

Example

Constitution for Lewisham Homes Tenants and Residents Association

1. Name

The name of the association will be:

Cherrytree Lane Tenants and Residents Association.

2. Aims and objectives

The aims and objectives of the Tenants and Residents Association (TRA) will be:

- To provide resident led involvement opportunities.
- To seek to improve conditions and tackle local issues for residents of the area.
- To represent and to promote the interests of all the tenants and residents living in the area.
- To work in partnership with other agencies to achieve these aims.

The TRA will promote any charitable aim to further the above objectives; and will foster a community spirit in order to advance education and to provide facilities for training and recreation, to further health and the relief of poverty, sickness and distress.

This TRA supports no political party.

This TRA is not recognised for purposes of section 29 Landlord and Tenant Act 1985.

3. Membership

Membership of the TRA shall be open to all residents living in the **Orchard Estate** area and shall have voting rights on all issues raised at meetings. Each household in the catchment area has one vote.

4. Equal opportunities statement

This TRA wants to involve everyone in the area and will try to overcome any obstacles to people giving their views or getting involved in meetings and events. The TRA will try to make sure that everyone can feel welcome and safe at events organised by the TRA. The TRA will challenge any remarks or behaviour that cause offence and makes some people feel unwelcome.

The TRA will take positive action to reach those people that are under-represented at meetings and events and will ensure that all members have equal opportunities to attend and take part in the association and its events. All members agree to abide by the Lewisham Homes Code of Conduct (appended).

5. Management Committee (Office Bearers)

The TRA will be run by a Management Committee elected at the Annual General Meeting (AGM).

The Management Committee will be made up of a Chair, Vice Chair, Secretary, and Treasurer, also known collectively as Office Bearers. The Management Committee members must be at least 18 years of age.

If vacancies occur amongst the Management Committee between AGMs, the Management Committee shall have the power to fill those vacancies except where two or more vacancies occur at the same time in which case a Special General Meeting, advertised for that purpose, must be called.

Management Committee members who miss more than two consecutive meetings without giving reasonable apologies may be asked to resign their post. A Management Committee member may be removed or suspended from their post if they bring the good name of the TRA into disrepute. An ordinary meeting of the TRA will be called to consider evidence from all sides and a simple majority of members present with voting rights, subject to the meeting being quorate, will be necessary to remove or suspend. Right of appeal to Lewisham Homes, Head of Housing. A mediation service is available and requests for referral should be made direct to Lewisham Homes.

The Management Committee will have the power to co-opt members with skills and knowledge who can advise and support the TRA. Co-opted members of the Management Committee can take part but will have no voting rights at meetings nor represent the TRA at meetings or events.

6. Annual General Meetings (AGM)

Once a year (and no later than 15 months after the last AGM) the TRA will call an AGM. Written notice of the meeting must be sent at least 14 calendar days in advance to every member household, Lewisham Homes and Lewisham Tenants Fund. Notice of the AGM can be electronic or hard copy notice to residents' home. Additionally, websites, social media and estates' notice boards should be utilised where available.

Members should be made aware that they will have the opportunity to make nominations for election or stand for election themselves and to vote for the Management Committee members at the meeting.

- The AGM is quorate at 7 members where the membership is below 250 households and 10 members where the membership is above 250 households.
- The minutes of the previous AGM will be presented and approved.

- The existing Chair will present a report of the TRA activities.
- The existing Treasurer will present audited accounts for the year.
- Any amendments to the constitution will be voted on.
- The existing Management Committee will stand down.
- The Management Committee for the next year will be elected. Nominations for Management Committee members will be accepted only if the person nominated is present at the AGM or has put in writing that they want to stand.
- Elections for Management Committee members must be conducted by an officer of Lewisham Homes or Lewisham Tenants Fund. Two Resident Engagement Panel members comprising of Lewisham Homes secure tenants or leaseholders only (maximum of one leaseholder). Block Reps of any tenure, may also be elected at the AGM.
- If there is no one willing to stand, the retiring Management Committee will decide whether to start procedures to dissolve the TRA or continue in office to try and redevelop the TRA for up to 3 months with support from Lewisham Homes and Lewisham Tenants Fund.

7. Special General Meetings (SGM)

The Management Committee may, at any time, call a SGM of the TRA, giving at least 14 calendar days written notice to all members as for an AGM, to consider any matter that the Management Committee decide should be referred to all members.

A SGM of the TRA can also be called by 7 or 10 (as applicable based on Section 6) or more members who request this in writing to the Secretary stating their reason for wanting one. This could be in the form of a letter signed by 7 or 10 people from different addresses. The Secretary will ensure that the meeting is held no later than 21 calendar days after receipt of request and that all households, Lewisham Homes and Lewisham Tenants Fund, are given at least 14 calendar days prior notice.

The SGM is quorate as for an AGM.

8. Running our meetings

Ordinary meetings or events are held at least quarterly, which will be publicised to all households in the catchment area, in order to involve all members and hear their views.

At least four members of the TRA have to be present to take a decision on behalf of the TRA at ordinary meetings. Members should be consulted on the dates and venues of meetings. The TRA will try to work by general agreement but where this is not possible decisions will be taken by a simple majority of members present with voting rights.

Minutes will be kept of all meetings of the TRA and presented at the next meeting to be approved. The minutes should be made available to any member of the TRA on request. Additionally, minutes to be forwarded to Lewisham Homes and Lewisham Tenants Fund.

All members of the TRA agree to abide by the Lewisham Homes Code of Conduct (appended) and will declare all potential conflicts of interest to the Chair prior to voting on decisions.

