

Ponders End & District Smallholders Association Limited
VAT Registration 221-2134-30
Registered No. 7647 R Middlesex
Registered Office: Falcon Fields, Church Road, Enfield EN3 4NX
Phone: 020 8805 0215

Licensing Team
B Block North
Civic Centre
Silver Street
Enfield EN1 3XY
By e mail and Hand

Dated 21st July 2017

Dear Ms Palmer

RE: Application for Review of the Club Premise Certificate

P.E.D.S.A.

Our Ref: LN/200600378

Further to the Application to Review the Club Premise Certificate of Ponders End & District Smallholders Association Limited we hereby enclose the following documents by way of Representations to be put before the Licensing Committee:

Written Representations

Index to exhibits

Exhibits including Chronology

Witness statements of Members

Petition of Members

As you will be aware these representations are in furtherance of a review hearing scheduled to take place on 16th August 2017 at 1000 at Enfield Council Chamber before the Licensing Committee. It is intended that the following persons will be present during that hearing: Colin Corbett, Lewis Corbett, Jamie Corbett, Tracey Dawson, Linda Marsh, Maria Swords and Jenny Page. It is also our intention to seek a legal representative to assist at this hearing, the details of whom we will notify you of as soon as these are confirmed. In the absence of legal representation we shall appoint one of the above to act as spokesperson. We know not at this stage whether any other of our members wish to be present but again will advise you accordingly where possible.

We have e mailed this document to you in order to ensure the time scale is met but also intend on forwarding a hard copy of the same for your attention.

In the meantime should you require any further information from us please feel free to advise us accordingly.

Yours Sincerely

A handwritten signature in black ink that reads "L. Marsh". The signature is written in a cursive style with a small dot above the 'i' in Marsh.

Linda Marsh

Secretary, on behalf of P.E.D.S.A.

Written Representations

Review of Club Premise Certificate

Ponders End & District Smallholders Association Limited

The following are written representations on behalf of Ponders End & District Smallholders Association Limited (the Association) and they are provided because of an application for a review of our club premises certificate, made by Mr Bill Haydes. The hearing is scheduled for 16th August 2017 and it is intended that members of the Association will be present to provide any necessary information and to support the assertion that the Association should retain a club premises certificate.

It is important to state from the outset that it is the view of those responding to the application that this is the latest in a series of mischievous actions taken to undermine the proper running of the Association. These actions are made by a group of individuals who have the ambition of taking over the running of the Association. These individuals have failed to take over the Association using legitimate tactics and have resorted to numerous illegitimate and in some instances illegal actions to achieve their objectives. The applicant, Mr Haydes, is one of the group who have attempted to take over the running of the Association.

It is pointed out that Mr Haydes is no longer a member of the Association, having failed to pay his subscriptions for the year 2017 as per the rules. The application is made on the basis that he is a member of the Association. He is not.

Attached to the application is a petition showing support for the review of the club premises certificate. Mr Haydes has signed that petition. What you will note is that the signature on the application and the signature on the petition appear to differ considerably.

The grounds relied upon in the application to suspend or revoke the licence are based on the objectives of the prevention of crime and disorder and the prevention of public nuisance.

It is submitted that there is no crime and disorder or nuisance as a result of the issue of the licence, nor of the actions of the Association. It is submitted that the only crime, disorder and nuisance that has arisen in connection to the licenced premises has been perpetrated by the applicant and/or his associates, motivated by their objective to undermine the current management committee of the Association and subsequently take over that function.

The Prevention of Crime and Disorder

The applicant attempts to suggest that a serious crime is being committed through the financial management of the Association, under the Insolvency Act 1986.

The Association is an allotment society that was registered under the Industrial and Provident Societies Act 1965, now governed by the Co-operative and Community Benefit Societies Act 2014. We are registered with the FCA as a Mutual Society. The Association is not a company. It is not accepted that the Association is subject to the laws imposed upon companies by the Insolvency Act. No crime as described by the applicant can or has been committed.

For information, the Association has financial challenges, which have been exacerbated by the actions of the applicant and his associates. The applicant and/or his associates have withheld material pertinent to the Association's accounts, we believe they have carried out unauthorised interference in the management of the Association's bank accounts and have carried out the unauthorised collection of membership subscriptions, which have not been paid to the Association. It is unclear where the monies collected by the applicant and his associates has been lodged. Therefore the Association's financial position has been made all the worse by the actions of the applicant and/or his associates through loss of income.

The Prevention of public nuisance

The applicant sites a number of incidents that he claims are public nuisances as a result of the issue of the licence or that could be resolved if the licence was suspended. None of the examples given are directly related to the issue of the licence. They all relate directly to the on-going management dispute

Report to Action Fraud

The applicant reported the Association to Action Fraud alleging financial misconduct. This was investigated and PC Sammy Harrington confirmed by email that there was not a case to investigate (see attached). This allegation, lacking any merit following investigation, is an example of the mischief perpetrated by the applicant and his associates.

The applicant reports various incidents of criminal damage. This has never been substantiated and is unconnected to the issuing or otherwise of the licence review. These matters were not reported to the Association. Had it of been the Association would of taken any appropriate steps to address this.

1st January 2017 – assault of member.

It is correct that a member of the Committee was assaulted by a [REDACTED] on this day. [REDACTED] is an associate of the applicant, who attended the premises at the same time as the applicant. The applicant was supportive of [REDACTED] during the incident. [REDACTED] has published an article on the website set up by the applicant.

[REDACTED] attended the premises and was asked to leave. The premises were open for members of the Association to pay their subscriptions. [REDACTED] is not and has never been a member. He sat down in the premises and was repeatedly asked to leave, which he refused to do. He then got up and went to walk further into the premises. Members of the Association's committee, Tracey [REDACTED] and [REDACTED] blocked his path. He then proceeded to assault [REDACTED] by pushing her forcefully to the chest area, causing her to fall across a chair and table. The police were called by the Association. The assault was recorded on CCTV and as a result [REDACTED] was obliged to admit that he had assaulted [REDACTED] and was dealt with by way of a police caution. (See statement of [REDACTED], [REDACTED] refers). We are not aware of any other allegation of assault said to have occurred on this date.

