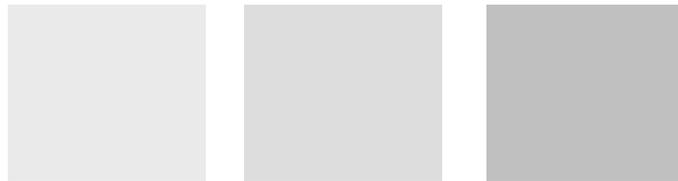




London Borough of Newham

Model Constitution for Tenants' & Residents' Associations



housing

Newham - a place where people choose to live



Introduction

This model constitution is for all Tenants' and Residents' Associations (TRAs) wanting to be recognised and registered with the council. **Recognition criteria and Guidance appendices are available in a separate document.**

Being a recognised and registered TRA means that residents can:

- Be consulted on and involved in how their homes are managed
- Get funding and support from the council
- Go to and vote at Area Tenant Liaison Committee meetings/Borough wide Committee meetings.

Before this can happen each TRA needs to have a formal constitution. Most of the clauses in this model constitution must be included in your TRA's constitution before you can register.

Areas with broken lines have spaces for you to fill in. When you hold the meeting to set up your TRA, you will need to go through the terms of the model constitution and fill in these sections to suit your needs. If you need any help with this, Newham Council's Tenant Involvement Unit or Newham Tenant and Resident Federation can help you. Any proposed constitution changes must be discussed with a member of the Tenant Involvement Unit.

At your first meeting (and subsequent Annual General Meetings) you will also elect a Committee to manage your TRA.

The Tenant Involvement Officer for your area or a Newham Tenants & Residents Federation Officer will check through the constitution to make sure all the sections have been filled in. This will include the name of your TRA and the options you have chosen in the shaded areas.

Once you have agreed the constitution, a copy will be kept by:-

The Tenant Involvement Unit
Bridge House
320 High Street
Stratford London E15 1EP.

Newham Tenant and Resident Federation
29 Barking Rd East Ham E6 1PW

The constitution will be subject to future reviews, which will be carried out in consultation with all levels of Newham's resident involvement framework. All TRAs will be informed of any alterations and provided with a copy of an amended constitution.

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Guidance appendices are contained in accompanying document

Section one: The Model Constitution

1. Name

The name of the association is

.....

The association covers the following area (please list all the streets and blocks covered by the association)

.....

.....

.....

.....

.....

2. Aims

Our association seeks to represent and to promote the interests of all the tenants and residents living in the association area. We will work for improvements to:

- Our homes
- The housing service and other services we receive
- The local environment.

To Achieve Our Aims :

- a. We will carry out any charitable activities that will benefit all tenants and residents in our association area.
- b. We will promote membership to all tenants and residents of the community.
- c. We will regularly consult and inform all tenants and residents.
- d. We will encourage provision of facilities for recreation and amenity and encourage a community spirit.
- e. We will work to further good relations with the local authority and other *Services* agencies in the area.
- f. We will be non party-political

3. General Membership

- a. Membership shall be open to all tenants and residents living in the association area. There will be a maximum of **two** members per household with voting rights, **however voting on housing revenue account issues shall be restricted to local authority tenants and Leaseholders.**¹ All residents shall on request be supplied with a copy of the constitution.
- b. All members of the association are welcome to all events and meetings organised by the association. At events and meetings, members are expected to behave in a reasonable manner. The chairperson or event organiser will have the authority to exclude from a meeting or event anyone whose language or behaviour he or she considers to be offensive.
- c. Membership will end when a member stops living in the Association area.

4. Committee Membership

- a. There must be minimum of four mandatory Committee officers namely :²
 - The Chair
 - The Vice Chair
 - The Treasurer
 - The Secretary
- b. Committee membership for these four mandatory posts is open to all-local authority tenants and Leaseholders only.
- c. In addition each association should select two voting representatives to **Area Committees**³ (**representatives can be general or Committee members**).
- d. The number of additional Committee members will be agreed by the membership of each association individually. **This will be determined by the size and needs of the association. Our Association will have Committee Members.**
- e. Because of the possible conflict of interest, Newham elected members and Housing Department staff may not be Committee officers, neither shall they represent the Association in its dealing with the Council or any other body.
- f. There will only be one Committee officer per household.⁴
- g. Only a general Meeting of the Association may carry out the election or removal of Committee officers and members of the Association. The Committee may temporarily fill any vacancy arising among the officers of the association from its other members until the next General meeting or special meeting.
- h. No Committee officer shall hold office for longer than two consecutive terms of one year.⁵
- i. Committee members who do not attend three consecutive meetings without giving apologies shall be deemed to have resigned.

¹ Please see appendix 'Local Authority Tenant and Leaseholders and the Housing Revenue Account'.

² There must be four Committee officers if however a treasurer is not required another named officer can be the fourth Committee member.

