

RESIDENTS' ASSOCIATIONS IN BLOCKS OF FLATS

A GUIDE TO FORMATION, RECOGNITION AND RUNNING YOUR ASSOCIATION



FPRA
FEDERATION OF PRIVATE
RESIDENTS' ASSOCIATIONS

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This guide is the latest update of guides which has been issued for over two decades, with regular updates by FPRA volunteers, who have used their experiences and expertise to help fellow leaseholders.

We would also like to thank Lord Coleraine for reviewing it; Sarah Phillips for designing the latest guide and Diane Caira for proof-reading it.

But most of all, we would thank our members without whom, this guide could not be published.

Robert Levene, voluntary committee member and co-ordinator of this guide 2014

INTRODUCTION

Welcome to the FPRA's handbook, designed specifically to guide you when it comes to forming and running an effective Residents' Association.

This handbook should be used as a reference point to assist in answering frequently asked questions; it is intended as a helpful starting point for all our membership.

This booklet should be used more as a guide to "find" out what your "key" rights and responsibilities are and where you can obtain more information if you should need it. It is not a substitute for good legal advice from suitably qualified practitioners whose advice will invariably reflect your specific circumstances.

Included are often complex references to Acts of Parliament, Sections and Clauses etc, and we would suggest you do not on first reading, need to know or remember these, as they can always be looked up or referred to later.

This handbook is divided into five sections:

1. About FPRA
2. Advantages of Residents' Associations
3. Statutory recognition of Residents' Associations
4. Other publications and sources of information
5. Useful contacts.

Legislation is constantly changing: these changes are reported on in our Newsletter regularly. In addition, members of FPRA also have access to the Members Section of the FPRA website, which has the last five years' issues of our Newsletter and an index of the contents.

Any suggestions or comments on the contents of this publication will be greatly appreciated as this handbook is what many consider the UK's prime source of help when it comes to forming and running a Residents' Association. We strive constantly to improve it with each update.

The Federation of Private Residents' Associations

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SECTION 1

ABOUT THE FEDERATION OF PRIVATE RESIDENTS' ASSOCIATIONS LTD

FPRA advice to member associations includes:

- Setting up a Residents' Association
- Legal matters
- Lease interpretation
- Freehold
- Setting up a Residents' Management Company
- Your specific problems
- Right to manage
- Health & safety
- Other problems experienced by Residents' Associations.

FPRA funding

FPRA is funded by subscriptions and sale of literature. Expenditure goes mainly on running the office, website and producing a quarterly newsletter, which is free to member associations. This is both a digest of legal, legislative and lobbying news, as well as a forum for exchange of ideas and information among members.

FPRA lobbying

In its role as a lobbying group, FPRA influences and instigates legislative and practical changes. It brings the concerns of the membership to the attention of government, MPs and media. It sits on government working parties to advise on legislative reform.

FPRA achievements

Influence on drafting of the following Acts:

- Housing, 1974, 1980, 1996
- Landlord and Tenants, 1987
- Leasehold Reform Housing and Urban Development, 1993
- Commonhold and Leasehold Reform, 2002.

Statutory recognition of Residents' Associations and statutory authority for specific performance of a landlords repairing covenants.

FPRA has an on-going dialogue with government, as well as many other organisations in the sector, helping achieve the best result for leaseholders.

FPRA publications

FPRA publishes advice for flat owners on the advantages of having a Residents' Association; on how to set up a Residents' Association; and on how to set up a Residents' Management Company. See Section 4.

FPRA history

The FPRA began in 1971/2, as a group of Residents' Associations in private-sector flats. It remains a non-political, non-profit making, voluntary organisation. In 1986 it became a company limited by guarantee. Its unpaid executive committee are company directors, some of whom comprise the team of experts offering impartial advice.

Membership of FPRA

Please see the enclosed form for current membership rates; these are extremely low and are per association, not per leaseholder, and are kept at this low level because the FPRA is run by volunteers, which helps keep costs down.

For more details on the current membership rated and an application form, please visit the Federation of Private Residents' Associations website at www.fpra.org.uk

SECTION 2

RESIDENTS' ASSOCIATIONS ADVANTAGES

- A What is a Residents' Association?
- B Why form a Residents' Association?
- C What Residents' Associations do
- D Who is eligible for membership of the association?
- E Forming a Residents' Association
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- I Model form for voting by Proxy
- J Meetings – a guide!



SECTION 2 – A

WHAT IS A RESIDENTS' ASSOCIATION?

A Residents' Association is formed by a group of people living on an estate or in a block, who come together as an organisation to represent their mutual interests. Usually (although not always) a Residents' Association will be formed by tenants or lessees who hold tenancies/leases from the same landlord, which include provisions for the payment of variable service charges.

A group of freeholders in the same estate may also form a Residents' Association.

As a Residents' Association it is easier to campaign for environmental improvements, repairs, buildings works, facilities or management and maintenance charges.

A Residents' Association may ask the landlord for formal recognition and the landlord may recognise the association formally. If the landlord refuses formal recognition, the resident's association can apply to the Rent Assessment Panel. It is desirable for a resident's association to be recognised because an association will be most effective if it has formal recognition.

SECTION 2 – B

WHY FORM A RESIDENTS' ASSOCIATION?

Residents' Associations are generally-formed in order to provide flat owners with a collective voice for the resolution of problems which have arisen between the flat owners and their landlords and/or their landlords' managing and other agents. In this way, flat owners, through their Residents' Associations, may make their views known to their landlords in an effective way.

Forming an association can bring many advantages for you and your fellow neighbours. Above all it provides lessees with a way to make their views known to the landlord and its agents and gives them a say in how their estate or block is managed.

In cases where the members have formed a company to acquire the freehold or management (Resident Management Company – RMCs), it may often be worthwhile to keep the association in being.

SECTION 2 – C

WHAT RESIDENTS' ASSOCIATIONS DO

The strength of a well-supported association lies in its capacity for collective action. (Sometimes there can be powers delegated by a co-operative landlord or its agents).

Examples of what they can do:

- increase the sense of belonging to a community
- lobby for change on major issues of concern to the whole community
- inform residents of their rights under the law and in particular, under the Landlord and Tenant related legislation
- provide local expertise about managing an estate and can readily identify problems, which may not be obvious to property managers
- exercise a degree of influence over expenditure by landlord or its agent, on service charge items; consult with landlord or its agent on proposed expenditure and help to determine the manner in which any extraordinary charges are levied and the maintenance fund (if any) is safeguarded
- may act on its own behalf in requesting information from a landlord
- a landlord can also be required to consult a recognised association on matters such as service charges and management. In addition, a recognised association has power to require a landlord to consult with them concerning managing agents, by serving a notice in writing. The Housing Act 1996 Section 84 empowers a Residents' Association to appoint a Surveyor (who must be qualified) to advise on service charge matters. He or she has important rights of access both to the premises and to relevant documents
- exert pressure upon the landlord or its agent to maintain an appropriate standard of decoration and maintenance to the interior and exterior of buildings, and at reasonable cost
- exert pressure on the landlord or its agent to carry out regular inspections and timely maintenance of, and at reasonable cost, the building's plant, equipment, wiring and other common services
- exert pressure on the landlord or its agent to comply with latest fire, health and safety and security recommendations

