

## **TENANTS PANEL CONSTITUTION**

This is the constitution of Tendring District Council's Tenants Panel and its associated sub groups or steering panels. Use of the word tenant in this constitution refers to all council tenants and council leaseholders owning a property in the Tendring District. This constitution should be read in conjunction with the Code of Conduct for Members of the Tenants Panel.

### **1.0 Purpose of the Constitution**

The purpose of the constitution is to set out how the Tenants Panel will operate, how its decisions will be made and to make sure that these decisions are representative, efficient and accountable.

### **2.0 Aims of the Tenants Panel**

The Panel acts as a voluntary and independent voice to represent the interests of all Tendring District Council tenants and leaseholders.

The aims of the Panel shall be to:

- To provide comments and direction on a range of issues relating to the Council's housing policies and the management and maintenance of its properties.
- To work, without prejudice, with the Council as landlord, for the benefit of all tenants and leaseholders
- To ensure that the housing services provided by Tendring District Council are accountable and transparent to its tenants
- To embed the priorities of tenants in the organisations approach to performance management and service improvement resulting in better services
- To ensure that there is a customer focused commitment to service delivery
- To act as a mechanism for providing feedback of tenants and leaseholders views to the Housing Portfolio Holder and Life Opportunities (Housing) and to central Government and other national agencies such as the Homes and Community Agency
- To be non political and to abide by its Equal Opportunities Statement
- To challenge, where appropriate, decisions made by the Council with the objective of improving housing services.

### **3. Role of the Tenants Panel**

To achieve its stated aims, it will be the role of the Tenants Panel to

- Represent and promote tenant opinion and ensure that this becomes central to the delivery of all housing services.
- Participate in the management of housing services for and on behalf of all tenants in the district

- Influence practices and policies that govern housing management in the district
- Ensure compliance with the national regulatory framework.
- To act as a scrutiny mechanism and structure to enhance accountability and ensure compliance with regulatory requirements as a means of driving service improvements.
- Maintain effective partnership working with officers who manage housing services, as well as the Housing Portfolio Holder, and communicate effectively and positively with elected members of the Council.
- Work in partnership with the Council to develop and implement opportunities for tenant involvement.
- To receive and respond to reports and information submitted to it by the Council relating to service provision.
- Make recommendations to the relevant Corporate Director on operational issues
- Make recommendations to elected Members on strategic, consultation and policy matters
- Contribute to the setting of performance targets and the monitoring of progress against these
- Review and scrutinise the effectiveness of all aspects of the housing services provided
- Consider and making recommendations on the findings of consultations carried out by Operational Services (Housing)
- Form or join sub groups that will have a more detailed involvement in specific housing issues, such as scrutinising performance, anti social behaviour, tenant involvement, planned maintenance / improvement and rent accounting and arrears
- Participate in training to promote greater understanding of housing and related matters
- Ensure information is tailored to tenants' needs
- To overview the operation of the complaints procedure to ensure that lessons are learnt from complaints where applicable. To this end, the Council will provide performance management information, ie number and type of complaints and their outcome, for review where necessary.
- Promote and encourage tenant involvement in the district and network with other tenants groups as appropriate

#### **4. Equal Opportunities**

The Tenants Panel opposes any form of discrimination and will aim, at all times, to promote awareness of equal opportunity issues and good practice in tenant participation initiatives

The Tenants Panel will not discriminate on any grounds. This includes but is not restricted to all of the protected characteristics covered by the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion and belief, sex and sexual orientation)

The Tenants Panel will ensure that there is full participation and equality of opportunity for all members in the operation of the Panel and its members will encourage involvement in the wider tenant population.

In its meetings and in the conduct of its business in general terms, the Tenants Panel will not tolerate any discriminatory remarks and the Chair has the discretion to ask any member of the Panel making such a comment to leave the meeting.

## **5. Membership**

Membership of the Tenants Panel is open to any named council tenant or council leaseholder owning a property in the Tendring District, except in the circumstances stated below.

Where the Council has commenced legal proceedings for rent arrears or a serious breach of its tenancy conditions or if proceedings have been commenced or been taken against the tenant in question in the last two years

Where the Council has started legal proceedings against a leaseholder for recovery of service charge or any other breach of their leasehold conditions.

