

LINCOLN TENANTS' PANEL

Wednesday, 21 March 2018

10.00 am

COMMITTEE ROOM 1

Lincoln Tenants Panel member(s): Brian Botham, Debbie Rousseau (Chair), Caroline Coyle-Fox, Sharron Elsom, Richard Kelly, John Ranshaw, Christine Lamming, Felicity Kelsall, Mick Barber (Vice-chair), Kathy Hill, Sheila Watkinson and Mandy Harley.

Also in attendance: Chris Morton

A G E N D A

SECTION A

Page(s)

Public Document Pack

1. Welcome and Apologies
2. Declarations of Interest

Please note that, in accordance with the LTP Code of Conduct, when declaring interests LTP members must disclose the existence and nature of the interest and whether it is a disclosable or personal interests.

3. Adoption of the Revised LTP Constitution

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SUBJECT:	PROPOSED AMENDMENTS TO THE LINCOLN TENANTS' PANEL CONSTITUTION
DIRECTORATE:	HOUSING AND REGENERATION
REPORT AUTHOR:	CHRIS MORTON-RESIDENT INVOLVEMENT MANAGER

1. Purpose of Report

- 1.1 To present proposed amendments to Lincoln Tenants' Panel (LTP) constitution and seek formal adoption from LTP.

2. Executive Summary

- 2.1 This report sets out proposed amendments to the LTP constitution as put forward and discussed at LTP meetings on 6 September 2017, 3 January and 17 January 2018. The amendments are to:
- Revise the code of conduct contained within the LTP constitution. The code of conduct is contained within the LTP constitution
 - Create an additional seat on the panel for a member of the Next Gen Group (this is the younger person's panel for residents aged between 18-35)
 - Clarify that decisions cannot be made outside of meetings, except for urgent decisions on expenditure under £300
 - Make several other smaller changes to the constitution.

3. Background

- 3.1 The LTP constitution sets out how the Lincoln Tenants' Panel is to operate. This is reviewed on an annual basis.
- 3.2 The LTP constitution requires that any proposed changes to the constitution may only be made by a two-thirds majority of voting members attending an Annual General Meeting or an Extraordinary General Meeting called for the purpose. Subject to LTP's comments on the proposed amendments LTP will need to decide whether to propose the amendments at the next AGM or alternatively call an EGM for that purpose.
- 3.3 The changes were agreed at Exec on 26 Feb 2018 and LTP should now vote on adopting the changes.

4. Proposed Changes to the constitution

4.1 Changes to the code of conduct

The first proposed change to the code of conduct is to alter clause 9.2.26 which currently states

'If an LTP member does not abide by the above code of conduct, they will be given a warning by the Chair. If they "break" the code of conduct again in the same meeting, they will be asked to leave the meeting. If the problem occurs again at the next meeting, the LTP member may be asked to stand down from LTP, either permanently or for a fixed period of time.'

To:

If an LTP member does not abide by the above code of conduct, they will be given a verbal warning by the Chair. If they do not abide by the code of conduct again they will be given a written warning by the Chair. If this happens a third time, then a report will be prepared by the Chair and the individual may be suspended or dismissed from the panel by the LTP members at a formal meeting. The chair can take advice from officers where needed.

If the LTP member commits a serious breach of the code of conduct, they can be dismissed without first receiving a verbal or written warning. Serious breaches will be defined as an action that amounts to gross misconduct under the City of Lincoln Council's disciplinary policy. Relevant officers should be consulted about what classes as gross misconduct.

The chair and vice-chair will decide when a breach has occurred and if it warrants a warning or is serious enough to result in suspension with immediate effect pending the decision by the panel. The Portfolio Holder and the City Solicitor (or suitable deputies) should be consulted before a decision is made. A record of this approval should be kept. A report will be prepared by the Chair, with support by Resident Involvement Manager, and the individual LTP members should then be notified of the suspension and consider the report as to action to be taken at the next formal meeting.

Any verbal or written warnings issued will be kept on file for a period of 12 months from issue. After this period the verbal or written warnings will be removed and the record erased.

If the Chair or Vice-Chair do not abide by the code of conduct the Director of Housing (or suitable deputy) will lead proceedings.'

Altering the clause will reduce ambiguity and set out clear procedures for dealing with breaches of the code of conduct.

4.2 This change will supersede clause 2.9 which states:

'A member who has breached the constitution may be suspended either

permanently or for a fixed period of time by majority decision of the panel. The Panel will give reasons for any decision to suspend.'

and clause 2.10 which states:

'Any member of the LTP who has been suspended for a fixed period of time for breaching the terms of the constitution will only be eligible to re-join after the period of suspension if they have remedied the original reason for suspension to the satisfaction of the majority of the other members of the Panel who are present when the issue is discussed at a meeting.'

Therefore these clauses will be removed.

4.3 The second change will alter clause 9.2.27 from:

'Any LTP member who is deemed to have breached the rules will have the right to appeal against this and will be treated in an open and fair manner. Appeals will be administered through the Resident Involvement Team and referred to the Housing Appeals Panel for mediation.'

To:

'Any LTP member who is deemed not to have complied with the Code of Conduct will have the right to appeal and will be treated in an open and fair manner. Any appeals must be submitted within seven calendar days, this period will start from the date the LTP member receives notification they have breached the code of conduct.'

The appeal will be sent to a relevant and independent outside body who will review the decision made by LTP and will provide conclusions relating whether to:

- Uphold the decision made by LTP*
- Recommend an alternative course of action (e.g. reduce the punishment)*
- Overturn the decision made by LTP*

The advice provided by the outside body will be taken into consideration by LTP, there will be no further scope for either LTP or the LTP member who made the appeal to ask for further reviews or appeals. Any charge made by the outside body will be met from the LTP budget.

