

HARINGEY LEASEHOLDERS ASSOCIATION

MINUTES OF THE SPECIAL GENERAL MEETING HELD AT WOOD GREEN SOCIAL CLUB, STUART CRESCENT, N22 ON SATURDAY 23 MAY 2015

Present: Lloyd Grandson (Acting Chair), Sue Brown (Acting Vice-Chair), Nick Martin-Clark (Treasurer) (NMC), Peter Gilbert (Secretary) (PG) and a total of 82 other members of the Association

1 Welcome and Chair's opening remarks

The Acting Chair reminded the meeting that the AGM on Saturday 25 April had not been attended by enough leaseholders to enable it to make decisions, and it had therefore been necessary to call the SGM. He thanked those present for their support, without which the HLA would not have been able to continue. He added that his late mother had been on the HLA Committee and through this he had seen many challenges from HfH. As a leaseholder, he wondered how to go about challenging what HfH did. If leaseholders spoke as individuals, HfH did not listen, but when leaseholders spoke collectively HfH heard them. He said that if leaseholders did not attend the AGM it ran the risk of being inquorate and unable to make any decisions. He again thanked those present for their support for an active HLA that could continue to represent leaseholders.

2 Apologies

Apologies for absence were received from Rosamund Tomlins.

3 Minutes of the AGM held on 26 April 2014

The minutes of the AGM held on Saturday 26 April 2014 had been circulated to leaseholders in advance of the inquorate meeting held on Saturday 25 April 2015, as well as to those attending the SGM. Before they were put to the vote, leaseholders were reminded that only those who had been present at the 2014 AGM could vote on whether the minutes were an accurate record. The minutes were put to the vote and were approved by 32 votes to 5, with 14 abstentions.

Ann Gibson said that the minutes had not been on the website. NMC said that he was sorry if there had been a problem with the link to the minutes.

4 Matters arising

A leaseholder asked what the result of the legal action against HLA's former Treasurer had been. NMC said that the case had been settled. It had cost a lot in terms of legal fees and the former Treasurer had been paid part of her costs. Ann Gibson commented that £18,000 had been spent for no good reason. NMC replied that HLA had settled on terms that were not favourable as a magnanimous gesture. He and the former Chair had decided that it was best for HLA as a whole for them to stop the case, even at a personal cost to themselves. The big issue was whether

HLA could cope with the changes that it would face in the next few years. De-recognition was no more than a blip. He felt that the legal costs had been well spent.

A leaseholder asked whether the discussion had really been a matter arising from the minutes of the 2014 AGM.

5 Treasurer's Report

NMC urged those attending to join the ranks of subscribers and help to give HLA more financial independence. He moved adoption of the Treasurer's report, seconded by PG. In reply to Lukie Hewat, he said that as HLA had been de-recognised it was not receiving a grant from HfH.

Kate Worley asked what the current position about the PO Box account was. NMC said that the expenditure in the year had been £312.05, including postage. It was a way in which leaseholders could write to HLA and have their mail forwarded to one of the HLA officers.

NMC added that most of the Standing Orders for the year had recently come in. They amounted to about £2,000. The current account was in credit by £2,800. The cost of communications associated with the SGM was some £1,767, made up of:

£

850 Mailing to non-resident leaseholders

251 Leaflets for door-knockers

600 Help with telephoning leaseholders

36 Telephone account

30 Hall hire

1,767

6 Chair's Report

Leaseholders noted that SB had read her report for 2014 to the inquorate AGM on Saturday 25 April and that the written report had been made available to members at the time. The Acting Chair paid a warm tribute to all SB's efforts on behalf of HLA over the past 15 years.

7 Election of Officers and Committee Members

- Chair PG took the Chair for this item and proposed Lloyd Grandson as Chair. This was seconded by SB and Lloyd Grandson was elected nem con. He then resumed the Chair.

