

Ponders End Smallholders Association
82A Church Road
Enfield
EN3 4NU

31/07/17

Charlotte Palmer
Licensing Team
B Block North
Civic Centre
Silver Street
Enfield
EN1 3AE

**RE: Ponders End Smallholders Association, 82A Church Road, Enfield, EN3 4NU. Licensing Act 2003
– Club Premises Certificate – LN/200600378**

Dear Ms Palmer,

Thank you for your letter dated 21/07/17. Please see our responses to your queries below.

1. Arbitration – after we notified Enfield Council of the problems that we were having with a small group of individuals who were trying to disrupt and take over the running of the Association, an independent arbitrator – Jeff Barber – from the National Allotment Society was asked by Enfield Council to step in and to help bring about a resolution. At this point, we must unfortunately refute the assertion in the “Licensing Authority Representation” document that “...The National Allotment Society were apparently asked to assist but this was not welcomed or engaged with by either party” – we complied fully with all of the requests from Mr Barber, and shared with him all of the information requested. Our email chains with Mr Barber would demonstrate this (Mr Barber never raised a concern with us that we were not complying...) – he advised us (after pulling out of the process) that he had made a formal report to Enfield Council – was this not the case? Mr Barber asked us to cease all actions/activities other than those absolutely necessary to support the continued running of the Association – we adhered fully to this request – even postponing the AGM that had originally been scheduled for 23/04/17 at Mr Barber’s request. As already mentioned, once Mr Barber pulled out of the process, he stopped engaging with us, and so we are unable to advise Enfield Council on any outcomes of the arbitration. It is our intention to secure a country court judgment now to hopefully resolve the issues that we have faced from the review applicants’ group.
2. We can confirm that the club did have gaming machines in 2011 and each subsequent year. We are registered for Machine Games Duty, and our bookkeeper advises us that Machine Games Duty came into force in 2013, replacing an annual payment (“AMLD”). He has been completing our Machine Gaming Duty returns on a quarterly basis. Please see a copy of our Machine Games Duty Registration certificate (enclosed) – showing that we have held this since the duty first came into force in 2013. Payments for this are not shown specifically in the accounts, as they only became payable from year 2013. For consistency – and for ease of

allowing our members to make year-on-year comparisons between our accounts – we present the information in the same way each year – i.e. pre-dating 2013.

3. Our bookkeeper is Mr Sean Belton. His address is 7 York House, Lancaster Road, Enfield, EN2 0AZ. With regards to being required to pay and appoint an auditor, unfortunately this is another instance where our rulebook is outdated – please see point 4 below.

4. A resolution was passed at an AGM several years ago (to our knowledge, at least 10 years ago – i.e. well before the current committee or its predecessors' were elected) whereby it was agreed that the Association could not realistically afford, and therefore should not appoint, an auditor. Instead, it has been accepted that our Accountant (Mr Mandra, Vallance Lodge & Co Chartered Accountants, N17 7RN) would prepare our accounts. This situation is explained fully on the first page of the financial statements that are put before the membership for approval and sign-off at our AGM each year (see enclosed copy of this declaration from the year-end 2012 accounts) – indeed, Mr Mandra has acted as the Association's accountant for approaching 20 years now.

Put simply, the financial cost of appointing an auditor goes far beyond the financial abilities of a small allotment association such as ours. Again, in hindsight, it is regrettable that our rulebook has not been updated to accurately reflect our approach – but again, other issues have unfortunately caused significant distraction away from attending to matter such as this. Please see the later point with regards to our intention to update our rulebook as per the instances you have pointed out to us (“Club Rules must be updated to include a rule specifically relating to this membership requirement”).

5. We can confirm that we are not tied to Greene King as an alcohol supplier. The loan agreement with Greene King was to be repaid via barrelage agreement - unfortunately, due to low trading recently; we were unable to meet these terms. We are in the process of addressing this issue with Greene King
6. The committee were elected at our properly-called AGM – this took place on 11/06/17. All members of the Association had access to the nomination form – this was displayed on the wall of the clubhouse for a period in excess of 2 weeks. The form was taken down 7 days in advance of the AGM – in-line with rule 24 from the rulebook.

