

To: The Honorary Secretary, Barbican Association

Cc: Chair, Barbican Association; Barbican Association General Council

Formal complaint under the Barbican Association Constitution and concerning the governance standards relevant to recognition as a recognised tenants' association under section 29 of the Landlord and Tenant Act 1985 and the Tenants' Associations (Provisions Relating to Recognition and Provision of Information) (England) Regulations 2018: proposed judicial review in relation to the 1 Silk Street planning decision — failure to inform residents and concerns regarding consultation, decision-making and transparency

Dear Honorary Secretary,

I am writing to make a formal complaint under clause 16.1 of the Barbican Association Constitution.

The matters raised also concern the Association's governance and matters directly relevant to the standards identified by the statutory regime governing recognition as a recognised tenants' association under section 29 of the Landlord and Tenant Act 1985 and the Tenants' Associations (Provisions Relating to Recognition and Provision of Information) (England) Regulations 2018 (SI 2018/1043), including decision-making, voting, representation of members' interests, openness and transparency.

They arise in the context of the Association's consideration of a possible judicial review following the City of London's resolution to grant planning permission for the redevelopment of 1 Silk Street, and the absence of consultation with or information to the wider body of residents whose interests the Association claims to represent.

This complaint concerns not the right of individual residents to oppose the development, but the governance of the Barbican Association and the basis on which it purports to act collectively on behalf of Barbican residents.

1. What was said on 1 July

At a right-to-light meeting on 1 July 2026, attended by only a small number of residents — perhaps around 30 people out of the many hundreds potentially affected by the 1 Silk Street redevelopment — the Chair of the Barbican Association mentioned that the BA was considering a judicial review in relation to the planning decision.

This was not a BA-wide consultation or communication about planning or proposed litigation, but an incidental disclosure at a meeting convened for a different purpose.

I asked expressly whether leaseholders, residents and BA members would be consulted before any such action was taken. The Chair said that we would be consulted, and then added words to the effect of "we always do."

I understood this to be a clear assurance that consultation would take place.

It is now 2 September, nine weeks after that meeting. Since then, I am not aware of any communication to the wider body of residents or BA members informing them that judicial review is

under consideration, explaining the implications of such action, or setting out any process or timetable for the consultation that was expressly promised.

In particular, residents have not been informed:

whether a judicial review remains under consideration;

who within the BA is considering it;

whether legal advice specifically concerning judicial review has been commissioned or received;

whether solicitors or counsel have been instructed specifically in contemplation of judicial-review proceedings;

whether any decision has been made in principle;

whether the BA itself would be a claimant or would instead support, fund or participate in proceedings brought by another organisation;

what expenditure or financial exposure would be involved; or

when and how residents will be consulted.

If the proposal has since been abandoned, residents have not been told that either.

2. The assurance of consultation matters

I am particularly concerned by the Chair's added statement that "we always do", which I understood as an assertion that the BA routinely consults residents before taking decisions of this kind.

That does not accord with my experience of the Association's decision-making. More importantly, in this particular case an express assurance of consultation was given in response to a direct question.

No such consultation has subsequently taken place.

I recognise that the Association may say that it has not yet reached a final decision and that it intends to consult residents before doing so. If that is the position, I would welcome confirmation of it.

It would not, however, explain the absence since 1 July of any communication to the wider body of residents informing them that judicial review is under consideration, the stage that consideration has reached, or the process and timetable by which the promised consultation will take place. Nor would consultation be meaningful if material decisions, expenditure or legal steps committing the Association to a particular course had already been taken before residents were consulted.

The issue is especially serious because the BA's own Constitution identifies among its aims:

"to represent the views of residents" (clause 2.1(h)); and

"to regularly consult and inform residents" (clause 2.1(i)).

Those are not incidental aspirations. They go directly to the legitimacy of an organisation which describes itself as representing Barbican residents and which acts as the recognised tenants' association for the Estate.

It is difficult to see how the BA can properly claim to "represent the views of residents" on a matter of this significance without first making any attempt to establish what those views are.

3. Residents do not necessarily have the same interests

The absence of consultation is particularly material because it cannot simply be assumed that opposition to the planning application means support for judicial review.

