

Draft Minutes of the Highgate New Town Leaseholders Association

Annual General Meeting January 18, 2023

The chair, Sue Dawson, convened the meeting at 7.05 pm. Twenty-eight leaseholders were present, and one tenant, who was welcomed to the meeting, in line with the invitation to tenants extended in our recent newsletter.

1. Apologies

Ian McKay sent apologies. The chair took the opportunity to thank Ian and the other members of the Architects Committee who had provided crucial advice.

2. Election of Officers and Committee Members

Sue Dawson was elected as chair for the coming year.

Patrick Hagopian was elected as secretary.

The following committee members were elected: Henry Coleman, Clare Lucraft, and Lucia Nella (provisionally, to allow her to test out the role).

Vacancies exist for treasurer and a web designer.

The committee may co-opt additional members and Sue called on Association members to volunteer for a committee role or to take on specific tasks. Members may contact Sue or Patrick after the meeting to ask what committee involvement or other tasks might involve.

The meeting expressed appreciation for the efforts of Henry as treasurer in the past year.

3. Chair's Report

The chair set out the challenges and achievements of the Association this year. They included:

- Meeting with local councillors
- Obtaining Camden's agreement to provide documents, many of which are well beyond their deadlines for delivery
- Using information from a Freedom of Information (FOI) request to catalogue shortcomings in the heating and hot water system, and submitting a further FOI request

4. Treasurer's Report

4a Pledges

The treasurer reported on the pledges received, and the meeting expressed appreciation for the three anonymous donors and others who had pledged contributions to the Association's Legal Fund: Ian McKay, Lucy Read and Robin Wilson, Paolo Scianna and Jasmin Villa-Bevan, Rachel Stevenson, David Thompson, Peter Wood, and Becky Woffendon and Alex Thomas. He reported that a total of some £2000 had been pledged. (Note: since the meeting, there have been further pledges from Asila Elshami and Gavin Woolston & Anne-Marie Bradley.)

4b Bank account

Among the first duties of a new treasurer will be to open a bank account, and subsequently to report at intervals on the Association's finances.

5. Legal Developments and Next Steps

5a Protective Claim

The meeting discussed the “protective claim” that Camden has entered in County Court to prevent its invoices from being barred by the Statute of Limitations. Camden has invited many of those who have outstanding invoices for the heating and hot water Major Works to sign a Consent Order that would place any court action on hold for three months. The recipients of the letter expressed uncertainty about the effective date of the Order: would the clock start ticking for the three months on the date it was signed, or when it was accepted by the County Court judge?

A member queried why the Consent Order was necessary, given that Camden’s Collections Officer had already assured leaseholders in writing that if they reported unresolved problems with the supply of heat and hot water to their property/ies, the court action would be put on hold. (Post-meeting note: it may be that the Court Order formalises the commitment that the Collections Officer had made, given that a Consent Order approved by a judge would be legally binding.)

The meeting heard from members who had talked to Camden’s solicitors, and learned that Camden proposed a three-month hold period because it is more likely to be granted by a judge, rather than being considered a period within which the outstanding cost issues will be resolved. A leaseholder couple reported that the solicitor told them that by signing a Tomlin Order, they would be accepting the validity of Camden’s claim and would thereby give up any right to compensation for being overcharged. It was noted that that is inconsistent with what Camden’s Collections Officer has told other leaseholders. Another leaseholder reported that she has sought her own legal advice.

5b Continuing Problems with the Delivery of Heat and Hot Water

Members heard reports of continuing problems in the delivery of heat and hot water, which contradicted Camden’s narrative that the system had much improved since April 2022. One member has not had heat and hot water for six weeks; the meeting heard a report that another leaseholder, not present at the meeting, had stated earlier that day that he had not had heat and hot water for 37 days.

5c Legal Advice for the Association

The secretary reported that we had not paid for a solicitor’s advice because we were awaiting the result of an application for “pro bono” (free of charge) legal advice from an organisation BPP. The Association would pay for a solicitor’s advice having exhausted the possibility of obtaining pro bono advice.

ACTION: the secretary

5d Freedom of Information Request

The meeting heard that a Freedom of Information request had been made on December 23, 2022, for the Max Fordham report, whether in partial, draft, or final form; for contract information; and for the other information previously promised by Camden. Members commented on the likelihood of Camden’s fulfilling the request, the deadline by when we could expect the requested material, and the legality of Camden’s withholding material that came within the scope of the FOI. One member said that Camden was obliged to provide the information within six weeks, which would bring us into February. (Post-meeting note: Camden Freedom of Information staff told the secretary that they

would reply to his request by January 26, 2022, although it is not clear whether that would be an administrative response or the actual provision of the material.)

5e Proactive Next Steps

The meeting agreed a proposal that the Association's goals should not be simply claiming the financial compensation to which leaseholders may be entitled. Our goals must ensure that Camden cannot just pay us off and renounce further responsibility for the heating and hot water system. The meeting agreed that our goals must include:

- Compensation
- An ongoing commitment from Camden to maintain and remedy faults in the heating and hot water system without cost to leaseholders (set out in greater detail in the meeting by the secretary, having been discussed by the officers)
- Solving the problem of contractor no-shows and underperformance

While agreeing those goals, the meeting suggested that the priority must be the second bullet point: getting the system running properly. The meeting accordingly established that financial compensation would be a lesser priority.

