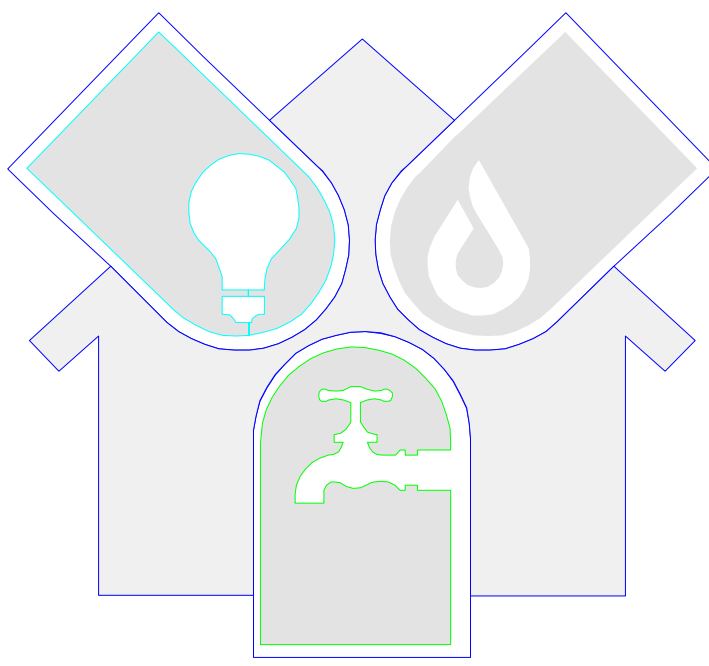

Starting Up A New TRA Committee



Produced By: Housing Community Development Section.

Funded By: The Tenants' Funding Management Committee

It is a policy of Housing Community Development to identify and introduce relevant training to develop the ability of all tenants and to improve the effectiveness of Tenants' Associations. All training will be within the framework of existing Equal Opportunities policies.

Why set up a Tenants Association?

1. What is a Tenants Association?

1.2 A Tenants Association (TA) is a group of tenants or residents who have got together from an area, estate or block because they want to raise issues that affect them.

1.3 Tenants Associations are concerned about:-

Repairs

Rents

Future improvements

Council policies

Harassment

Housing Area Offices

Play facilities

Car parking

Dogs

Compulsory Competitive Tendering (CCT)

Reducing isolation

Meeting other tenants groups

Play groups

Day trips

Socials

2. Starting a Tenants Association

2.1 Tenants Associations are set up for a variety of reasons but often the need arises due to a particular issue or area of concern for example a planning issue that proposes to widen the road, or problems with youths having nowhere to play, or problems with racial harassment or the desire to get to know your neighbours.

2.2 Tenants Associations have Aims and Objectives which usually are set out as follows :-

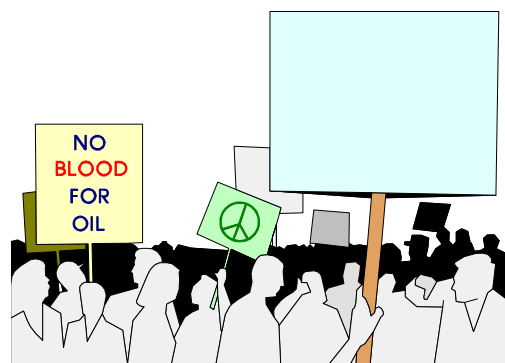
2.3 *The objects of the Association shall be :*

2.4 *To promote the exercise of tenants rights and the maintenance and improvement of their housing conditions, amenities and environment;*

2.5 *To provide facilities for recreation and amenity and to encourage a community spirit;*

2.6 *For the furtherance of these objects to represent the interests of tenants in consultation with the local authority and other bodies;*

2.7 *To promote the harmonious functioning of a multi-racial community and to work towards the elimination of all forms of racism and discrimination within it.*



3. Why should I get involved in a Tenants Association?

3.1 As a tenant or resident you probably have many concerns about your flat or house, your estate or the Council.

3.2 As one person it is harder to put forward your views; but by getting together with other tenants to form an Association you will have a stronger voice.

3.3 Tenants Associations can cover very large estates or just one street or block. The more people in your area that get involved in your Tenants Association, the stronger it will be in representing the views of your estate.

4. Do Councils encourage Tenants Associations?

4.1 Councils usually consult their tenants on anything that is likely to affect them. Council tenants have a legal right to be consulted on certain changes of policy or practice, or when the Council plans to carry out work.

4.2 Councils usually recognise Tenants Associations if they have rules and regulations set out in writing (a Constitution).