15th April – member threatened and refused entry by the Association's barperson.

On this occasion Ms Monique Andrew-Vassell entered the premises. She is a past member. On 15th April she was not a member of the Association, due to non-payment of the subscription. She is an associate of the applicant. The bar person, Lewis Corbett, accommodated her request for toilet tissue, despite the fact that she was not entitled to enter the premises. She then proceeded to take up notices from tables and screw them up. She was challenged about her behaviour, but not actually asked to leave. She then proceeded to shout that Lewis Corbett could not tell her to leave. He repeatedly told her he had not. She then went outside where other associates of the applicant were waiting. They erected a placard and phoned the police. The police did attend but no action was taken. (See statement of Lewis Corbett and Maria Swords attached).

This is another example of the applicant and his associates undermining the running of the Association, in a cynical, planned and systematic manner.

23rd April 2017 – The Chairman of the Association, Mr W Binns, attended the premises and the police were called.

Mr Binns is not and was not the Chairman of the Association. His purported position as Chairman had no authority. The Chairperson of the Association was Derek Barnard who was properly elected to the position.

Mr Binns and other associates of the applicant attended the premises. Mr Colin Corbett had attended the clubhouse in his capacity as bar steward to get ready to open up. Upon his arrival, he was surrounded by the applicant's associates, including Mr Binns. Mr Corbett called the police to assist him. The Police attended and despite the applicant's assertions, no action was taken against Mr Corbett at all. (see statement of Colin Corbett attached)

General observations and the vexatious nature of the application.

No criminal conduct or nuisance has arisen as a result of the issue of a licence to the Association. The applicant and his associates have been the perpetrators of any criminal activity and nuisance caused and it has been because of his and his associates belief that they are better placed to manage the Association than the properly elected management committee.

It is with regret that the Association must identify the type of conduct suffered as a result of the applicant and his associates to properly explain the vexatious and malicious nature of the application.

By way of background, the applicant previously held the position within the Association of ground steward. He properly held that position. He and another member, who held the position of trading hut manager failed to provide proper documentation to the committee following the end of their positions. As a result it became difficult to complete the year's finances and the AGM due to be held in October 2016 was delayed. In response, a letter purporting to request a Special General Meeting was received by the committee, dated 20th October 2016. This request was not acted upon as the signatures on it could not be identified (see attached letter). There must be 5 members to requisition an SGM and it could not be ascertained that those who signed the document were even members.

It appears that a meeting was held by the applicant and his associates. The committee were not party to the meeting and the membership not properly notified. It is not clear who attended and whether all who attended were even members of the Association. The apparent outcome was that an 'interim supervisory board' was elected. The applicant is part of this board, as was Mr Binns.

On being notified of this turn of events advice was sought by the committee and it was concluded that the committee elected at the properly convened AGM 2015 were the proper committee and the self elected supervisory board had no authority at all. It does appear that the applicant now seems to accept, by his application for review of the club premises certificate, that he has no formal position within the Association and is not even a member now. If that is not the case why make the Application?

The applicant and his associates then demanded documents be handed over, claiming that they had full control of the Association (see attached letters).

The applicant and his associates have continued to make demands through hand delivered letters to committee members home addresses, demanding wage slips, books, keys etc. In addition, the Association's accountant and bookkeeper have both been contacted and demands to hand documents over made and threats of Court action made.

On 12th March a group on behalf of the applicant and his associates surrounded a member of the committee whilst she was in the trading hut and intimidated her. They took the keys from her, telling her she had no authority to be in there. The police had to be called and those who took the keys were made to return them by the Police. (Police Reference 3754)

The applicant and/or his associates have put up a notice on a member's allotment, making inappropriate comments against the management committee (see attached).

Following the self-appointment of the applicant and his associates to the so-called supervisory board, there was a further letter received in February, calling a further Special General Meeting. At this meeting, this same group purported to have been elected as the new management committee. It was not the view of the Association that this meeting or this election was in any way legitimate.

Following on from this, the committee received a letter from Enfield Council calling into question the legitimacy of the two groups. The committee provided a detailed response, including counsel's advice. In response, Enfield Council requested an arbitrator from the National Allotment Society become involved to address the issues that we faced. We complied fully with him (Mr Jeff Barber). We understand that the applicant and his associates did not. Mr Barber withdrew from the matter stating he was not in a position to assist.

On 27th April 2017 the applicant and/or his associates entered the premises demanding that members/customers leave so that they could change the locks. They attended with the police. Members of the Association challenged the legitimacy of the demands made by the applicant and/or

his associates. Having heard from those present and involved the Police required the applicant and/or his associates to leave.

In May 2017 the Association's Secretary, Linda Marsh, went to deposit monies in to the Association's bank account. She was then advised she could not access the account, as the mandate of the account had recently been changed. This is believed to have been arranged, without authorisation, by the applicant and his associates. This is still being dealt with by Barclays, the Financial Ombudsman and Action Fraud. Whilst the account was in the control of those who changed the mandate, all the Associations direct debits were cancelled, causing major inconvenience. The actions were nothing but a mischief.

The Applicant and/or his associates have, without authority, registered changes to the Associations rules with the FCA. This has caused stress and inconvenience. We are in the process of liaising with the FCA to have the rule changes reversed.

Mail from the FCA, that was addressed to the secretary of the Association, has been intercepted and ended up in the possession of the applicant and his associates. We do not know how this occurred, but has again caused stress and inconvenience.

Most worryingly, the applicant and/or his associates are reported to have taken money from plot-holders by way of annual membership subs since January 2017 (even before they were purporting to be the new committee). This is not authorised and has not been accounted for to the Association, nor to Enfield Council as far as we are aware. This matter is under investigation

On 11th June 2017 at the Association's AGM, the existing committee was, by and large, re-elected unopposed. The Committee now consists of Colin Corbett – Chairman, Linda Marsh – Secretary, Ricky Kemp, Terry Denney, Angela Powell, Maria Swords, Lewis Corbett, Tracey Dawson, Brenda Lennon and Jenny Page. Also at that meeting the membership were in agreement to us taking whatever action was necessary to resolve the position with regards to the ongoing actions of the applicant and his associates and essentially evict them. The application to review the licence came days after this meeting.

