

Model LB Hackney Tenants' & Residents' Association (TRA) Constitution

Introduction

This is a model constitution for all tenants' and residents' associations (TRAs) wishing to be formally registered with Hackney Council for consultation purposes under section 105 of the 1985 Housing Act.

Each TRA is run by residents who come together as unpaid volunteers to promote improvements on their estate or block. The model constitution is here to help groups define the rules for running their association. It helps to:

- Clarify the agreed aims of the TRA
- Define responsibilities and ensure accountability
- Ensure that the TRA is inclusive and open to all residents in the defined area
- Set out how decisions are made and ways to resolve disputes
- Outline financial responsibilities
- Explain how a TRA would be dissolved should the need arise

Before applying for registration with the Council each TRA needs to adopt a constitution based around this model. Most of the clauses in the model constitution are essential for registration and must be included. Those in italics are optional and can be included at the discretion of the TRA to reflect its own aims and circumstances.

Some TRAs may wish to add other information not currently in the model constitution to better allow their group to meet its objectives and reflect local circumstances. Where this is the case, these need to be discussed with your Resident Participation and Inclusion Officer (RPIO) so that the Council understands why they are being proposed. If we do not consider the proposed amendments to be reasonable, we may not be able to register your group. If the RPIO and a group cannot agree on a way forward, the matter can be referred to the Head of Resident Participation, TMOs and Communities for a final decision.

At the meeting where your TRA is set up, you will need to go through the constitution and agree to it and record this in the minutes of the meeting. Once the constitution is adopted, the TRA is bound by it and this includes the quorum i.e. the number of members required at a meeting before it can take place and make decisions. Copies of the TRA constitution should be available to all housing residents in its defined area.

Tenants' and Residents' Association Model Constitution

1. Name

a. *The name of the Tenant & Residents Association is:*

.....

b. *The Association will represent members in the area (please state the estate name, block or street names, covered by the association)*

.....

2. Aims

2.1 The aims of the Association are:

- a. To promote the interests of all residents of the designated area in relation to the housing services and amenities provided by their landlord (London Borough of Hackney) and to raise issues affecting residents' quality of life;
- b. To act in an open, inclusive and transparent manner at all times, and to regularly consult and inform all members;
- c. To promote and represent all residents' rights and needs in relation to the maintenance and improvement of housing conditions, amenities and the local environment;
- d. *To have the power to join any body whose objectives may be of benefit to its membership;*
- e. To be non-political;
- f. To ensure financial viability and the long-term future of the group by being efficient and effective with sound and proper financial controls;
- g. *To promote social, welfare and recreational activities for the benefit of the community; and.*
- h. *To promote involvement in association activities by all residents in the designated area.*

3. Membership

3.1 All tenants and residents who are 16 years and older living within the boundaries of the TRA defined area, including all tenants, leaseholders, sub-tenants of leaseholders, shared owners and freeholders, will be designated as members of the TRA and be eligible to attend and vote at its open meetings.

3.2 Membership will end when a member stops living in the Association's area. If this person is an elected officer of the TRA, their post will become vacant and an election for the newly vacated post must take place at the next general meeting of the TRA.

- 3.3 The Association will provide members who attend meetings with information about the role of the TRA and how it works, and make them feel welcome at all times.
- 3.4 A copy of the constitution and code of conduct will be available to all members of the Association on request.
- 3.5 All TRA members are expected to act in accordance with the TRA's code of conduct, and action will be taken in line with the code when there is a breach.

4. The TRA Committee

- 4.1 The TRA will elect a Committee to oversee the activities, finances and membership of the Association. The Committee is responsible for managing the affairs of the Association including taking decisions around the running of the Association, its finances, ensuring it is meeting its aims and objectives, and its governance responsibilities. The Committee should consult with members to enable them to make decisions on matters relating to, or affecting, the area.
- 4.2 The Committee will include 4 TRA Officers: a Chair, Vice-Chair, Secretary and Treasurer, as well as any other ordinary Committee members. The size of the committee should be *no fewer than 4 and no more than 15 members*.
- 4.3 There will only be one Committee Officer per household. In view of the potential conflict of interest, Hackney councillors and Hackney Housing Service staff are not eligible to be Officers of the Association.
- 4.4 *The Committee, may, when deemed to be of benefit to the Association, co-opt up to three non voting people not living in the Association catchment area, and whose skills or experience would be of value to the committee in carrying out its functions. They can be voted onto the committee at the subsequent AGM.*
- 4.5 Removal of Officers or committee members can only be carried out by a majority vote at an AGM or a special general meeting called specifically for that purpose.
- 4.6 Any vacancy on the Committee may be filled by co-opting members with full voting rights until the next general meeting or AGM. At this meeting, a replacement Officer should be democratically elected from within the membership of the TRA.
- 4.7 The Chair, or in their absence, the Vice-Chair, will preside over meetings. In the absence of the Vice-Chair, members in attendance will elect a committee member to act as Chair for the duration of the meeting.
- 4.8 Minutes of all committee meetings shall be available to all Committee and TRA members.