Existing Panel members will have their membership suspended if the Council issues legal proceedings against them for rent or rent service charge arrears or for any other breach of their tenancy or lease agreement. This will be checked by the Council twice yearly.

All persons wishing to join the Tenants Panel must initially be referred to the Council to enable their eligibility to be confirmed.

Members of the Tenants Panel are not elected and therefore, represent tenant opinion as a whole.

Membership should be encouraged to be representative of the wider tenant body as a whole in terms of both geographical area and equality and diversity.

It is a condition of membership that panellists at all times uphold the objectives of the Tenants Panel and conduct themselves in a reasonable manner when attending panel meetings. Any panellist may be excluded for breach of this condition or for any other conduct contravening the objectives of the panel by a majority of those present and voting at any panel meeting. Any panellist so excluded will have the right of appeal to the next or subsequent meeting of the panel.

Membership is open to any tenant or leaseholder of Tendring District Council, regardless of race, colour, age, sex, religious or political beliefs, cultural background, disability or illness, gender, marital status, sexual orientation, class, appearance or employment status and subject only to the conditions set out above.

For logistical reasons, it has been agreed by the Panel that its membership shall not exceed 40 people. If more than 40 people seek membership of the Panel an appropriate solution will be sought in consultation with the Chair and Vice Chair.

Any member of the Panel that wishes to resign from the Panel should confirm this in writing to the Customer and Support Manager who will notify the Chair accordingly.

## **6. Attendance**

Members of the Tenants Panel are required to attend at least half of the meetings held each year.

Anyone who fails to meet this minimum attendance criterion will be deemed to have resigned from the Panel subject to the discretion of the Chair in respect of any special circumstances.

Members of the Tenants Panel who form part of its themed sub groups are required to attend at least half of the relevant sub group meetings in each year. Where this requirement is not met, the Panel's representative will be deemed to have resigned from this sub group and a replacement representative will be appointed.

Any member of the Panel who is unable to meet the minimum attendance criteria for reasons of ill health or other matters will have their entitlement to membership reviewed by the Chair and Vice Chair

The Council will supply the Chair and Vice Chair with appropriate details, eg number of meetings missed, in order that they can consider a member's circumstances.

Members of the Tenants Panel must send their apologies in advance for their non attendance to either the Chair or Vice Chair of the Panel or the Council's Customer and Support Manager.

## **7. Meetings**

The Council will be responsible for arranging all meetings in accordance with the agreed standard for meetings.

The Tenants Panel will normally meet every three months at a suitably accessible venue in the district. Additional special meetings may be called, if appropriate. The venue and time of the meetings may be altered in consultation with the Chair or Vice Chair to encourage the involvement of tenants. All meetings will be held in venues where there is access for any tenant who has special needs.

The Council will be responsible for distributing an agenda at least seven working days prior to any Tenants Panel meeting, together with any supporting documentation.

Items for inclusion on the agenda will either have been agreed at the preceding meeting or through discussion between the Council and the Chair of the Panel. Any items for inclusion on the agenda should be submitted to the Customer and Support Manager or Chair at least fifteen working days before the meeting. Minor items can be raised as 'Any Other Business' at the appropriate point during the meeting by either Panel members or officers.

All panel members should read any papers sent to them in advance of a meeting and ensure that they come properly prepared for the meeting, with all relevant papers that have been sent to them.

No questions are to be put in writing to Officers prior to a Tenants Panel meeting that are relevant to a Tenants Panel meeting and Officers must not bring before the Panel any questions received in writing appertaining to a Tenants Panel meeting.

Sufficient time will be allocated for each agenda item and a timescale agreed for responses to queries that cannot be answered at the meeting

A Council representative will be responsible for taking the minutes of the Tenants Panel meetings. These will be circulated to all panellists within ten working days of the meeting and published on the Tenants Panel page of the Council's website.

### **Chairing arrangements**

Members of the Tenants Panel will be asked to elect a Chair and Vice Chair each year to preside over the operation of the Panel and the business of each meeting.

Nominations for the position of Chair and Vice Chair will need to be proposed and seconded by existing members of the Panel, having first sought the Panel member's agreement.