We can only assume that the “other group” (for want of a better phrase, and as per your terminology) did not seek to put themselves forward for nomination as they now accept that they are not members of the Association, and are therefore not eligible – to our knowledge, no attempt was made by any of the individuals in that group to put themselves up for nomination. We could speculate here that if they *had* sought to nominate themselves, this would have been an admission on their part that their so-called SGM (held off-site and not accessible to PEDSA members; only their acquaintances) was not valid (as the Counsels Advice also concluded) and that they have had no right to seek to take over the running of the Association as they have been doing for several months now.

Members of the other group did not attend the AGM, but were seen outside the clubhouse on that morning, filming attendees as they made their way inside – again, this was merely a continuation of their campaign of harassment/intimidation against PEDSA members. Only one member of the group tried to gain access to the clubhouse during the 11/06/17 AGM – Ms L Bradford. She was asked to leave the clubhouse, as she was not entitled to be there. Ms Bradford promptly left the clubhouse of her own accord it should be pointed out.

7. We can confirm that the FCA did issue a fine of £1500 – this was as a result of the Association failing to submit annual returns on time. We have sought to address this oversight and, as per the screenshot of the “Mutuals Public Register” in the “Licensing Authority Representation” document, all returns – apart from those for the years 2009 and 2016 - have now been submitted. We are in the process of working on those for 2009 and 2016. As already indicated to Enfield Council, we are aware of one instance whereby the review applicants’ group have intercepted mail from the FCA addressed to the Association’s Secretary. We are unable to say whether or not they may have intercepted other mail – i.e. warning letters from the FCA requesting our returns’.

Please be assured that we have understood, and fully intend to heed, your advice that “...the Club Rules need to be updated to reflect the requirements of the current legislation”. We would hope to be able to achieve this within the 6-week timeframe permitted as well. For reference, please note our intention to call an SGM at which we will explain the current situation, with regards to outdated rules, to our members. We will then put to them our proposals for updating and amending these accordingly - in the best interests of the Association and its members – and will ask them to vote on, and approve, these changes if they agree.

Apart from those enclosures already mentioned above, also enclosed with this covering letter are the following documents:

- Committee meeting minutes from Feb 2016, missing page(s) from 10th March 2016, and minutes from Sept 2016 to date
- Copy of page 6 of rulebook
- Counsels Advice – showing the last line of Page 3
- [Note – as requested, we will submit our 2016 accounts to you once these are finalized]
- [Note – at our yearly AGM, the financial accounts from the previous year are put before the members for approval and sign-off. As already explained, an AGM could not be held in 2016 as the year-end 2015 accounts had not been finalized (in-part, due to the withholding of record books, documentation etc by the review applicant (Mr Haydes) and one of his associates (Ms L Hector)). We were finally able to finalize the 2015 accounts, and we called an AGM for 23/04/17 – this was postponed at the request of the Arbitrator, and was then eventually held on 11/06/17 – at this meeting, the 2015 year-end accounts were signed-off.
 - Re. the minutes that were missing from the bundle we supplied recently – unfortunately we have not been able to locate these within the timeframe given to us. Previously, all minutes and related documentation was on display in the clubhouse in a folder attached to the wall – by the dartboard. When the issues with the review applicant and his associates began to escalate, individuals were seen to remove documentation from the folder, and to then leave the clubhouse with this. To remedy this, the folder is now on the wall at the opposite end of the clubhouse – an area covered by CCTV. Unfortunately the minutes from the requested AGM are among those still missing from the folder.

Finally, please permit us to submit to you our responses to the latest set of demands and accusations made by the review applicant (Mr Haydes) – these were forwarded to us by Ellie Green on 26/07/17. If Ms Green will not receive a copy of this letter, we would be very grateful if you could advise her of our responses.

Mr Haydes seems to make further claims as to the financial viability of the Association – as well as repeating some of his previous accusations. Again, we accept that the Association is not in the best of financial health, in spite of the efforts being made by the management committee to enact a turnaround plan. However, the actions of the applicant and his associates have exacerbated the problems to a great degree.

As we have already indicated here, Mr Haydes' repeated citations of "insolvent trading under the Insolvency Act" are misguided – the Insolvency Act does not apply to the Association, given that it is a Mutual Society and not a company. As such, no crime(s) as described by the applicant can or has been committed by the Association – for full details on this, please see the "Written Representations" document that we submitted back on 21/07/17. We believe – based on previous correspondence – that Enfield Council have already confirmed that the financial health of the Association is not a matter for the Licensing Authority, and will have no bearing on the hearing?