- 4.9 The Committee will have the power to delegate business to sub-committees, for example to run a community garden on their estate. These can be chaired by any Committee member.
- 4.10 Any Officer or committee member who does not attend three consecutive committee meetings without giving a reasonable explanation/ apologies shall be deemed to have resigned.
- 4.11 The Committee shall stand down at each AGM and will need to be re-elected.

5. Sub-Committees

- 5.1 The Committee may appoint subcommittees to carry out specific activities of the Association. The Committee shall agree in advance the terms of reference of any sub-committee.
- 5.2 All sub-committees shall keep proper accounts of income and expenditure, and a proper record of all meetings, and shall report on them or deliver them up as required by the Committee.
- 5.3 The TRA Committee may dissolve any sub-committee at a General Meeting whereupon the accounts, records and assets, financial and otherwise of the sub-committee shall pass into the hands of the TRA Committee.
- 5.4 Where any sub-committee is to continue in existence beyond the Annual General Meeting following its appointment, its members shall submit themselves for re-election at that meeting and annually thereafter.

6. Meetings

6.1 Annual General Meetings (AGMs)

1. The TRA will hold an Annual General Meeting (AGM) once each calendar year and not more than **15 months** shall pass between the date of one AGM and the next (unless written permission is given by the Council).
2. The purpose of the AGM is to give feedback to the wider membership on the TRA's activities over the last 12 months, agree the TRA accounts, and elect a new Committee.
3. Notice for the AGM will be issued to all members not less than **21 days** before the meeting. Meetings will be open to all eligible members of the TRA and records of attendance should be kept to show active membership.
4. The AGM shall:
 - a. Receive an annual report from the Committee (or Chair);
 - b. Receive a statement of audited accounts from the Treasurer;
 - c. Elect Committee Officers (chair, vice chair, treasurer, secretary);

- d. Elect any other committee members; and
 - e. Vote on recommendations and any previously advertised amendments to the Constitution (details on changes to the constitution can be found in section 10).
5. Any member may stand for a Committee position at the AGM. They can nominate themselves or be nominated by another member. In order for the nomination to stand, it must be seconded by another member.
 6. Every member of the TRA present will have a vote (*alternative voting systems may be used, such as one vote per household*).
 7. Quorum for the AGM will be _____
(AGMs must be quorate according to the following table)

No. of homes covered by the TRA	Quorum needed for AGM and registration
Up to 60 homes	6
60–120 homes	8
120–220 homes	10
220–320 homes	12
320 homes–420 homes	14
420 homes+	15

8. The Equality and Diversity Statement and Safeguarding Statement will be monitored and reviewed every three years at an AGM.
9. The AGM must be moderated by an Independent Observer who must be one of the following:
 - a. Hackney Council Housing Officer
 - b. Resident Participation Officer
 - c. Local Councillor
10. The Independent Observer shall confirm that the meeting was arranged and conducted in accordance with the Association’s constitution.

6.2 General Meetings

1. There shall be at least four General Meetings of the Association each year, including the AGM. [NB any ETRA meetings (see section 6.3) are classed as General Meetings].
2. All General Meetings shall be open to any member of the TRA wishing to attend. All residents should be encouraged to attend TRA meetings.
3. The TRA will publicise all General Meetings at least **14 days** in advance of the date of the meeting.
4. Decisions of the General Meeting will be made by a simple majority of votes, and will be binding on the Committee.
5. Minutes of meetings will be submitted for approval to the next General Meeting.
6. In order to hold meetings and make decisions officially, General Meetings, including AGMs and ETRA meetings, of the Association must be quorate. The quorum for all General Meetings shall be a minimum of *[number to be agreed]*.
7. TRA members, including committee members, will keep a register of attendance at all General Meetings, with a signed attendance sheet used.

6.3 Enhanced Tenants and Residents Association Meetings (ETRA)

1. TRAs registered with LB Hackney are able to hold up to four Enhanced Tenants and Residents Association (ETRA) meetings per year. The purpose of these meetings is to raise estate-wide housing issues and any other matters of concern to residents with a Housing Officer and to get updates on any previous issues raised. These can be General Meetings designated as ETRA meetings, or meetings held in addition to the TRA's ordinary General Meetings.
2. Actions agreed at this meeting will be recorded and followed up by the Housing Officer, with follow up reported at the next scheduled ETRA meeting.

