

Ponders End and District Smallholders Association- advice

There is a current dispute between the members of the above association. An internal dispute has led to a division between the members. The two groups are identified respectively as the 'original committee' (made by Linda Marsh and other members) and the 'new committee' (those who issued an application to review the association Club Premises Certificate).

The licensing department has contacted legal and has asked that we provide an advice as to the legitimacy of the new committee. The original committee has sought their own independent advice and their instructed barrister found that the new committee was not valid.

I spoke to Charlotte this morning and advised her that I agreed with the barrister's advice and share the view that the new committee has no legal standing.

My opinion is supported by the following facts:

- The new committee states that it was lawfully elected during a special general meeting which took place on 04 March 2017.
- However new committee members can only be elected during an AGM. During this AGM, the members must supply the year's audited account and elect new members (Rule 19). Those members should be nominated prior to the AGM taking place and during a Special General Meeting (Rule 24). Once the nomination has taken place, then the election takes place during an AGM.
- The members of the new committee are no longer members of the association as it seems that they have failed to pay their subscriptions fees which fell due on 31st January 2017. Fees must be paid within 3 months of the due date and of notice being given to them (Rule 9 (d)). I spoke with Charlotte and it seems that the relevant departments at the Council confirmed that no payments have been received from the new committee and therefore this would support the fact that their membership had ended.

The new committee has therefore failed to adhere to the Rules of the Club as the election of new members can only be done during an AGM and by existing members only. On that basis the new committee is not legitimate.

It has come to my attention that an AGM took place on 11 June 2017 and the members of the original committee were re-elected. Their re-elections were unopposed. The members of the new committee did not participate as they were no longer members.

I do not have any evidence to confirm whether the re-election of the original committee is currently valid and I have not been asked to comment on it. However I believe that this point needs to be explored as we have to be satisfied of the fact that the original committee has authority to respond to the review application at the hearing listed on 16 August 2017 in Council's chambers.

07th August 2017.