We believe that the above demonstrates that the application is clearly vexatious and malicious. Previous attempts at taking over the running of the Association by the applicant and/or his associates have failed and this is a further attempt at the same.

The Association submit that the difficulties encountered are not directly associated with the licence issued, however, the conduct of the applicant is having an adverse effect on the Association. It is feared that the applicant and his associates will continue with their conduct whether the Association

has a licence or not. The Association, however, welcomes any suggestion in how we can move forward positively and resolve the nuisance caused by the applicant and his associates.

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ITEM (1)

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"INDEX

OF

EXHIBITS"

Ponders End & District
Smallholders
Association Ltd.

RULE BOOK

Affiliated to L.A.R.G.S.

Reg. No 7647 R Middx.

1905

RULES OF THE
PONDERS END AND DISTRICT
SMALL HOLDERS ASSOCIATION LIMITED

I. NAME, OBJECTS, ETC.

1. Name - The name of the Society shall be THE PONDERS END AND DISTRICT SMALL HOLDERS ASSOCIATION, LIMITED.
2. Registered Office - The Registered Office of the Society shall be at Falcon Fields, Church Road, Ponders End in the London Borough of Enfield, Middlesex, EN3 4NY.
3. Removal of Office - In the event of any change in the situation of the registered office, notice of such change shall be sent within 14 days thereafter to the Registrar in manner and form prescribed by the Treasury Regulation.
4. Objects - The objects of the Society shall be:-
 - (1) To carry on the business of creating or promoting the creation of small holdings or allotments, and encouraging their proper cultivation, with power to acquire land from local authorities acting under the provisions of any Act for the time being in force relating to small holdings or allotments, or from any other person or body; to adapt any land so acquired for small holdings or allotments, to acquire or erect dwelling houses or other buildings, or to execute any other improvements, and to let the land, houses and buildings to members of the Society.
 - (2) To carry on the business of wholesale and retail dealers in horticultural and agricultural requirements, dairy, farm and garden produce, eggs and poultry; and any other class of goods the Committee may direct; and any other trades, industries or

profitable working of small holdings or allotments.

5. Powers - The Society shall have full power to do all things necessary or expedient for the accomplishment of its objects, including the power to deal in any way with land or buildings.

II. SHARES

6. Shares - Shares shall be transferable, but not withdrawable. They shall be of the nominal value of £1, of which 5p shall be payable on application, and the remainder in such calls as the Committee may direct.

7. Calls - Except for the purpose of making good any deficit in the rent or other charges payable by the Society in respect of land held by it, no call shall exceed 15p per share. At least three months must elapse between two consecutive calls, and at least two weeks' notice shall be given of the payment of any call.

III. MEMBERSHIP

8. Members - The Society shall consist of the persons by whom the application for registration is signed and such other persons, societies or companies, as the Committee may admit.

9. (i) Shares to be held by Members - Individual members shall hold not more than one share.

(ii) Cessation of Membership - a member shall cease to be a member in the following eventualities:

- (a) the member's death; or
- (b) the member's resignation; or
- (c) the expulsion of the member under Rule 10; or
- (d) where the member has been required to pay an annual subscription the non payment thereof for the period for 3 months after it has become due and notice duly given

(iii) Members may be required to pay an annual subscription not exceeding £10 as may be determined by members at a General Meeting.

10. Expulsion of Members - A Special General Meeting, may, by a two-thirds majority expel any member upon a charge of conduct detrimental to the Society, provided the charge has been communicated to the member at least one calendar month prior to the date of the meeting. On expulsion a member shall forthwith transfer his shares to a person nominated or approved by the Committee on payment to such member of the value of his shares, but not more in any case than the amount paid up on such shares.

11(a). Division of Profits - The payment of five per cent interest on the paid-up share capital shall be the first charge on the net profits arising from the general business of the Society under Rule 4, Sub-section (2), including the interest paid to the general account of the Society under Rule 11a, Sub-section (3). The balance of such net profits shall be allocated as follows:-

(1) At least one half to the Reserve Fund until the said fund equals the share capital, and afterwards such proportion as the Annual Meeting shall decide.

(2) Not less than five per cent to the workers employed by the Society at the time division takes place as a bonus proportionate to the wages earned by them respectively during the period to which the division relates.

(3) The remainder shall be divided amongst the members as the members shall determine at a General Meeting.

IVA. SMALL HOLDINGS AND ALLOTMENTS SEPARATE ACCOUNT

11b. Small holdings and Allotments Separate Account - A separate account shall be kept by the Society of all income and expenditure of the Society under Rule 4, Sub-section (1). The income shall be applicable as the Committee may determine for the following purposes and for no other purpose whether during the existence of the Society or on dissolution:-

(1) For payment of the expenses of managing land, houses and buildings acquired or erected under the said Rule including payment of rent, rates, taxes and other like outgoings.

(2) For payment of expenses of repairs or improvements from time to time made by the Society on such land, houses and buildings.

(3) For payment to the general account of the Society of interest at the rate of five per cent per annum or 1% above the Barclay's Bank Plce Base Lending Rate on all capital expenditure by the Society on the acquisition or adaptation of such land, houses and buildings.

(4) For recouping capital expenditure by the Society on improvement or adaptation of the land, houses and buildings within such period as is reasonable having regard to the probable duration of the improvement or work of adaptation.

(5) For forming a Special Reserve Fund not exceeding one year's annual value of the land, houses and buildings, and so that such reserve fund shall be available for any purpose authorised by this Rule but for no other purpose.

(6) For prizes for the encouragement of the proper cultivation of the land; and

(7) For the benefit of the tenants generally in such manner as the Committee may determine.

Nothing in this rule shall be deemed to prohibit an arrangement between the Society and a tenant for the repayment or rebatement of part of the rent payable by him to the Society.

Nothing in this rule shall prejudice or affect any right or remedy of any creditor of the Society.