I opposed aspects of the 1 Silk Street development myself. Nevertheless, I do not consider a judicial review seeking to overturn or materially delay the planning decision to be in my interests.

The two positions are entirely compatible.

For residents living immediately beside a major redevelopment, there comes a point at which the consequences of prolonging uncertainty and delaying completion have to be weighed against the possible benefits of continuing to challenge the scheme.

Judicial-review proceedings could create a real risk of material delay. Litigation may itself create uncertainty for the implementation of the development and, if successful, could result in further decision-making and potentially much greater delay.

For residents, delay is not cost-free.

We already face the prospect of prolonged construction disruption. There are residents, including me, whose strong interest now lies in having the development completed as soon as reasonably possible, so that we can resume the ordinary enjoyment of our homes and neighbourhood.

There is also a wider cumulative context. The Barbican faces major redevelopment sites on opposite sides of the residential Estate, including 1 Silk Street and London Wall West. A prolonged period in which major buildings remain vacant, development is stalled and the future of the surrounding area remains unresolved is itself harmful to the neighbourhood.

There is also a foreseeable economic impact on individual homeowners. Major construction immediately adjoining residential property can affect both its marketability and its value. Extending the period of uncertainty and disruption potentially extends that economic harm.

These are legitimate resident interests. They may not be shared by everyone, but that is precisely the point: the BA cannot know the balance of residents' views without asking us.

Nor would a consultation be genuinely representative if it consisted only of hearing from residents already participating in a campaign against the development.

4. RTA governance and transparency

I appreciate that the statutory framework governing recognised tenants' associations does not necessarily require a ballot of the entire membership before every decision taken by an association.

That is not my complaint.

My concern is that the 2018 Regulations demonstrate the importance which the statutory RTA recognition regime places on proper governance. The matters identified as relevant to recognition include an association's rules regarding decision-making and voting, the extent to which its constitution takes account of the interests of all members, and the extent to which it operates openly and transparently. The statutory regime also treats irregularities in voting, decision-making, implementation or recording of decisions as relevant when considering cancellation of a certificate of recognition.

Those principles should also be read alongside the BA's own constitutional commitments to representation, consultation and information.

The Constitution provides that the Association is managed by the General Council (clause 7.1); that decisions taken electronically outside General Council meetings must be logged, recorded and formally approved (clause 7.10); that voting is governed by clause 7.11; that the quorum provisions should also be applied to decisions made outside meetings (clause 7.12); and that proceedings and votes must be recorded in minutes (clause 7.15).

Clause 9.1(l), moreover, authorises the General Council to take lawful action in furtherance of the Association's aims "as agreed by the General Council."

I therefore consider it reasonable and necessary for members to be able to establish what body or persons have been considering a judicial review, what authority they have been exercising, and what decisions have actually been taken.

I note in this context that the published minutes of the General Council meeting of 17 April 2025 record unanimous approval of £50,000 plus VAT for legal fees and expert advice "to challenge the imminent planning application" for 1 Silk Street.

I recognise that this constituted General Council authority for substantial professional expenditure in connection with the planning-application process. It is not apparent, however, that a resolution framed in those terms constituted authority for post-decision litigation, including a judicial review following the City's subsequent resolution to grant permission. I therefore ask the Association to make clear whether it regards the April 2025 resolution as extending to judicial review and, if so, on what basis, and to identify any subsequent General Council decision authorising or considering such action.

My concern is not that the General Council should be prevented from obtaining preliminary legal information necessary to enable it and residents to make an informed decision. It is that an association whose constitutional purpose is to represent residents should not first develop or materially advance a position through professional advisers and only subsequently ask residents whether that is the position they wish it to take.

Consultation should inform the Association's position, rather than being used retrospectively to endorse a position already substantially formed. Otherwise the Association risks pre-empting, rather than representing, the views of those on whose behalf it purports to act.

5. Information and action requested

I therefore ask the General Council, when considering this complaint, to:

Confirm the present position concerning any proposed judicial review relating to 1 Silk Street, including whether it remains under consideration.

Identify when the decision to consult residents was made, by whom, and provide any minute, resolution or other contemporaneous record showing the intended form and timing of that consultation.

