

Sandwell MBC:

Date Adopted:



Sandwell
Metropolitan Borough Council

Tenants & Residents Association Constitution

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Version Control

Version Control:		
Version	Date	Comments
1.0	8 th July 2014	Changes to reflect Communities Team and Community Resource Officers.
1.1		Constitution adopted
1.2		

1. Name

The Name of the Association shall be...

[Enter proposed name here] TRA

2. Objectives

To improve the living conditions, community facilities and services for tenants and residents living in the area covered by the attached map and marked as the Associations area of benefit covering the area of.

[Enter proposed streets here]

The Association will at all times operate on an equal opportunities basis.

The Association shall be non-party political.

The Association may if they wish (in consultation with the Sandwell MBC Communities Team) add additional objectives that do not conflict with any of the above.

3. Membership

- a. Membership shall be open to all members of the community normally resident within the area of benefit (including employees of Sandwell Council and councillors providing no political bias is shown).
- b. All members shall have an equal vote.
- c. All members should actively seek to represent the various needs of the area and must not discriminate on the grounds of nationality, political opinion, race, religious opinion, gender, sexuality or disability.
- d. Members shall at all times conduct themselves in a reasonable manner when attending meetings or any other function in connection with the group (See Appendix 1 – Members Code of Conduct).

4. Committee

- a. A Committee shall be elected at the Annual General Meeting of the Association and shall serve for 12 months.
- b. The Committee shall consist of at **least 3 members**¹ who shall have the power to co-opt other members on to the Committee, during the course of the year. All members (except those co-opted under rule 4g) have voting rights.
- c. The Committee shall elect from their number a Chairperson, Secretary, Treasurer and any other officers as considered necessary by the Committee (see Appendix 2 – Role of Committee officers). No Committee member shall fill more than one position.
- d. The Committee shall make and carry out decisions in accordance with the objectives of the Association.
- e. Meetings of the Committee shall be open to any member of the Association who wishes to attend.
- f. There must be at least two-thirds of the Committee members (One of whom must be the Chair, Secretary or Treasurer) present for decisions to be made at a Committee meeting.
- g. A maximum of 3 non-voting members may be co-opted on to the Committee, excluding Councillors and other recognised public bodies.
 - i. The purpose of co-opted members is to bring additional skills not currently available within the membership to the Association and to help develop those skills within the organisation.
 - ii. When seeking to appoint co-opted members the Association should look first within the area of benefit, then the borough of Sandwell.

¹Community Resource Officers will work with local TRA's to assist them in building strong and vibrant organisations and committees that reflect the size of the group and diversity of its membership.

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- iii. If no suitable candidates for co-option are available within the borough of Sandwell the Association may appoint co-opted members from outside the borough.
- iv. All co-opted members shall stand down at the Annual General Meeting of the Association.
- h. Voting members may be co-opted amongst other tenants (*within the area of benefit*) to fill casual vacancies throughout the year.
- i. Committee Members can be removed if:
 - i. They have not attended three consecutive committee meetings.
 - ii. Have terminated their tenancy.
 - iii. Formally submitted their resignation in writing to the secretary of the Association.
 - iv. They consistently bring the group into disrepute or refuse to comply with the constitution (as noted in 5e).
- j. Committee members must declare any interest they may have in the topic under discussion and the Committee will decide if they need to forfeit their right to vote on that occasion.

5. Conduct of Business or Standing Orders

- a. Members may speak only through the Chair.
- b. Decisions will be made through a simple majority, voted by a show of hands or a secret ballot.
- c. Meetings will begin and end at a time agreed by the committee.
- d. Any offensive behaviour, including racist, ageist, sexist, derogatory or inflammatory remarks will not be permitted.

[ILO: UNCLASSIFIED]

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Any member who consistently brings the group into disrepute or refuses to comply with the constitution shall be expelled by a two-thirds majority vote of the full Committee.

- e. Any such member will have the right of appeal within 28 days of the expulsion. The appeal will be heard by the membership at a Special General Meeting called for that purpose.
- f. The Secretary shall deal with all correspondence.
- g. Calling Notices/Agendas will be distributed to the membership at least seven days before a meeting. Agenda Items should be forward to the Secretary and Chair at least 14 days before the meeting.
- h. Minutes will be kept and made available to committee members for approval at the next meeting and available on request to both members and Sandwell MBC.