Anyone being nominated to the position of Chair or Vice Chair must have been a member of the Panel for a period of 2 years immediately prior to their nomination.

If the number of nominations for each or either position is greater than one then a ballot shall be held at the relevant meeting administered by representatives from the Council.

All nominated candidates are expected to attend the meeting at which the election takes place and any candidate that does not attend will be deemed to have withdrawn their nomination, unless there are exceptional circumstances.

Only those present at this meeting of the Panel will be eligible to vote, in accordance with the voting arrangements for the Panel generally.

Once in post, the role of the Chair will be to:

- Agree the agenda for each meeting
- Explain evacuation and fire safety procedures
- Uphold, represent and promote the purpose of the Tenants Panel and its constitution and code of conduct and to interpret these where necessary.
- Introduce Tenants Panel meetings
- Introduce agenda items and make sure that decisions are made, where appropriate
- Make sure that everyone has the chance to contribute to the discussion
- Decide whether to hold an informal meeting if a quorum is not present.

- Maintain control of the meeting and make sure that it runs in accordance with the agenda and the Code of Conduct
- Close the meeting

In the absence of the Chair, the Vice Chair will be responsible for running the meeting. Should neither the Chair nor Vice Chair be present, those members attending will select a Chair for the purposes of that meeting only

### **Quorum**

This is the least number of members of the Tenants Panel that need to attend a meeting to make all the proceedings at that meeting valid. Meetings of the Tenants Panel will only be deemed to be quorate if at least 10 panellists are present and voting.

If a quorum is not present within thirty minutes of the time appointed for holding the meeting then the Chair will be responsible for deciding whether an informal meeting should still take place. This decision will be based upon a consideration of the issues due to be discussed and the opinions of those present.

### **Voting**

Members of the Tenants Panel should aim to make decisions by consensus.

Where a vote is necessary, every Panel member present shall have one vote and every decision shall be made by a majority of votes.

A resolution that is put to the vote of the meeting will be decided upon a show of hands unless a ballot is demanded by either the meetings Chairperson or at least 5 members of the Tenants Panel who are present and entitled to vote.

Unless a ballot is demanded, a declaration by the Chairperson of the result of the show of hands shall be proof of that fact.

Where the number of votes cast in any matter is equal, then the Chair shall have a casting vote in addition to his / her vote.

The result of any vote will be fully recorded in the minutes of the meeting.

### **Themed sub groups**

The Panel may delegate to any member or group of members the authority to act as its representative on any themed sub groups that may be established from time to time. Each sub group will agree its own terms of reference immediately after its establishment.

Members of the Panel appointed to these sub groups will be required to provide periodic verbal progress reports to meetings of the full Panel.

Copies of the minutes of any sub group meetings (with the exception of the Building Services liaison meetings, as agreed) will be provided to the Chair and Vice Chair of the Panel for information purposes

## **Training**

Members of the Tenants Panel recognise and accept the importance of training for the overall development of the group and agree to attend at least the minimum required number of training events.

Training needs will be subject to a biennial assessment and a programme to meet the needs identified will be drawn up a Council representative and agreed with the Chair and Vice Chair of the Panel

Additional training will also be arranged, as required, for those members of the Panel appointed to its themed sub groups

In addition to the above, training will be delivered once every three years in relation to equality and diversity issues and working together as a team.

All training courses will be arranged and funded by the Council.

## **Council Support**

The Council will provide reasonable financial, administrative and practical assistance to support the meetings of the Tenants Panel and the training and development of its members. The Council will publicise, promote and provide opportunities for members of the Tenants Panel to obtain relevant training.

A representative from the Council will attend all meetings of the Tenants Panel and its sub groups in order to service the requirements of the panel. The attendance of other Council officers and elected Members will be at the request of the Tenants Panel, subject to availability, or for the purpose of presenting or discussing agenda items. In all such cases, unless as provided for presenting or discussing agenda items, their interest in attending should be declared.

## **Allowances**

Expenses incurred in connection with attendance at Tenants Panel meeting and any associated events will be reimbursed by payment of a fee, which will be subject to annual review. Transport will be arranged for those unable to attend meetings otherwise but a flat rate fee will not be payable in these circumstances.