The procedure for administering any appeals received will be as follows:

- LTP member must make a written appeal to the outside body*
- This should be submitted to the single point of contact (SPOC) as per the LTP communications protocol*
- The SPOC will then submit the following documents to the outside body:*
 - Copy of the appeal submitted*
 - Evidence provided by LTP to show the code of conduct has been breached*
 - Documents to show how LTP reached their decision that the code of conduct had been broken*
- The outside body will consider all documents and report back with their*

advice to the council

- *The Director of Housing and Regeneration (or suitable deputy) will then prepare a report in consultation with Legal Services and Human Resources (if appropriate) and will detail the outcome of the appeal*
- *The Report will then be submitted to LTP*
- *LTP member who has appealed to be notified of the outcome.'*

This is to ensure that there is a consistent, fair and open procedures in place for dealing with appeals.

4.4 The third main change to the code of conduct is to add in a clause that states:

- *'LTP members should follow the LTP communications protocol when contacting the council about LTP matters. LTP members who don't follow the protocol could be subject to disciplinary action.'*

LTP members are expected to follow the LTP communications protocol when contacting the council regarding panel business. Adding the clause will mean that LTP members who fail to follow the protocol could be in breach of the code of conduct. The new clause will be added as 9.2.19.

4.5 There are also a number of smaller clauses that will be added to the code of conduct. These are:

- *All LTP members will be asked to sign to say they will abide by the constitution when joining the panel*
- *If a problem arises with other LTP members, the member shall notify the Chair or Vice-Chair in writing*
- *Any enquiries about the service to be reported to the Resident Involvement Team, the Chair, or Vice-Chair to take the appropriate action*
- *All apologies for meetings/training/conferences should go through the Chair or Vice-Chair*
- *Members attending training/meetings will feedback a report to LTP, which could be a verbal report.*

These clauses have been added to the constitution under clauses 9.2.20-9.2.25.

4.6 **Creating an additional seat on LTP for a member of the Next Gen Group**

In August 2017 a number of younger residents set up the Next Gen Group. The aim this group is to increase the amount of participation the council has with younger tenants and to look at services from the view of a younger person. The group is open to residents between 18 and 35. So far the group has completed a review into resident involvement opportunities for younger residents and is planning a second project around how younger residents can be more responsible tenants.

To ensure the group is fully integrated into the existing resident involvement structure and works in collaboration with LTP there is a need to create an additional seat. The seat will be occupied by a member of the Next Gen Group and their role will be to represent them on LTP. This will ensure a link is kept open between Next Gen and LTP. The members of Next Gen will decide who this representative should be.

This will require clause 2.2 to be updated to state that there is a seat on LTP for a representative from the Next Gen Group.

4.7 Clarifying that decisions cannot be made outside of meetings, except for urgent decisions on expenditure under £300

The change is around clarifying that remote voting on issues is not allowed. In the past LTP members have been asked to vote remotely on issues where a decision is needed urgently and it was not feasible to wait until the next LTP meeting or arrange an additional meeting. These were carried out over email and telephone. The new clause would not allow for remote decisions to be made; apart from in the case of delegated budget decisions. LTP must agree any expenditure from the LTP budget at a meeting but in cases where a decision is needed before the next meeting, the chair and budget member have the authority to authorise expenditure up to £300. This will then be reported to the next LTP meeting. This requires a new clause to be added, this will be clause 3.11.

5. Strategic Priorities

5.1 Let's deliver quality housing

The revised code of conduct will mean that LTP are fully equipped to deal with any issues that arise and will allow LTP to keep carrying out their role representing council tenants.

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

There are no direct financial implications as a result of this report.

6.2 Legal Implications including Procurement Rules

There are no direct legal implications as a result of this report.

6.3 Land, property and accommodation

Land, property and accommodation is not affected by this report.

6.4 Human Resources

Human resources is not affected by this report.

6.5 Equality, Diversity & Human Rights

There are no direct implications as a result of this report.

7. Risk Implications

7.1 (i) Options Explored

None.

7.2 (ii) Key risks associated with the preferred approach

There are no risks associated with this approach.

8. Recommendation

8.1 LTP members are asked to adopt the amended LTP constitution.

Is this a key decision?

Yes/No

All key decisions require 28 days' public notice. If in doubt, please check with Democratic Services.

Do the exempt information categories apply?

Yes/No

28 days' public notice must be given to Democratic Services before any Executive meeting held in private. If in doubt, please check with Democratic Services. Please also see the exempt paragraph provisions detailed at the end of this template

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?

Yes/No

Rule 15 will only apply in exceptional circumstances and requires the Monitoring Officer's permission.

How many appendices does the report contain?

List of Background Papers:

None

Please note that any background papers must be provided to Democratic Services with your report for publication. If in doubt as to the definition of a background paper, please contact Democratic Services.

Lead Officer:

Chris Morton, Resident Involvement Manager,
Telephone (01522) 873398

1. Report Authors should only complete those sections of the template that apply. They must also ensure that any required consultation has been completed before the report is forwarded to Committee Services.
2. Within the Committee Report Template folder on Authority Wide is an information sheet on how reports should be prepared including formatting.
3. When using acronyms/abbreviations please ensure that an explanation of what they stand for is provided within the report.
4. Detailed below are the Exempt Paragraph numbers provided within the Access to Information Rules. For an item to be considered in private it must meet one of the criteria detailed below.

Category	Condition
1. Information relating to any individual	The public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual.	The public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	<input type="checkbox"/> Information relating to the financial or business affairs of any particular person is not exempt if it is required to be registered under: the Companies Act 1985; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986; or the Charities Act 1993. Information relating to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992 is not exempt.