Mr Haydes then goes on to list numerous demands as to how the Association should run/function, and how it should liaise with its members. Again, please let it be noted at this point that Mr Haydes is not a member of the Association. He has no right or legitimacy to make any such demands therefore – we refute entirely Mr Haydes' attempts to apparently portray himself as a spokesperson for the members of the Association. Members of the Association are fully aware of their right to request and see information/documentation from the elected management committee – and freely exercise this right. All members have the chance to put questions to the committee – whether in writing, or verbally. They can also make representations to be discussed at upcoming committee meetings. The elected management committee have always, and will always, seek to run the Association to the best of their efforts, and for the benefit of ALL members.

This leads onto Mr Haydes' final – and perhaps, most troubling – accusation – that of racism and discrimination. Mr Haydes' assertions here are completely without grounding. The Association is a family-friendly and family-orientated community. Discrimination on the basis of gender, age, race, religion or ethnicity would not be tolerated by ANY of the Association's staff, or its members – anybody exhibiting racist or discriminatory views/opinions would be challenged immediately, and in the strongest possible terms.

As Mr Haydes (perhaps deliberately) has not cited any examples of the so-called discrimination that he refers to, we are unable to provide specific counter-evidence. However, Mr Haydes' does seem to allude to instances of non-members of the Association not being permitted to use the clubhouse. Again, please be assured that non-members ARE permitted to use the clubhouse, as guests' of members. The only requirement is that a member of the association must sign their guests in, as non-members, and must take responsibility for the actions/behaviour of their guests at all times within the premises.

The policy towards lapsed members is slightly different – as with other similar social clubs, lapsed members are not permitted into the clubhouse – even if a current member would be willing to sign

them in – unless and until they have reapplied for membership. This policy is in no way discriminatory – and in no ways is it exclusive to PEDSA. Indeed, given our shock at Mr Hayes' accusations of racism/discrimination, we have even reached out to the CIU Club (on South Street, Ponders End) to verify that this approach to lapsed members is also their approach too. They have confirmed that it is.

So perhaps it is simply the case that no members in the clubhouse on the occasion(s) that Mr Hayes' refers to were willing to sign-in the non-member individuals that he refers to – perhaps as a result of not wishing to be held accountable for their behaviour in-light of the campaign of harassment/provocation that has been escalating towards members' in recent months. Conversely, perhaps these individuals were actually lapsed members with no entitlement to use the clubhouse – without further information, we could not say for sure. But again, sadly Mr Hayes' latest accusations are just – in our view – the latest in a long-running malicious campaign to have the clubhouse shut down.

If you require any further information or clarifications from us, please let us know.

Kind regards,

A handwritten signature in black ink that reads "L. Marsh". The signature is written in a cursive style with a large, looped initial 'L'.

Linda Marsh (Secretary PEDSA, on behalf of the PEDSA members)

MACHINE GAMES DUTY REGISTRATION CERTIFICATE

[Home](#) [Cymraeg](#) [Contact HMRC](#) [Help](#)[Sign out](#)**Ponders End & District Smallholders Assc**

Machine Games Duty Registration Number: XTM00000004649

Registration certificate

The registration certificate is shown below.

Important note

The certificate may not show changes to this registration that were made in the last 24 hours.

Please note: If you want to print this information for your records, use the print facility in your browser.

Registration details

Date the Machine Games Duty certificate was issued: 26/07/2017

Machine Games Duty Registration Number: XTM00000004649

Date of registration: 01/02/2013

Name of the business: PONDERS END AND DISTRICT SMALL HOLDERS ASSOCIATION LIMITED

Type of business: Unincorporated body (e.g. clubs and societies)

Trade Class: Club

Return period end dates:

Return period end dates

31/07/2017

Business address line 1: 82 Church Road

Business address line 2: ENFIELD

Business address line 3: Middlesex

Postcode: EN3 4NU

Group details

Group registration? No

[Back](#)