6. Finances

- a. The Association may raise funds by obtaining grants from Sandwell MBC and other approved public bodies or fundraising schemes.
- b. All funds shall be kept in a bank account(s), which shall be opened in the name of the Association.
- c. The Treasurer and two other Committee members nominated by the Committee shall be the signatories on the account and all cheques shall require two signatures.
- d. Accounts shall be kept by the Treasurer and brought to every Committee meeting where they may be inspected. Failure to bring the books to a meeting on three consecutive occasions will mean the Treasurer will be asked to resign.
- e. All expenditure shall be controlled and agreed by the Committee.

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- f. All payments over 30 (thirty) pounds shall be made by cheque (or suitable cashless alternative), not cash. Any exception to this rule shall be discussed and agreed by the Committee.
- g. No officer shall sign a blank cheque – all cheques will be filled in before signatures are added.
- h. Once a year, the accounts will be presented to the Annual General Meeting (AGM) of the Association for their approval.
- i. Prior to any AGM a full account of the expenditure of any grants received from Sandwell MBC will be submitted for review.

The review will be carried out by:

- A member of Sandwell MBC Communities Team or similar who will approve the final record of accounts of monies provided by Sandwell MBC prior to the AGM.
- j. All Correspondence of the Association, excluding financial statements (which will be directed to the Treasurer), shall be addressed to the Secretary.
- k. While legitimate out of pocket expenses may be reimbursed for activities undertaken in accordance with the Associations aims and objectives, no officer or member of the Association may benefit personally from the Associations income. It exists solely as a not for profit organisation for the benefit of its members within its stated area of benefit.

7. Public Meetings

- a. Public meetings of the members shall be regularly held (not less that 4 times a year) to discuss matters of importance and to keep the members fully informed of the Associations activities.

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- b. Members shall be given at least 7 days notice of a public meeting.
- c. All votes will be decided by a simple majority vote of the members present. This applies to all meetings of the Association.
- d. Any member, having the written support of 10 (ten) members may ask the committee to call a Special Public Meeting of the Association. The Committee shall call the meeting within 21 days of this written request.

8. Annual General Meeting

- a. An Annual General Meeting shall be held every year (and not more than 15 months shall pass between the date of one AGM and the next) to discuss the activities of the Association, to receive the approved accounts and elect the Committee.
- b. The Annual General Meeting shall be held at a suitable venue to accommodate as many members as possible.
- c. Quorum shall be at least 10 members or 5% of the membership (whichever is the greater of the two).
- d. At least 14 days notice needs to be given to members of the Annual General Meeting.
- e. Nominations for committee may be submitted in advance of the meeting or at the meeting itself, with the consent of the candidate.

9. Changes to Constitution

- a. This constitution shall only be changed at a Special Public Meeting of the Association or Annual General Meeting subject to approval by Sandwell MBC Communities Team.

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- b. For decisions to be taken there must be a quorum of at least 10 members or 5% of the membership (whichever is the greater of the two).
- c. All members shall be given 14 days notice of the meeting and the proposed changes.

10. Dissolution of the Association

- a. If the Committee or any member wishes to dissolve the Association a Special Public Meeting must be called (in accordance with rule 7 of the constitution).
- b. If two-thirds of the voting members present at the Special Public Meeting agree to dissolve the Association the committee will undertake to dispose of the groups assets and funds in accordance with the following: -
 - i. All outstanding legitimate debts are cleared.
 - ii. Any unallocated resources are returned to the appropriate funding body together with a full account of expenditure.
 - iii. The committee shall dispose of any remaining funds and assets as they see fit within the local community provided there is no personal benefit or gain to any member of the association (i.e. Donation to a local school or charity).

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This constitution was adopted at the first general meeting of the:

..... Tenants and Residents
Association

on:.....

venue:.....

Signed - Secretary:.....

Name: *(in block letters)*

Signed – Chair:.....