Category	Condition
4 Information relating to any consultations or negotiations or contemplated consultations or negotiations , in connection with any labour relations matter arising between the authority or Minister of the Crown and employees of, or office holders under ,the authority	The public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	The public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6. Information which reveals that the authority proposes – a to give under any enactment a notice under or by virtue of which requirements are imposed on a person ;or b. to make an order or direction under any enactment	The public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	The public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Appendix 1-The Lincoln Tenants' Panel Constitution (draft)

(Amendments highlighted in yellow)

1.0 Aims of the Lincoln Tenants' Panel

Primary responsibility for delivering the City of Lincoln Council's social housing objectives and responsibilities lies with the Council's Executive who govern local authority housing services. The Lincoln Tenants' Panel has been established by the City Council as an elected group to represent tenants across the city. In accordance with the principles of co-regulation set out in the Regulatory Framework for Social Housing in England, it aims to bring together tenants to act as a consultative panel to the City of Lincoln Council in the discharge of its housing landlord functions as a Registered Provider of Social Housing as follows:

- 1.1 LTP represents the interests of all council tenants and leaseholders in meetings with officers and members of the Council.
- 1.2 LTP acts as the lead consultative panel for the Council on matters relating to the Council's housing landlord functions and the management and maintenance of council housing to ensure that, through LTP, tenants are given a wide range of opportunities to:
 - Influence and be involved in the formulation of the Council's housing management policies and the housing business plan
 - Influence and be involved in the making of decisions about how housing related services are delivered, including the setting of service standards
 - Influence and be involved in the scrutiny of the performance of housing management services and the making of recommendations to the Council about how performance might be improved.
- 1.3 LTP will be consulted on an annual basis on the Housing Business Plan and associated housing capital and revenue budgets (the Housing Investment Programme and Housing Revenue Account) including proposed changes to such budgets and new initiatives.
- 1.4 LTP will be consulted on the Council's Tenant Involvement Strategy and on the formulation of any local service standards (or "local offers") to supplement the national housing standards set out in the Regulatory Framework.
- 1.5 LTP will monitor and scrutinise the service delivery and performance of the Council's housing landlord service in delivering services against the national housing standards and any agreed "local offers" and will make any recommendations for improvements to service delivery that it considers appropriate to the Council's Executive Committee or Director of Housing & Community Services at it considers appropriate.
- 1.6 LTP, have elected from amongst its members a Designated Tenants Panel to act as a "Designated Person" for the purposes of the Housing Ombudsman complaints scheme. Please see attached this Panel's Terms of Reference at Appendix 2.
- 1.7 LTP will receive copies of minutes and notes of all meetings of working groups and Tenant Forums for information and may consider any matters and recommendations referred to it from such groups.

- 1.8 LTP meetings will be open to other tenants and the public generally and all agendas and reports and papers submitted to LTP for consideration will be made available to the public on request and via the Council's website unless the matter under consideration contains personal or commercially sensitive information considered to be "exempt information" as defined by the Local Government Act 1972.
- 2.0 Membership of LTP**
- 2.1 Membership of the panel is open to all council tenants and leaseholders of the City of Lincoln Council who meet the eligibility criteria set out below.
- 2.2** LTP will comprise of tenant & leaseholder representatives as follows:
- 17 members representing the various areas/estates in the city as follows:
 - Birchwood, Moorland, Ermine East, Ermine West and St Giles: **two members each**;
 - Bracebridge/Manse, Hartsholme, Stamp End, Tower, Newport/Burton Road, City Centre and West End: **one member each**;
 - **One member** from each of the working groups;
 - **One leaseholder**
 - **One Next Gen Group** member (Younger Persons' Panel).
- 2.3 Members are elected for a maximum of four years but can stand for re-election to the panel at the end of this period. The four-year term will commence from the last AGM.
- 2.4 In the event of one of the 18 seats for estate or leaseholder representative becoming vacant either at the end of the current incumbent's term of office or as a result of a vacancy occurring as a result of the resignation of the current elected representative the procedure for filling the resulting vacancy shall be as follows:
- The vacancy will be advertised to tenants through communication channels and on the Council's website and nominations will be invited from persons who meet the eligibility criteria set out in paragraph 2.5. Such nominations must be supported by at least 2 other tenants/leaseholders and or a recognised tenants and residents association.
 - Where more than one nomination is received the Resident Involvement Team will organise a postal ballot of tenants in the estate/area for the vacant seat concerned (or a postal ballot of leaseholders if the vacancy is for a leaseholder representative).
 - Where only one nomination is received the tenant/leaseholder concerned will be declared as elected to LTP unopposed, providing they meet the eligibility criteria set out in paragraph 2.5.

In the event of one of the LTP representatives on the working group seats becoming vacant either at the end of the current incumbent's term of office or as a result of a vacancy occurring as a result of the resignation of the current working group representative the procedure for filling the resulting vacancy shall be as follows:

- The working group will be asked to nominate and elect a replacement representative to serve on LTP from amongst its members at its next scheduled meeting.

2.5 To be eligible to sit on the LTP, the following criteria must be met. Candidates must:

- be a secure tenant of the City of Lincoln Council (so your name must be on the tenancy as tenant or joint tenant) or a City Of Lincoln Council leaseholder.
- be over 18 years of age
- not be in breach of our conditions of tenancy for which Notice of Seeking Possession or court action is outstanding. If a member of LTP is served with such a notice or court action while serving on the LTP, they will no longer be entitled to sit on the LTP until the breach is put right in full, including costs
- not be employed by the City Of Lincoln Council.
- not be an Elected Member of the City Of Lincoln Council. Anyone standing for election in the City or County Council elections is not allowed to be involved in the LTP from the date the list of candidates is publicly announced until the election is over. This condition applies to LTP members and elected Members seeking re-election. The only exception to this rule will be that the Portfolio Holder for Housing may attend at the invitation of the LTP Chair.

2.7 Membership should be encouraged to be representative of the wider tenant body as a whole in terms of both geographical area and equality and diversity.

2.8 Members should abide by the LTP equality and diversity statement of intent.

2.9 If any dispute remains unresolved between either members of the panel or between officers and elected members of the council and members of the panel an external independent mediator will be appointed. The cost of this will be split between the Tenant Participation Budget and a council budget.

