

<b>Subject:</b>	<b>Tenants and Residents Associations Recognition Policy</b>		
<b>Date of Meeting:</b>	<b>01/04/2014 Housing Management Consultative Sub Committee 30/04/2014 Housing Committee</b>		
<b>Report of:</b>	<b>Executive Director of Environment, Development and Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Becky Purnell</b>	<b>Tel: 29- 3022</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

## **FOR GENERAL RELEASE**

### **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Policy outlines the requirements for a tenants or residents association in a council housing area to be recognised by the council.
- 1.2 The Policy updates the existing Recognition Policy and Model Constitution and brings the Policy in line with the Code of Conduct agreed at Housing Management Consultative Sub Committee in December 2012.

### **2. RECOMMENDATIONS:**

- 2.1 That the Housing Management Consultative Sub-Committee comments on the proposed Recognition Policy, including Appendices, and recommends them to Housing Committee for approval. .

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Associations that are recognised by the council are eligible to have a place on the Housing Management Area Panels and receive a grant to cover running costs.
- 3.2 The Recognition Policy ensures that associations that are involved in making decisions on behalf of residents are able to show they are democratic, accountable and representative.
- 3.3 The Policy also ensures that associations abide by the Model Constitution; the main amendment to this is that rather than four committee meetings a year associations should hold a minimum of four general meetings a year, one of which can be the AGM.

- 3.4 It brings the Policy in line with the Code of Conduct; the layer of appeal regarding a breach of the Code of Conduct by a Joint Adjudication Panel has been removed.
- 3.5 The Code of Conduct applies to all aspects of housing's resident involvement, and in particular behaviours at meetings and when acting in a representative capacity.
- 3.6 The Resident Involvement Team and the Resource Centre provide support and training and de-recognising an association would be the last resort in serious circumstances.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 Continuing with the existing Recognition Policy and Model Constitution could save staff and association time; however bringing it in line with the Code of Conduct enables a more robust approach to financial responsibility, dealing with breaches and inappropriate behaviour, and ensuring compliance with current legislation.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The resident Housing Management Area Panels and Involvement & Empowerment Service Improvement Group have considered these papers and their comments are below for the consideration of the committee.
- 5.2 **East Area Panel held 20/01/14**
- 5.3 What does the council do about people who throw away their Tenancy Agreement and say it doesn't matter? **Response:** Tenancy Agreements are a legally binding contract and if there are any breaches the council will consider appropriate action.
- 5.4 I'm not a tenant, how can I find out about what is in the Tenancy Agreement **Response:** We can send you one and if you look up Tenant Handbook on the council website a lot of the information is there.
- 5.5 Agreement that there should be four general meetings a year rather than four committee meetings in the Model Constitution, but would you expect us to leaflet every household or are the notice-boards ok? **Response:** We would encourage associations to publicise meetings as much as they can, but appreciate they are all different, to leaflet one high-rise doesn't take long, while 300 households in Coldean is more of a challenge. You are voluntary organisations and we have left this open, although we would encourage you to do as much as you can, if you just put up posters talk to people as well and get the word out. Use newsletters eg we are meeting with the Moulsecoomb LAT to see how we can work better together – we can promote each other's meetings in each other's newsletters.