6.4 Special General Meetings

1. A Special General Meeting open to all members will be called by the Secretary at the request of a majority of other Committee members, or on receiving a written request by at least ten members of the TRA who must outline the reasons for their request.
2. The Secretary will give a minimum of **seven** days notice of a Special General Meeting taking place. This meeting will be held within **21** days of the receiving the request.

6.5 Committee Meetings

1. Committee meetings may be called at the request of the Chair or Secretary, or at the request of a majority of committee members. At least **seven** days notice must be given to committee members.
2. *All committee meetings are open to all Members as observers.* [Some TRA Committees reserve the right to hold confidential meetings just for committee members where confidential matters need to be discussed, but are required to invite an independent person where this is the case]
3. The quorum for committee meetings will be four or 40 per cent (whichever is the greater) of Committee members.

7. Minutes

- 7.1 All formal meetings of the Association must be minuted, including Committee Meetings, General Meetings, AGMs, Special General Meetings, and the minutes formally approved by the next meeting (committee or general).

8. Finance

- 8.1 All money raised by or on behalf of the TRA is to be used only to further the aims of the TRA detailed in Clause 2.
- 8.2 The Treasurer shall open a bank account in the name of the TRA and keep records of the Association's income and expenditure, including use of petty cash.
- 8.3 Cheque signatories will be nominated by the Committee (one must be the Treasurer). There shall be a minimum of three signatories. These will not be from the same household.
- 8.4 All cheques and instructions to the TRA's bankers require two of the agreed signatures, one of whom must be the Treasurer.
- 8.5 Where the TRA has online banking, two of the signatories will approve any spend or money transfer, and a record of this will be kept.
- 8.6 Accounts should be independently audited or verified by the Housing Services Resident Participation Team.
- 8.7 The Treasurer should present quarterly financial updates/ reports to the Committee.
- 8.8 A record of income and expenditure must be produced each year at the AGM and be made available to members on request.

9. Code of Conduct

9.1 TRA members should abide by the Code of Conduct adopted by the TRA (see **Appendix 1**).

10. Changes to the Constitution

10.1 The Constitution can only be altered at an Annual General Meeting or at a General Meeting called for that purpose.

10.2 Where a change is requested, the Secretary will circulate the new wording (amendment) together with the old wording at least seven days prior to the meeting at which the alteration is to be discussed.

10.3 Any alterations or changes to the Constitution must be agreed by two-thirds of the members present at the meeting.

11. Dissolution

11.1 The TRA may only be dissolved at a Special General Meeting called for that purpose and must be advertised 21 days before the meeting.

11.2 For the purposes of the dissolution special general meeting, the Quorum shall not apply and the TRA may be dissolved by a simple majority of those present at the meeting.

11.3 Use of any assets (e.g. funds or equipment) remaining after the payment of all debts and liabilities shall be discussed at the Dissolution Meeting. Decisions can be determined by a simple majority of those present.

11.4 Any monies or assets provided or donated by the London Borough of Hackney must be returned to the Council if the Council so wishes.

To be signed by TRA Committee officers:

Name	Position	Signature	Date

Review date:

Next review date:

(Good practice is to review the Constitution, Code of Conduct and other policies every year at an AGM even if no change is needed. We recommend you work towards reviewing these documents annually with a maximum of three years in between reviews.)

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Appendix 1 – Association Code of Conduct

This Code of Conduct sets out the standards of behaviour expected of all residents who take part in any activities or meetings run by the TRA or participate in its management. The Code aims to ensure that all involved residents observe the highest standards of propriety and act in the best interests of residents and the TRA.

1. Personal Conduct

Members agree to demonstrate good manners, to gain and maintain the respect and trust of all those with whom they work. They should:

- 1.1 Respect differences in background and ability and act fairly in ways that do not discriminate against anyone, actively listening to the views of others.
- 1.2 Not use abusive, offensive, or bad language or make defamatory or insulting comments.
- 1.3 Conduct themselves in a way that does not cause offence to others, or limit in any way the ability of other members to participate. This includes any action or micro-aggression that discriminates against residents based on race or ethnicity; gender; age; religion or belief; sexual orientation or disability; and including any behaviour that intimidates people who are speaking or wish to participate at meetings.
- 1.4 Not promote individual political or religious views.
- 1.5 Show courtesy to all Council staff, councillors, contractors, statutory or voluntary agency representatives and residents of Hackney Council.
- 1.6 Ensure that confidentiality is always maintained, whether in relation to matters of a personal or sensitive nature, or any information that is shared in confidence by London Borough of Hackney.
- 1.7 Refrain from seeking preferential treatment by virtue of their group membership and use the usual procedures for reporting repairs or making other enquiries about their property.
- 1.8 Declare any potential conflicts of interest (e.g. personal relationships, employment, involvement with other groups, business interests) that may compromise their position as a TRA member.
- 1.9 Exercise fairness and impartiality when dealing with all consultants, suppliers, contractors, and sub-contractors. No special favour should be shown to any business which you or your family or friends have some personal or professional connection to. If there is such a connection, you should declare this (as per 1.8 above).

