

Islington Council Tenant and Resident Associations (TRA) Model Constitution

1 Name

- 1.1 The name of the TRA is.....
- The association will represent members in the area (please state the name, block or street names, covered by the association).
- 1.2 TRAs are independent and autonomous groups who will make decisions democratically.

2 Aims

- 2.1 The aims of the association are:
- to represent the interests of its members;
 - to promote the rights and needs of Islington Council tenants and leaseholders in relation to the maintenance and improvement of their housing conditions, amenities and the environment;
 - to achieve changes and improvements to;
 - the quality of life of residents
 - housing services provided by Islington Council
 - to promote social, welfare and recreational activities for the benefit of the community;
 - to promote equal opportunities and work for good relations among all local residents;
 - to regularly consult and inform all members;
 - to represent the majority view of residents;
 - to be non-party political; and
 - to promote open membership to the TRA for all members of the community.

3 Membership

- 3.1 Full voting membership of the Association shall be open to all tenants, leaseholders and freeholders who pay council service charges and live within the area covered by the TRA.
- 3.2 More information about the committee can be found in section 5
- 3.3 Only one person (as described in 3.1) per household can put themselves forward for an officer position (e.g Chair, Secretary, Treasurer) and/or vote. They must be over 16 years old.
- 3.4 The following are allowed to be non-voting, non-officer members:
- Residents from the association's area of benefit who are not any of the above; namely, housing association tenants and private sector residents.
 - These residents can vote on community matters such as voting in committee members, fun days and community gardening.
 - These residents will still remain non-voting members where there are financial implications.

- 3.5 Should a person stop living within the area covered by the TRA, they will no longer be a member of the TRA. Should this person be an elected officer of the TRA, the post will become vacant and an election for the newly vacated post must take place at the next general meeting of the TRA. Please see section 5.7.
- 3.6 In the event of continuous or serious breaches of the constitution or code of conduct, a person's general membership of the TRA can be suspended or ended by a majority vote at a Committee Meeting. Details of this can be found on the code of conduct.
- 3.7 Elected councillors of the landlord authority shall not be eligible for election of the Association, nor shall they represent the Association in its dealings with the Council or any other Body.
- 3.8 Islington Council staff shall not be eligible for election of officer to the Association, nor shall they represent the Association in its dealings with the Council or any other Body.

4 Biennial General Meeting (BGM)

- 4.1 The TRA shall call a BGM:
- Accept the resignations (and subsequent elections) of the TRA's committee and officers;
 - receive the annual report of the committee and the statement of financial accounts;
 - receive reports of any member elected to represent the TRA on another body
 - consider any proposed changes to the constitution;
- 4.2 Any proposed amendments to the constitution should be presented to the membership for consideration at least 10 days prior to the BGM and agreed by the Council
- 4.3 The TRA must hold a BGM within 3 months of their due date. Failure to do so will result in the TRA 'lapsing' and no longer being recognised by Islington Council. In order to regain recognition, a full BGM must be held under the rules above.
- 4.4 A minimum of 21 days' notice of the BGM should be given to all members.

- 4.5 The BGM must be moderated by a member of council staff or elected councillor, to check that the BGM has been conducted in accordance with Islington Council's recognition process.
- 4.6 Quorum – BGM must be quorate according to the following guidelines. There must always be a minimum quorum of 5 to ensure that there are enough residents to fill positions of the officers and committee

| | Households | Households |
|---------------------|------------|----------------|
| TRAs with less than | 50 | 5 |
| TRAs with | 51 – 100 | 6 to 10 |
| TRAs with | 101 – 200 | 11 |
| TRAs with | 201 – 300 | 12 |
| TRAs with | 301 – 400 | 13 |
| TRAs with | 401 – 500 | 14 |
| TRAs with | 501 – 1000 | 15 |

- 4.7 For the purposes of the election, one vote is allowed per household.
- 4.8 Council staff will work with elected members to get the necessary documents signed, such as Constitution and Code of Conduct within 4 weeks.
- 4.9 The secretary shall provide council staff an up to date list of committee members.