## **Communication**

The Council will promote the existence of the Tenants Panel and regular information about the Panel will be included in the tenant's newsletter, Tending Reports and via the Council's website

## **Annual Evaluation**

The Council shall survey Panel members once every other year to assess their satisfaction with the operation of the Panel and to identify any areas for improvement. The findings of these surveys will be discussed with the Chair and Vice Chair and any action required agreed.

## **Restrictions**

Panelists acknowledge that their membership of the Tenants Panel does not grant them any additional rights other than as tenants of Tendring District Council and they should not use their position for any personal or perceived gain or benefit.

Individual tenancy matters or other individual problems are outside of the constitution of the Tenants Panel and should be raised in accordance with accepted procedures. Officers attending meetings of the Tenants Panel will make themselves available after each meeting to discuss any individual matters and advise of the accepted procedures for dealing with these.

Any conflicts of interest must be declared prior to discussion.

## **Vote of no confidence**

If a vote of no confidence is taken and carried by a majority of Panel members then either the Chair or Vice Chair must relinquish his or her post. They do not have to resign from the Panel. Only one vote of no confidence may be taken in any one year

## **Review and Amendments to the Constitution**

This constitution shall be reviewed by the Council and the Chair and Vice Chair automatically once every three years or on the request of the Chair or the Council. Any proposed changes must subsequently be approved by a majority of those present and voting at a panel meeting

## **Suspension of the Panel**

In the event of any meeting of the Tenants Panel breaching this agreed constitution and code of conduct, the Council reserves the right to temporarily suspend the operation of the Panel.

## **Dissolution of the Panel**

The Panel may recommend its dissolution to the Council after consultation with Panel members and in order to make way for a new tenant involvement structure.

This revised constitution was approved by a majority of those present at the meeting of the Tenants Panel held on 25 June 2019



## **CODE OF CONDUCT**

### **FOR MEMBERS OF THE TENANTS PANEL**

The purpose of this code is to explain how members of the Tenants Panel are expected to carry out their role. Members are required to follow this Code of Conduct not only in panel meetings but also in any other situations where they are representing this group. It is each panellist's responsibility to make sure that what they do complies with the requirements of this code. This Code of Conduct should be read in conjunction with the Tenants Panel Constitution.

#### **General**

Panel members must:

- Promote equality by not discriminating unlawfully against any person
- Treat others with respect
- Not do anything which compromises or is likely to compromise the impartiality of the Council
- Work for the benefit of all tenants, setting aside personal interests.
- Ensure that, at all times they are acting in their capacity as a member of the Tenants Panel, their behaviour is fair and reasonable and in accordance with the Panel's constitution and code of conduct.
- Not, in their capacity as a Panel member, conduct him or herself in a manner which could be regarded as bringing his or her Panel membership or the Panel generally into disrepute
- Not, in their capacity as a Panel member, use this membership to gain or seek to gain undue favour, influence or benefit

#### **Confidentiality**

The business of the Tenants Panel may involve dealing with issues, which are controversial, sensitive or confidential in nature. Members of the panel must therefore, exercise discretion and care in performing their duties. Any confidential information that is presented to or discussed by the panel must not be disclosed to anyone apart from members of the group in order to allow the business of the meeting to take place.

Members of the Tenants Panel should never disclose or use information they have received by virtue of their membership of the Tenants Panel for their own personal advantage or that of anyone known to them or to the disadvantage or discredit of the Council or anyone else.

Panellists should also respect all individual tenants' confidentiality and should refrain from mentioning specific matters, which may cause embarrassment or the identification of any individual. Prior consent should be obtained from any tenant if it is necessary to make a personal reference to them at any meeting.

Personal information volunteered during the course of any meetings or training sessions must remain confidential

Members of the Panel shall ensure that all paperwork provided to them in connection with this membership should be kept in a secure place and either returned to the Council or destroyed following resignation from the Panel.

Audio or visual recordings of Panel meetings are prohibited

Any confidential information that is presented to or discussed by the Tenants Panel or any of its associated sub groups must not be disclosed to anyone apart from members of the group in order to allow the business of the meeting to take place. In the event of any disagreement relating to this matter, the issue will be referred back to the Panel.