9. Finance

The TRA can raise money on its behalf, as long as funds are spent in line with the aims and objectives of the TRA and subject to democratic agreement by the membership.

Lewisham Tenants Fund, via the tenant levy, has a range of grants available to TRAs. Applications for restricted funding to be made directly to Lewisham Tenants Fund.

At least two members of the membership must open a bank account on behalf of the TRA and become authorised signatories. The Treasurer must be one of the signatories. Where online banking is utilised, the account must be arranged so that an authorised signatory cannot both initiate and approve payments.

The accounts will be audited annually by a suitably qualified and independent person appointed by the TRA. Audited accounts will be presented at the AGM and copies sent to Lewisham Homes and Lewisham Tenants Fund as a matter of course.

The Management Committee is responsible for funds raised through grants according to the guidelines issued by the funding body, including those from Lewisham Tenants Fund.

10. Alterations to the Constitution

This Constitution may only be amended at an AGM or at a SGM. Any proposal to alter the constitution should be sent to the Secretary at least 21 calendar days before the meeting. Notice of the proposal to alter the Constitution should be included in the publicity for the meeting. Any alteration to this Constitution requires a simple majority of members present with voting rights and the meeting is quorate.

Lewisham Homes must approve the Constitution prior to its adoption by the TRA.

11. Dissolution

While it is hoped that this clause is never used, provision should be made to dissolve the TRA.

The dissolution process may be initiated by the TRA voluntarily or by Lewisham Homes for one of more of the following reasons:

- After two unsuccessful attempts to hold a quorate AGM
- There are insufficient members prepared to form the Management Committee
- Where the TRA has not met for 12 months
- Where audited accounts have not been prepared in time for the AGM
- Where an AGM has not been held within 15 months of the previous AGM
- Where breaches of the code of conduct or conflicts of interest have occurred

Lewisham Homes will communicate with all households represented by the TRA to advise of the dissolution. The TRA will have 28 calendar days from the date of communication, to resolve the issues leading to dissolution, before dissolution is finalised.

The existing Management Committee will co-operate with Lewisham Homes in:

- Outstanding bill payment and the return of any grants from funding bodies.
- Returning all records and assets of the TRA to Lewisham Homes.
- Closure of all bank accounts.

Any assets remaining after the satisfaction of proper debts and liabilities will be donated to a charitable cause by Lewisham Homes.

The Constitution was adopted as the Constitution of the **Cherrytree Lane** Tenants and Residents Association at an AGM of its members held at **Cherrytree Community Centre** on **1 May 2017**.

Signed *Ms. C. Morello* Chairperson

Signed *Mr A. Bakewell* Secretary

This Constitution should be kept on file and made available to members on request.

Guidance notes for doing your own Constitution

(This does not form part of the constitution – for guidance only)

Every group has their own ways of working and this model constitution is to give you a framework to add on and change to help create your own rules for your TRA. Some things have to be in your constitution or your group will not be recognised as democratic and

*accountable. There are some notes below to help you make the right choices. The Constitution **must** be agreed in consultation with Lewisham Homes prior to being adopted by the TRA.*

1. Name

The name of the association is up to you. Most people call the association after the area they represent.

2. Aims and objectives

You can add your own aims and objectives. You need the paragraph about charitable aims if you ever want to apply for Lottery funding. The group must not support political parties. The group is not recognised under the Landlord and Tenants Act.

3. Membership

You need to decide the area that your group covers. It cannot be the same area as any other registered association. The area you chose should be a distinct area with clear recognised boundaries. If you are only including parts of some streets or roads, you will need to list house numbers or provide a map. Some groups have decided to have a membership list. This will be treated as 'the catchment area' they cover.

4. Equal opportunities

Your group will have a lot more influence if you can show that you are representing everyone in your area and making real attempts to involve people and hear their views. It is against the law to discriminate on grounds of age, disability, race or gender and it is possible to discriminate without meaning to – by holding your meetings in an inaccessible place for instance. Think about all the people you represent; think about their different needs and what might stop some people getting involved.

5. Management Committee

It is recommended that Office Bearers are not from the same households.

6. Annual General Meeting

Every home you represent must get written notice of the Annual General Meeting and that is one of the criteria for registration. It is very important that all your members know they can vote and stand for election at the Annual General Meeting. You may want to send out nomination forms in advance so that you know who is standing for election.

The Annual General Meeting is also the time when you report back to your membership on what you have done during the year. This includes a financial report and you should arrange for the books to be checked by an independent and suitably qualified auditor and give members a written breakdown of income and expenses. Some groups distribute a written annual report.

7. Special General Meetings

A Special General Meeting is used to deal with major events, like changing the Constitution of the group.

8. Running your meetings

It is up to you how often you have general meetings that are open to all members, but should be at least quarterly. Meetings can take the form of events. We would encourage groups to use a variety of ways of involving their membership especially as not all members will have voting rights. Remember that most people never come to meetings so you might want to use surveys, galas, or social events to reach people. It is important that people feel involved in the association even if they don't come to meetings. They might be able to help out in other ways. In newsletters/blogs/emails/website/social media, try to make it easy for members to contact the Management Committee and try keep them in touch with what you are doing. It is a good idea to plan the dates of your meetings in advance. That way you have a better chance of getting Lewisham Homes officers and guest speakers to attend. You should give invited guests at least two weeks' notice of the meeting and it is best to let them know in advance what you want them to talk about.

9. Finance

Your association should adopt an expenses policy to make sure all members know exactly how much money everybody will be able to claim on behalf of the association. The expenses policy can be amended at a public meeting to ensure it is flexible enough to suit the needs of the association.