

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:

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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.