

ADDITIONAL INFORMATION BY APPLICANT

From: [REDACTED]

Sent: 21 July 2017 22:55

To: Ellie Green <Ellie.Green@Enfield.gov.uk>

Subject: Re: FW: Ponders End Smallholders Assoc, 82A Church Road, ENFIELD, EN3 4NU.

Dear Ellie Green,

Thank you for your emails dated 12th July 2017. I would like to respond to the points you raised.

My Representation

Ms Bradford will be unable to attend the hearing on 16th August 2017 but instead three other representatives will accompany me and their names are as follows;

Vivienne Nicholas

2. Winston Binns

3. Dr Vaughan Watson

Outcome of the suspension

My original application was for a maximum suspension of 3months with the following conditions attached. However based on additional information that I will be submitting I would ask the sub-committee to withdraw the clubhouse premises and gaming licenses.

The main concerns that members and I have which need addressing is with respect to insolvent trading under the Insolvency Act 2005 and its implication to the Licensing Act 2003 pursuant to the issue of a club premises permit are as follows:

- A financial plan and business strategy which demonstrates to the satisfaction of all members that Clubhouse activities could be financially sustainable and that all operational expenses will be met from the Clubhouse takings and not from plot holders fees.
- A debt recovery plan would need to be produced to satisfy all members that the Clubhouse has a viable self-contained strategy to get itself out of debt, which will not center around plot holders fees.

- All outstanding creditors and the latest bank balances should be published on a monthly basis and be displayed in a prominent place for all members to see and for any questions to be asked and answered in a timely manner. The Association is technically insolvent and does not have the financial means to repay all its debts within 21 days. Ref bank statement as at 28th April 2017 (IMG_1821[1] APRIL 2017)

- Accurate and up to date financial management information showing a positive net income regarding the clubhouse activities is produced for members to see and be allowed to ask questions and have them answered in a timely manner. This information has not been produced in over 9 years.

- All financial statements and annual returns to be brought up to date with the Financial Conduct Authority (FCA) in order to release the potential threat currently being faced by each member of being sued by PEDSA's creditors due to fiduciary neglect by the former committee. The audited financial year end statements for 2015 and 2016 are currently outstanding.

New documentation attached ref: FCA EMAIL TO SECRETARY

CANCELLATION NOTICE

[Source: Co-operative and Community Benefit Societies Act 2014 (c.14)

Part 7- Accounts, audit and annual returns

Section 84 - Power of certain societies to disapply section 83 (1)

A registered society may by resolution disapply section 83 (duty to appoint auditors) in respect of a year of account if—

(2) The resolution must be passed at a general meeting at which—

(a) less than 20% of the total votes cast are cast against the resolution,

and (b) less than 10% of the society's members for the time being entitled under its rules to vote cast their votes against the resolution

Annual Returns for 2015 not being audited 2015

as per Rules of Ponders End District and Smallholders Association]

[Source: Section V111. GENERAL MEETINGS

Ordinary General Meetings - The Annual General Meetings, at which the audited accounts shall be submitted and the officers for the ensuing year elected, and other Ordinary General Meetings shall be held at such times as the Committee or a General Meeting shall determine.]

- Members to be informed about the latest status of the FCA fine as it is my understanding that the fine of £1,900 is still outstanding. This related to the last submission of PEDSA's annual financial statements and returns for the period 2011 – 2014. New documentation attached ref: FCA DOC 1 LETTER062 and FCA DOC 2 CANCELLATION NOTICE
- We require personal guarantees from the former committee that they will be responsible for the outstanding debts incurred in particular with HMRC and the associated cost of the payroll and VAT on sale of drinks. New documentation attached ref MONIES OWING TO HMRC
- The two outstanding Brewery loans originally totaling ten thousand pounds which were not approved with the consent of the members is repaid from clubhouse takings. A county court application was made in February 2017 by Greene King and as at June 2017 the loans was still outstanding. New documentation is attached ref : GREENE KING LOAN DOC 1
- Some plot holders who are predominantly from ethnic minority backgrounds have been denied access to their own community building and have had services denied to them, despite willingly wanting to pay for having a social drink with fellow members and to use the toilet facilities. This discrimination of members by clubhouse staff and associate members must cease immediately. Members are willing to attend the hearing to give their account of what they consider to be anti-social behaviour, many of whom have been members for over 10years.

Bill Haydes