- establish a relationship with the landlord or its agent to facilitate good management; represent the needs and views of residents on management issues and report back to the residents the concerns of the landlord or its agent
- acquaint residents with aspects and problems of management of which they may have been unaware; act as an extension of the landlord's management
- negotiate with the landlord or its agent, where residents wish to incur capital expenditure on upgrading existing facilities or providing new ones
- assist individual residents with problems they may be having with the landlord/managing agent
- protect the welfare, comfort and enjoyment of the tenancies of the residents
- assist in resolving disputes between individual residents
- organise opposition to undesirable planning applications
- consult with local authorities on environmental matters such as street parking, traffic hazards, provision of pedestrian crossings, routing of traffic and tree amenity preservation
- lobby Members of Parliament and others, both directly and through the FPRA, in relation to changes and reforms desired by the association's membership
- be prepared to take on all responsibilities of management if ceded by the landlord/ or its agent or conferred by legislation, Right to Manage or following the purchase by the residents of the landlord's interest
- exercise the rights conferred by Statute on Residents' Associations:
 - (a) obtain statutory recognition of the association
 - (b) propose to the landlord or agent and require the due consideration of estimates for major works obtained by an association; (Section 20 Landlord & Tenant Act 1985) as amended by the Commonhold and Leasehold reform Act 2002)
 - (c) apply for a determination of the reasonableness of the service charge costs (Section 19 of the Landlord and Tenant Act 1985 as amended by Section 83 of the Housing Act 1996)
 - (d) require the landlord to consult with the association in regard to the appointment of the managing agent; (Section 30B Landlord and Tenant Act 1985 as amended by Section 44 Landlord and Tenant Act 1987)
 - (e) exercise rights as to information about Service Charge accounts (Landlord & Tenant Act 1985 Section 21 as amended by Landlord & Tenant Act 1987 Schedule 2 Para 5) and as amended by the Housing Act 1996 Sections 83 and 84
 - (f) finally and perhaps most importantly, facilitating consultation and obtaining consensus amongst tenants as to the possible exercise of the rights of those tenants qualifying under the Leasehold Reform, Housing and Urban Development Act, 1993 to make a collective purchase of the freehold vested in their landlord
 - (g) Alternatively, facilitating consultation and obtaining consensus amongst tenants as to the possible exercise of the 'Right to Manage' under the Commonhold and Leasehold Reform Act 2002.

SECTION 2 – D

WHO IS ELIGIBLE FOR MEMBERSHIP OF THE ASSOCIATION?

Unfortunately there is no precise definition. In general terms a member will usually be contributing to the payment of service charges which, under the terms of the lease or tenancy, vary from time to time to meet expenditure incurred, or to be incurred for providing services to the block/development.

This should be contrasted against a tenant paying a fixed or non-variable service charge who may become a member but probably will not have the ability to vote on matters in which they have no interest.

Membership should not be open to landlords or in the case of company landlords, their employees or directors. A management company (including its directors, employees, members or shareholders) cannot be a member of an association as effectively the company becomes the landlord of the block.

Tenants of shops, restaurants and offices will also not usually qualify unless of course, their tenancies incorporate residential accommodation.

Membership may also be extended to sub-tenants, however, they should not be allowed voting rights.

SECTION 2 – E

FORMING A RESIDENTS' ASSOCIATION

When setting up a Residents' Association there are a few points you should keep in mind:

- find out the level of support for a Residents' Association amongst your neighbours
- set realistic targets for your association which you are confident you can achieve; do not take on more than you can handle
- try to get as many people involved as possible, both in making decisions and in taking on various tasks and responsibilities
- keep everyone well informed about what is happening – find a way of keeping in regular contact with people either via notice-boards, email or even an association website
- have a positive approach.

STEP ONE: Talk to Your Neighbours

The first thing to do is talk to other people in the estate or block about setting up a Residents'

Association. It is vital to find out just how much support there is for the idea and how many people would be willing to help out. This will also give you a good idea about the issues that people feel are important.

Do not be disheartened! There are bound to be people who initially say they cannot spare the time or who are not interested, however, the more people involved the easier it will be when sharing duties.

If there appears to be a support in favour, circulate to all residents (including absentees but excluding any caretakers and porters, the landlord and any resident connected with the landlord other than as tenant) a brief letter or circular summarising the history of the estate or block and its present circumstances including any immediate problem.

The circular letter where possible, should incorporate a simple tear-off form to be returned to you to signify that lessees support in forming the association.

Note! When writing about any management problem, be sure to avoid using forms of expression which might tend to libel the landlord or its agent.

Follow up your circular with a personal call to those who are slow to respond or whose initial response is negative; aim to get support from about two-thirds of eligible residents, and remember it is absolutely normal for associations' membership to grow after formation.

STEP TWO: Understanding Roles and Responsibilities

If there is sufficient support, and once your association is set up, you will need to elect a committee. The committee will take on the day-to-day management of the association. It is therefore important to understand the different roles and responsibilities of the committee officers:

THE COMMITTEE

The committee will be elected on a yearly basis at the Annual General Meeting.

The committee's role is to ensure the association is run properly and is responsive to residents' needs and concerns.

The committee will also meet as a group where "general members" are not present. If this is the case any decisions made must be reported back to all members at the next General Meeting.

It is advisable that the committee has within its organisation a chairperson, secretary and treasurer.

Don't be daunted by standing for a role on the committee – it's not as difficult as it seems. Plenty of

support for committee members is available not least from the FPRA to help you get the best from the association.

THE CHAIRPERSON

The common misconception is that the chairperson does everything. They do not, but they do ensure that everything gets done!

The chairperson would normally, although not exclusively, be the association's spokesperson.

In addition, the chair will:

- ✓ chair Committee Meetings
- ✓ guide the association to achieve its aims
- ✓ ensure decisions are properly made
- ✓ liaise with other committee members and third party bodies and organisations
- ✓ lead discussions at meetings
- ✓ make sure everyone is clear what decisions have been taken
- ✓ checks draft minutes and agenda items
- ✓ be aware of all the activities carried out by the association
- ✓ ensure standing orders are kept to; and
- ✓ be responsible for the smooth and fair running of the association.

Chairing requires a particular skill to ensure that the resources and skills of all committee members are utilised to the full. In this way the association will be much more effective. The post of a chairperson should not be used as a platform from which the holder expounds their own views.

Remember! A chairperson should not:

- ✗ talk too much themselves
- ✗ ignore people who want to speak
- ✗ allow one or two people to do all the talking; meetings should be as inclusive as possible
- ✗ use their position to impose their views on the meeting.

THE SECRETARY

The secretary's main duties include:

- ✓ helping the chairperson prepare agendas for meetings
- ✓ giving notice of meetings
- ✓ taking written records of the main points of discussion and decisions made at meetings, together with issuing minutes of those meetings

- ✓ ensuring that the meetings are conducted in accordance with the rules in the constitution
- ✓ reporting on action taken between meetings
- ✓ producing annual reports
- ✓ occasionally mailing members
- ✓ writing and receiving letters on behalf of the association; and
- ✓ keeping a record of membership.

A SAMPLE AGENDA

(which should be adapted and may include):

1. Apologies (for absence)
2. Minutes of previous meeting
3. Matters arising from previous meetings
4. Correspondence
5. Report back
6. Substantive agenda items
7. Resolutions
8. Any other business

MINUTE TAKING

Only the main points of the discussion and who is to carry out any agreed action need to be recorded. Minutes are not meant to be verbatim records of what was said at the meeting.