RESOLVED: The meeting unanimously endorsed the goals set out, and the priority given to getting the system working properly, with no abstentions (leaseholders only voting, as with all the votes taken).

A member said that it was also crucial that Camden agree to consult properly about any further Major Works. It was suggested that energetically pressing our campaign regarding the heating and hot water system would put Camden on notice that it must deal responsibly in future Major Works proposals.

5f Legal/Negotiation Next Steps

The meeting heard the merits and disadvantages of alternative courses of action: entering Alternative Dispute Resolution (ADR) and/or taking a case to a First Tier Leasehold Valuation Tribunal. It was suggested that approving taking a case to a Tribunal case was likely to encourage Camden to engage constructively with ADR.

RESOLVED: The meeting unanimously approved the Association's making an application for Alternative Dispute Resolution (ADR), and if necessary taking a case to a First Tier Leasehold Valuation Tribunal.

The meeting was clear about the proper sequence of events:

- i) to receive the report from the engineering firm Max Fordham; but not to wait indefinitely so that Camden could stymie our efforts by withholding the report
- ii) to seek appropriate professional support in reading and responding to that report
- iii) to obtain independent professional (engineering) advice if appropriate
- iv) to obtain legal advice that would determine the viability of a legal case, on the principle that Camden was more likely to accede to our demands the stronger our case is
- v) to make an application to ADR in light of the legal advice, the content of the Max Fordham report and other professional advice
- vi) officers to continue through reports to keep the Association members abreast of developments

The meeting noted that a member, Matthew Devereaux, has a son with appropriate professional knowledge to help us read the Max Fordham report, and enthusiastically endorsed Matthew's offer to approach his son for that purpose.

The secretary stated that the Architects' Committee might be called on to contribute to a rapid response to the Max Fordham report, if appropriate.

ACTION: chair, secretary, and member Matthew Devereaux

5g Follow-Up Action

RESOLVED: The meeting resolved unanimously to meet again in a month's time, when we expect to have received the Max Fordham report.

The committee agreed that, having made a good faith effort to publicise and convene a regular meeting, its further steps would be guided by the attendees at this subsequent meeting, irrespective of whether the meeting achieved quoracy. This proviso prevents the Associations' hands' being tied by the vagaries of quoracy or inquoracy, and ensures that members be properly consulted.

ACTION: the committee

6. Campaign Activities

6a Publicity

The meeting noted the recent stories in the *Hampstead and Highgate Express* and expressed appreciation to all those involved in the composition and distribution of the Association's newsletter. Feedback from the chair of the Tenants' and Residents' Association was extremely positive, indicating that tenants were heartened and encouraged by seeing the leaseholders' activity.

Members with knowledge of the workings of the *Camden New Journal* reported the risk that they might be unsympathetic with the plight of leaseholders. The chair of the TRA agreed to make an approach to the *CNJ* in order to appropriately emphasise the common interests of tenants and leaseholders.

ACTION: TRA chair

6b Further Campaign Activity

The chair raised the question of contacting local MPs but no decision was taken.

The meeting considered the merits of trying to involve the Camden Leaseholders Forum and the District Management Committee (DMC), noting that the TRA sends a representative to the DMC. The meeting also considered the merits of trying to place the problem on the agenda of Camden's Housing Scrutiny Committee.

The meeting discussed the pitfalls of allowing Camden to "divide and conquer" by playing off tenants against leaseholders, as members reported it had done in the past. This concern underlined the point about the common interest in getting the heating and hot water working properly, as against getting compensation.

7. Any Other Business

7a CCTV The meeting heard a report that the CCTV cameras on Sandstone Place were not all working. The chair committed to contacting Camden to ask that they be repaired if necessary.

ACTION: chair

7b Greensward The meeting heard that dog walkers were bringing their dogs to the green near the Garden Room (between Retcar Place and Sandstone Place) and that it was now regarded as a convenient place for the dogs to do their business, resulting in the fouling of the green. The meeting agreed that signage and monitoring would be useful to deter this activity. The chair committed to including this matter in the communication with Camden agreed under 7a).

ACTION: chair

7c Heat Meters The meeting heard that Camden had installed heat meters in the HIUs from the start but they need to be activated. Once they are activated, the meters will provide a record of the amount of energy used by the residence in the first accounting year after activation and that record will be used as the basis for charges in the second year. So far, none of the attendees is being billed for their individual use measured by the heat meter in their residence. A final query was about the incentive for energy saving, which Camden had explained would result from residents' self-monitoring their energy use and economising rather than wasting energy. The meeting heard that an advantage of the use of heat meters is that the "flow" and "return" information they provided (water circulating to and from the residences) could be monitored remotely and used to control and optimise the system.

8. Diary Dates

We shall meet again in about a month's time, contingent on developments regarding the Max Fordham report and other advice, as per item 5g, above.