- 5.6 Is there a Code of Conduct for Staff? **Response:** Yes there is and there is one for elected members, these were looked at when this Code of Conduct was written – we can send you copies
- 5.7 **Central Area Panel held 22/01/14**
- 5.8 One resident didn't agree that all Associations must elect to the Area Panel  
**Response:** It states in the existing Model Constitution that the Area Panel representative will be elected at the AGM
- 5.9 One resident felt that the Code of Conduct should refer explicitly to emails and use stronger language **Response:** We could add "by email" to "verbally, on web postings, or in writing" under the Discrimination and Harassment section.
- 5.10 **North & East Area Panel held 23/01/14**
- 5.11 What if the complaint about behaviour came from the RIO at the meeting, would the Resident Involvement Team be judge and jury? **Response:** There is an Unacceptable Conduct Complaints Form and the aim is that residents can use this if they feel unable to raise the issue at the meeting. The Code of Conduct talks about the relevant service manager looking into the complaint and the Communities and Equalities Team could be asked for their opinion.
- 5.12 The Recognition Policy states that during the appeals process an Association would not be eligible to financial or consultation provisions made for recognised associations. **Response:** It wouldn't be appropriate to give funding if the Association is under criminal investigation. The Resident Involvement Team can provide support to enable Associations to continue to be recognised; de-recognition is the ultimate sanction and has been very rarely used.
- 5.13 Residents felt that the requirement to have ten signatures to call an Emergency General Meeting is too high. **Response:** The quorum for numbers required to attend a general meeting for decision making is agreed locally. The number of signatures required to call the Special General Meeting in the current Model Constitution states ten, although we are aware this does vary in existing constitutions.
- 5.14 **West Area Panel held 24/01/14**
- 5.15 Apart from a few changes in wording it's not much different, it's what we already do.
- 5.16 **Involvement & Empowerment Group held 20/02/14**
- 5.17 Agreement should add "by email" to "verbally, on web postings, or in writing" under the Discrimination and Harassment section.
- 5.18 Anti social behaviour should be reported via Housing Customer Services; the Code of conduct is about behaviour at meetings or workshops or when acting as a representative of a group.

- 5.19 Agreement that there should be four general meetings a year with one being the Annual General Meeting.
- 5.20 Speaking from the BME communities some people don't like to complain or need help filling in forms. **Suggestion:** Add to the form that the Resident Involvement Team can help with filling in the Complaints Form and explain this when the Code of Conduct and Model constitution are rolled out.
- 5.21 What happens if it is the Chair who is not abiding the Code of Conduct at the meeting? **Response:** The Code of Conduct could be referred to at the meeting; the Complaints Form could be used after the meeting. Part of the Recognition Policy Equalities Impact Assessment Action Plan is a city-wide session for Chairs on running effective meetings. A vote of no confidence that explains the reason can be raised at a general meeting.

## 6. CONCLUSION

- 6.1 Following a survey at the City Assembly, on the consultation portal and in Homing In, 87% of respondents supported a Code of Conduct that clearly explains unacceptable behaviours and possible actions if not followed. This was the top answer.
- 6.2 Agreeing the draft Recognition Policy enables this to happen.
- 6.3 The Housing Management Consultative Sub Committee will consider the proposed Policy and associated documents in the Appendix called the Draft Recognition Policy and this report will be updated if required.
- 6.4 The proposed Policy and associated documents the Appendix called the Draft Recognition Policy will go to the Housing Committee for decision.
- 6.5 If agreed Housing will work with associations to adopt the Code of Conduct and if necessary review their constitutions.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 Any costs of revising the policy such as staff time will be met from current budgetary provisions within the resident involvement team.

*Finance Officer Consulted: Monica Brooks*

*Date: 06/03/14*

### Legal Implications:

- 7.2 The Housing Management Consultative Sub-Committee acts in a consultative capacity in the discharge of the Council's functions as a housing landlord. It is therefore appropriate for the Sub-Committee to be given an opportunity to comment on the new Recognition Policy before Housing Committee is asked to approve it.

*Lawyer Consulted: Liz Woodley*

*Date: 19/03/14*

Equalities Implications:

- 7.3 The Equalities Impact Assessment is attached as an appendix to the Draft Recognition Policy, it ensures that there will be training and support for residents

Sustainability Implications:

- 7.4 Supporting associations to be democratic and run effective meetings will help further develop a sense of community and place. Respectful behaviour will contribute to the health and happiness being of residents and staff.

Any Other Significant Implications:

None

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Draft Recognition Policy
- 2.

**Documents in Members' Rooms**

*None*

- 1.
- 2.

**Background Documents**

1. Everyone Counts Report 2012
2. Recognition Policy and Model Constitution 1999