Some tips:

- take rough notes in the meeting – they can be written up later (but don't leave it too long)
- know everyone at the meeting and where they are from (send a sheet of paper around and ask everyone to write their name)
- sit where you can see everyone that is speaking
- if it is not clear on what is being said or agreed, ask for clarification
- record the names of those who propose and second motions
- don't try to record everything but make sure there is a note of what has been proposed, who will carry it out and the completion date / deadline
- after the meeting ensure that members get the minutes in good time and that copies are kept of all past minutes.

THE TREASURER (if funds are to be collected)

The treasurer is the person with overall responsibility for the association's finances and for keeping accurate financial records. However, it is the committee who has responsibility for deciding how the money is used. This is an important distinction to remember.

The treasurer is usually responsible for:

- ✓ keeping records of all financial transactions for the association i.e. income and expenditure
- ✓ opening a bank or building society account (it is suggested that three members of the committee act as signatories, with any two being required to sign to withdraw funds)
- ✓ paying bills and keeping record of money spent, where applicable
- ✓ keeping petty cash and a petty cash account book for day-to-day expenditure
- ✓ keeping an account book of all money going in and out of the association
- ✓ preparing statements to the committee and Annual General Meeting
- ✓ producing financial reports for the committee and association.

Some tips:

- be methodical and keep clear records of money received or paid out. Don't rely on memory!
- ensure your paperwork is accurate – do not keep scraps of paper as records as these can easily get mislaid or lost
- record everything in and out – do not off-set
- keep the association's money separate from your own
- do not keep large amounts of cash – put it in the association's bank account
- for petty cash, ensure that the amount held equals the figures in the cashbook
- ensure that the bank account requires two signatures for cheque or withdrawal forms
- check the bank statements carefully and regularly.

STEP THREE: Form an "Acting Committee"

Ask three or four of the most enthusiastic or capable supporters to form an "acting committee" with you; one of you should assume the position of acting chair and another that of acting honorary secretary.

A name should be proposed for the association and its basic aims outlined.

STEP FOUR: The First Meeting

If there is support for the idea and the role and responsibilities of the committee are understood, it is time to call a meeting about setting up the association.

At this stage you will probably just want to involve the people who seem most interested. The purpose of the meeting will be to decide the main issues and how to organise yourselves.

The acting chair should introduce the members of the acting committee and briefly describe the reasons behind the formation of the association, before throwing the meeting open to general discussion.

The acting secretary should take a simple record of the meeting and attendees willing to join the association should place their signatures on record.

Note! It may be necessary to hold more than one such informal meeting; a member of the committee from the FPRA may also be available to attend a meeting in an advisory capacity.

STEP FIVE: The Constitution

It is usual for an association to adopt a constitution, which sets out guidelines on how the association will be run.

The constitution is probably the most vital piece of paper your association will possess. It is important because:

- without one you may find members of your association working at cross purposes and things will not get done; and
- it is a good reference point to assist you in resolving any problems that may occur from time to time.

The constitution usually covers things such as:

- the name of the association
- what the association will do (aims and objectives)
- membership rules
- who will be on the committee (numbers and officers)
- voting rights
- subscription level
- frequency of meetings and how they will be conducted

- amending the constitution
- dissolution.

Before you set out to draft your association's constitution, or to revise it, you should set out in your own mind what you want to achieve and ask yourself some basis questions.

The constitution will need to be agreed by the members of the association and once completed, it will need to be adopted at the Inaugural General Meeting.

A sample constitution is supplied by the FPRA later on in this handbook. The sample should be used with caution; it is important this sample is adapted to the particular circumstances of your development.

The Rent Assessment Panel also publishes a draft constitution for associations as an annex to its explanatory booklet that you could adapt as a benchmark for voluntary recognition: *"Tenants' Associations" Booklet about how Panels recognise associations, free from the Residential Property Tribunal Service.*

STEP SIX: The Inaugural General Meeting

The proposed constitution should be circulated to eligible residents together with the notice and agenda of the Inaugural General Meeting; append a nomination form for residents to nominate persons to the committee.

At the Inaugural General Meeting the acting chair and acting committee members preside initially. The constitution is proposed, discussed and then adopted with or without amendments.

The committee members are then elected in accordance with the provisions of the constitution; the chair, secretary and treasurer are chosen and the chairperson takes the chair.

Larger associations may have provided for additional officers, such as a vice chair; hopefully the elected committee will be representative of the whole block – if not, deficiencies can at this stage be remedied by co-opting additional committee members and/or by assigning certain committee members to certain floors/staircases/buildings in the block(s).

Note! The ability to conduct and participate in meetings effectively can greatly influence the success of an association.

The FPRA recommends the M & E Handbook entitled *Meetings* by L. Hall, available from Pitmans, 128 Longacre, London WC2, or at local libraries. Also, your local authority may offer a low-cost course in public speaking.

The meeting should also be asked to agree the annual subscription to be levied. This should not be set too low as costs of stationery, copying, postage and telephone can be considerable. Other possible expenditures of the association that may also need to be taken into account when setting the subscription levels are cost of employing an expert, such as surveyor or engineer and most importantly, the cost of FPRA membership.

The newly elected secretary should take the minutes of the meeting (and of future meetings) and keep the Minutes Book. Alternatively a minutes officer can be appointed. The minutes need not be a literal record but a summary of what was said and was decided.

There is no need to circulate the minutes although this is advisable – it is quite acceptable for them to be read out at the next meeting for the membership to approve (with or without amendments) and for the chairperson then to sign them as approved by the meeting. However the key to success for association is keeping everyone informed so think carefully how this is to be done if minutes are not being distributed.

SUBSEQUENT MEETINGS: HOW LONG, HOW OFTEN?

This is for your association to decide but the FPRA would suggest that you do not meet too frequently unless there is an absolute necessity or for a special event. Your constitution will usually dictate the minimum number of meetings that you must hold per year. If this proves inadequate then use the correct procedure in the constitution to amend the minimum amount.

Things to consider:

- do you need the meeting?!
- do you need to hold the meeting now?
- what subject(s) will be discussed?
- who needs to be invited?

Always start on time!

STEP SEVEN: Voluntary Recognition from Landlord

After the Inaugural General Meeting your association should apply to the landlord, per the model letter supplied by the FPRA, for Recognition.

If your association does not qualify for recognition, write to the landlord or its agent with news of the formation of the association, a summary of its aims, and the names of the committee members.

If the landlord asks to see documents such as the association's constitution, membership list and

minutes of meetings, be aware that these are private to your association and need not be copied to the landlord. From a practical point of view however, these things (save for the minutes of meetings) will of course need to be disclosed in the event a formal application is made for recognition and therefore it may well be worth disclosing to the landlord on request.

If a landlord has given formal recognition to an association then the landlord may withdraw it only by giving not less than 6 months' notice to the secretary of: Section 29(2) of the Landlord and Tenant Act 1985.

STEP EIGHT: Formal Procedure to Obtain Recognition from the Rent Assessment Panel

If the landlord refuses to grant your association recognition, it has the legal right to ask a Rent Assessment Panel to grant it the status of a recognised Residents' Association.