V. LOANS AND INVESTMENTS

12. Loans - Deposits shall not be taken either from members or non-members. The Committee may obtain loans on such security and such terms of repayment as they may think fit, provided that the amount shall not exceed twice the then issued capital of the Society, and that the rate of interest shall not exceed five per cent., or (if the Barclays lending bank base rate is more than four per cent) one per cent above the Barclays Bank Plc base lending rate. Subject to the same condition as to the rate of interest, a General Meeting may authorise the Committee to obtain loans to a further amount, provided that the total amount of the loans shall not exceed five times the issued share capital.

13. Investments - The Committee may invest any funds of the Society in any security authorised by the Section 31 of Industrial & Provident Societies Act 1965.

VI. TRANSFERS

14. Committee's consent to Transfers - No transfer of shares shall be valid unless the Committee's consent has been obtained thereto, and the transfer is made in the form provided in Rule 15. A non-member to whom the shares are transferred with the Committee's consent shall thereby become a member of the Society, provided he holds a sufficient number of shares to qualify for membership in accordance with Rule 9.

15. Share Register - A share register shall be kept in which shall be recorded the name of the person to whom each share was originally allotted and the date of allotment; if the share is transferred, the name of the person to whom it is transferred and the date of transfer; and of the share if cancelled, date of cancelling.

16. Form of Transfer - Every Transfer of shares shall be in the following form, or as near thereto as is practicable:-

This instrument, made the.....day of.....
19.... between A, of....., and B, of.....

Witnesses, that in consideration of the sum of £..... paid by the said B to me, I the said A, hereby transfer to the said B, his executors, and assigns, the.....shares numbered.....now standing in my name in the books of the above-named society, to hold the said shares upon the same conditions on which I now hold the same; and that I, the said B, hereby accept the said shares, subject to the said conditions. In witness whereof we have hereto set our hands.

.....Signature of Transferor

.....Signature of Transferee

17. Fee on Transfers - A fee of £1 shall be paid to the Society on every transfer of shares.

VII. REPAYMENT OF SHARES

18. Repayment by Request - The Committee may, on the application of a member, in case of distress or removal from the district or for other good reason, repay to him a sum not exceeding the amount paid up and cancel the share.

VIII. GENERAL MEETINGS

19. 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.

20. Special General Meetings - Special General Meetings may be held at such times as the Committee or a General Meeting may determine, and shall be held upon the requisition in writing of at least five members.

21. Notice of General Meetings - At least seven days notice shall be given of every General Meeting.

22. Voting at General Meetings - At General Meetings each member shall have one vote. Members who are not tenants shall not have the right to vote on questions affecting tenant members only.

23. Quorum at General Meeting - Unless otherwise determined by a previous General Meeting, a quorum at General Meetings shall consist of five members.

24. Committee of Management - The business of the Society shall be conducted by a Committee of Management, which shall be elected at the Annual General Meeting. The General Meeting shall determine the number of members of which the Committee shall consist. The qualifications of Committee men, their order of retirement and eligibility for re-election and how casual vacancies in the Committee shall be filled. There shall be a minimum of five and a maximum of ten committee men who shall have been members of the Society for not less than two years and who shall retire and can offer themselves for re-election at each Annual General Meeting. To fill the vacancies the Committee shall nominate a sufficient number of members of the Club and a list of the names of those who retire as well as of those who are proposed to supply their places

shall be posted in the Club House seven days before such meeting. Any two members may propose any other candidate or candidates by notice in writing to the Secretary seven days at least before the meeting and the Secretary shall forthwith post the same. Every member of the club shall be entitled to vote for as many candidates as there are vacancies to be filled and no more. The candidates up to the number of vacancies who shall receive most votes shall be declared elected and in the case of two or more candidates receiving an equal number of votes there shall be a second election for the vacant position with just the two candidates standing

25. Quorum at Committee Meetings - Unless otherwise determined by a General Meeting, a quorum at Committee Meetings shall consist of three members.

26. Committee of Management of Club House - The business and management of the Club House shall be conducted by a Committee of Management subject to the provisions relating to election and otherwise as are contained in the previous sub-paragraph 24 hereof. A duly elected Committee of Management of the Club House shall have power to introduce and enforce any bye-laws relating to the Club House provided that such bye-laws are displayed in a prominent position in the Club House.

27. Special Meetings of the Committee - A Special Meeting of the Committee shall be held on the requisition in writing of at least three Committeemen.

28. Committeemen becoming Surety - Should any member of the Committee, with the consent of the Committee, become surety for any debt or liability incurred on behalf of the Society, he shall not be removed from office without his consent until such liability has ceased.

X. OFFICERS

29. Chairman - The Chairman shall be elected by the Annual General Meeting and shall hold office for one year, but shall be eligible for re-election.

30. Auditors - An Auditor, who is a qualified Auditor under Section 7 of the Friendly and Industrial and Provident Societies Act, 1968, shall be appointed each year by the Annual General Meeting.

31. Other Officers - The Committee shall appoint and may remove a Secretary and such other officers as they may deem necessary and shall determine their respective duties and remuneration.

32. Security of Officers - Every officer having charge of any of the moneys of the Society shall, before entering on his duties, give such security as the Committee shall deem sufficient.

XI. THE SEAL

33. Use of the Seal - The Seal of the Society shall be a steel engraved one, and shall not be affixed to any document without the express authorisation of the Committee, and the affixing of the seal shall be attested by the signatures of two committeemen and the Secretary.

34. Custody of the Seal - The seal shall be kept in the custody of the Secretary, or such other officer as the Committee shall direct.

XII. USE OF NAME

35. Use of Name - The registered name of the Society shall be kept painted or affixed on the outside of every office or place in which the business of the Society is carried on, in a conspicuous position, in letters easily legible, and shall be engraved in legible characters on its seal, and shall be mentioned in legible characters in all notices, advertisements, and other official publications of the Society, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of the Society, and in all bills of parcels invoices, receipts, and letters of credit of the Society.