- Vice-Chair Sue Brown was proposed by PG, seconded by NMC and elected by an overwhelming majority. There were three votes against, and no leaseholder recorded an abstention.
- Secretary Andrew Lyssis nominated NMC, who declined to stand. PG was proposed by NMC, seconded by Andrew Lyssis, and elected overwhelmingly, supported by over 40, with no votes against and no formal abstentions being recorded.
- Treasurer NMC nominated Anne Gibson, who was not willing to stand. SB nominated NMC, who was seconded by the Chair and was elected nem con.
- Committee Members Grace Lungu (a serving Committee member) Clare Richards, Yvonne Campbell, Ruth Ortiz, Saida Mohamed, Michael Blasebalk, Lincoln Grandson, Barbara Moore and Yvonne Golding all volunteered to serve on the Committee. They were proposed en bloc by SB, seconded by NMC and elected by acclamation, supported by more than 40 of the leaseholders present, opposed by none, with 3 formal abstentions.

8 Appointment of qualified independent person to examine the HLA accounts

SB explained that, in accordance with the criteria for recognition, HLA had to appoint an independent qualified person to check the Association's accounts at the end of each year. She proposed the re-appointment of Dipakkumar Shah FCA of Nielsens, Chartered Accountants and Reporting Accountants. This was seconded by the Chair and carried nem con, over 40 leaseholders voting in favour, with no formal abstentions.

9 Report on appeal against the de-recognition of Haringey Leaseholders' Association by Homes for Haringey, including request for authority from the SGM to the new Committee to take appropriate further action

NMC said that the question that HLA had to decide was how to fight back against the de-recognition of HLA by Homes for Haringey. Recognition was important because people had more confidence in the organisation and HfH would agree to talk to the Association. HLA had lost recognition for the second time, unfairly, and had submitted an appeal supported by a petition at the General Meeting held on 25 October 2014. However, just like the appeal that had been made in 2011 against the de-recognition in December 2010, the appeal had not been heard.

HfH had said that HLA was not allowed to appeal and that it had nothing to appeal about, and there was no basis for the Board of Homes for Haringey to hear the appeal. HfH had ignored the procedure set out in the Resident Involvement Agreement, and was in effect saying that if the rules did not suit it, HfH would ignore them. There was a proper process for a correctly-submitted appeal to be heard. If

HfH followed the rules and the proper procedure, HfH would be giving respect to HLA. HfH was not showing that respect, and that was what the appeal was about.

NMC continued by saying that the Committee had put the case to its lawyers and had been told that there was a case for judicial review, ie that HLA should go to a judge and ask for a ruling that the way in which HLA had been de-recognised and in which an appeal had not been allowed was unfair.

NMC added that the Committee needed the support of the SGM to pursue the matter in view of the cost and the amount of time which had been spent. If the Committee did not stand up for its rights, it would simply be allowing itself to be pushed around. However, the decision was up to the SGM, as it was the leaseholders' Association.

NMC went on to refer to the finance for the potential judicial review. He said that the lawyers would not work for HLA for free and that if the case went against HLA there might be a risk that an order for costs would be made. SB and NMC had promised an indemnity guaranteeing that no other leaseholder would have to pay a penny of the cost. There was no risk to anybody else, as, following consultation with the solicitor, they had undertaken to indemnify leaseholders against their costs, including any liabilities that they might incur as the result of any court claim.

Lukie Hewat said that at one point SB had emailed to say that she was withdrawing from her indemnity. SB said that she had momentarily lost her temper but had immediately apologised and had guaranteed within a couple of hours that she would stick by the terms of the indemnity.

A leaseholder thanked SB and NMC, and said that leaseholders as a whole were indebted to them. He would personally be willing to contribute towards the costs of the case if necessary.

Kate Worley asked if SB and NMC had given consideration to the fact that Haringey Council's contract with the ALMO was only for the period until the end of March 2016, and that other local authorities had taken the management of their housing service back in house. Any potential case might not come to court until after HfH had ceased to exist. She added that it might be beneficial to create Residents' Associations representing leaseholders and tenants on a particular estate. If HLA were to lose an expensive court case, that would put all its resources at risk. HLA could still exist without taking HfH to court.