4.3 Tenants Associations must elect tenants onto a Tenants Association committee that comprises the officer posts of Chair, Secretary and Treasurer plus general committee members to run the Tenants Association, and carry out their equal opportunities policies.

4.4 Tenants Associations should also have meetings open to all their tenants called General Meetings and keep accounts for their grant, fund-raising etc.

5. What do Tenants Associations do?

Tenants Associations usually start up because of a particular issue that tenants feel strongly about and want action over.

5.1. Campaigning

Most Tenants Associations campaign for repairs or other improvements to be done. Campaigning can achieve real changes for your area. Tenants Associations may also campaign on community issues. This could be for a new community hall, crèche or to support people who are facing racial, sexual or other forms of harassment.

5.2. Consultation and Participation

Tenants Associations get involved in the formation of Council policies by sending a group of tenants to meet with Councillors or Council staff. Tenants Associations also meet with Housing Officers when work is planned on their estate or block. This can be consultation on the colour of paint in the lift or larger schemes such as Estate Action Bids (where the government allows the Council to borrow money for estate improvements).

5.3. Social Activities

Tenants Associations also run many social activities like children's parties, day trips, bingo, coffee mornings, keep fit etc.

5.4. Information

Tenants Associations are a good source of information for tenants. The Tenants Association receives Council papers and newsletters regularly and should be notified of work being carried out on the estate before it takes place.

5.5. Building the Community

Tenants Associations are part of creating a strong community spirit. People living on the same street or block soon get to know each other. The Tenants Association will mean regular contact for tenants on the estate, perhaps through a newsletter or social event.

Process involved in setting up a Tenants Association

6. How do I/we start?

Often an individual or small group of people will agree on the need for an Association. This can arise from neighbours talking or from discussions outside the school. The following is a step by step guide on how to start a Tenants Association:-

6.1. How much support is there?

Talk to your neighbours. They may share your concerns and want to get things done. See whether they will come to a meeting.

6.2. Meet with a few tenants

Get together with a few tenants to discuss the issues and form a steering group. Find out who you can get help and advice from; contact the Community Development Officer and other Tenants Associations in your area. You can also ask your local Housing Office for help.

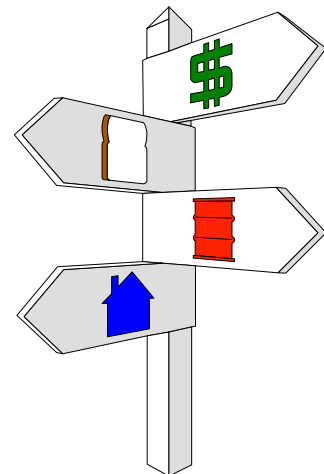
You need to decide:

6.2.1 The name and the area the Tenants Association will cover.

6.2.2 The issues you want to discuss.

6.2.3 What will be on the agenda of the first meeting and who will chair it.

6.2.4 The aims and rules of the Tenants Association. (See the section on Constitutions).



6.3. Work out your aims

Photocopy the model Constitution and discuss it with your group. The Constitution sets out the rules and aims of the Tenants Association, written down so that everyone knows what the Tenants Association is for and how it will work. Adapt the model Constitution to your needs.

6.4. Organising your first meeting (Inaugural General Meeting)

You will need to consider the place, time, date and accessibility for disabled people and people with young children. If you want a Housing Officer or local Councillors to attend they should be invited well in advance. The first meeting is important, as you will elect your committee there and agree the Constitution. Try to circulate the Constitution you have drawn up beforehand.

6.5 Publicity

Try to get everyone to the meeting. Produce a leaflet for every household and put posters up in public places. The posters should be attention-grabbing, so that the news is spread by word of mouth among neighbours and friends on your estate.

6.6 At the meeting

Remember your Steering Group can only make recommendations to the Association. It is up to the members to make decisions.

6.7 Get someone to take notes of decisions made and what needs to be done (these are called Minutes). This person can also get everyone to sign a register of attendance.

6.8 The Chair welcomes everyone and takes each item on the agenda.

6.9 Discuss the reasons for the meeting and get agreement to set up a Tenants Association by having a vote on the matter.

6.10 When considering the Constitution, go through each section of it ensuring that everyone understands what it means. When you have done this have a vote to pass it.

6.11 Elections: any member can stand for the committee not just the original tenants who started the steering group. Each candidate should have a nominator and a seconder (in other words, two supporters). Nominations should be sought from the floor where a proposer and seconder are required.