XIII. AUDIT

36. a. There shall be appointed in each year of account a qualified auditor to audit the Society's accounts and balance sheet for that year. In this rule "qualified auditor" means a person who is a qualified auditor under Section 7 of the Friendly and Industrial and Provident Societies Act, 1968.

b. None of the following persons shall be appointed as auditor of the society:

- i. an officer or servant of the society;
- ii. a person who is a partner of or in the employment of or who employs an officer or servant of the society; or
- iii. a body corporate.

c. Save as provided in paragraph (d) of this rule every appointment of an auditor shall be made by resolution of a general meeting of the society.

d. The directors may appoint an auditor to fill any casual vacancy occurring between general meetings of the society.

e. An Auditor appointed to audit the accounts and balance sheet of the society for the preceding year of account (whether by a general meeting or by the directors) shall be re-appointed as auditor of the society for the current year of account (whether or not any resolution expressly reappointing him has been passed) unless

- i. a resolution has been passed at a General Meeting of the society appointing somebody instead of him or providing expressly that he shall not be reappointed or
- ii. he has given to the society notice in writing of his unwillingness to be reappointed or
- iii. he is not a qualified auditor or is a person mentioned in paragraph (b) of this rule or

- iv. he has ceased to act as auditor of the society by reason of incapacity.

Provided that a retiring auditor shall not be automatically reappointed if notice of an intended resolution to appoint another person in his place has been given in accordance with paragraph (f) of this rule and the resolution cannot be proceeded with because that other person is not a qualified auditor or is a person mentioned in paragraph (b) of this rule.

- f. A resolution at a General Meeting of the Society
 - i. appointing another person as auditor in place of a retiring auditor or
 - ii. providing expressly that a retiring auditor shall not be reappointed shall not be effective unless notice of the intention to move it has been given to the society not less than 28 days before the meeting at which it is to be moved. On receipt by the society of notice of such an intended resolution at the same time and in the same manner as it gives notice in accordance with these rules of the meeting at which the resolution is to be moved or, if that is not practicable, by advertisement not less than 14 days before the said meeting in a newspaper circulating in the area in which the society conducts business. Where the retiring auditor makes any representations in writing to the society with respect to the intended resolution or notifies the society that he intends to make such representations the society shall notify the members accordingly as required by Section 6 of the Friendly and Industrial and Provident Societies Act, 1968.

The auditor shall in accordance with Section 9 of the Friendly and Industrial and Provident Societies Act, 1968, make a report to the society on the accounts examined by him and on the revenue account or accounts and the balance sheet of the society for the year of account in respect of which he is appointed.

XIV. ANNUAL RETURNS and BALANCE SHEET

- 37. (a) Every year not later than the date provided for in the 1965 Act the secretary shall send to the Registrar the annual return in the form prescribed by the Chief Registrar of Friendly Societies relating to its affairs for the period required by the 1965 Act to be included in the return together with:-
 - 1. a copy of the report of the auditor on the Society's accounts for the period included in the return, and
 - ii. a copy of each balance sheet made during that

period and of the report of the auditor on that balance sheet.

The Society shall supply free of charge to every member or person interested in the funds of the Society on his application a copy of the last annual return of the society for the time being together with a copy of (the) report of the auditor on the accounts and balance sheet contained in the return.

The Society shall keep a copy of the last balance sheet for the time being together with the report made thereon by the auditor always hung up in a conspicuous place at the registered office.

XV. PROCEEDINGS ON DEATH OF A MEMBER

38. Upon a claim being made by the personal representative of a deceased member or the trustee in bankruptcy of a bankrupt member to any property in the Association belonging to the deceased or bankrupt member the Association shall transfer or pay such property to which the personal representative or trustee in bankruptcy has become entitled as the personal representative or trustee in bankruptcy may direct.

XVI. NOMINATIONS

39. (a) A member may in accordance with the Act nominate any person or persons to whom any of his property in the Association at the time of his death shall be transferred but such nomination shall only be valid to the extent of the amount for the time being provided in the Act.

(b) On receiving satisfactory proof of death of a member who has made a nomination the Committee shall, in accordance with the Act, either transfer or pay the full value of the property comprised in the nomination to the person entitled thereunder.

40. Inspection of Books - Any ten members of the Society each of whom has been a member of the Society for not less than twelve months immediately preceding the date of the application, may apply to the Registrar in the form prescribed by the Treasury Regulations to appoint an actuary or accountant to inspect the books of the Society and to report thereon pursuant to Section 47 of the Industrial and Provident Societies Act, 1965.

41. Inspection of Affairs - It shall be the right of one-tenth of the whole number of members, or if the number of members shall at any time exceed 1000, it shall be the right of 100 members, by an application in writing to the Chief Registrar, signed by them in the forms respectively prescribed by the Treasury Regulations:-

(a) To apply for the appointment of an inspector or inspectors to examine into the affairs of the Society and to report thereon.

(b) To apply for the calling of a special meeting of the Society.

XVIII. ARBITRATION

42. Arbitration - In case any dispute arises between the Society of any of its officers and any member or persons claiming on account of a member or under the rules, or, in case of any complaint against any member, application may be made to the Committee for redress, and should the Committee not bring the parties to agreement, the matter in dispute shall be submitted to the arbitration of three persons, one appointed by each of the parties concerned, and the third by the Governors of the Federation of Agricultural Co-operatives. The award of the Arbitrators shall be final, and the costs of such arbitration shall be borne by the disputing parties in such proportion as the arbitrators may determine. In this rule the word "members" includes any person aggrieved who has for not more than six months ceased to be a member.

XIX. DISSOLUTION OF THE SOCIETY

43. Dissolution of the Society - The Society may at any time be dissolved by the consent of three-fourths of the members, present or by proxy, testified by the Treasury Regulations, or by winding up in manner provided by the Industrial And Provident Societies Acts.

XX. COPIES OF RULES

44. Copies of Rules - It shall be the duty of the Committee of Management to provide the secretary with a sufficient number of copies of the rules, to enable him to deliver to any person on demand a copy of such rules on payment of a sum not exceeding ten pence and of the secretary to deliver such copies accordingly.

XXI. AMENDMENT OF RULES

45. Mode of amending Rules - The rules may be amended by resolution of a three-fourths majority of the members present or by proxy at a Special General Meeting. No amendment of rules is valid until registered.