3.0 How the LTP operates

- 3.1 LTP will elect its own Chair and Vice-Chair from its tenant and leasehold members when a vacancy occurs. The Chair and Vice-Chair will hold these positions for a term of 12 months before having to stand for re-election. Positions for Housing Sub and Scrutiny Committee will be elected following the Annual General Meeting.
- 3.2 The Resident Involvement Team will prepare the agendas for meetings and take minutes, they will also send LTP members the agenda and any further information needed a minimum of five working days before the next LTP meeting. The Resident Involvement Team will also provide any other reasonable secretarial and administrative support. Information will be made available in other formats if requested.
- 3.3 It is the responsibility of LTP members to ensure that they are prepared for the meeting by reading all the relevant papers and bringing them to the meeting.
- 3.4 The LTP minutes will be sent to all appropriate officers for information and action and will be provided to the Housing Scrutiny Sub-Committee.
- 3.5 The LTP will meet at a minimum of four week intervals in line with the schedule of meetings of the Executive of the Council. Council officers who have prepared reports for Executive Committee on behalf of Housing Services should ensure that they are submitted to LTP in advance of the Executive Committee for consultation/comment by LTP. The final report to Executive Committee should state whether LTP members have been consulted, and record their views and comments to enable Executive Committee to take such comments into account in arriving at its decision.
- 3.6 The LTP will be consulted on matters agreed in the HRA Business Plan and Housing Revenue Account.
- 3.7 Special meetings of the LTP may be arranged to discuss specific issues.
- 3.8 Meetings of the LTP usually take place at City Hall, as this is a central location and has disabled access. However, from time to time this may vary.
- 3.9 A tenant representative who does not attend three consecutive LTP meetings will be asked to explain the reasons for their absence and, if no satisfactory explanation is provided, may be asked to stand down by a majority decision of the Panel. If the individual attends the meeting to give an explanation, he or she will be asked to leave the room whilst the issue is discussed by Panel members and that person will be invited to re-attend the meeting to hear the decision of the Panel.
- 3.10 Appropriate travel and childcare expenses are paid to tenant and leaseholder members attending LTP and committee meetings and training sessions. Claim forms are available.
- 3.11** Remote voting on decisions is not allowed, except for urgent decisions on expenditure under £300 and these must be carried out using the delegated budget authority.

4.0 Training protocol

- 4.1 When becoming a member of LTP tenants will be offered a training plan and all new members will be required to undertake induction training.
- 4.2 The abilities and skills required of LTP members are summarised in Appendix 1. Membership of LTP will enable tenant and leaseholder representatives to develop these skills and the Resident Involvement Team will develop an individual training programme for each LTP member on an annual basis to assist tenant representatives to acquire these skills where necessary. The individual training programme will be agreed with each individual tenant representative and the overall tenant development programme and training budget will be reported to LTP on an annual basis.
- 4.3 LTP members will be informed at the beginning of each financial year what financial resources are available for training purposes.
- 4.4 LTP will be kept informed of what external training events are available to them. Decisions on which events to access will be based on the resources available and whether the event meets their training needs.
- 4.5 All LTP members will have equal access to training opportunities and no tenant representative will be excluded from accessing training unless they are in breach of the Code of Conduct requirements in section 9.2
- 4.6 In order to make maximum use of resources, attendees at training events will be encouraged to use the most cost effective methods of transport available, including car sharing where appropriate.
- 4.7 LTP members will be required to feedback to the next LTP meeting on any training that they have attended. This is also a requirement under the code of conduct see section 9.
- 4.8 LTP members who are scheduled to attend any events should provide as much notice as possible if they are not able to attend.

5.0 Quorum

- 5.1 LTP meetings are only in quorum if 50% or more of occupied seats of the membership is in attendance.

6.0 Annual General Meeting

- 6.1 LTP will hold an Annual General Meeting no later than the 31 March of each year. The panel will agree a work plan for the following year. Not less than 21 days' notice will be given for this meeting. In addition elections for representation for Housing Scrutiny Sub-Committee will follow the AGM.
- 6.2 Members must be present at the AGM to be eligible to vote, proxy votes will not be accepted.

6.3 From its membership the LTP elects 4 members, which should include the Chair and Vice Chair, to sit on the Housing Scrutiny Sub-Committee in an advisory role and as agreed by the Council's Executive.

6.4 In the event of an LTP member being unable to attend Housing Scrutiny Sub-Committee a nominated substitute may attend in their place.

7.0 **LTP Meetings**

7.1 The Resident Involvement Team will prepare agendas for LTP meetings. The agenda will be based on the LTP work programme.

7.2 LTP members and officers should notify the Resident Involvement Team of specific agenda items 6 working days before the meeting.

7.3 Any Other Business should be relevant to the aims of LTP.

7.4 LTP agendas, reports and minutes which are in the public domain will be published the City Council's website. Agendas, reports and minutes which contain "exempt information" will be made available to members of LTP

7.5 Agenda items and reports that contain "exempt information" will be printed on green paper, and the Chair will put a resolution to the meeting to exclude the press and public prior to consideration of that item.

8.0 **Roles and Responsibilities of Chair and Vice Chair**

8.1 **Chair/Vice Chair**

8.1.1 The Chair should welcome members and others to the meeting.

8.1.2 The Chair will provide a brief report to LTP, bringing LTP up-to-date with LTP news, meetings and events since the previous meeting.

8.1.3 The Chair should ensure everyone has a fair opportunity to speak in debates at meetings and avoid getting into argument as their main task is to chair the meeting

8.1.4 Speakers should go through the Chair and keep to the subject being discussed.

8.1.5 If things are getting heated, a five-minute time out adjournment can be called for at the discretion of the Chair or Council officers.

8.1.6 The Vice Chair will deputise for the Chair when necessary. Members present can elect an acting chair in the absence of the Chair and Vice Chair.

8.1.7 The vice-chair will automatically assume the position of chair until the next elections, in the event that the chair steps down.

8.1.8 LTP members must have been on the panel for a continuous period of 12 months before being eligible to stand for Chair or Vice-Chair.