6.12 All votes are decided by a simple majority of eligible tenants voting usually by a show of hands.

6.13 If your area is spread out, you can decide whether to have street or block representatives on the committee.

6.14 Agree priorities for the Tenants Association.

6.15 Agree a date for another meeting.

7. Consultation - The Legal Framework

The 1985 Housing Act sets out the legal framework for consultation with tenants on housing management as follows :-

The Council is required pursuant to section 105 of the Housing Act 1985 to maintain such arrangements as it considers appropriate to enable those secure tenants who are likely to be substantially affected by a matter of housing management to be informed of the Authorities proposals in respect of the matter and to make their views known to the Council within a specified period and the Council shall consider any representation made to it in accordance with these arrangements before making any decision on the matter.

Below is a brief outline of the legislation that covers tenant and leaseholder involvement in housing management.

The Legal Requirements

7.1 The 1985 Housing Act, Section 104

This requires the Local Authority to publish information regarding secure tenants, tenants rights, repair obligations and consultation.

7.2 The 1985 Housing Act, Section 105

This places a duty on the Authority to maintain arrangements that are considered appropriate to inform tenants about proposals for changes on matters of housing management

7.3 The 1985 Housing Act, Section 106

This places a requirement on the Local Authority to publish rules and procedures for the allocation of housing.

7.4 The 1986 Housing and Planning Act, Section 6

This gives secure tenants of the Council the right to be consulted over any proposals the Council may have to dispose of their home to a private landlord.

Section 10.

Requires the Local Authority to consult with tenants if it enters into a management agreement with another body for a proportion of the housing stock or individual properties.

7.5 The 1988 Housing Act, Section 61

This allows the establishment of Housing Action Trusts and places a duty on the Secretary of State to ballot tenants on any proposals to establish a Housing Action Trust.

Sections 102, 103 and 105

This relates to the transfer of the council's stock to an approved landlord under the Tenants Choice provisions. Tenants must be balloted by an independent group and transfer will proceed according to the rules on percentages voting.

7.6 The Local Government Act 1972 and Local Government and Housing Act 1989

These Acts allow the Authority to co-opt tenants onto Housing Committee or other Committees. However, tenants can only serve in an advisory capacity, have no voting rights on the main Service Committees, but retain their voting rights on Advisory Committees.

7.7 Access to Personal Files Act 1987 and Data Protection Act 1984

Extend tenants rights to see information held by their landlord about themselves and their household.

7.8 The Housing (Right to Manage) Regulations 1994

This regulation provides that a tenants group (with a membership of at least 20% of both secure tenants and of all tenants of the authority in its defined area) can service a right to manage proposal notice following a democratically taken vote or ballot of its members to set up a Tenant Management Organisation.

7.9 Landlord and Tenant Act 1985, Sections 19 and 20

Outline that the Local Authority has to give information on service charges, including qualified accounts.

Role Play 1

Scenario 1

A member of the estate has turned up at the meeting to find out why he should get involved and join the association. How would you persuade him?

Scenario 2

How would you persuade your neighbours that you need to start an association?

Scenario 3

You want to increase your membership. How would you make the association appear more attractive? Discuss with members and produce an action plan.

8. Requirements for Tenants Association (Constitution)

8.1. What is a constitution?

A constitution is a written statement of the aims and rules of your Tenants Association. It states the area you cover, the membership, committee roles and rules of meetings.

8.2. Why do we need a constitution?

8.2.1 When you form a Tenants Association it is important to decide your purpose and how you will get the Association to work. A constitution should be available to every member so that everyone knows what the Association is about and what its rules are.

8.2.2 The constitution is needed for the Council to recognise your Association. The Council requires you to have sections on aims, membership, committee meetings, finance and dissolution. The constitution should also have an equal opportunities statement.

8.2.3 Once a Tenants Association has agreed its constitution at an Inaugural or General Meeting then the Association can seek recognition from the Tenants Fund.

8.3. How do we draw up a constitution?

8.3.1 Use the model constitution. Get together with your steering group and go through the model constitution bit by bit.

8.3.2 Ensure that you all understand and agree its contents. You may wish to adapt or change parts of the model.

8.3.3 You will need to decide what an appropriate quorum will be. A quorum is the minimum number of people required to turn up for a meeting to go ahead; for example for a committee of six, four may be required as a quorum.

8.3.4 You will also need to decide what area to cover.

8.4. How do we pass the constitution?

8.4.1 Before your Inaugural or General Meeting, circulate the constitution that you want to pass to all potential members and have copies available at the meeting.

8.4.2 When you discuss the constitution go through it section by section; again ensuring that everyone understands and agrees each part.

8.4.3 If some tenants disagree with one particular part, have a vote on whether it should stay in. Make sure you have a full discussion with speakers for and against before you vote.