T. N. S.
B. D. H.
J. A. Powell

Dh. Kade.
Secretary

INDUSTRIAL AND PROVIDENT SOCIETIES ACT 1965

Acknowledgment of Registration of Amendment of Rules

Register No. 7647 R

The amendment of the rules of the Ponders End and District
Small Holders Association Limited

to which this acknowledgment is attached, is this day registered
under the Industrial and Provident Societies Act 1965.

15-17 GREAT MARLBOROUGH STREET
LONDON
W1V 2AX

Date 28 February 1990

Copy kept.

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Chronology of events at P.E.D.S.A.

20/10/16 – a letter from the Applicant and/or his Associates and attaching a requisition at Appendix B requisitioning a SGM. There were no printed names and no membership/plot numbers to identify the individuals requesting a SGM. This was not acted on as it could not be ascertained who was in fact asking for it and if they had power to do so (were they even members for example?)

Notice placed up by the Applicant and/or his associates calling for a Special General Meeting on 30/10/16

Notice placed up by the Applicant and/or his associates, this time on Association headed paper, giving the outcome of the SGM, stating there to be an 'Interim Supervisory Board' now in place

Since then there have been repeated attempts to undermine the Association – see picture of associates of the Applicant at an event with placards accosting members.

13/11/16 – There is a letter to Linda Marsh (secretary) at her home address from the 'Interim Supervisory Board'.

Nov 16 – notice up setting out what rates would be charged for ploholders – note it makes no mention at all of Associate members. Requests that fees be paid to associates of the Applicant.

(As a complete aside they state plots are measured in 'Poles' – they are not it is Rods)

15/12/16 – we receive legal advice albeit on an informal basis, confirming his view that the ISB have no authority to act in the way that they were

Notice placed on a board affixed to the allotment of an associate of the Applicant amongst other places, not dated, various assertions of saving themselves and telling ploholders to pay fees to nominated ploholders

1/1/17 – Incident where a member of the committee is assaulted by an associate of the Applicant and the perpetrator received a police caution

8/1/17 – handwritten note up on a board affixed to allotment of an associate of the Applicant stating they are seeking advice into the governance and financial irregularities that have taken place and that there will be update at the end of January

Our notice goes up at the start of the new year, reminder that subs are due and how and when to pay

Our notice goes up advising that ISB have no authority to take monies from persons and if there are any difficulties to contact the committee

2/2/17 the committee receive a letter from the Applicant and/or his associates

12/2/17 a notice is put up on a board affixed to the allotment of an associate of the Applicant stating there would be an important announcement shortly

February - Notice goes up on a board affixed to the allotment of an associate of the Applicant stating there is to be another SGM on 04/03/17

March – there is an e mail from Keith Hellen of Enfield council, clearly indicating that the Applicant and/or his associates have been attempting to discuss matters pertaining to the running of the Association with the council.

08/03/17 – a notice using our headed paper stating on 04/03/17 a new committee was elected. The apparent members of this 'committee' are the Applicant and his associates

11/3/17 – members of the committee/bar staff get letters to their home addresses, on headed paper from the Applicant and/or his associates.

12/3/17 – we see for the first time a letter from the FCA affixed to a notice board affixed to the allotment of an associate of the Applicant addressed to the Secretary and giving the Associations address. The secretary and committee had never seen that document before.

12/3/17 – there is an incident where police were called involving a committee member who was in the trading hut and the Applicant and/or his associates

15/3/17 – a letter is received by the committee from Enfield Council regarding the issues faced

21/3/17 – counsel Nigel Claytons advice is received and essentially states that the legitimate committee are the pre-existing one and that a committee cannot be elected/re-elected at an SGM in any event

22/3/17 – a detailed response sent to Keith Hellen of Enfield Council

26/3/17 – notices are put up by the committee to advise members that subs are due by 31st March.

28/3/17 – letters to members of the committee/bar staff to their home addresses requesting employment contract and 2 years worth of wage slips along with validation of the hours worked from the associates of the Applicant

29/3/17 – the Applicant and/or his associates put notices up stating that members should not be intimidated into handing money over to the pre-existing committee, that we had no power to evict ploholders and advising ploholders to call the police or notify them if we ask for subs

3/4/17 – the committee place up a notice confirming we will be having our AGM on 23rd April

4/4/17 – e mail received from Matthew Watts of Enfield Council and also Jeff Barber from National Allotment Society. Basically states that Enfield Council have asked NAS to get involved in arbitration

5/4/17 – responses to both Jeff Barber and Matthew Watts are sent by the committee

7/4/17 – e mail from Jeff Barber acknowledging receipt of e mail letter and asking when members told about AGM

7/4/17 – response sent to Jeff Barber by the committee

10/4/17 – e mail from Jeff Barber acknowledging receipt of our letter to him and raising additional queries simply regarding the make-up of PEDSA

10/4/17 – information comes to light that the Applicant and/or his associates had been in contact with our accountant and the suggestion that our bank account may be compromised. There was the suggestion by the bank that there had been an attempted change of mandate which had failed and Barclays agreed to place notes on our account regarding the situation

10/4/17 – a letter dated this date sent to members of the committee from the associates of the Applicant, again using headed paper. Again this states they were elected at SGM, asserting financial mis-management etc. and enclosing rule changes made with the FCA, not done by the committee. Also alleges fraud by the committee continuing to take subs.

11/4/17 – we send e mail to Jeff Barber following his e mail of 10/4/17 setting out info requested.

12/4/17 – the Applicant and/or his associates were seen in the local branch of Barclays (where we bank) waiting to see the bank manager.