9.0 Code of Conduct

9.1 The Agenda

- 9.1.1 LTP members and officers will be able to add items no later than 6 working days before the meeting.
- 9.1.2 A quarterly budget summary will be provided by the Resident Involvement Team. The accounts should be signed off by the Chair or Vice-chair.

9.2 Behaviour of LTP Members

- 9.2.1 LTP members will observe and stick to the agenda and its timings (guided by the Chair). They should follow the guidance of the Chair in the conduct of the meeting.
- 9.2.2 The physical layout of meetings should benefit all members.
- 9.2.3 LTP members should follow the agenda and not introduce items during the meeting. Meetings should start at the stated time.
- 9.2.4 Late arrivals should enter the meeting quietly and not disrupt the meeting with apologies until an appropriate moment in time is available.
- 9.2.5 LTP members should not use offensive or discriminatory language or remarks.
- 9.2.6 If people want to speak during the meeting they should first indicate to the Chair by the show of hands.
- 9.2.7 Everyone should speak one at a time, avoiding cross talking, and allow others to finish what they are saying.
- 9.2.8 LTP members should be courteous to each other both in meetings and outside of them and work together to seek the best possible solution to problems being discussed.
- 9.2.9 LTP members should bear in mind the rights of individual residents and the duties of staff when proposing solutions to problems.
- 9.2.10 Mobile telephones should be switched off or put on to silent mode during meetings. Emergency calls should be taken outside the meeting.
- 9.2.11 Wherever possible jargon should be avoided and if used a full explanation should be given.
- 9.2.12 LTP members are acting on behalf of all tenants and leaseholders, so no personal issues should be raised during meetings. Any personal issues should be dealt with via the normal procedures and not during meetings.
- 9.2.13 Identity badges should be worn when on LTP business.

- 9.2.14 LTP members should not disclose to another person any information, which is marked as confidential or verbally stated to be confidential at a meeting. All LTP members will be required to sign and abide by the attached Confidentiality Agreement.
- 9.2.15 LTP members should not approach the press as a LTP representative, the Chair and Vice-Chair are the only members who may approach the press as LTP representatives. If the Chair or Vice Chair are concerned as to whether to respond to the press or not they ought to contact the Communication Office at City Hall or the Resident Involvement Team for advice before proceeding.
- 9.2.16 Any correspondence sent on behalf of LTP should be shared with all LTP members.
- 9.2.17 LTP members who make referrals will ensure these are related to housing or the neighbourhood they represent, and that wherever possible, they have been reported via the normal channels before being referred (e.g. reporting repairs to Customer Services).
- 9.2.18 When representing LTP at other meetings, members should also observe the rules laid down by the constitution.
- 9.2.19** LTP members should follow the LTP communications protocol when contacting the council about LTP matters. LTP members who don't follow the protocol could be subject to disciplinary action.
- 9.2.20** All LTP members will be asked to sign to say they abide by the LTP constitution when joining the panel.
- 9.2.21** If a problem arises with other LTP members, the member shall notify the Chair or Vice-Chair in writing.
- 9.2.22** Any enquiries about the service to be reported to the Resident Involvement Team, the Chair, or Vice-Chair to take the appropriate action.
- 9.2.23** All apologies for meetings/training/conferences should go through the Chair or Vice-Chair.
- 9.2.24** Members attending training/meetings will feedback a report to LTP, which could be a verbal report.
- 9.2.25** LTP members must not bring the Panel or the Council into disrepute, which could include discussing LTP business outside meetings and in public.
- 9.9.26** If an LTP member does not abide by the above code of conduct, they will be given a verbal warning by the Chair. If they do not abide by the code of conduct again they will be given a written warning by the Chair. If this happens a third time, then a report will be prepared by the Chair and will be presented to a subsequent formal meeting. The individual may be suspended or dismissed from the panel by the LTP members at the formal meeting subject to a majority vote to that effect. The chair can take advice from officers where needed.

If the LTP member commits a serious breach of the code of conduct, they can be dismissed without first receiving a verbal or written warning. Serious breaches will be defined as an action that amounts to gross misconduct under the City of Lincoln Council's disciplinary policy. Relevant officers should be consulted about what classes as gross misconduct.

The chair and vice-chair will decide when a breach has occurred and if it warrants a warning or is serious enough to result in suspension with immediate effect pending the decision by the panel. The Portfolio Holder and the City Solicitor (or suitable deputies) should be consulted before a decision is made. A record of this consultation and any recommendations should be kept. A report will be prepared by the Chair, with support of the Resident Involvement Manager, and the individual LTP member should then be notified of the suspension and issued with the report as to action to be considered at the next formal meeting.

Any verbal or written warnings issued will be kept on file for a period of 12 months from issue. After this period the verbal or written warnings will be removed and the record erased.

If the Chair or Vice-Chair do not abide by the code of conduct the Director of Housing (or suitable deputy) will lead proceedings.

9.9.27 Any LTP member who is deemed not to have complied with the Code of Conduct will have the right to appeal and will be treated in an open and fair manner. Any appeals must be submitted within seven calendar days, this period will start from the date the LTP member receives formal notification they have breached the code of conduct.

The appeal will be sent to a relevant and independent outside body who will review the decision made by LTP and will provide conclusions relating whether to:

- Uphold the decision made by LTP
- Recommend an alternative course of action (e.g. reduce the punishment)
- Overturn the decision made by LTP

The advice provided by the outside body will be taken into consideration by LTP, there will be no further scope for either LTP or the LTP member who made the appeal to ask for further reviews or appeals. Any charge made by the outside body will be met from the LTP budget.