5 The committee

- 5.1 The TRA shall democratically elect a committee to conduct the majority of their business. The committee shall be made up of no less than five members (inclusive of the three office posts) of the TRA unless the TRA has less than 50 households in which case this is three members.
- 5.2 Committee membership should be broadly representative of the area covered by the TRA. For example, block representation, demographics and tenure.
- 5.3 The TRA shall elect officers in the form of a Chairperson, a Secretary, a Treasurer.
- 5.4 The TRA may also elect committee members to represent the TRA on any other relevant strategic group or body at a general meeting.

- 5.5 Only one resident from an individual household may fill the officer positions of the TRA (For example, Chair, Secretary, Treasurer)
- 5.6 Up to a maximum of two individuals per household may be committee members.
- 5.7 The committee and/or its chair have the power to delegate business to sub-committees. These can be chaired by any committee member.
- 5.8 Any vacancies on the committee or officers arising from a resignation or otherwise should be filled (by an existing committee member for officer positions excluding the chair) until the next general meeting. At this meeting, a replacement member should be democratically elected from within the committee of the TRA. If the chair resigns, a special general meeting will need to be held so elections for that position can take place.
- 5.9 Copies of the constitution are available to all residents. The secretary should send out copies of the constitution within seven days of a person requesting it.

6 General meetings

- 6.1 Each TRA should hold at least one general meeting annually. Every second year this will be the BGM. Elections are only required at a BGM unless an officer position becomes available in the meantime, in this situation an election to that position can be undertaken at a general meeting.
- 6.2 A minimum of 21 days' notice of the general meeting shall be given to all members including notices through doors, electronic notice boards, posters and social media.
- 6.3 General Meetings are open to all eligible members of the TRA (see section 3: membership).
- 6.4 Attendance records should be kept to show active membership and these need to be shared with the Council Officer.
- 6.5 The quorum for general meetings is as in paragraph 4.6
- 6.6 Decisions of the general meeting shall be binding on the committee.
- 6.7 Decisions of the general meeting shall be made via a simple majority of votes.
- 6.8 One vote is allowed per member (one member per household).

7 Special General Meetings

- 7.1 A Special General Meeting may be called by the committee, or if requested by at least 10% of resident members. This request must be made in writing to the secretary at least 14 days before the requested meeting date. The secretary must then send written notice to all resident members and a Council Officer at least 7 days in advance of the meeting.
- 7.2 A Special General Meeting must be called to agree and vote upon any amendments or revisions to the TRA's catchment area including the adoption of any new build properties or developments. A Council Officer should be present at this meeting. A notification period of at least 21 days must be provided to all residents including those of the 'to be adopted properties' of any such meeting.

8 Committee meetings

- 8.1 The committee shall meet at least once a year, in addition to the annual general meeting.
- 8.2 The quorum of the committee meetings shall be (number ____ to be agreed by TRA) of committee members (no less than 3). Committee meetings may be called by the chair and secretary or the request of one-third of the committee members. As least 7 days' notice must be given to committee members.
- 8.3 If a committee member misses 2 consecutive meetings without reporting to the TRA officers, the rest of the committee may choose to suspend or exclude that member from the committee.

9 Code of Conduct and other policies

- 9.1 TRAs must adopt the Islington Council Code of Conduct, GDPR and Equalities statement.

10 Conduct of Business

- 10.1 At all meetings decisions shall be taken by a simple majority of those members present and eligible to vote.
- 10.2 In the event of a tied vote, then the motion must be taken as defeated, the chair does not have a casting vote.
- 10.3 Conflict of interest must be declared. Members with a conflict of interest should then **withdraw** from discussions and voting on the issue in question.

11 Minutes

- 11.1 All votes at a BGM, General Meetings, Special General Meeting or Committee Meeting shall be counted and recorded in the minutes. The Secretary is responsible for distributing minutes to committee members and council representatives.
- 11.2 All minutes will be made available to all residents upon request to the Secretary.

12 GDPR

- 12.1 TRAs must adopt and comply with the Islington Council GDPR Statement.