³ Statutory Area Committees currently refers to the Area Tenant Liaison Committees

⁴ In the event of two or more committee officers forming a single household, one member should resign within three months of the single household being formed, the identity of that member to be agreed amongst themselves. In the event they cannot agree amongst themselves who should resign, the association will take a decision.

⁵ Please see appendix advice on roles of Committee members.

5. Meetings

We will take steps to ensure that meetings can be accessed by the disabled.

a. Annual General Meeting

The association will hold an AGM once each calendar year, and AGMs will be no more than 15 months apart.

b. The AGM will:

- Receive an annual report from the Committee
- Receive a statement of accounts that have been audited⁶ by somebody independent of the association or a declaration of no funds.
- Receive from the Committee the audited accounts of the Association for the previous year.
- Appoint an independent assessor if the association's turnover is over £5,000 a year.⁷
- Elect officers, Committee members, area representatives and members for other external Committees.
- Vote on amendments to the constitution
- Discuss any proposals submitted to the Secretary in writing not less than seven days in advance of the meeting.
- Consider any resolution that has been put forward by members.

c. An independent observer will be invited to attend each AGM. They will confirm that the meeting was arranged and run in a way, which followed the association's constitution. The independent observer must be either:

- A council officer; or
- A representative from Newham tenant and Resident Federation.

All meetings will be widely publicised 14 days before the meeting. Relevant Council officers should also be notified.

If the Committee officers' posts cannot be filled, the remaining Committee members will decide whether to start procedures to close the association down. Alternatively the remaining committee members of the Association can continue in office to try and redevelop membership of the Association for up to six months. It is the responsibility of the Committee to help promote a new Committee or formally dissolve the association.

An AGM cannot be held unless there are at least 5 members present or 5% of the eligible membership, whichever is the greater.

Special Meeting

d. A Special General Meeting open to all members will be convened if at least five members with voting rights request this in writing to the secretary stating their reason for wanting one.

e. This could be in the form of a letter signed by at least five members with voting rights.

⁶ & ⁷ Please see Appendix Guidance Advice on handling money

- f. The secretary will ensure that the meeting is held within 28 days of receipt of written request for a special meeting and that it is widely publicised.

General (Public) Meeting

- g. There will be at least 6 general meetings of the association in any year including the AGM. If however the association hold six formal Committee meetings only four general meetings are required.
- h. If a Committee member misses 3 general meetings in a row without sending apologies, they will be deemed to have resigned from the Committee.
- i. Meetings are open to everyone living in the association area and will be public. Every member at a general meeting will have a vote (with a maximum of two per household) however only local authority Tenants and Leaseholders can vote on housing revenue account matters (HRA Account).⁸
- j. The Committee must abide by the decisions of the general meeting. At least seven days' notice will be given for a general meeting and these should be widely publicised.

Committee Meetings

- k. The main Association Committee members (e.g. secretary and chair) may need to meet separately between meetings to discuss and plan meeting arrangements and co-ordinate the TRA activities
- l. Each association will agree their own arrangements and intervals for Committee meetings and will meet as agreed necessary.

6. Conduct of business

Voting

- a. At all meetings, decisions will be taken by a simple majority of the members who are present and voting. Each member has one vote with a maximum of two votes per household.
- b. Elected Councillors of the local authority shall not be eligible for election as officers of the Association, nor shall they represent the Association in its dealing with the Council or any other body without the approval of the Committee.
- c. Proposed alterations to the constitution need a two-thirds majority of those who are present and voting at AGMs or Special meeting. Full details of proposed changes must be sent to all members at least seven days before the meeting and be discussed with the tenant involvement unit.
- d. If there is a tie in voting, the chair of the meeting will have the casting vote. Apart from this, the chair of the meeting will not vote on any resolution.
- e. Conflict of interest must be declared. Members with a conflict of interest must not then discuss or vote on the issue in question.

⁸

Please refer to Appendix 'Local Authority Tenants and Leaseholders and the Housing Revenue Account'

Minutes

- f. All voting at an AGM, general meeting, special general meeting or Committee meeting will be counted and recorded in the minutes.
- g. All formal meetings such as Committee meetings, general meetings, special general meetings and AGMs must be minuted. The minutes must be formally approved by the next Committee meeting or general meeting. These will be distributed to all attendees and interested parties.

7. Finance

- a. A simple record of income and spending must be produced each year at the AGM and all members must be able to see it if they ask to.
- b. Accounts should be independently audited on an annual basis⁹
- c. Accounts should be available for viewing by members as required.
- d. All money raised by, or for, the association must be used to further the aims of the association and for no other purpose.
- e. Account(s) must be opened in the name of the association. Cheques, transfers and other banking instruments or instructions must be signed by at least two named people ('signatories'), who must also be members of the Committee.
- f. Signatories must not be related to each other or be members of the same household.
- g. Proper records of all petty cash transactions must be kept.