Before applying for recognition from a Rent Assessment Panel, it may be advisable that a formal resolution to this effect is passed by the committee or by a General Meeting and duly minuted in case the Panel requires it.

The procedure used by the Rent Assessment Panel is set out in their booklet called *Tenants' Associations*, about how Panels recognise associations, free from the residential property tribunal service.

The Rent Assessment Panel has a standard application form which can be obtained from one of the Panel offices.

The completed application form must also be accompanied by:

- 1) a copy constitution of the association
- 2) a list of subscribing members' names and addresses
- 3) a description of the properties whose tenants will be eligible for membership and their addresses
- 4) copies of previous relevant correspondence with the landlord regarding recognition.

When an application is in order, the landlord is notified by the Panel and given 14 days in which to comment on the submission. The Panel will also send the landlord a copy of the application form and a copy of the constitution unless the association has requested that a particular document should be withheld. The landlord has no legal right to see any of the association's documents, but in the view of the FPRA, the merits of transparency should be considered.

From experience, the London Rent Assessment Panel will not now withhold from the landlord the association's membership list. If the association refuses to agree to such disclosure, the RAP in London will not confer a certificate of recognition.

In broad terms the Panel will need to be satisfied:

- that the constitution is fair and democratic in that it covers:
 - ~ openness of membership (election of officers)
 - ~ payment and amount of subscriptions
 - ~ notice of meetings, voting arrangements and quorum
 - ~ independence from the landlord
- members that are paying variable service charges are able to vote on matters relating to the service charge.

At the time of writing this handbook there is no charge for associations to apply to the Panel for recognition.

If the Panel is minded to grant recognition it will issue a Certificate of Recognition to the secretary. A copy will also be sent to the landlord. The length of validity is at the Panel's discretion but will usually be for four years. When the certificate expires, the association can apply for renewal. It is open to the Panel to cancel a certificate at any time if it is considered that for some reason, the association no longer merits recognition.

In the event of refusal, both the landlord and the association will be informed of the reasons for the decision.

A new application can be made once the association has corrected the defects in its previous submission. Changes to the Constitution and Rules, however, can only be made at a general meeting.

STEP NINE: Running your Association and Getting People Involved?

SUCCESS

Nothing generates interest more than success, so set yourself some small but achievable goals that will make a difference to your block or estate.

PUBLICITY

On-going communication between the committee and the membership is vital. Regular reports of the association's dealings should be circulated, put up on notice boards in communal areas or placed on an association's website. Your association may even have a Facebook page or Twitter Account.

Another way of keeping people involved and aware

of what your association is doing, are regular newsletters or bulletins for all residents. These do not need to be too long but make them as eye-catching as possible.

REMOVING BARRIERS

A criticism that is often levelled at Residents' Associations is that they only represent one section of the community. Broaden membership as far as possible. There are a number of factors that may help you overcome such barriers:

- hold meetings at a time and place convenient to all members
- accessibility – is your chosen meeting place accessible to all?
- can you offer crèche facilities to encourage parents with small children within your block or estate to attend?

PERSONAL CONTACT

Often the most effective ways to involve people is through face-to-face contact. It is too easy to throw away or ignore a newsletter or leaflet, but face-to-face contact is harder to ignore and easier to establish communications with residents. It will also enable you to:

- canvass views more effectively
- explain issues in a more accessible way
- improve the community "spirit"
- make people feel their views matters and that you are serious about wanting to get them involved.

KEEPING IN TOUCH

Having established contact with others and signed them up as new members, remember to keep in touch. Make sure everyone gets invited to meetings and most importantly, maintain personal contact.

SECTION TWO – F

FORM OF AUTHORITY FOR TENANTS'/RESIDENTS'/LEASEHOLDERS' ASSOCIATIONS TO ACT ON BEHALF OF MEMBERS

The effectiveness of any association depends upon its membership; the FPRA recommends that associations obtain from their members written authority to represent them. The completed forms should usually be kept by the secretary in a membership file.

SAMPLE FORM OF AUTHORITY

To: The.....ASSOCIATION

I/We

being the Lessee/Tenant of (Flat) No.....

and being a member of the..... association

do hereby authorise the..... association

to act and make representations on my/our behalf in discussions and negotiations with the landlord for the time being (as defined under the Landlord and Tenant Act 1985), including immediate and superior landlords and with the landlords duly appointed agent(s) or representative(s) on matters concerning:

- the administration of buildings at.....
- rents
- service charges
- repairs
- maintenance
- upkeep and improvements at.....

and I/we do further authorise the..... association

to act and make representations on my/our behalf in discussions and negotiations with any relevant third party on matters of common interest to residents

at.....

Signed*..... Dated.....

**NOTE: If flat is held in joint names, all parties should sign: if flat is held by a company, signature should be by that company's duly authorised agent.*

- 3.9 to exercise the rights conferred upon the association by recognition under the Landlord and Tenant Act 1985 or such other statutory rights that may be given by any subsequent enactment
- 3.10 to do such other things, ancillary to the preceding objects, as may seem desirable to the association
- 3.11 to monitor the association, its work, finances and membership on an on-going basis.

4.0 MEMBERSHIP

- 4.1 Any tenant holding under a long lease or tenancy may upon application, payment of the subscription and returning the duly completed Form of Authority become a full member. Only one vote per flat/ house will be given in the case of joint tenants.
- 4.2 Neither the landlord, the landlord's representative, any company controlled by the landlord nor any employee of the landlord shall be eligible to become a member or associate of the association.
- 4.3 A company which is a tenant or sub-tenant (if not connected with the landlord) shall be eligible for membership, in which case, voting rights shall be exercisable by a person duly authorised by the company.
- 4.4 Membership of the association shall be an acknowledgement and acceptance of the Rules and constitution of the association.
- 4.5 Membership of the association shall be conditional and shall be confirmed upon the member signing and giving to the association a Form of Authority permitting the association to act on the member's behalf, provided such authorisation shall not affect the member's legal and contractual rights.
- 4.6 A copy of this constitution shall be given to each member.
- 4.7 A record of all members in the current year shall be kept by the secretary of the association.
- 4.8 Any membership fee shall be determined by the Annual General Meeting.

Associate membership

- 4.9 The committee may at its discretion extend associate membership to any other person or persons residing at the property but such associate members shall not be elected as officers or members of the committee of the association and shall not be entitled to any vote.

Ending membership

- 4.10 Membership of the association shall terminate:
 - 4.10.1 upon a member giving written notice to that effect to the secretary of the association or dies or resigns
 - 4.10.2 upon a member ceasing to be a tenant of flat or house at the property in which case, he/she shall within 14 days, give written notice of the fact to the secretary
 - 4.10.3 upon failure by a member to pay the annual subscription in respect of their house/flat for [three] months after the same shall become due and payable
 - 4.10.4 upon removal by a resolution carried by the votes of at least.....% of the members at a General Meeting of the association
 - 4.10.5 in the event of gross misconduct membership can be suspended or ended by a two thirds majority vote of the committee
 - 4.10.6 membership of the association may be suspended for such period as is determined by the votes of a majority of at least% of the members at a General Meeting of the association
 - 4.10.7 a members whose membership has been suspended in accordance with clause 4.10.6 above, shall be entitled to have that suspension reviewed at the next general meeting of the association.