13 Finance

- 13.1 A simple record of income, expenditure and a balance sheet must be produced each financial year and should be available to all members on request.
- 13.2 Accounts should be independently externally audited if the turnover is over £5k per year.
- 13.3 Accounts will be made available to all residents and Council Officers upon request to the Secretary in line with 13.1.
- 13.4 All monies raised by or on behalf of the TRA shall be applied to further the aims of the TRA and for no other purpose.
- 13.5 Account(s) must be opened in the name of the TRA. The bank account should have a least three authorised signatories from separate households and are unrelated who must also be members of the committee. Two of the three people will be required to approve each transaction (i.e. signing cheques, but also ensuring that no one individual can initiate and approve non-cheque transactions)
- 13.6 Use of the TRA bank debit card can only be used with written approval of the committee.
- 13.7 Proper records of all transactions including petty cash must be kept.
- 13.8 The Treasurer should present quarterly financial reports to the committee through an agreed process.

14 Dissolution

- 14.1 Should a BGM not have been held within 27 months the remaining officers should meet and agree the dissolution of the TRA and distribution of the remaining funds.

- 14.2 The TRA can only be dissolved by a special general meeting called to consider a motion to dissolve the TRA with 14 days' notice to all members of this intention.
- 14.3 The TRA can only be dissolved if all members are notified of this intention 14 days in advance and two thirds of the member's present vote for the motion to dissolve the TRA.
- 14.4 The meeting shall decide on the disposal of any assets remaining after the satisfaction of debts and other liabilities.
- 14.5 In the case where afore mentioned meeting cannot take place, Islington Council will notify all residents of the dissolution of the TRA within 8 weeks (29 months after the last BGM).
- 14.6 To close a TRA bank account only two signatories are required. All funds held by the TRA should be held in trust for the council for future community use. You can discuss with the Council how that money will be used moving forward.
- 14.7 Any Council assets the TRA has been permitted to use must be returned to the Council.
- 14.8 All TRA officers are liable to ensure there is a handover process in place.

15 Derecognition

- 15.1 Recognition is a formal means of capturing the number of TRAs within the borough and, as such, must be applied for even when the group does not wish to apply, or does not qualify, for council funding. Recognition allows an annual check to be made on the group's governance and financial probity, and this helps the council to identify where support is needed so that we can target our help and advice most effectively.
- 15.2 Automatic recognition of a TRA ends if no successful BGM has taken place within 27 months of the last one, but recognition can be restored when the association does hold a successful BGM.
- 15.3 It is highly unlikely for TRAs to be derecognised, but such situations might arise in extreme circumstances. Derecognition will only be applied as a last resort and only after efforts to assist the TRA in maintaining recognition have been exhausted.

- 15.4 In order to be recognised a TRA must meet the minimum requirements laid out in Islington Councils model TRA constitution and the following conditions:
- a) must have held a BGM within 27 months of its previous constitutional BGM.
 - b) must comply with its constitution including holding general and committee meetings properly
 - c) must not falsify minutes or decisions
 - d) accounts must be kept properly and there must be no evidence of serious financial irregularity
 - e) There should not be incidents of serious or repeated bad behaviour or breaches of the TRA's equalities statement by the TRA or its members that might bring the TRA into disrepute, and that remain unaddressed by the committee or general membership
 - f) must be open and accountable to its general membership
 - g) must co-operate with the council to allow the council to verify that it is operating in line with the code of conduct and constitution.
- 15.5 A de-recognised TRA will no longer be recognised as a body that the council consults with on matters that affect the local community. The TRA will
- a) no longer have the council's consultation structure and any Islington Council property accessed or managed by it will be repossessed by the council.
 - b) be required to pay back to the council all TRA funds held by it. Or discuss with Islington Council how that money will be used moving forward.
- 15.6 If the council has de-recognised a TRA for a case of fraud, threat, or incident of violence then the council may consider placing conditions on future recognition of that TRA. This could include requiring the TRA to restrict certain members from being a bank signatory or key officer or attending meetings.
- 15.7 Written correspondence will be sent to the Chair and Secretary of the association setting out the reasons for derecognition.
- 15.8 The CPO will write to every household and key stakeholders informing them of the decision within 28 days.

This Constitution was adopted by:

Tenant & Resident Association

At a public Meeting held at

on (date).....

Signed (Chair)

Signed (Secretary)

Signed (Treasurer)

A signed copy of this document should be shared with Islington Council within 4 weeks.