13/4/17 – e mail to Lin from Jeff Barber setting out discussions with Matthew Watts and timetable

13/4/17 – letter to Jeff Barber in response

15/4/17 – incident in the clubhouse where an associate of the Applicant enters on the pretence of requiring toilet tissue and subsequently makes accusations against the member of staff and then leaves to call the police. No action is taken by police

18/4/17 – letter sent to Jeff Barber with update

18/4/17 – the committee put notice up advising that the AGM is postponed and that NAS are involved to arbitrate

19/4/17 – letter to members of the committee/bar staff at their home address alleging failed to serve certain people and also the incident with an associate of the Applicant, also that he has allowed materials to be displayed that misrepresent the Association i.e. the notice ref AGM and requiring a response by 21st April – no response was sent

20/4/17 – we send e mail to Jeff Barber to update and asking for him to come back to us

22/4/17 – e mail from Jeff Barber simply stating that he is no longer in a position to continue with arbitration as a means of resolution and stating he will report to Enfield Council

23/4/17 – upon member of bar staff arriving at the club he is surrounded by the group at the door and has to call the police. The Applicant and/or his associates are present. He is surrounded and handed a document in letter form dated 23/4/17, essentially giving him a verbal warning (in writing!) about failing to serve people and threatening them with expulsion. Police attended but no further action taken

24/4/17 – we sent e mail to Jeff Barber expressing our disappointment at him having to pull out

25/4/17 – e mail from FCA basically saying no requirement to prove entitled to make rule changes, just need the right form signed by '3 committee men and secretary' in proper way (therefore the FCA have not 'recognised' anyone else at all and it appears there is no checks in place to ensure the person purporting to be authorised is indeed so)

27/4/17 – The Applicant and/or his associates come into the club demanding everyone leave as they are changing the locks. Police are with them. Members refuse to leave and basically refuse to entertain their suggestions. Having heard from the parties present the Applicant and /or his associates are told to leave.

8/5/17 – the secretary goes to do the banking and upon depositing monies is then told cant access balance and it appears all details altered so cant get any access of any kind

9/5/17 we receive as a result of enquiries following assertions made an e mail to confirm that de-registration with FCA does not mean cannot continue to trade, it simply removes limited liability of members

13/5/17 – an associate of the Applicant enters the club and sits herself down, she is advised very politely by bar staff that she is to leave as she is no longer a member – she is lapsed.

28/5/17 – the committee place on the noticeboard confirmation of when the AGM will be held and the nomination sheet is also placed back up for people to consider putting themselves forward

31/5/17 – whilst our stocktaker was at the club doing the stock he received communication from associates of the Applicant who were trying to secure information from him and purporting to have the authority to secure that information. He did not give them any information and latterly forwarded an e mail sent to him by associates of the Applicant.

2/6/17 – a letter is received from Matthew Watts of Enfield Council again requesting information with regards the issue of legitimacy

3/6/17 – the nomination sheet for the forthcoming election is removed from the board in the clubhouse in accordance with the rules and no further nominations accepted

3/6/17 – a poster is seen on a board affixed to the allotment of an associate of the Applicant to the effect that the AGM that is to be held is not legitimate/legal

5/6/17 – a response is sent to Matthew Watts as per his request in his letter setting out once again the committee's position and the fact that we have had formal legal advice on this point

7/6/17 – we receive response from Matthew Watts by e mail saying he will review the matter

11/6/17 – AGM – no real issues, the Applicant and his associates were present outside and one tried to come in but was told she couldn't, she was taking notes and the whole group were filming people coming in.

W/C 12/6/17 – there is a letter seen on a notice board affixed to the allotment of an associate of the Applicant that says they have paid the subs they have collected to Enfield Council for rent. Enquiries begin with Council as to whether this is the case or not

Those enquiries reveal nothing credited to our account but no response to our enquiry from Council members to confirm either way if the rent has been paid or not

23/6/17 – there is an e mail saying that there is to be a review of the club premises certificate, and the name of an associate of the Applicant is on the e mail

23/6/17 – documents are served at the clubhouse this evening concerning the club premises certificate review

6/7/17 – the committee receive a letter from Charlotte Palmer at Enfield Council stating that we need to provide evidence to confirm that we are still a qualifying club for the purposes of holding a club premises certificate under the Licensing Act 2003

17/7/17 – detailed response to Charlotte Palmer, with enclosures, hand delivered to Enfield Council offices

Historic document from the first time a report is made against the Association to Action Fraud, with PC Sammy Harrington confirming there was no investigation required

3

The Committee
Ponders End & District Smallholders Association Limited
82A Church Road,
ENFIELD,
EN3 4NU

Date: 20th October 2016

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Subject: Notification of a Special General Meeting

Dear Committee Member,

We as members of the Association have grave concerns relating to the Committee of Management ("the committee") and the affairs of the Association namely:

1. Financial mis-management of the Association causing us to be prosecuted at a FCA hearing on the 04/06/2015 for £1,500 (see **Appendix A - societies-prosecuted-2015**) and not outlining a plan to reduce the overall debt owed by the Association.
2. Fiduciary neglect of duty to exercise ordinary and reasonable care in the performance of their duties, exhibiting dis-honesty and bad faith, by not informing members at the 2015 AGM that we were prosecuted and seeking to intimidate members from seeking answers to such matters.

We therefore require a copy of a notice to be addressed to all members of the Association from the Committee, giving notice of a Special General Meeting of the Association, to be convened and held as a result of **Appendix B - Requisition of members of the Association**.

We require that the Committee provide us the items listed below at this Special General Meeting:

- a) Confirmation in writing that a full, independent audit of the Association's accounts for the accounting years 2012, 2013, 2014 and 2015 will be undertaken in the next 7 days, providing details of the independent auditors and that the resulting audit reports be provided to all members of the Association within 7 days of receipt by the Committee.
- b) Confirmation in writing that the following will be available for inspection to members (should they so wish) at the Special General Meeting and properly maintained, in respect of the accounting years 2009 to present:
 - I. All statements of the Association's bank accounts;
 - II. All records in respect to the Allotments Account, the Clubhouse Account, the Trading Hut Account and the separate Bank Account operated by Committee members for the purpose of dealing with raffles and other similar monies;
 - III. All records of the Association in respect to expenditure on wages and related tax and national insurance;
 - IV. All records of the Association in respect to rental income;
 - V. All records of the Association relating as applicable to:
 - Debtors;
 - Creditors;