5.0 THE COMMITTEE

- 5.1 Any member over the age of 18 shall be entitled to stand for election to the committee.

- 5.2 The committee shall consist of not less than [] members of the association.
- Note:** The optimum number of committee members will vary according to circumstances. An odd number may make a 'hung vote' less likely. The election of the committee and its officers shall take place at the Annual General Meeting of the association. An alternative formulation more convenient in certain cases is, the election of the committee shall take place at the Annual General Meeting of the association and upon election the members of the committee shall be empowered to determine which of their number shall serve as the officers of the association.
- 5.3 At each Annual General Meeting all committee members shall resign but shall be deemed to be re-elected (if willing to act) in the absence of other nominees.
- 5.4 Nomination for membership of the committee shall be proposed and seconded by members of the association and notified to the secretary at least.....days (this should allow at least 7 days from circulation of the notice of the General Meeting) in advance of the Annual General Meeting, and shall include the signature or written consent of the nominee.
- 5.5 The committee shall be empowered to co-op on a temporary basis, other members of the association to form sub-committees to consider such matters as the committee or the association shall determine and the decisions of such sub-committees shall be ratified by the committee before implementation.
- 5.6 A quorum for any meetings of the committee shall be at least two of whom at least one must be an officer.
- 5.7 The committee shall implement the objects of the association and the resolutions of the association.
- 5.8 In the event of a tied vote at a Committee Meeting, the chairperson or acting chair may make a casting vote.
- 5.9 The honorary secretary shall keep and make available for inspection whenever so requested by a member:
- (a) a record of the business transacted at the AGM
 - (b) copies of all written and notes of all oral communications with the landlord and managing agent and any replies received
- Note:** it helps to ensure full attendance if meetings are held at regular intervals with dates fixed well in advance.

Co-optees

- 5.10 The committee may co-opt non-voting members onto the committee in order to fill vacancies that occur during the year or to ensure appropriate representation of all people in the community.

6.0 THE OFFICERS

- 6.1 The officers of the association shall comprise a chairperson, secretary and treasurer who shall be members of the association.
- 6.2 The officers shall be elected annually at the Annual General Meeting and shall serve for one year but may be re-elected.
- 6.3 The chairperson shall chair the general and Committee Meetings. The duties of the officers shall be defined in the standing order of the association.
- 6.4 The officers shall report to each Committee Meeting and General Meeting of their work.

7.0 ELECTIONS

- 7.1 Nominations for the appointment of officers and for membership of the committee shall be proposed and seconded by two members of the association in writing and lodged with the honorary secretary 14 days prior to the Annual General Meeting and shall include the written consent of the nominee.
- 7.2 The committee shall be empowered to fill any casual vacancy occurring on the committee or among

the officers and any person so appointed shall serve until the next Annual General Meeting at the association.

8.0 SUBSCRIPTION

The annual subscription shall be due on.....each year. The amount shall be fixed at an Annual General Meeting. One subscription payment shall be paid in respect of each flat, (**Note:** A member who joins part-way through the financial year shall be entitled to an pro-rata abatement on his membership fee).

9.0 MEETINGS

Annual General Meeting

- 9.1 The first Annual General Meeting shall be held within 3 months of the end of the first financial year, thereafter the Annual General Meeting of the association shall be held no later than [three] months from the end of the financial year.
- 9.2 The association shall hold an Annual General Meeting (AGM) once in each calendar year and not more than 15 months shall pass between the date of one AGM and the next.
- 9.3 The Annual Report of the Committee and the Annual Accounts shall be presented for discussion and adoption at the AGM and copies may be distributed with the Notice of the meeting.
- 9.4 The AGM shall also:
 - 9.4.1 appoint an independent auditor
 - 9.4.2 elect the committee
 - 9.4.3 consider any resolutions put forward by members
 - 9.4.4 vote on any amendments to the constitution.
- 9.5 All members shall be given 21 days written notice of the AGM and this must include an agenda, minutes of the last AGM, details of nominations to the committee and any resolutions which include any proposed changes to the constitution.
- 9.6 Any proposed changes to the constitution by the membership or nominations to the committee must be notified and sent to the secretary in writing at least 14 days before the AGM.
- 9.7 Agendas should be submitted to the membership, together with minutes of the previous AGM 10 days before the AGM.
- 9.8 The quorum for the AGM shall be 10 members or 20% of the membership, which ever is the most.

Extraordinary General Meetings

- 9.9 All other meetings of the association shall be Extraordinary General Meetings and shall be convened at any time by the honorary secretary either upon the written instructions of the committee, or upon a written request signed by no fewer than (10) members of the association.
- 9.10 Each year the association shall hold at least three Extraordinary General Meetings (including the AGM) which shall be open to the general membership.
- 9.11 General meetings shall be convened on.....days (**Note:** usually '21 days' but allow a few days for post) written Notice, which Notice shall incorporate the Agenda for the meeting.
- 9.12% (**Note:** suggested minimum 25% but change depending on circumstances of building) of the membership of the association shall be a quorum for General Meetings, and no business shall be transacted unless a quorum is present; if within 15 minutes from the time appointed for a meeting a quorum is not present, then the meeting, if convened at the request of members, shall be dissolved, but if an AGM or convened by the committee the meeting shall stand adjourned at the discretion of the committee. A separate quorum of x (or y%) of eligible members shall apply to voting for purposes governed by residential leasehold law.

- 9.13 Seven days' notice in writing shall be given to the hon. secretary of any resolution to be moved at any General Meeting, unless the resolution is admitted by the chairperson at the meeting. A notice containing all resolutions and nominations, with the names of the proposers and seconders, shall be circulated or kept by the hon. secretary available for inspection by any member of the association for.....days before the General Meeting. An annual report will be circulated to all members.
- 9.14 The Agenda shall comprise any draft resolution which it is proposed to be considered and (in the case of the Annual General Meeting) nominations for the officers and committees and a copy of the audited accounts for approval.
- 9.15 A record containing all resolutions and nominations to be moved at any General Meeting to either the names of those proposing and seconding each resolution or nomination shall be maintained by the honorary secretary; which record shall be made available for inspection by any member of the association for seven days prior to the Annual General Meeting.
- 9.16 Minutes of all appointments of officers and resolutions carried at Annual or Extraordinary General Meetings shall be taken. The Minute Book shall be open to inspection by any member of the association who shall be entitled to take copies thereof.
- 9.17 Voting at meetings of the association shall be by simple majority and by a show of hands unless a ballot is demanded by a majority. In the case of an equality of votes, the chairperson shall have the casting vote.

Special Meetings

- 9.18 A Special General Meeting may be called by the committee and must be called by the committee if requested by at least [] member or [] per cent of the membership whichever is the most, at least 21 days before the date on which those members request the meeting to be held. The secretary must send to each member, written notice of a Special General Meeting, 14 days in advance of the meeting.