E.G of DECLARATION RE: AUDITOR/ACCOUNTANT

THIS EXAMPLE = from YEAR-END 2012 ACCOUNTS
SIGNED-off BY MEMBERS AT AGM

PONDERS END & DISTRICT SMALLHOLDERS ASSOCIATION LIMITED

**ACCOUNTANTS' REPORT ON THE UNAUDITED ACCOUNTS
TO THE MEMBERS OF PONDERS END & DISTRICT SMALLHOLDERS
ASSOCIATION LIMITED FOR THE YEAR ENDED 31ST DECEMBER 2012**

In accordance with our terms of engagement, and in order to assist you to fulfil your duties under the Industrial & Provident Societies Act 1965 and the Industrial & Provident Societies Act 1968, we have compiled the financial statements of the company for the year ended 31st December 2012 which comprise the Profit and Loss Account, the Balance Sheet and the related notes from the accounting records and information and explanations you have given to us.

This report is made to the Committee, as a body, in accordance with the terms of our engagement. Our work has been undertaken so that we might compile the financial statements that we have been engaged to compile, report to the Committee that we have done so, and state those matters that we have agreed to state to them in this report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Club and the Committee, as a body, for our work or for this report.

We have carried out this engagement in accordance with technical guidance laid down by the Institute of Chartered Accountants in England & Wales and have complied with the ethical guidance laid down by the Institute relating to members undertaking the compilation of financial statements.

You have confirmed your duty to ensure that the Club kept proper accounting records and prepare financial statements that give a true and fair view under the Industrial & Provident Societies Act 1965 and the Industrial & Provident Societies Act 1968. You consider that the Club is exempt from the statutory requirement for an audit for the year. For this reason, we have not expressed any opinion on the financial statements.

UNITS 082-086
555 WHITE HART LANE
LONDON N17 7RN

Vallance Lodge
VALLANCE LODGE & CO.
CHARTERED ACCOUNTANTS

9th August 2013

Ponders End & District Smallholders Association Ltd

V.A.T Registration: 221-2134-30

Registered No: 7647 R Middlesex

Registered Office: Falcon Fields, Church Road, Enfield, EN3 4NX

Phone: 02088050215

11 February 2016

Meeting opened 20.12

1. Present A Phillips, A Powell, T Dawson, F James, C Corbett, J Corbett, R Kemp, Linda Marsh
2. Apologies D Barnard, S Carpenter, T Barker, L Shaw, G Barratt
Minutes proposed by T Dawson, seconded A Phillips of previous meeting
3. Matters Arising
No more response from B Haydes the Committee say he should be sent a letter to put a closure on the matter, so as we can all move on. L Hector should also be sent a letter.
4. Correspondence
Nil
5. New members
Nil
6. Trading hut
Open Sunday's at the moment since the New Year sales were £200 plus.
We have onions sets, Garlic -potatoes and
7. Ground Steward
Churchill plots - his family have given up four plots and kept two. The council have requested the names of all plot holders previously - this was not one. But, F James said it would be an advantage to let the council know that we have some available plots. We need to confirm availability

8. Financial report

Apart from wages payment and advice on VAT payments, there were not much to report.

9. Bar an finance

Meeting held and the new Eon pay as you go meter has been fitted, we will monitor this and work out the daily consumption. Watsons have repaired the cooler. The gas bill has been paid.

10. Entertainments

All event are around the club. New lists going on tables.

11. Any other business

L Corbett suggested a meat raffle on Thursday only. Money to McMillen.

Meeting closed 21.11

Next meeting 10.3.2016

PAGE 3 of 10th MARCH 2016

COMMITTEE MEETING - WE HAVE ADDED THE

MISSING

DETAILS, AS

REQUESTED

Entertainment

L Marsh: Birthday Parties went very well and everyone had a good time.

List of coming events are on the tables.

We would like to have a Party to celebrate the Queens Birthday, Red White and Blue, with traditional party food, and dressing up.

Culture Day 16th July

Any Other Business

F James: How many meetings must you miss to loose your place on committee?

Three

L Corbett: Some club members where asking about share certificates.

C Corbett and L Marsh will look into this.

Sadly Steve Morely (Dibber) passed and away his funeral will be at the Enfield Crematorium 10-15 am on Wednesday 15th April.