### **Conduct of meetings**

Members should at all times observe the following accepted practice while taking part in a panel meeting:

- All meetings will be arranged and held in accordance with the agreed standards to make sure that they are accessible for all
- Read all papers sent to them in advance of the meeting and arrive properly prepared for the meeting
- All comments should be addressed via the Chair
- Allow each other the opportunity to speak and comment without interruption
- Each person to speak only once on an issue until every other member has had the opportunity to speak unless the Chair gives permission otherwise
- To be courteous to each other and to support and assist other members in seeking the best possible solution to the problems being discussed.
- To respect the right of all tenants and officers attending panel meetings to speak and comment on the issues being discussed
- Aim to keep to the subject under discussion
- All members must be prepared to be wrong
- Not to level criticism or comment of a personal nature at individual tenants, officers or elected members
- To follow the guidance of the Chair in the conduct of the meeting
- Members must remember to follow the agenda of the meeting and to help each other to reach effective decisions
- To remember that the panel exists to represent the interests of all tenants and leaseholders and that officers serve the interests of all tenants. Personal issues should not be raised during meetings, instead these should be dealt with via the normal procedures.

- To bear in mind the rights of individual residents and the rights and duties of staff when proposing solutions to problems
- Not to use offensive, racist or abusive language
- Not to speak or write on behalf of the group without the prior agreement of the group. Any correspondence sent on behalf of the group should be made available to all members of the group
- To operate within the agreed constitution and code of conduct
- Address staff in a professional manner. Personal attacks and abusive comments will not be tolerated
- Decisions of the Panel should be upheld and supported by members of the Panel outside of meetings
- No smoking is permitted within the boundaries of Council premises
- Any tenant suspected to be under the influence of alcohol or non prescription drugs may be excluded from the meeting
- Late arrivals should enter quietly without disrupting the business of the meeting
- Mobile phones should be switched off or onto silent at all times during meetings of the Panel or any of its themed sub groups.

### **Discrimination**

No member of the Tenants Panel will discriminate on any ground against any other member of the group or other person attending the meeting.

Discriminatory, racist, abusive or inflammatory language will not be tolerated in discussions and the Chair has the discretion to ask any member using such language to leave the meeting.

All those who attend meetings have the right to be treated with dignity and respect, regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation or any other matter which causes people to be treated with injustice.

### **Constitution**

All members of the Tenants Panel should familiarise themselves with the agreed constitution to make sure that they continue to meet the aims and objectives of the group.

All potential new members of the Panel will be asked to sign a declaration confirming their agreement to comply with the constitution and code of conduct.

### **Conflicts of interest**

Individual members:

- Should disclose any interest, whether personal, family or on behalf of any group they represent, that they consider may affect or influence their approach to the matter under discussion
- Must not expect to receive more or less favourable treatment by the Council as a landlord or its officers because of their membership of this group
- Should avoid placing themselves in a position which could lead other tenants to think that they receiving preferential treatment or benefit
- Must use the established Council procedures for reporting repairs or pursuing any other matters relating to their own property or on behalf of another individual resident
- Should never seek to use their position to seek preferential treatment or undue influence for friends, relatives or any firm or body with which they are personally connected.
- Should consider whether any personal or professional connection they may have is inconsistent with their membership of the panel.

### **Breach of Code of Conduct**

If a member of the Tenants Panel does not abide by this code of conduct or uphold the constitution or is asked to leave a meeting of the Panel, their membership will be reviewed by a convened group comprising 3 members of the Tenants Panel and up to two council officers. The representatives of the Panel shall be the Chair and Vice Chair and one other member.

If it is decided that the code of conduct has been breached or the constitution not upheld, the following may apply:

- First breach – verbal warning held on file for 3 years
- Second breach – written warning held on file for 3 years
- Third breach or gross misconduct – membership of the panel withdrawn for a minimum of 3 years.

The Chair also has the right to stop any meeting of the Panel in circumstances where the Constitution and /or code of conduct is not being complied with.

### **Grievance procedure**

If any member of the Panel feels that they have been treated unfairly they have the right to appeal. This appeal will be heard by representatives from the Council. The decision of the appeal panel shall be final.

This revised Code of Conduct was approved by a majority of those present at the meeting of the Tenants Panel held on 25 June 2019.