Name *(in block letters)*

Dated: /...../

Appendix 1 – Members Code of Conduct

Conduct of Meetings

Members should:

- Attend meeting on a regular basis
- Be courteous to each other and support and assist other members in seeking the best possible solution to problems being discussed
- Allow each other the opportunity to speak and comment
- Follow the guidance of the chair in the conduct of the meetings
- Remember to follow the agenda, and to help each other reach effective decisions
- Remember that you are representing the views of and are accountable to your community
- Remember that the purpose of the meeting is to benefit residents generally and not specific individuals
- Bear in mind the rights of individual residents and the duties of staff when proposing solutions to problems
- Not 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
- Operate within the rules laid down in the constitution

Discrimination

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No member will discriminate on any ground against any other member of the association or public. Discriminatory language will not be used in discussions.

Constitution

All members should familiarise themselves with constitution of the association to ensure that they continue to meet the aims and objectives of the group.

Conflicts of interest

Individual Members:

- Should disclose any interest, whether personal 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 staff because of their membership of the group
- Must use the normal procedures for reporting repairs, complaints etc.

Confidentiality

Members should respect all individual tenants'/residents' confidentiality, whether present or not, and refrain from mentioning specific individual cases which may cause embarrassment or identification of an individual.

Any information or items shared by Sandwell MBC or any other organisation that is of a confidential nature must not be disclosed to anyone else apart from the members of the group in order to allow the business of the meeting to take place.

Political affiliation

Individual members may be affiliated to/or be members of a political party but they may not represent a political party in their role as a member of the group.

Breach of Code of Conduct

If a member of the committee or group, or member of the public does not abide by the code of conduct, the chair will warn that if they break the code again they may be asked to leave the meeting

The chair may give the member of the committee or group, or member of the public two further warnings.

If the member of the committee or group or member of the public continues to ignore the code then the chair will ask them to leave the meeting.

Repeated breaches of the Code of Conduct may lead to the Committee using its constitutional power to revoke the member's membership of the Association in accordance with rules 5e and 5f of the constitution.

Appendix 2 – Role of Committee Officers

Chair

To chair public and committee meetings or delegate such work to other committee members and take a lead in coordinating the work of the TRA.

Vice Chair (if elected)

To stand in for the Chair in their absence.

Secretary

To prepare and keep minutes of all meetings and Agendas, conduct correspondence on behalf of the association and ensure that meetings are arranged and venues booked.

Assistant Secretary (if elected)

To support the secretary and stand in for them in their absence.

Treasurer

To keep an account of the associations finances, manager the bank account, pay out cheques and advise on spending.

Assistant Treasurer (if elected)

To support the treasurer and stand in for them in their absence.

Co-ordinator(s) (if elected)

Take responsibility for any sub-committees set up to look at specific issues i.e. anti-social behaviour.

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Appendix 3 – Equal Opportunities Policy

This Association aims to be an equal opportunities organisation, and this policy reinforces the commitment given to equal opportunities as set out in the following sections of the Constitution and Code of Conduct: -

Rule 2.	Objectives
Rule 3c.	Membership
Rule 5d.	Conduct of business or standing orders
Code of Conduct	Discrimination

Furthermore this policy applies not only to the conduct of the business of the association as a whole (public meetings, committees, correspondence, etc.), but also to the conduct of individual members acting as representatives of the group.

Any member found to be in violation of this policy (as detailed below) will be dealt with under the procedure for breaches of the code of conduct. This may lead to the Committee using its constitutional powers to revoke the member's membership of the Association in accordance with rules 5e and 5f of the constitution.

This Association is committed to ensuring that: -

1. We do not discriminate on any grounds. This includes those of race, colour, age, religious or political beliefs, disability or illness, gender, marital status, sexual orientation, class, learning difficulty, appearance or employment status.
2. There is full participation and equality of opportunity for all members in the make-up and operation of committees, sub-committees, general meetings and the election of officers. In particular we will encourage representation from those sections of the community currently under represented.
3. In its meetings and the conduct of its business generally, the Association will not tolerate any racist, sexist, or other discriminatory remarks. ***Racial or sexual harassment is grounds for expulsion from the Association.***

4. The Association will support disadvantaged minority groups in identifying their needs by establishing relationships with other relevant local organisations e.g. women's groups, play groups, lesbian and gay centres, black and minority ethnic centres, disability groups, HIV support groups, pensioners' groups and youth clubs.
5. The Association will consider the needs of different communities when booking venues and arranging meetings.
6. The Association will support training to provide members (especially Committee members) with skills in equal opportunities.
7. The Association will (in partnership with Sandwell MBC) assist in monitoring of the participation of different groups and looks at ways of improving their involvement.