Date of next meeting:

14/04/16

Meeting closed approx. 21.15]

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Phone: 02088050215

8 September 2016

Meeting opened at 20.25

APOLOGIES: J Page, A Phillips, D Barnard, L.Shaw

Minutes from previous meeting: Proposed – T.Dawson, Seconded - G Barratt

Matters arising – police call-outs/reports

Correspondence – Nil

New member(s) – 1 – N.Yeomans

Trading hut – very slow; end of season. Orders to be in by December

Ground steward – AGM?, Rents (will not renew some plots), height restrictions – G.Deal/K.Hellen

Financial report – nil

Bar/Finance – stock take. Meeting Mr Mandra (finance) w/c 11/9

Entertainment – showday turnout better than expected

AOB – tables, fly-tipping, concerns re. committee members missing a lot of meetings in a row, updating of price list

Meeting closed 21.30

Next meeting = 13/10/16

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13 October 2016

Meeting opened at 20.25

APOLOGIES: L.Shaw, R.Kemp

Minutes from previous meeting: Proposed – J.Page, Seconded – L.Corbett

Matters arising – no contact from police. G.Deal looking into finance for height barrier

Correspondence – bills; nothing else of note

New member(s) – 3 – all passed

Trading hut – nil

Ground steward – fixed water tanks, trading hut, AGM

Financial report – discussions with Mr Mandra re. settling balances

Bar/Finance – as above

Entertainment – noticeboards - fireworks

AOB – nil

Meeting closed 21.05

Next meeting = 10/11/16

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10 November 2016

Meeting opened at 8pm

Present:

G Barratt, R Kemp, L Corbett, A Powell, L Marsh, C Corbett, D Barnard

1. Discussion about so called Interim Committee. Letter received calling for an SGM – isn't clear who sent/signed this (no names). "Interim Committee" are using their own noticeboard to make announcements and demands.
2. Mr. Vaughan Watson accused C Corbett of being a squatter for not letting them in the Clubhouse on 30/10/2016. Police Reference No 3334 (26/10/16)
3. Discussed Interim Committee for Entire meeting about the intimidation and harassment of bar staff and members of committee. Noticeboard lock cut off by Boxer – seen but no CCTV? (Police was called).
4. Entertainment – disruption of events continues

Meeting Closed 22:10

Next meeting = Dec 15th

Ponders End & District Smallholders Association Ltd

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Phone: 02088050215

15 December 2016

Meeting opened at 8pm

Present: L Marsh, T Dawson, C Corbett, L Corbett, A Powell, J Page

1. Continued discussion of the interim committee. Since last meeting, actions have continued. They are apparently setting their own prices now – ‘rates for ploholders’ notice seen. Events disrupted again - threats to D Barnard, V Ginder, J Page, M Sword, A Powell in the presence of children who became distressed by the situation. Police were called.
2. We will seek informal legal advice to try to get this sorted now
3. Entertainment - Christmas Bazaar

Meeting closed 9pm

Next meeting – 12/1/17

Ponders End & District Smallholders Association Ltd

V.A.T Registration: 221-2134-30

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Phone: 02088050215

12 January 2017

Meeting opened 8:10pm

PRESENT: L Corbett, A Powell, M Sword, D Barnard, C Corbett, F James, J Page, L Marsh, T Dawson.

1. Minutes of last meeting
 - a. Proposed by J Page and seconded by A Powell
2. Majority of meeting - our issues with the illegal committee. Emails and letters from Graham Deal Enf Council, Maria Cray Barclays, Chris Shewring – discussions over-ran, but appropriate next-steps/responses have been agreed.
3. Tracey assaulted on New Years Day – police have apparently told V.Watson to stay away now
4. More accusations from illegal committee – telling plotters to 'save themselves' and to pay them 2017 subs.
5. Our proper notices have already gone up reminding members that subs due by 31 March. Monies to be paid in clubhouse ONLY

Entertainment – members to be advised to keep reading the Posters for details of what is on

Meeting closed 9.10 pm

Next meeting will be Feb 9th

Ponders End & District Smallholders Association Ltd

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Phone: 02088050215

9 February 2017

Meeting opened at 8:20pm

APOLOGIES: R Kemp, F James

Minutes Proposed T Dawson, and Seconded by L Corbett

1. Update on current situation with illegal committee
Emails:
Maria Cray – Barclays
LBE Rent Charges
More intimidating letters received by this committee from so-called new interim committee
Hand-written notices seen on allotment noticeboard – just inside gates
2. Bar and Finance – Discussed
3. Entertainment – As posted on Notice boards.