10.0 VOTING

- 10.1 Each member shall have one vote on any resolution put before an AGM, General Meeting or Special General Meeting.
- 10.2 One vote shall be exercisable in respect of any one residential unit, subject to the following:
- 10.2.1 where both a tenant and a sub-tenant of a unit are members of the association, the vote exercisable shall be the vote of the superior tenant, unless the sub-tenant has a tenancy which is both fixed for more than one year and is on terms affected by variations in the variable service charge
- 10.2.2 for purposes connected with the requirements of residential leasehold law and other purposes affecting or tending to affect service charge expenditures, voting shall be restricted to affected variable service charge payers
- 10.2.3 where variable service charges for individual blocks are calculated on different bases, only tenants affected shall be entitled to vote in relation to purposes affecting or tending to affect the service charge for their block. (**Note:** Delete or modify (c) as applicable to circumstances).
- 10.3 Members shall notify the hon. sec. of the identity of the person entitled to vote in respect of each residential unit and the hon. sec. shall maintain a list of such persons. The hon. sec. shall maintain a separate list of those members entitled to vote for purposes connected with residential leasehold law.
- 10.4 A member of the association may authorise another person to attend a General Meeting as a proxy and to vote on behalf of the absent member; such authorisation in written form approved by the committee shall be lodged with the hon. secretary at least.....day(s) before the meeting. (**Note:** add optional – 'or shall be submitted to the chairperson at the meeting').
- 10.5 Voting shall be by show of hands unless a ballot is demanded. In the case of a tied vote at a General Meeting the chairperson or acting chair shall make the casting vote.

11.0 MINUTES

- 11.1 All voting that takes place at an Annual General Meeting, General Meeting, Special General Meeting and Committee Meetings shall be counted and recorded in the minute.
- 11.2 All formal meetings such as Committee Meetings, Special General Meetings and Annual General Meetings, must be minuted and the minutes formally approved by the next meeting of the committee or General Meeting respectively.
- 11.3 All minutes shall be available for inspection by members of the association.

12.0 FINANCE

- 12.1 The treasurer shall open a bank or building society account in the name of the association and keep records of the association's income and expenditure. The treasurer shall report the balance in the account to the committee at each Committee Meeting.
- 12.2 The financial year of the association shall end on.....in each year up to which date any annual statement of accounts and balance sheet be submitted for approval at the subsequent Annual General Meeting.
- 12.3 Accounts shall be prepared for the association each year and these shall be audited/certified in accordance with proper audit/certified practice.
- 12.4 Reporting accountants/auditors shall be appointed at the Annual General Meeting. Officers and committee members shall not be eligible for appointment as auditors.
- 12.5 The accounts shall be ratified by the association at the Annual General Meeting.
- 12.6 The property and funds of the association shall be held and administered by the committee.
- 12.7 The committee is not authorised to incur any overdraft.
- 12.8 A resolution of the committee shall be sufficient authority for payments or the incurring of liability for payments up to a limit not exceeding (hundred pounds). Beyond such limit, the committee shall seek approval of such expenditure by the association either at the Annual General Meeting or at an Extraordinary General Meeting.
- 12.9 A banking account shall be opened in the name of the association and all cheques shall be signed by an officer and countersigned by a member of the committee.
- 12.10 The annual subscription of the association shall be decided for the ensuing year at the Annual General Meeting but shall not be altered, save by a two-thirds majority of the members attending such a meeting.
- 12.11 The accounts of the association shall be available for inspection by any member of the association who require to see them within 28 days. The request for inspection must be made in writing to the treasurer.

13.0 REPORTING ACCOUNTANTS/AUDITORS

Auditors may be appointed by a resolution at a General Meeting of the association; committee members shall not be eligible for appointment as auditors. (Such an appointment is not a statutory requirement.)

14.0 ALTERATIONS TO THE CONSTITUTION

No alterations to the Rules and Constitution of the association shall be made, except at the Annual General Meeting or at an Extraordinary General Meeting and in any event, no alteration to clause 10 of the Rules and Constitution of the association may be made.

15.0 COMPLAINTS/DISAGREEMENTS/SUGGESTIONS

Complaints and suggestions on matters concerning the association together with any disagreements as to its conduct or policies, shall be made in writing to the hon. secretary.

16.0 INDEMNITY

The members of the association shall indemnify the officers of the association and members of the committee against all liability incurred by them in good faith and in the name of the association acting within their authority.

17.0 ALTERATION OF RULES

17.1 These rules may be varied or added to by resolution of the association in General Meeting, passed by a majority of at least two thirds of the members present in person or by proxy of which resolution notice shall be given in notice convening the meeting.

18.0 DISCLAIMER

Any advice or assistance given or rendered to members or any action taken by the association acting through the committee in the name of the association's members shall be without liability or responsibility on the part of the committee for any loss or damage. Members should take independent professional advice in all matters affecting their interests or where possible conflict could arise between members.

19.0 INFORMATION

- 19.1 The association shall provide information to all members on things that affect the association and its members.
- 19.2 Every member of the association shall be given a copy of the constitution when they join. Members shall be given copies of any changes to the constitution.
- 19.3 Minutes of all General Meetings and Committee Meetings shall be available from the secretary for all members.

20.0 DISSOLUTION

- 20.1 The association can only be dissolved by a Special General Meeting called specifically to consider a motion to dissolve the association.
 - 20.2 All members shall be given 21 days written notice of such a meeting, which shall contain the wording of the association.
 - 20.3 The association shall only be dissolved if two-thirds of members present at the Special General Meeting vote for a motion to dissolve the association.
 - 20.4 In the event of the association being wound up, any surplus funds shall be disbursed to a suitable registered charity to be decided upon by a simple majority of the membership.
-

SECTION TWO – H

SPECIMEN NOTICE OF THE INAUGURAL GENERAL MEETING OF A RESIDENTS' / TENANTS' / LEASEHOLDERS' ASSOCIATION

Dear (Dated)

NOTICE OF THE INAUGURAL GENERAL MEETING OF THEASSOCIATION

The Inaugural General Meeting of the Association will be held atam/pm in on.....

A copy of the draft Constitution and Rules is enclosed for you to study before the meeting.

If you wish to be nominated for election to the committee of the association, please complete the nomination form below with your signature and those of your proposer and seconder (being of course fellow and intending to become members of the association), detach and return to me by the.....

The agenda proposed for the meeting is as follows:

- 1) Acting chairperson's opening remarks
- 2) Discussion and adoption of Constitution and Rules
- 3) Election of committee members and officers
- 4) Determination of the annual subscription
- 5) Service charges for year ended
- 6) Condition of buildings
- 7) Proposals for submission to managing agents
- 8) Any other business.

The acting committee looks forward to welcoming you to the meeting.

Yours sincerely,

ACTING CHAIRPERSON/HON. SECRETARY

(Flat) (Telephone No.)

FORM OF NOMINATION FOR ELECTION TO THE COMMITTEE OF THEASSOCIATION

	Name	Flat No.	Signature & Date
Nominee
Proposer
Seconder

SECTION 2 – I
MODEL FORM FOR VOTING BY PROXY AT GENERAL MEETINGS OF ASSOCIATIONS

FORM OF PROXY

I/Webeing a member/members of
the..... association, do hereby authorise
..... to vote in place of myself/ourselves
in any voting at any General Meeting of the association in which I/we would be eligible to cast a vote under the
Rules and Constitution of the association and I/we declare that this proxy shall remain in force until revoked by
me/us in writing or by the issue of a subsequent form of proxy in favour of another party PROVIDED THAT
.....
shall exercise this proxy only where I/we are not in person present to vote.