The procedure for administering any appeals received will be as follows:

- LTP member must make a written appeal to the outside body (detailed in the formal LTP decision letter)
- This should be submitted to the single point of contact (SPOC) as per the LTP communications protocol
- The SPOC will then submit the following documents to the outside body:
 - Copy of the appeal submitted
 - Evidence provided by LTP to show the code of conduct has been breached
 - Documents to show how LTP reached their decision that the code of conduct had been broken.
- The outside body will consider all documents and report back with their

- advice to the council
- The Director of Housing and Regeneration (or suitable deputy) will then prepare a report in consultation with Legal Services and Human Resources (if appropriate) and will detail the outcome of the appeal
- The Report will then be submitted to LTP
- LTP member who has appealed to be notified of the outcome.

10.0 **Officers and Councillors**

- 10.1 If an officer or councillor wishes to speak at a LTP meeting they will need to make a request to the Chair and/or the Resident Involvement Team, indicating what they wish to discuss and how long they wish to speak so it can be planned into the agenda.
- 10.2 Meetings of LTP, once called to order by the Chair at the appointed time, will be conducted in public in the presence of elected members, officers and any other tenants, members of the public or media that may be present unless the item(s) under discussion contain "exempt information" in which case the public and media may be requested to leave. LTP members will be provided with facilities to meet in private for up to 1 hour prior to the published scheduled meetings of LTP for the purposes of formulating and agreeing the line of questioning and detailed scrutiny questions to be put to officers and elected members in the formal LTP meeting. Similarly any request supported by the majority of LTP members and made through the Chair for facility to meet in private at another time of their choosing for the purposes of formulating and agreeing the line of questioning and detailed questions to be put to officers and members in the formal LTP meeting will be agreed.
- 10.3 Officers and councillors will respect all the ground rules of the meetings.
- 10.4 Officers and councillors will respect that LTP members are volunteers and are not a political organisation. Individual or political lobbying will not be allowed in LTP meetings.
- 10.5 When officers receive requests for information and referrals from LTP they will acknowledge these if they cannot give a reply within 10 days and give some indication of timings for a full reply and/or action in accordance with an agreed Communication Protocol.
- 10.6 Officers and Councillors are not able to vote.
- 10.7 LTP members can request officers and councillors to leave the room during the meeting.

11.0 **Minutes**

- 11.1 Draft minutes will be agreed firstly with any speakers who were at the meeting, followed by the Chair
- 11.2 Minutes will be sent out to LTP members no later than 5 working days before the next meeting and will be submitted to the next meeting of LTP for approval.

12.0 Decision Making

- 12.1 Decisions will be voted on by a show of hands or by secret ballot if requested by a LTP member and a majority of LTP members in attendance at the meeting are in favour of a secret ballot. In order for a decision to be passed it will require a majority vote of the LTP members at the meeting.
- 12.2 The Chair will have the second and casting vote.

13.0 Confidentiality

- 13.1 The LTP may deal with “exempt information” including personal and commercially sensitive information, so discretion and care must be exercised during and after meetings. Any information about the personal circumstances of anyone must be treated in confidence and not be disclosed to anyone not on the panel. LTP members should refrain from mentioning specific individual cases that may cause embarrassment or identification of an individual.
- 13.2 LTP members will also be asked to sign a confidentiality agreement when they join.
- 13.3 Each LTP member shall not disclose any confidential information belonging to the council or any third party which it shall have obtained as a consequence of carrying out duties under this constitution unless the expressed written permission has been obtained by the third party or the council.
- 13.4 Each LTP member shall ensure they comply with the Data Protection Act 1998. Attached at Appendix 3 are the Data Protection Principles showing the framework of requirements under the Act.

14.0 Personal interest

- 14.1 Members on the panel must not expect favourable treatment by housing staff or the panel itself, nor should they be treated any less favourably; for example in the completion of a repair or the allocation of a property.
- 14.2 Members must use the normal procedures for reporting repairs and other enquiries relating to their own tenancy or on behalf of other tenancies.
- 14.3 Members must notify the panel if they have any personal interest, financial or otherwise, in any matters it considers. Individual members may need to abstain from discussions and decisions on a particular item.

15.0 Discrimination

- 15.1 No member may be excluded or discriminated against for any reason by any other panel member.
- 15.2 Discriminatory language must not be used in meetings.
- 15.3 All those who attend meetings have the right to be treated with dignity and

respect, regardless of their race, colour, ethnic or national origins, nationality, gender, marital status, age, sexuality, religion, or any other matter which causes people to be treated with injustice.

16.0 Election procedures

- 16.1 LTP members will be elected for a period of 4 years in accordance with the arrangements set out in paragraph 2.4 of the constitution.
- 16.2 Tenants eligible to stand for election to LTP must be nominated and seconded by at least two other tenants / leaseholders.
- 16.3 Invitations for the available LTP seats will be extended to all tenants living within the area covered by the vacant seat(s).
- 16.4 One seat on LTP will be reserved for a leaseholder representative and a member of Next Gen.
- 16.5 Members of the Resident Involvement Team will facilitate this process and provide all necessary support for LTP members.
- 16.6 The Resident Involvement Team will ensure that there is an impartial observer to oversee the election process at the LTP Annual General Meeting.
- 16.7 Elections for LTP members and LTP committee positions are conducted on a majority basis and in the event of a tie the successful candidate will be selected by the drawing of lots by a council officer who is not part of the resident involvement team.

17.0 Amendments to the Constitution

- 17.1 Changes to the constitution may be made only by a two-thirds majority of the voting members attending an Annual General Meeting or an Extraordinary General Meeting called for this purpose. Any amendments proposed by the LTP are to be referred to the Executive for consideration and approval.
- 17.2 Notice of the Annual General Meeting and any Extraordinary General Meeting and the purpose for which it was called shall be given to all members of the Panel not less than 21 days before the meeting.
- 17.3 The chair and vice-chair have authority to sign an amended constitution on behalf of the rest of the LTP members.

18.0 Dissolution of LTP

- 18.1 LTP may only be dissolved at an Annual General Meeting or an Extraordinary General Meeting called for this purpose. The dissolution of LTP will require a two-thirds majority voting at this meeting.
- 18.2 In the event of the dissolution of LTP any outstanding funds will be returned to the City Of Lincoln Council. Any assets (financial or otherwise) acquired independently

of the Council will be disposed of in accordance with the aims of LTP by donating these to an organisation with similar objectives.