8.4.4 For example you may need to explain the equal opportunities part so that everyone understands why it is important.

8.4.5 At the end of the discussion have a final vote to pass the constitution and record the numbers for and against.

8.4.6 The constitution will now be official and any future changes to it will have to be passed at a general meeting, usually by a two-thirds majority.

8.5. Can we get the constitution translated?

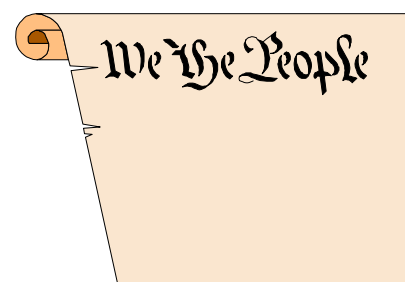
8.5.1 You should contact the Community Development Officer or your local Housing Office to get help in translating the constitution.

8.5.2 This will inform tenants who have English as a second language, and mean they are involved right from the start and understand what the Tenants Association is all about.

8.6. Who can see the constitution?

Once passed the constitution should be freely available to every member and you should send a copy to the Community Development Officer for recognition and apply to the Tenants Fund for a Starter Grant.

Below is the Model Constitution that new Tenants & Residents Associations are encouraged to adopt when forming.



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- | | |
|------------------------------|--|
| SUB-
SCRIPTIONS | 7. All Members shall pay such subscriptions as shall be determined by the Annual General Meeting. (The payment of any such subscriptions shall be entered on a membership card to be provided by the Association). |
| | 8. Any subscriptions or other monies raised by or on behalf of the Association shall only be applied in furtherance of the objects of the Association. |
| CONDUCT OF
BUSINESS | 9. The business of the Association shall be conducted by a Committee elected at each Annual General Meeting, which shall consist of a Chairperson, Treasurer, Vice-Chairperson, Secretary and not less than four other members or associate members. No two or more officers shall be elected from the same household, and no officer shall hold office for more than three consecutive years. The composition of the Committee shall as far as possible represent the multi-racial character of the estate. |
| | 10. Elected Councillors of the Landlord authority shall not be eligible for election as officers of the Association, nor shall they represent the Association in its dealings with the Council or any other body. |
| | 11. The election or removal of Officers or Committee Members may only be carried out by a General Meeting 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 of members. |
| COMMITTEE
MEETINGS | 12. The Committee shall meet as necessary and not less than ten times in each year. Committee Meetings shall be open to any member of the Association wishing to attend who may speak but not vote. |
| GENERAL
MEETINGS | 13. Not less than four of the committee's meetings shall be General Meetings of the Association open to all members to speak and vote. The decisions of General Meetings of the Association shall be binding on the Committee. All decisions shall be taken by a simple majority of full (tenant) members present and voting. All members shall be given not less than fourteen days' notice of any General Meeting. |
| ANNUAL
GENERAL
MEETING | 14. The Committee shall call an Annual General Meeting of the Association each year in the month of
Not less than 28 days' notice of the Annual General Meeting shall be given to all members and all those |

eligible for membership, together with a form of application for membership.

At this meeting

- the Committee shall present an annual report of the Association;
- sub-committees shall present an annual report and accounts of their activities;
- the Committee shall present the audited accounts of the Association for the previous year.
- the Officers, Committee and Auditor for the next year shall be elected.
- any proposals submitted to the Secretary in writing not less than seven days in advance of the meeting shall be discussed.

SPECIAL
GENERAL
MEETING

15. The Secretary shall call a Special General Meeting at the request of a majority of the Committee; or on receipt of a written petition by not less than 15 Members of the Association giving reasons for their request. The Secretary shall give not less than seven days' notice of the holding of a Special General Meeting, which shall take place within 21 days of the receipt of the request or petition.

QUORUM

16. The quorum for Committee Meetings of the Association shall be one-third of its elected membership, or 4 members, whichever is the greater. The quorum for all General Meetings shall be one-third of the membership or 15 members whichever is the less.

NOTICE OF
MEETINGS

17. Notice of all meetings where required shall be sent to each member's dwelling and shall include the date, time and place of the meeting and an Agenda of matters to be discussed.

SUB-
COMMITTEES

18. The Committee may appoint such sub-committees as may be required to carry out the activities of the Association. Such sub-committee shall be directly accountable to the Committee. The Committee shall agree in advance the terms of reference of any sub-committee, which may then act and apply any finance raised by itself or on its behalf only within those terms.

The Chairperson and Treasurer of the Association shall be ex-officio members of any sub-committee.