Meeting closed at 9:40pm and Next meeting is March 9th 2017

Ponders End & District Smallholders Association Ltd

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9 March 2017

Meeting opened at 8:05pm

PRESENT: L Corbett, J Page, A Powell, F James, T Dawson, L Marsh, C Corbett

Minutes proposed by F James and seconded by J Page

Note - much of the meeting was taken up by discussions of events concerning the outside group trying to take over the running of the Association

1. Update on situation regarding the group calling themselves the "new committee".

Emails:

Celler Coller Maintenance

Keith Hellen LBE

Responses to LBE

British Gas

All emails were discussed, and responses agreed (where applicable)

2. Bar and Finance: Not doing good, due to membership not paid to legal committee.
3. Entertainment: upcoming events continue to be listed on Notice board(s)

Meeting closed 9:20pm – Date of next meeting 13 April 2017

Ponders End & District Smallholders Association Ltd

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Phone: 02088050215

Meeting 13 April 2017 opened at 8:15pm

PRESENT: A Powell, L Corbett, C Corbett, M Swords, D Barnard, F James, J Page, L Marsh, T Dawson

Update regarding illegal committee. Situation escalating – they now say they were elected at an “SGM”. Bar staff have received letters in post signed by Laurie – early March. Jenny surrounded in trading hut – keys took (retrieved by police). Bill(?) telling plotholders to call police if they are asked to pay subs in clubhouse

1. 10/4/17 Mr Mandra phoned to disclose that Laurie and Vivian demanded to see paperwork, also to see Sean at his place of work. Our letter (it was addressed to Secretary) is on Laurie’s noticeboard – how? – try to contact Royal Mail
2. 11/4/17 L Marsh and L Corbett visited Mr Mandra. 12/4/17 Laurie and Vivian had contacted the Police.
T Dawson went to Barclays.
Vivian and Laurie were in the bank.
D Barnard had a recorded delivery letter from Laurie and Vivian
3. 12/4/17 L Marsh reported to the bank that we suspect our account was tampered with.
4. Emails:
Jeff Barber Allotment Soc
Cellar Cooler
Maria Cray – Barclays
John Daffada Falcon Fields Asbestos Check
HMRC
K Hellen – we have replied
5. Notices now up – we can have AGM now that books are ready. Will be on 23rd April – membership cards must be shown – all members to be reminded of this (to avoid upset/queues!)

Meeting closed 9:55pm and Date of Next Meeting 11/05/17

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Meeting 11 May 2017

Present C Corbett, J Page, L Marsh, T Dawson, A Powell, M Swords, L Corbett

Minutes Previous meeting – Proposed by M Swords and seconded by L Corbett.

Update on Present situation with Illegal committee – note –23/04 AGM postponed so that J.Barber can try to get situation resolved. We need to let members know asap when this will take place – chase-up J.Barber on close date...

More letters sent to people's home addresses. Now being alleged that people are being refused bar service. Letters demand that we respond – agreed that we won't.

Lewis and Colin now being harassed - trying to provoke? C.Corbett surrounded outside by 'interim committee' – tried to read a letter to him and stop him opening clubhouse – police called. Lewis accused of threatening Monique – CCTV should prove otherwise. Police called out to this but told Lewis no action

Group stormed clubhouse Thurs 27th April – told customers to leave. When they refused, police left, and then other group did too – needs to stop as they are trying to make people stop using the clubhouse!!

Emails:

British Gas

Parks Bus - Expression of interest in allotment (Graham Deal) placed on an illegal website.

Maria Craig – Barclays – this week Lin has been blocked from account! Need to get back in asap and find out what is happening – will keep everyone updated

Celler Cooler

Barclays Via J Corbett

Licence Department LBE (Review Letter)

Lisa Lines – Barclays

FCA Rule Change (J Corbett)

Meeting closed at 9:55pm – Date of next meeting 8th June 2017

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V.A.T Registration: 221-2134-30

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Phone: 02088050215

Meeting 13 July 2017

Opened at 8:10pm

APOLOGIES: L Corbett, F James.

