA's constitution had been discussed ad nauseam with HfH over the years. The HLA had worked on their constitution very hard and it had evolved a long way from what HfH had originally put forward. So the HLA was not going to have any constitution foisted on it. The same was true of the Code of Conduct. If HfH didn't like something about the HLA's C of C they could say so but the HLA would not just adopt a new one they had drawn up. The HLA had its own C of C. Their C of C seemed to give HfH sweeping rights over even who could be a member of the HLA. This was on top of the fact that it had never been consulted on with anyone and could be changed by HfH at will.

The objection to the C of C stipulation alone ruled out the latest version of the Criteria. Borough-wide and local groups should never have been just merged. This just created a problem that didn't need to exist.

The HLA could in theory be suspended for not sticking to the Criteria. Most of what was in 1.2 was more or less a reproduction of the existing criteria (apart from the C of C) but the suspension provisions had no checks and balances. Also they were vague as suspension could take place following an 'official complaint'. But the HLA had no complaints procedure because people unfortunately didn't complain they just opted out. Complaints would be helpful. So this could only mean a complaint to HfH.

The HLA would have to 'demonstrate that decisions had been made in the interests of the wider membership'. This was too vague and went beyond the constitution. For instance that could be used by an officer to suspend HLA recognition for taking officers to court for contempt of court.

HLA could not sign up to something whereby the HLA could be suspended in practice at will by officers with no ability to appeal to the Board or any outside body. Why were HfH moving the goal-posts after the HLA had just taken them to court and got recognition reinstated?

The absence of any derecognition decision would remove the possibility of any future judicial review proceedings. This was probably the aim. HfH was opening itself up to a charge of acting in bad faith because the Board had reinstated umbrella group recognition and had not given a mandate for changing the criteria for umbrella groups. Only funding had been mentioned.

A legal letter had already been written concerning the first version of the criteria. The first version had been even worse. The clause about bringing HfH into disrepute had been adopted by the Board in January 2018 and had been included in that first draft. Now however it had been removed. In itself that was good but procedurally that was wrong as this was a recently introduced provision and the justification for doing this review was in theory that the criteria were out of date.

The HLA's challenge to the first version centred on the claim that some clauses were non-negotiable, clauses to do with not acting in bad faith, not bringing HfH into disrepute. The point was that if something was non-negotiable a decision about it had already been taken. HLA raised the absence of any management agreement as of the date of this proposal. This had led to HfH revealing that they had entered into a deed of variation to extend the old management agreement beyond 1.4.18. HfH had since obtained approval from the regulator but

they hadn't had that at the time. The HLA could challenge the lawfulness of that deed of variation. The HLA could envisage a JR on any attempt to impose the proposed new criteria.

Kevin Young had been in charge of this but after the HLA complained he had resigned. NMC thought that he had been put in an impossible position by HfH because he was being asked to do something unlawful. NMC thought that could amount to constructive dismissal. It would be interesting to try and talk to him and get the inside story. CR said he might have signed a non-disclosure agreement. KY had not been at HfH very long.

A TPAS representative was also going to be present at the meeting as well as Chinyere Ugwu.

Situation at Tangmere

SB and PG had been to see Dan Thurlow. The ITLA was due to be in place fairly soon but they couldn't get a precise answer as to when. Block was still due to have gas turned off at end of October. Cadent were a statutory body and it looked as though their concern that their pipe-work could explode in a dangerous building was not bogus. Tangmere was being treated differently from other blocks where the risk-levels were similar but where an alternative arrangement of having boilers outside the blocks was being put in place. This was expensive elsewhere but only in Tangmere was it considered to be too expensive. This was because they wanted to demolish Tangmere which had become run-down over the years due to poor maintenance.

Whether leaseholders were going to be charged for the strengthening work on other blocks had not been decided. But this was a structural problem due to poor initial construction so leaseholders shouldn't have to pay.

Compulsory purchase was being considered for leaseholders at Tangmere. There were only 12 leaseholders of whom only 6 were resident leaseholders. A temporary solution for these leaseholders was required because they wanted to evacuate the building. However tenants were being given priority. Sheltered housing was being proposed for the individual that HLA knew well but she didn't want this. HLA had only been able to contact one leaseholder despite having knocked more than once on all the numbers that they had in their database.

Tangmere had been on the radio, on Victoria Derbyshire.

Update on leasehold panel

As regards the Leasehold Panel NMC had hoped that Peter Wright would come to the meeting so that the HLA could ask if he would agree to be the independent Chair. HLA should ask what was happening with trying to find an independent Chair. SB said HfH were not keen on this even though it was crystal clear from the consultation that leaseholders didn't want an officer Chair. MC said HfH had said an officer Chair was a temporary solution. NMC said SB was Vice Chair. SB said she wanted to be able to have her say. MB was willing. He and Linda Royles spoke well at the panel.

NMC said that any Chair should agree to allow leaseholders to vote on items to go on the agenda. The next meeting was to address section 20s. Having a structure that allowed leaseholders to determine the agenda was the key. Another problem was that there were going to be no minutes in the future but only action points. Also the panel had cost quite a lot to run but no refund had gone to leaseholders even when it stopped running. Bruce Nicholas' salary had basically gone to funding the panel. So that was quite a lot.

MB couldn't attend the meeting on 21.8.18 unfortunately as he had taken the lead on the panel. But HLA was going to follow MB's approach on the panel to offer help and not be confrontational.

AOB

As there was no AoB the meeting was closed at 9:10.