NMC reminded the meeting that one of the new committee members had said that de-recognising HLA would take away one of the Association's core purposes. He hoped that HfH would enter into a dialogue with HLA, but, even if the ALMO did not exist, its properties would still be owned by Haringey Council and, from a legal point of view, the HLA's case would not alter. With the new, larger Committee, HLA could do a lot.

NMC asked the SGM to give the Committee authority to take the court case forward at the Committee's discretion. Anne Gibson, who confirmed to the meeting that she was a former Committee member and Treasurer of the Association, said that at the time of the original court case NMC had pointed out as one of the benefits of recognition that meetings could be held in the Council Chamber. Some three years ago, the HLA had spent £3,600 on seeking a legal opinion which had told the Committee that HLA did not have a legal case. To renew such an action could cost HLA £10,000 a year. If the Committee really was authorised, its members should be prepared to follow up the case and to meet costs equally.

Michael Blasebalk, a new Committee member, said that all leaseholders should be thankful that two of their number were prepared to underwrite the cost of the court case. He could not understand why anyone was still scaremongering despite having been told that NMC and SB had indemnified the Association.

After a further call for a vote, Kate Worley said that the Association needed to become a legally incorporated body. Otherwise, if SB and NMC withdrew their indemnity, all leaseholders would be legally liable for the entire cost of the case.

NMC asked the SGM to trust that he and SB would continue to indemnify leaseholders.

A vote was then taken, and it was agreed by 58 votes to 2 with 6 abstentions that the new Committee should be authorised to take appropriate further action.

10 Proposals to amend the constitution of HLA

NMC introduced a discussion on proposed changes to the constitution of HLA which had been circulated to leaseholders via the website more than a week before the meeting, notice having been given to the Secretary three weeks beforehand. He explained that the proposals were largely a tidying-up exercise which sought to tighten the definition of a member of the Association. Up to now, the model of membership had been passive, in that a leaseholder was a member of HLA simply by virtue of being a leaseholder.

However, the Association was now facing a number of challenges and it was likely that the courts would ask how it defined who its members were. In order for the courts to regard the Association as a serious organisation, HLA would have to strengthen the definition and thus move to an active membership model, whereby people were defined as members only if they had done something positive, for example subscribing, volunteering contact information or indicating at a committee meeting or at a General Meeting that they wished to be regarded as members.

A leaseholder who gave contact details could say that he or she did not want to be regarded as a member, but otherwise we would regard such a leaseholder as an active supporter.

HLA would continue to help any leaseholder, not just its supporters. It would also try to contact leaseholders who were not members.

The effect of these proposed changes would be to give a more defensible model of membership which could be tested in court.

NMC asked for questions before the proposals were put to a vote. Ann Gibson commented that the database which contained leaseholders' contact details was several years old. She suggested that the Committee should ask leaseholders if they wanted HLA to retain their contact details. Leaseholders who had originally given contact details voluntarily but who did not articulate their support should not be included as HLA supporters.

NMC replied that when HLA contacted leaseholders to invite them to the AGM they could ask not to be considered as members and in that case their wishes would be respected. If they were not happy with what HLA was doing, they could contact HLA to say so. This was a sensible way to proceed.

A leaseholder suggested that some 40% of bulk emails were opened but only 2% of those approached actually responded. NMC said that, when what membership or support meant was explained, most people said that they would be a member and that HLA should go ahead and sign them up. There was general support for an independent organisation.

NMC concluded by promising that HLA would email to give people who had given their contact details the opportunity to say that they did not want to be supporters.

In reply to a point of order from Kate Worley, NMC explained that in the paper setting out the alterations words that were being replaced were shown in red, while the words being inserted were shown in blue.

The proposals to amend the constitution were put to a vote and were carried by 54 votes to 0, with 1 abstention.

11 Closing Remarks

The Chair thanked members for their attendance and the meeting closed at 11.50am.