COPY

Ref: SGM-Oct-2016

- VI. All records of the Association relating as applicable to:
- open days;
 - kids-days;
 - other fund raising;
- VII. All records of the Association in respect to accounting for VAT on bar income;
- VIII. All records showing the breakdown of bar income, relating as applicable to:
- the bar itself;
 - slot-machines;
 - pool table;
 - non-members charge for use of the bar;
- IX. All licenses held by the Association, relating as applicable to:
- Club Premises;
 - Gaming Permit;
 - Music Licenses for Events;
 - Television;
 - B SkyB Publican (not personal); X
 - Internet; X
- X. All records of the Association in respect to certifications held by the Association, relating as applicable to:
- Insurance
 - Health & Safety;
 - Fire Safety;
 - Risk Management;
- XI. All planning permissions held by the Association, relating as applicable to:
- Porta-cabins;
- XII. All records of the Association in respect to utility bills for the Association, relating as applicable to:
- Electricity;
 - Water;
 - Telephone;
- XIII. All records of the Association in respect to bills for the Association, relating as applicable to:
- General Repairs & Maintenance;
- XIV. All records of the Association in respect to stock taking for the Association, relating as applicable to:
- The bar;
 - The Trading Hut;

copy

We propose the following **Agenda** be discussed at the Special General Meeting:

1. Vote on the resolution to put in place an **interim supervisory board** to investigate the governance of PEDSA, that the existing committee and future committees will report into and answer to. The interim supervisory board will have the authority to access all areas and documents of PEDSA and committees will make themselves, these areas and documents accessible and available.
2. Nominate and Vote for the following positions on the **interim supervisory board**:

<i>President, Chair, Treasurer, Secretary</i> <i>Ground Steward, Trading Hut Steward, Clubhouse Steward</i>
--
3. Vote on changing the Association name to comply with statutory requirements from **Ponders End & District Smallholders Association Limited to Ponders End & District Smallholders Association.**
4. Vote on changing the Association structure to have **two sub-committees** reporting into a **Supervisory Board**. These sub-committees will be:
 - a) **Allotments and Trading Hut**
 - b) **Clubhouse**
5. Representative from the existing Committee to outline the current debts of the Association and explain why these debts were allowed to accrue.
6. Representative from the existing Committee to explain the outstanding Financial Conduct Authority (FCA) fines and present letters between the FCA and PEDSA.
7. Representative from the existing Committee to outline how the Association plan to get rid of these debts.
8. Vote on the plan to get rid of these debts.

We would strongly encourage you to respond to the above requests. A copy of this letter will be sent to the London Borough of Enfield because as our landlords they have a duty of care to know what is going on at their allotments.

Yours faithfully



On behalf of the plot-holders

Ponders End & District Smallholders Association Limited

Appendix B - Requisition of members of the Association.

The Committee
Ponders End & District Smallholders Association Limited
82A Church Road,
ENFIELD,
EN3 4NU

Date: 20th October 2016

Subject: Requisition to hold a Special General Meeting of the Ponders End & District Smallholders Association Limited

We the undersigned, being members of the Ponders End & District Smallholders Association Limited, and being together entitled to requisition a Special General Meeting pursuant to Rule VIII, 20 of the Rule Book of the Ponders End & District Smallholders Association Limited ("the Rules"), write to make such a requisition.

In accordance with Rule VIII, 21 of the Rules, at least seven days shall be given of every General Meeting, including a Special General Meeting, and otherwise, in accordance with Rule VIII, 20 of the Rules, Special General Meetings may be held at such times as the Committee may determine. Although we strongly suggest the Committee hold the Special General Meeting over the weekend of 29th / 30th October 2016, to assuage the fear and anger of many plot-holders and to demonstrate a willingness to work with all members to address and solve the pressing issues facing the Association.

Signed:

1. B. R. Fisher

2. W. B. B. B.

3. R. B. B.

4. E. B. B.

5. P. ANYODEI

COPY

④

Calling all Members

Special General Meeting

We have 'major concerns' in the affairs of the Association

Sunday October 30th 2016

in our Clubhouse

10:30am sharp

- Financial mis-management of the Association causing us to be prosecuted at a FCA hearing on the 04/06/2015 for £1,500 and not outlining a plan to reduce the overall debt owed by the Association.
- Neglect of duty to exercise ordinary and reasonable care in the performance of their duties, exhibiting dis-honesty and bad faith, by not informing members at the 2015 AGM that we were prosecuted and seeking to intimidate

Your vote is needed to make a change!
Please bring your membership card

5

**Ponders End & District Smallholders Association
Limited,**

VAT Reg 221-2134-30
Reg No. 7647 R Middlesex
82A Church Road,
ENFIELD,
EN3 4NU
Tel. 0208 805 0215

**As of 25th October 2016 the existing Committee of management
tenure at Ponders End & District Smallholders Association
Limited under its constitution rules expired due to failure to hold an
Annual General Meeting (AGM) in which new officers for 2016/2017 would
have been elected.**

Following a Special General Meeting called by members of the Ponders
End & District Smallholders Association (PEDSA) on Sunday 30th October 2016;

- (1) A resolution was passed for a vote of no confidence in the
committee of management to govern the affairs on behalf of and in the
best interest of all members.**

- (2) A resolution was passed to install an Interim Supervisory
Board of PEDSA with a clear mandate of authority as follows:**
 - (a) put in place an interim supervisory board to investigate, correct and
improve the governance of the Association for the period covering 30th
October 2016 to 30th June 2017;
 - (b) any elected committee(s) and their officers will report into and answer to
the interim supervisory board;
 - (c) the interim supervisory board will answer to the Association members;
 - (d) the interim supervisory board will have full power to do all things
necessary or expedient for the accomplishment of its objective, including
the power to deal in any way with any committee, land or buildings;
 - (e) the interim supervisory board will have the authority to access all areas
and documents of the Association and committees will make themselves, all
areas and documents accessible and available;
 - (f) the interim supervisory board will have the authority to override the due
process of rule 10 of the Association pertaining to committees for the
duration of its investigation;
 - (g) the interim supervisory board will have the authority to co-opt in advisers if
none are found within the Association;
 - (h) the interim supervisory board will not be held responsible for or liable for
the Association debts accumulated by previous or current elected
committees and their officers on behalf of the Association.

REMOVAL OF THIS NOTICE IS AN OFFENCE UNDER THE RTI ACT