8. Dissolution (ending the association)

- a. If the Committee no longer exists as no Committee member remains in post, any remaining members of the Association, Newham Tenant and Resident Federation or council officer can decide that the Association should be formally dissolved.
- b. They shall give at least fourteen days notice to all those eligible for membership, of a meeting at which the matter shall be discussed. For the sole purpose of dissolution a quorum need not apply, and the association may be dissolved by a resolution of at least two-thirds of those present.
- c. If two or fewer residents attend the meeting a Council officer in liaison with Newham Tenants and Residents Federation shall consider sending written notice of possible dissolution to all the association eligible membership. Residents will be given fourteen days to confirm their interest in the association continuing. If no responses are received the association will be deemed to have dissolved.
- d. Any council assets (including financial) the association has, but does not own, must be returned to the council if the council asks for this.
- e. Any unused grants must be returned to the grant provider.
- f. The meeting will decide what happens to any assets remaining after debts and other liabilities have been cleared. These assets must be put to charitable purposes agreed with the members of the association.

⁹ Please refer to appendix 'Guidance Advice on Handling Money' for further information

Section two: Model Code Of Conduct For Committee Members

1. The role of the Committee is to carry out the day to day business of the Association in an efficient, fair and responsive way. In taking decisions on behalf of the Association, Committee members must always be aware of their responsibilities to represent all residents of the estate/area.
2. All Committee members must comply with the Constitution and Code of Conduct at all times.
3. The Association will provide new members with the appropriate support and make them feel welcome at all times.
4. Members shall conduct themselves in a manner that will not cause offence to others. Racist, sexist or inflammatory remarks or abusive behaviour will not be tolerated. The Chair or Committee members have the right to warn a members of their behaviour. If they persist they will be asked to leave the meeting until further notice by the Chair. Within seven days the Committee must arrange a date and time to hold a meeting (which must be held within 28 days of the incident) for them to discuss the incident and make a decision on what action to take. The Committee and the expelled Committee member are both entitled to bring along independent advisors.¹⁰

Personal interest of Committee Members

5. Committee members must never use their position to seek preferential treatment for themselves, their family, or relatives. Neither should they be treated less favourably when requesting services from the Council
6. Committee members must use the agreed normal procedure for reporting repairs or making other enquiries about their property.

Relations between Committee Members and other residents

7. Committee members shall not be involved in harassment and anti-social behaviour. Action will be taken under the Code of Conduct against anyone in breach of this condition.
8. Committee members will not have access to personal and individual files of estate residents.
9. Committee members will not deal with neighbour or inter-personal disputes involving residents on the estate/area. If a Committee Member is approached by a resident and asked to take up a complaint or enquiry on their behalf, the Committee Member must refer them to the Council.

Finance

10. Committee members cannot receive any payment from the Association other than for bona fide expenses, which have been submitted to the Treasurer not less than seven days before the next Committee meeting.

Relations with Newham Council and outside bodies

11. Statements to the media or other organisations must have the approval of the Committee.
12. Correspondence sent on behalf of the Association must be signed by a Committee officer and recorded on file.

¹⁰ Further advice in Appendix, 'Guidance for Dealing with Disputes'

General

13. Committee members must never personalise issues and should be willing to recognise that everybody is entitled to express their point of view within the time allocated to the agenda item, without unduly preventing progress of discussion on the agenda at any Committee, General or Special meetings.
14. A serious breach of any of the Association's Code of Conduct may result in a Committee Member, following a majority vote of the Committee, being asked to resign. *(See also dispute guidelines appendix)*
15. The Committee will take decisions based on there being a unanimous agreement or a simple majority of those present if a vote is taken. Minority voters should always be prepared to accept the majority decision and not take such a decision as any form of personal slight or criticism.
16. All meetings **must** be held at times, which are convenient to the majority of Committee members. Every officer must try to attend meetings regularly. If a Committee Member fails to attend three consecutive meetings without giving apologies, they will be considered to have resigned. To prevent there being arguments about attendance at meetings, a record will be kept showing who was at each meeting.
17. All correspondence is the property of the association and should be made available to the current Committee

Equal Opportunities Statement

1. Our association is open to all.
2. We encourage people from different backgrounds and different experiences to be part of our association.
3. This is why we strive to make our association a place where everyone can feel welcome and safe.
4. We will take positive action to reach people that are underrepresented at our meeting
5. We will challenge any remarks or behaviour that cause offence.
6. We will do our best to overcome any obstacles, which prevents people giving their view or getting involved in our association.

The Constitution, Code of Conduct for Committee Members and Equal Opportunities Statement has been adopted at a public meeting of the Association.

Held at _____

On _____

Signed _____(Chair)

Signed _____(Secretary)

Signed _____(London Borough of Newham)