Signed and dated

To: The hon. secretary, The.....Association

SECTION 2 – J

MEETINGS – A GUIDE!

Introduction

Your Constitution – in form or similar form to that appearing in another section of this Guide – outlines the make up, restrictions and powers of the committee. It also contains the rules concerning membership of the organisation and the requisites governing General Meetings. These are the basic rules. These however, do not cover the internal procedures, the adherence to which ensures as far as possible, the smooth conduct of business arising whether at committee or general meetings.

How long, how often?

This is for your association to decide but we would suggest that you do not meet too frequently unless there is an absolute necessity or for a special event. Your Constitution will dictate the minimum number of meetings that you must hold per year. If this proves to be inadequate for your association then use the correct procedure in the constitution to amend the minimum amount.

When deciding on whether or not to hold a meeting consider the following:

- Do you need the meeting?
- Do you need to hold it now?
- What subject(s) will be discussed?
- Who needs to be invited?

If it is necessary to hold a meeting, set a convenient time and date for members to attend. It is worth checking with committee members, on at least an annual basis, which times/dates are more convenient.

Set a fixed time duration (e.g. 1 ½ hours). People lose interest in meetings that last too long. This will need an effective chair to ensure that any business is conducted within the allocated time, which means that residents and other interested groups will be much happier to attend.

Always start on time!

Agenda – why have one?

It gives you a structure around which to base the meeting. It is useful because:

- it helps you plan the meeting
- it helps you to get through the business of the meeting efficiently

- it helps those members attending follow what is going on
- it gives members the opportunity to think about the meeting in advance.

Generally it is the chairperson's job to draft the agenda, however the secretary often collaborate and it can be worthwhile to get input from other committee members in advance by using of one of the following methods:

- a suggestion sheet on a notice-board
- at the current meeting ask for items for the next meeting
- when you send out invitations to the meeting, ask for items for the agenda.

Example of what should be included in an agenda is below:

<p>ABC RA (Date, time & place of meeting)</p> <p>AGENDA</p> <ol style="list-style-type: none"> Welcome & introductions Report of a quorum. In the absence of a quorum the only action that can be taken is to adjourn the meeting to a future fixed time. Thus whilst business cannot be transacted, emergency action can be taken (if absolutely essential) and confirmed or approved at the next or adjourned meeting Apologies Minutes of last meeting Matters arising Item 1 Item 2 Item 3 Any other business Date, time and place of next meeting
--

For the Annual General Meeting the agenda will probably need expanding and may include the following items:

- Correspondence and communications (if any) passing between the members, the committee, its officers and third parties e.g. the landlords/ managing agents etc.
- Report of the committee or in some cases, just

the chairperson giving an account of the year just passed and any relevant comments.

- c. Laying before the meeting the accounts of the association. Again these will have been circulated to members and approved by the committee before the AGM. They do not require formal approval at the AGM. It does give members an opportunity to discuss them after a committee member, usually the hon. treasurer, has gone through them at the meeting giving such explanation as he deems fit.
- d. If the association is for some reason an incorporated company or of substantial size, it will have professional auditors. It is customary and obligatory in the case of companies to re-elect those auditors for the ensuing year.
- e. In so far not covered, any planned expenditures or income for the ensuing year, there may be included an item of budget or other expenditures, the fixing of subscriptions and the like.
- f. Election or re-election of eligible officers to the committee. The constitution will provide for a proportion of the committee to retire each year or after some such period. In many regulations they are eligible to offer themselves for re-election if, of course, they are willing. Strictly speaking, these re-elections just as new elections should be voted on individually with a proposer and seconder in every case. In practice, they are often re-elected en bloc in order to save the time of the meeting where it is known to be no contention. Committee members appointed at times other than the AGM e.g. to fill a vacancy also need to be elected or confirmed in their office at the next AGM following their appointment.

In addition you should set a time limit for each item to ensure that discussions do not take too long, although you may want to be flexible on this if the discussion is particularly useful.

Do not put too much on an agenda. This will lead to either very long meetings or too brief item discussions, both of which will be unsatisfactory for participants.

Remember:

- most of the agenda will be items you need to discuss. Make each important matter a separate item
- look through the minutes of your last meeting. Are there things to report back on? Are there items to be discussed again?

- have you received information you need to tell others about?
- look at the minutes of the last meeting and agree their accuracy (or correct any discrepancies) and get the chair to sign them.

Any other business should not be used to discuss the majority of business. It should be for important issues/information that have come up since the agendas were circulated. Meeting items should have been included on the main agenda or should be put back to the next meeting when it can be included formally.

Try to end on a positive note.

If you have anyone specially invited to the meeting, it is usually customary for them to be placed at the top of the agenda so that they can leave once their matter has been dealt with.

Meetings for some people are seen as a waste of time and they may leave a meeting dissatisfied. In order to avoid this, conduct a quick check with each member to ensure that they are happy with the meeting so far. Leaving it to the end will be too late. In this way, if members have concerns about the meeting they can be addressed immediately.

Always end on time and agree the date and time of the next meeting.

Conducting a meeting

The two officers normally essential to conduct a meeting, are the presiding officer, usually the chairperson and the secretary. The minimum number of committee members present to legally transact business is the quorum.

Resolutions

These arise in more formal occasions such as a General Meeting. A member will rise and by reference to the chairperson (who should acknowledge his entitlement to move) move in specific terms his or her proposal. This, again on a formal motion requires a seconder. Generally the chairperson accepts the resolution on the assumption that it would have been so moved, as, for instance, approval of minutes.

The chairperson or presiding officer

His duty is to preside and maintain control over the meeting. It is an art which often has to be learned particularly in stemming the flow of words from an over enthusiastic member or where the point at issue has long been departed from or where time is running out. He should make himself aware of the

constitution and prepare himself for the agenda and business to be conducted at the meeting over which he is to preside. He should ensure that members present address the chair i.e. himself and not address each other directly. He is responsible for putting any motion/proposition to the vote. His right to vote at all or to give a second or casting vote in the event of a tie are regulated by the constitution. Failing any provision he should vote against any motion where there is equality of voting because it does not reflect a majority.

The secretary

Their main duty is to record although by so doing, they do not forfeit their right to vote or otherwise initiate or participate in any motion. This duty will include the preparation of the agenda, presiding if necessary, taking notes, keeping minutes and the Minute Book.

This Minute Book should contain or have annexed to it, a copy of the constitution, an updated list of members – paid up and unpaid – and the current committee list. It is useful to buy a properly bound or loose leaf Minute Book from any reputable stationer and once the minutes of the relevant meeting have been approved, to file them in date and time order to which should be annexed any papers, the subject of any resolution passed at that meeting unless the resolution itself is clear. Many do not favour the loose leaf version because of the ability to remove the pages but since these are all numbered consecutively there should be no problem.

Another duty of the secretary is to receive and conduct correspondence including that delegated to him by the chairperson. Also he would normally send out or deliver notices of Committee Meetings. As already indicated the prime duty is to take and prepare minutes of meetings for circulation to committee members prior to their next meeting. They are then read and approved as a correct record of that meeting or corrected. Only those who were present at a meeting can approve the minutes of that meeting. The minutes should follow the same order as the agenda for the meeting in question.