19. 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.
20. 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 or General Meeting.
21. The Committee or General Meeting may dissolve any sub-committee whereupon the accounts, records and assets, financial and otherwise of the sub-committee shall pass into the hands of the committee.
- DUTIES OF OFFICERS
22. THE CHAIRPERSON (or in his/her absence the Vice-Chairperson or other Committee Member) shall conduct the meetings of the Association.
23. THE TREASURER shall open and maintain a banking account in the name of the Association. All cheques shall be signed by the Treasurer and one of two other Committee members nominated by the Committee as signatories. The Treasurer shall keep proper accounts of income and expenditure and report on them or deliver them up as required by the Committee or General Meeting. Such accounts shall be audited by a qualified accountant or a non-member of the Association appointed by the membership at the Annual General meeting.
24. THE SECRETARY shall be responsible for the convening of all meetings and the giving of the prescribed notice to members. S/he shall ensure that a proper record is kept of all meetings of the Association its Committee and sub-committees in the form of minutes and shall deliver up such records as required by the Committee or General Meeting. The Secretary shall permit the minutes to be examined on receipt of not less than 7 days notice by any two members of the Association. S/he shall maintain a register of Members of the Association.
25. Any member(s) or Officer(s) delegated to represent the Association in consultation with any other body shall act on the instructions of the Association and shall report back to the following Committee or General Meeting, whichever is the sooner. Only Full

Members of the Association shall be delegated to consult with the local authority on matters of housing management.

ALTERATIONS TO THE CONSTITUTION

26. Any proposal to alter this Constitution must be submitted to the Secretary of the Association not less than 28 days before the General meeting at which it is to be discussed. Not less than 14 days notice shall be given of such a meeting, together with the wording of the proposed alteration(s). Any alteration shall require the approval of two-thirds of those present and voting at the meeting.

DISSOLUTION 27.

If the Committee, or if a Committee no longer exists, any ten members of the Association, shall decide that the Association should be dissolved, they shall give at least 14 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 two-thirds majority of those present. The assets, financial and otherwise, remaining when the Association has satisfied its liabilities, shall be applied for such purposes of benefit to the community as the meeting shall decide.

THIS CONSTITUTION WAS AGREED AT A GENERAL MEETING OF

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HELD ON

SIGNED

CHAIR

SIGNED

SECRETARY

Role Play

Scenario 1

The Secretary has been giving parties at his third floor flat and bottles and glasses have been thrown out of the window. Members want to expel him

Is this Constitutional? Discuss and note conclusion.

Scenario 2

The Chair wants his brother (who lives five doors down) to be the Treasurer.

Is this Constitutional? Discuss and note conclusion.

Scenario 3

The Chair wants his partner to be the Treasurer.

Is this Constitutional? Discuss and note conclusion.

Scenario 4

An expelled committee member wants to be reinstated at a Committee Meeting.

Is this Constitutional? Discuss and note conclusion.

Scenario 5

The Chair wrote to the Councils Housing Authority about the plan to enlarge the car parking area, without consulting the Committee.

Is this Constitutional? Discuss and note conclusion.

Scenario 6

At a Committee meeting an estate member wants to speak and vote. Is this Constitutional? Discuss and note conclusion.

Scenario 7

The Chair wants his brother, who is a professional decorator to paint the hall. He says that it will save the TA a lot of money and he suggests that the local D.I.Y. superstore is approached and asked if they would donate paint, free of charge, to the TA. Is this Constitutional? Discuss and note conclusion.

Scenario 8

At the AGM an estate member wants to examine the Account Books. Is this Constitutional? Discuss and note conclusion.

Scenario 9

At a regular Committee meeting a member wants to alter one of the clauses of the Constitution. Is this Constitutional? Discuss and note conclusion.

Scenario 10

A member wants to start up a sub-group to organise bingo sessions in the Hall and to have a separate Profit and Loss Account for this activity. Is this Constitutional? Discuss and note conclusion.

Scenario 11

The committee has agreed to buy a new set of bowling woods for the club. The Treasurer says that this is not possible as there is not enough money in the account, and will not show the accounts.

Is this Constitutional? Discuss and note conclusion.

Scenario 12

A committee member was not informed of a General Meeting, and did not receive an Agenda.

Is this Constitutional? Discuss and note conclusion.

Scenario 13

A committee member was not informed of a Committee Meeting, and did not receive an Agenda.

Is this Constitutional? Discuss and note conclusion.

Scenario 14

A committee member suggests that his brother (who lives in Southend-on-Sea), who used to run a flower shop, should audit the accounts. Is this Constitutional? Discuss and note conclusion.