Confirm what legal advice has been commissioned or received specifically in relation to a possible judicial review following the City's resolution to grant permission, whether solicitors or counsel have

been instructed specifically in contemplation of such proceedings, and when and by whom those instructions were authorised. I am not asking for disclosure of legally privileged advice.

Distinguish between preliminary legal advice obtained simply to inform the Association of its options and any instructions given to lawyers to investigate, prepare, advance or support a judicial review, and state when and by whom each such instruction was authorised.

Confirm whether the General Council resolution of 17 April 2025 is being relied upon as authority for judicial-review activity and, if so, explain the constitutional basis on which authority to incur expenditure “to challenge the imminent planning application” is considered to extend to post-decision litigation.

Identify which BA body or persons have considered or made decisions on this matter, including whether it has been considered by the General Council, a working party, the Steering Group or any other group.

Provide the relevant resolution, voting record, minutes or other record of decision, consistently with clauses 7.10–7.15 of the Constitution. I am not seeking disclosure of legally privileged advice, and any genuinely privileged passage may of course be redacted.

Confirm the constitutional authority and terms of reference under which any body other than the General Council has been considering or taking decisions concerning a judicial review.

Confirm how much of the £50,000 plus VAT authorised by the General Council on 17 April 2025 has been spent or committed, whether any part of that authorisation or remaining budget has been used or earmarked for advice or action concerning judicial review, and identify any further expenditure, commitment or financial authority relating to such proceedings.

Honour the assurance given on 1 July by undertaking a meaningful consultation with residents before the BA commits itself, its name or further resources to judicial-review proceedings, or to supporting proceedings brought by another body, and before material steps are taken which could in practice pre-empt or constrain that decision.

Such consultation should fairly explain both the potential benefits and the potential adverse consequences of litigation, including the possibility of delay. It should not proceed from an assumption that residents who objected to the planning application necessarily support judicial review.

6. Wider governance concern

This complaint forms part of a wider concern I have about whether the BA’s present systems of consultation, decision-making and accountability are adequate for an organisation exercising the influence and statutory recognition associated with a recognised tenants’ association.

The matter is therefore directly relevant to the current legal and governance review of Barbican resident representation. I intend to provide the reviewers with a copy of this complaint, together with the BA’s response, as evidence relevant to that review.

I would therefore ask that the Association preserve the relevant records, including minutes, resolutions, voting records, instructions, correspondence and records of expenditure relating to consideration of a judicial review concerning the 1 Silk Street decision.

I would also ask that this correspondence itself, and the General Council's consideration and determination of this complaint, are properly recorded.

Given the time-sensitive nature of judicial-review proceedings, I would be grateful for an initial response confirming the present status of the proposed action within seven days.

I also ask that this complaint be placed formally before the General Council at its meeting on 24 September 2026, in accordance with clause 16.1 of the Constitution, and that its consideration and determination be minuted.

This is not a complaint that the BA must share my view of the merits of a judicial review. It is a complaint about the process by which an organisation claiming both to represent Barbican residents and to exercise the statutory recognition and associated rights of a recognised tenants' association considers whether to take action of such consequence on their behalf.

Residents should be properly informed and meaningfully consulted before the Association commits itself, its name or its resources to such a course, and before material steps are taken which may in practice pre-empt or constrain that decision. Any decision should also be taken in accordance with the Association's own constitutional procedures and with appropriate transparency as to how and by whom it was reached.

The matters raised by this complaint also appear directly relevant to the standards which the statutory regime identifies as relevant to recognition under section 29 of the Landlord and Tenant Act 1985 and the 2018 Regulations, including the Association's arrangements for decision-making and voting, the extent to which its constitution and operation take account of the interests of all members, and the extent to which it operates openly and transparently.

They therefore reinforce my wider concern as to whether the Barbican Association, in its present constitution and mode of operation, is appropriately constituted and governed to exercise the role of a recognised tenants' association at all, rather than that of a general residents' or neighbourhood association.

I ask that this broader question of the appropriateness of the BA's continued RTA status be treated as expressly raised by this complaint, rather than the present complaint being considered solely as an issue concerning 1 Silk Street.

Yours sincerely,

Nadia Bouzidi

Speed House Leaseholder and Resident
Barbican Association member