The committee

Again, its size, determination of the election or re-election of its members rests upon the constitution. In short, it represents the management of the association and regulates its meetings, the policy, subscriptions to and finances of the association and all matters brought to its attention by other members of the association or third parties.

It is the equivalent of the Board of Directors of a company. Nevertheless a cautionary word is in order. The incurring of expenditure or entering into obligations or commitments on the part of members generally which do not reflect their previous sanction or approval, may result in that committee member assuming personal responsibility. This can be cured by subsequent confirmation on the part of those members and there may be expressed or implied authority to the committee which justifies the particular action taken. Common sense must prevail. If the proposal involves major policy matters or substantial expenditure it may be necessary to obtain written consents or authorities to the committee from all members. Legal protection insurance can also be sought and is very much on the increase. It is also expensive and often beyond the pockets of the association.

General Meetings

The constitution will provide for a general meeting to be held once every year – the Annual General or Ordinary Meeting. All other General Meetings are extraordinary. Again, the time and place of such meetings, the notice and contents of the agenda will be for the chair to decide in committee and the secretary to apprise each member.

Extraordinary General Meetings

The secretary must convene these either by direction of the committee or on the request of that number of members provided for in the association's constitution. Generally speaking, these meetings are rare in occurrence. They may be necessary to handle business which cannot wait for an AGM or to alter the constitution or for some special business.

Much the same procedure has to be followed as for an AGM (except the period of notice may be different).

In the case of all General Meetings the secretary's duty will be to record and keep the minutes of such meetings. They should be kept at the other end of the Minute Book so as to avoid confusion with Committee Meeting minutes.

All minutes of all meetings should be signed by the chair of the next subsequent meeting after the resolution has been passed approving those minutes as containing a correct record of that meeting. This gives all present at the earlier meeting an opportunity to see those minutes and agree them or otherwise. In the case of General Meetings, they should be signed at the next following AGM or General Meeting and not in committee.

General

The suggested procedures talked about, are somewhat formal and legalistic. In many smaller associations and committees much of the business will be carried out by the secretary or in conjunction with the chairperson without the necessity of formal Committee Meetings. Business would be conducted on the telephone or by internal notes. However, the keeping of records is extremely important not merely in the event of future contention but for the benefit of successors and the adoption of these principles and procedures have proved effective and a useful discipline in themselves.

Consideration should be given to the taking out of Legal Protection Insurance to cover directors and officers especially in the case of larger blocks. The Federation strongly recommends this.

SETTING UP AND RUNNING A RESIDENTS' ASSOCIATION

SECTION 3 **STATUTORY RECOGNITION OF RESIDENTS' ASSOCIATIONS**

Specimen Letter of Application to Landlord for Recognition



SECTION 3

SPECIMEN LETTER OF APPLICATION TO LANDLORD FOR NOTICE OF RECOGNITION OF TENANTS' ASSOCIATION



(Date).....

To

.....

.....

Dear

The

Landlord and Tenant Acts 1985 and 1987

This association hereby applies to you/your company for a formal Notice of Recognition of the association to be issued by you/your company (Section 29(1) of the Landlord & Tenant Act 1985 and Section 41 of the Landlord and Tenant Act 1987).

The association represents.....variable service charge paying flats/dwellings at.....

Yours faithfully,

Hon. secretary on behalf of the committee of TheAssociation



SETTING UP AND RUNNING A RESIDENTS' ASSOCIATION

SECTION 4 **CURRENT LIST OF PUBLICATIONS BY FPRA**



SECTION 4

CURRENT LIST OF PUBLICATIONS BY FPRA

For prices see www.fpra.org.uk. Most are free to FPRA members.

- VARIATION OF LEASES
- A GUIDE TO FORMATION, RECOGNITION AND RUNNING YOUR ASSOCIATION (Residents' associations in blocks of flats)
- SUMMARY OF RIGHTS
- INSURANCE FOR BLOCKS OF FLATS AND RESIDENTIAL MANAGEMENT COMPANIES AND SIMILAR
- FPRA GUIDE TO THE PREVENTION OF MOULD, DAMP AND CONDENSATION
- GUIDE TO TRANSFERRING ESSENTIAL DOCUMENTS WHEN CHANGING AGENTS
- TENANTS' COLLECTIVE RIGHTS TO BUY THE FREEHOLD and A TENANT'S INDIVIDUAL RIGHT TO EXTEND A LEASE
- REGULAR NEWSLETTER – annual subscription available
- Rights and Duties of Leaseholders (and Directors) – flow chart
- Enfranchisement Chart – flow chart
- Ground Rent Notice 2013 (standard form)
- Service Charges – Summaries or Rights and Obligations for England Only Summary of Tenants' Rights and Obligations – 2013 (standard form)
- Form LPE1 Leasehold Enquiries Form (standard form)
- Communal Area No-Smoking sign

SETTING UP AND RUNNING A RESIDENTS' ASSOCIATION

SECTION 5

USEFUL CONTACTS



SECTION 5

USEFUL CONTACTS

FEDERATION OF PRIVATE RESIDENTS' ASSOCIATIONS

PO Box 10271
EPPING
CM16 9DB
t: 0871 200 3324
e: info@fpra.org.uk
web: www.fpra.org.uk

Other useful contacts

LEASEHOLD ADVISORY SERVICE – LEASE

Fleetbank House
2-6 Salisbury Square
London EC4Y 8JX
t: 020 7832 2500
f: 020 7383 9849
e: info@lease-advice.org
web: www.lease-advice.org

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT (GOVERNMENT HOUSING DEPARTMENT)

3rd Floor, South West Quarter, Fry Building
2 Marsham Street
London SW1P 4DF
t: 0303 44 43702
e: ian.fuell@communities.gsi.gov.uk

ASSOCIATION OF RESIDENTIAL MANAGING AGENTS – ARMA

178 Battersea Park Rd
London SW11 4ND
t: 020 7978 2607
f: 020 7498 6153
e: info@arma.org.uk
web: www.arma.org.uk

THE ROYAL INSTITUTION OF CHARTERED SURVEYORS

RICS HQ
12 Great George Street
(Parliament Square)
London SW1P 3AD
t: +44 (0)24 7686 8555
f: +44 (0)20 7334 3811
e: contactrics@rics.org
web: www.rics.org/uk/

FIRST-TIER TRIBUNAL – FTT

Property Chamber of the First-Tier Tribunal
10 Alfred Place
London WC1E 7LR
National Helpline 0845 600 3178
t: 0207 446 7700
f: 020 7637 1250

ASSOCIATION OF RETIREMENT HOUSING MANAGERS – ARHM

c/o EAC
3rd Floor
89 Albert Embankment
London SE1 7TP
t: 020 7463 0660
e: enquiries@arhm.org
web: www.arhm.org

ASSOCIATION OF LEASEHOLD ENFRANCHISEMENT PRACTITIONERS

Woolwich House
43 George Street
Croydon
CR0 1LB
t: 0845 225 2277 (local call rates apply)
f: 0845 225 2287
e: info@alep.org.uk

SETTING UP AND RUNNING A RESIDENTS' ASSOCIATION

APPENDIX
RIGHTS AND DUTIES OF LEASEHOLDERS
(AND DIRECTORS)



RIGHTS AND DUTIES OF LEASEHOLDERS (AND DIRECTORS)

When leaseholders own shares in the company, which owns the freehold of the block of flats