19.0 Resignations

- 19.1 All resignations should be made in writing to the Resident Involvement Team. Where a LTP member verbally indicates they wish to resign this should be confirmed in writing within two working days.
- 19.2 If confirmation of the resignation is not received in writing within 7 working days the Resident Involvement Team will contact the person who has verbally resigned to seek clarification.
- 19.3 LTP members can withdraw their resignation in writing within seven calendar days of submission.
- 19.4 If a written resignation is not received within 21 calendar days of the LTP member verbally stating they wish to resign the resignation will be automatically confirmed.

20.0 Signatories to the Constitution

On behalf of the Lincoln Tenants' Panel

.....

Chair of the Lincoln Tenants' Panel

Date.....

.....

Vice-chair of the Lincoln Tenants' Panel

Date.....

On behalf of the City of Lincoln Council

.....

Mayor

Date.....

.....

Portfolio Holder for Housing

Date.....

.....

Strategic Director of Housing & Regeneration

Date.....

Lincoln Tenants' Panel Nomination/Application form

YOUR NOMINATION

IMPORTANT Nomination Forms must be completed and returned to the Housing Department. Your form will not be valid unless the information given is correct.

Your name (in full):

Address:

.....

Daytime telephone number:

Name & address of nominees. (Your nomination must be supported by at least 2 City of Lincoln tenants/leaseholders or a recognised tenants & residents association)

.....

.....

PLEASE TICK WHERE APPROPRIATE:

1. I am a City of Lincoln tenant ☐ **OR** leaseholder ☐
2. I am over 18 years of age ☐
3. I have held a tenancy with the City Council for at least 1 year ☐
4. I am not employed by the City Council or by a prospective housing management contractor ☐

I certify that the above information is correct and that I consent to my nomination.

Signature

Date

Please send your completed nomination form to the:

Resident Involvement Team
Tenancy Services
City Hall
Beaumont Fee
Lincoln
LN1 1DE

Lincoln Tenants' Panel (LTP)

Confidentiality Agreement

From time to time, members of LTP may deal with difficult and sensitive issues. Discretion and care must be exercised during and after meetings. Information about the individual circumstances of anyone, including LTP members, must be treated in confidence and not be discussed outside of the meeting. Individual cases will not be discussed.

As a member of the Lincoln Tenants' Panel of City Of Lincoln Council, I agree that I will not, without the written consent of City Of Lincoln Council, disclose to any other person or organisation, a copy of any document, or any information contained in such a document, that I have received during my work for the Lincoln Tenants' Panel. I shall use such information only for the purposes of fulfilling my responsibility as a member of Lincoln Tenants' Panel.

I will not use any information gained during my work for Lincoln Tenants' Panel for individual, personal or financial gain.

I understand that any breach of this rule will result in exclusion from LTP.

Signed -----

Name -----

Address -----

Estate/Area represented -----

Working group represented -----

Accepted By (Officer) -----

LINCOLN TENANTS' PANEL

Expenses Claim

Name and Address:.....
.....
.....

Date	Receipt Number	Purpose of Claim (if travelling expense, please include method of transport)	Total Mileage or Fare	Amount Claimed (£)
			Total	

I Certify that the above is a true record

Signature

Date

You must attach receipts for all claims. Please return this to the Resident Involvement Team, Directorate of Housing and Community Services, City Hall, Beaumont Fee, Lincoln LN1 1DE.

Appendix 1

Lincoln Tenants' Panel's Training Protocol Skills & Knowledge Matrix

	Abilities and skills	What does this include?	Essential or desirable
1.	To be able to work as a team member.	<ul style="list-style-type: none"> Develop and maintain constructive working relationships with all colleagues, including other tenant representatives, officers and elected members 	Essential
2.	To be able to plan and review activities, and assess options.	<ul style="list-style-type: none"> Critically assess information. Agree work objectives. Plan activities. Contribute to decision making. Monitor and review progress. 	Essential
3.	To be able to be an effective committee member.	<ul style="list-style-type: none"> Time and commitment to attend meetings. Commitment to read papers in advance and evaluate information provided with ability to provide constructive challenge and comment. Make effective contributions to the decision process. Able to articulate views clearly. 	Essential
4.	Understanding of and commitment to supporting equality and diversity	<ul style="list-style-type: none"> Understand and embrace the principles equality and diversity Support for maintaining and developing a diverse panel that adequately reflects the needs of the community. 	Essential
5.	To be able to contribute effectively to consultation processes.	<ul style="list-style-type: none"> Identify people and groups who need to be consulted. Identify appropriate methods of consultation. Ensure consultation is organised effectively. Evaluate and review outcomes. 	Essential

		<ul style="list-style-type: none"> Suggest improvements. 	
6.	Willingness to take up relevant training and development opportunities.	<ul style="list-style-type: none"> Identify own training needs. Attend training when required. 	Essential
7.	To be able to present information clearly	<ul style="list-style-type: none"> Organising and presenting written information. Presenting verbal information clearly. 	Desirable
8.	To be able to understand the framework of resident involvement structure	<ul style="list-style-type: none"> Operate within the standing orders and the constitution. Raise matters in an appropriate manner, in line with the code of conduct. 	Essential
9.	To be able to contribute to marketing and communication strategies aligned with the corporate plan.	<ul style="list-style-type: none"> Identify marketing opportunities and take part in marketing activities. 	Desirable
10.	Financial awareness	Evaluate and review basic financial information.	Desirable
11.	Ability to influence and monitor housing services.	<ul style="list-style-type: none"> Interpret performance data. Review performance and suggest additional improvements. 	Desirable
12.	To be able to establish and maintain working relationships with other organisations.	<ul style="list-style-type: none"> Ability to build effective community relations. Develop working relationships with officers and elected members Working collaboratively with partner agencies, local authorities and other housing associations. Ability and willingness to engage in public relations opportunities. 	Desirable

Appendix 2



DESIGNATED TENANT PANEL

TERMS OF REFERENCE FOR THE LINCOLN TENANTS' PANEL ACTING AS A 'DESIGNATED PERSON' FOR THE PURPOSE OF LANDLORD SERVICES COMPLAINTS

Statement of Intent

The purpose of the Lincoln Designated Tenant Panel (the Panel) is to enable the Panel to play a role in helping to resolve complaints received from tenants of the City of Lincoln Council (the Landlord) locally, potentially using powers to refer complaints to the Housing Ombudsman Service where local resolution is not possible.