MATTERS ARISING :

Licence review – Letter from LBE received on 23rd June stating that Mr Haydes had objections (2011-2016) on several causes i.e, such as public disorder, public nuisance, crime and disorder.

Letters and notices available

He wants to suspend the club premises certificate. Matter of urgency now – we have very tight deadlines to supply all of the info/proof needed!!!

AGM passed without incident (Laurie in doorway but left when asked to) – members happy with plan we suggested for how to move forwards. Some queries re. why we are legitimate and not the outside group – members seemed shocked when we explained what has been happening. We need to keep giving out this information – people were being filmed when entering AGM

EMAILS:

Barclays – Overdraft

Charlotte Palmer (Licencing Department)

PRS Music Lic document

Sean Belton (J Corbett)

Mutual Society on Rule change (J Corbett)

Still trying to find out from Enfield Council if monies (subs) were handed over to them. hand written notice on Laurie's board saying that this is the case – but they have deliberately put a pin over the date so that we can't see when they apparently paid (where has the money been all this time...)?

ALL EMAILS CAN BE READ

TRADING HUT: Jenny said it is ticking over – getting orders and customers are friendly.

James is a new trainee bar person, he provided his CV.

New Members:

Jim Beaver – Association

Lucas Kelly – Association to Plot

Candiss – Association to Plot

Meeting ended 9:25pm – Next meeting 10th August

COPY OF PAGE 6
OF RULEBOOK

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.

14. I am instructed that the AGM, which was last held in October 2015, was not held in October 2016 because of delays in preparing accounts. The immediate consequence in terms of the appointment of officers is not absolutely clear. On the face of it, it could be argued that the appointment of the Chairman lapses because in terms he only holds office for one year (rule 29). The Auditor is to be appointed each year by the AGM (rule 30) and the (other) Committee members are to retire at each AGM (rule 24), which suggest that their appointments only last for a year, although the contrary argument (which is probably a little stronger) is that in default of holding an AGM, the appointments continue.

Validity of subsequent General Meetings

15. I am instructed that there was an attempt to convene a Special General Meeting by letter dated 20th October 2016 which was addressed to 'The Committee', and bearing five signatures purportedly from members of the Society. The Committee did not act upon this. They took the view that the Meeting had not been properly requisitioned because they could not discern the names of the members. Although I am told the Meeting went ahead and an 'interim supervisory board' was elected, this appears to have been overtaken by a further requisition for a Special General Meeting by letter dated 2nd February 2017 (not seen) bearing the names of six signatories from members whose subscriptions had not been paid (although under rule 9(ii)(d) membership of a non-subscribing member would not cease until 3 months' default and notice has been given). This led to a Meeting which took place on 4th March 2017 which apparently elected a new Committee. This is the meeting referred to in Enfield Council's letter dated 15th March 2017.
16. The position in respect of these meetings is that under the rules, it is open to at least five members to requisition a Special General Meeting (rule 20) upon giving at least seven days' notice. However, it is not open even to a properly requisitioned Special General Meeting which is quorate under the rules to appoint (new) officers or a (new) Committee. This can only be done at AGM under rules 19 and 24, although it would have been open to a SGM (or a properly constituted Committee) to determine to hold an AGM (rule 19). As far as I can see, this has not been done, so the short answer to Enfield Council's letter is probably:
- (1) That the recent SGM (even if properly requisitioned and quorate under the rules) could not appoint (new) officers or a (new) Committee; and that
 - (2) Properly interpreted, the rules do not provide for lapse in appointments otherwise than by election at an AGM.
 - (3) Which means that the officers and Committee appointed at AGM on October 2015 remain in office, and that the recent appointments have no legitimacy.

Resolution going forward

17. The big problem in resolving the present problems going forward (leaving aside the cost/benefit issue of taking further (legal) steps to obtain advice and deal with the issues) is that at the moment, the Society (a) has not been operating properly, and (b) is clearly fractured, with consequential uncertainty about who has control, and what members should do. It seems to me therefore that the main issue is not necessarily whether the recently convened SGM had any legitimacy to appoint a new Committee, but how the dispute can be resolved?
18. The rules provide a limited answer, by providing for any dispute between the Society and its officers and members to be submitted to arbitration (which is to be conducted under the Arbitration Act 1996). It may be possible, for examples, for both 'sides' to agree some form of third party alternative dispute