- 1.10 **Data Protection:** Personal information about residents is strictly confidential and may only be released with the consent of the individual concerned. The same rules apply to confidential and commercially sensitive business information and discussions leading to the development of policy. These should not be distributed by you unless explicit consent to this has been given. Any evidence of the sharing of personal or sensitive business information without authorisation may result in suspension or banning from involvement activities.

2. Meetings

In addition to the personal conduct rules above, attendees are expected to:

- 2.1 *Arrive punctually to enable meetings to start promptly.*
- 2.2 *Leave any personal issues to discuss outside of the meeting.*
- 2.3 *Refrain from recording meetings on mobile devices unless permission has been sought from all those present.*
- 2.4 *Work with other members constructively to arrive at the best possible solution.*
- 2.5 *Accept collective responsibility for the decisions taken at a meeting.*
- 2.6 *Be bound by regular meeting etiquette, such as:*
 - 2.6.1 *Switch off mobile phones or put them on silent mode during the meeting.*
 - 2.6.2 *Do not interrupt when another member is speaking.*
 - 2.6.3 *Accept other members' right to speak and accept that different points of view are valuable to good decision making.*
 - 2.6.4 *Cooperate with the Chair by keeping to the agenda and the time allocated for the meeting/ agenda items.*
 - 2.6.5 *Accept that the Chair's decision is final.*
 - 2.6.6 *Keep contributions brief and to the point.*

3. Chairing Code

- 3.1 *The Chair should demonstrate a minimum level of chairing competency or be willing to undertake training on chairing skills.*
- 3.2 *Lead the group to set and achieve its aims.*

- 3.3 *Encourage all to participate and ensure everyone has the opportunity to offer views and ask questions.*
- 3.4 *Sum up at the end of each discussion / agenda item and ensure all actions and recommendations are captured.*
- 3.5 *Manage the agenda and timing of meetings.*
- 3.6 *If there is a 'deadlock' or stalemate situation, the Chair will cast the deciding vote .[Alternatively TRAs can decide that the Chair has one vote only. This means that in the event of tied vote, the motion will be taken as defeated as the chair does not have a casting vote].*

4. Breaches of this Code of Conduct

- 4.1 Within a meeting, following a breach of the Code of Conduct, the Chair will follow these steps:
 - 4.1.1 Remind the individual of the existence and terms of the Code of Conduct.
 - 4.1.2 A repeated disruption can lead to a five-minute time out for the individual at the discretion of the Chair, or a formal warning that the member will be asked to leave the meeting if the behaviour recurs.
 - 4.1.3 If the Chair does not abide by the Code of Conduct, a committee member can warn that the Chair will be asked to leave the meeting if the behaviour recurs.

Serious and persistent breaches

- 4.2 Any alleged serious or persistent breaches of the Code of Conduct by TRA members will be treated as misconduct and subject to further investigation in the following manner:
 - 4.2.1 The Chair will write to the resident / committee member detailing the allegations of their misconduct within 28 days of the breach, and send copies of the letter to other members of the committee.
 - 4.2.2 The Chair and other Committee Officers will consider a suitable course of action, which may include a formal investigation or a hearing by a conduct panel composed of at least three committee members, including the Chair. If the panel upholds the allegation(s) made, the following sanctions may be applied:
 - 4.2.3 A time-specific suspension of their involvement in a group or meeting(s);

4.2.4 A time-specific suspension of their participation in all TRA involvement activities;

4.2.5 A permanent ban from a group or meeting; or

4.2.6 A permanent ban from all TRA involvement activities.

4.3 If an allegation of misconduct is made against the Chair of the TRA, the above procedure will apply but the Vice-Chair will take the appropriate action.

4.4 All registered TRAs can request support and advice from the Resident Participation Team when dealing with a formal investigation.

4.5 Appeals

4.6 Any TRA suspension or ban may be appealed by the resident[s] receiving the sanction. An appeal must be made in writing within 28 days of being suspended/ banned and be considered by a full meeting of the Committee (or a general meeting) within 21 days of the request.

4.7 Where TRAs are unable to come to an agreed view on the sanctions to be imposed, the matter can be referred to the Resident Participation Team for advice and guidance.