1 Aims, objectives and intended outcomes

1.1 The Panel's aims and objectives are:

- to use local knowledge and relationships to work with tenants¹ and the Landlord to find local solutions to complaints and problems raised by tenants
- to constructively challenge the Landlord and tenants so that they can sort things out for themselves wherever possible

¹ These terms of reference refers throughout to tenants as a collective term that applies to all persons who receive services from the Landlord, including tenants, leaseholders, shared homeowners and other services. The term could also apply to other members of the public who could potentially receive services or who are affected by services provided by the Landlord.

- to be part of a local democratic framework providing support to tenants

1.2 The intended outcomes of the work of the Panel include the following:

- tenants complaints, problems and issues will be resolved more effectively, quickly and locally, wherever possible without the need to involve the Housing Ombudsman Service (the Ombudsman), to the satisfaction of tenants and the Landlord
- greater local knowledge of tenant concerns and issues will help tenants to participate in improving services
- positive and empowering relationships will be developed between tenants and the Landlord that will help to raise the ability of tenants to shape their housing service
- positive relationships will develop between the Panel and other designated persons.

1.3 To achieve these aims, objectives and outcomes, the Panel will work in partnership with the Landlord. The Panel will also seek constructive relationships with local Councillors and MPs.

2 Remit and powers

2.1 The Panel has been recognised by the Landlord to act as a Designated Tenant Panel for purposes of referring complaints to the Ombudsman. The Panel's recognition was discussed and agreed with the Landlord's tenants. The Panel is listed on the Ombudsman's Register of Tenant Panels.

2.2 The Panel's formal legal power is to refer complaints to the Ombudsman, which it will do in the following circumstances:

- the Panel considers that a complaint cannot be resolved locally and the Panel considers that there is merit in referring the complaint to the Ombudsman
- the complaint falls within the Ombudsman's remit
- the Landlord's complaints procedure has been exhausted
- the complainant wishes the complaint to be referred to the Ombudsman

- 2.3 The Panel will make recommendations and suggestions to the Landlord regarding changes to the Landlord's service that may prevent complaints arising, and regarding how complaints are dealt with by the Landlord.
- 2.4 The Panel will negotiate with the Landlord regarding how it may be involved in complaints handling at earlier stages of complaints, although the Panel does not adopt its formal "designated" status until a complaint has exhausted the Landlord's complaints procedure. This links with paragraph 6 below.
- 2.5 The Panel will be publicised and accessible to all tenants of the Landlord. The Panel will respond to all enquiries from tenants with a view to resolving problems and issues at the earliest possible occasion working in partnership with the Landlord.

3 Delegated authority

- 3.1 For avoidance of doubt, the Panel will have no delegated authority and no decision-making powers in relation to the Landlord. The Panel will enable discussion between it and Landlord staff regarding complaints issues, who may have delegated authority to implement changes, or who will refer decision making matters to the level within the Landlord where delegated authority rests.
- 3.2 Staff members will be responsible for Landlord liaison with the Panel and for referring specific complaints matters as appropriate. They will also ensure that strategic matters raised by the Panel are referred appropriately within the Landlord.

4 Membership and remit of the Panel

- 4.1 The Panel are bound by their Constitution which outlines all roles and responsibilities.

5 Data Protection

- 5.1 The Panel are required under the Data Protection Act 1998 to follow the principles set out below:-
 - a) Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless certain circumstances apply

- b) Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- c) Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- d) Personal data shall be accurate and, where necessary, kept up to date.
- e) Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- f) Personal data shall be processed in accordance with the rights of data subjects under this Act.
- g) Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- h) Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

5.2 Personal data includes the names, addresses, dates of birth, family or medical history of individuals.

5.3 An individual will be required to sign an authority that they authorise the Landlord to release personal information them to the Designated Person.

5.4 City of Lincoln officers can further give advice regarding this.

6 Conflict of Interest

6.1 If the individual bringing the complaint to the Panel is known to a member of the Panel, that member should abstain from discussions and decisions on that particular item. An individual is known to a member if they have a personal association with them which a reasonable person would deem to prejudice the fair resolution or outcome of the complaint. This would include any involvement in an individual's formal complaints procedure.

6.2 Alternatively if the member has any financial interest in the individual or their business, then they should abstain from taking part in the discussions and decisions on that item

6.3 Members must notify the lead member of the Designated Tenant Panel as soon as possible if they have any personal interest, financial or otherwise in any matter considered.

Appendix 3



DATA PROTECTION ACT

PRINCIPLES

1. **Personal data shall be processed fairly and lawfully** and, in particular, shall not be processed unless –

(a) at least one of the conditions in Schedule 2 is met, and

(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

2. Personal data **shall be obtained only for one or more specified and lawful purposes**, and **shall not be further processed in any manner incompatible with that purpose or those purposes**.
3. Personal data shall be **adequate, relevant and not excessive** in relation to the purpose or purposes for which they are processed.
4. Personal data shall be **accurate and, where necessary, kept up to date**.
5. Personal data processed for any purpose or purposes **shall not be kept for longer than is necessary for that purpose or those purposes**.
6. Personal data shall **be processed in accordance with the rights of data subjects under this Act**.
7. **Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data**.

8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

(Further information is available from Legal Services or <http://www.ico.org.uk/>)

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