

HOUSING SCRUTINY SUB COMMITTEE**DATE:****SUBJECT: LINCOLN TENANTS' PANEL
CONSTITUTION****DIRECTORATE: HOUSING AND INVESTMENT****REPORT AUTHOR: ANDREW MCNEIL**

| DEPARTMENT | CONSULTEE NAME | CONSULTATION START | CONSULTATION COMPLETED |
|---|-----------------------|---------------------------|-------------------------------|
| Relevant Director | Daren Turner | 03.12.21 | 23.12.21 |
| Legal | Becky Scott | 23.12.21 | 19.01.22 |
| Finance | Colleen Warren | 23.12.21 | 19.01.22 |
| Human Resources | | 23.12.21 | 19.01.22 |
| Equality and Diversity | Pat Jukes | 23.12.21 | 19.01.22 |
| Land, Property and Accommodation | | | |
| Procurement | | | |
| Lincoln Tenants Panel | Paula Cade | 23.12.21 | 19.01.22 |
| | | | |
| Communications* | Sarah Curtiss | 23.12.21 | 19.01.22 |

*Please highlight in the email anything within the report which might be of interest to the media.

| | |
|-----------|--|
| 1. | Purpose of Report |
| 1.1 | To present proposed amendments to Lincoln Tenants' Panel (LTP) constitution and seek approval from Executive Committee taking into account this committee's views, to make these changes. |
| 2. | Background |
| 2.1 | The LTP constitution sets out how the Lincoln Tenants' Panel is to operate. This is reviewed on an annual basis. The last constitutional amendments were agreed by Executive Committee on 26 February 2018 and a copy of this constitution is attached at Appendix 1 to this report The proposed revised constitution is shown at Appendix 2. |
| 2.2 | The current LTP constitution requires that any proposed changes to the constitution may only be made by a two-thirds majority of voting members |

| | <p>attending an Annual General Meeting or an Extraordinary General Meeting called for the purpose.</p> <p>The amended constitution proposes that the requirement for an annual general meeting is removed and that a general meeting takes place every 3 years or that an extra-ordinary meeting is called in the event of any changes to the constitution, or any other issues deemed to require a decision by LTP. Therefore this revised constitution if agreed will require an extra-ordinary general meeting to be arranged to formally adopt and sign the constitution.</p> <p>A wider body of tenants have had any opportunity to comment on the main changes through social media. There have been no comments from tenants .</p> | | | | | | | | |
|------------------|---|------------------|---|------------------|---------|-----|--|-----|---|
| 2.3 | Executive Committee must approve any amendments to the constitution. | | | | | | | | |
| 3. | Summary of the main proposed changes to the LTP constitution | | | | | | | | |
| 3.1 | <p>LTP members will no longer represent specific areas or estates and will be expected to cover all council housing estates within the city. This is being changed to reflect the fact LTP will be operating with a more strategic mindset and concentrating on helping the council improve services, rather than focusing on single issues on the estates they live on.</p> <table border="1" data-bbox="274 967 1431 1193"> <thead> <tr> <th data-bbox="274 967 475 1043">New Constitution</th> <th data-bbox="475 967 844 1043">Amended</th> <th data-bbox="844 967 1043 1043">Old Constitution</th> <th data-bbox="1043 967 1431 1043">Current</th> </tr> </thead> <tbody> <tr> <td data-bbox="274 1043 475 1193">2.2</td> <td data-bbox="475 1043 844 1193">Removes the requirement for seats be based on geographical areas</td> <td data-bbox="844 1043 1043 1193">2.2</td> <td data-bbox="1043 1043 1431 1193">Seats are currently based on geographical areas</td> </tr> </tbody> </table> | New Constitution | Amended | Old Constitution | Current | 2.2 | Removes the requirement for seats be based on geographical areas | 2.2 | Seats are currently based on geographical areas |
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| 2.2 | Removes the requirement for seats be based on geographical areas | 2.2 | Seats are currently based on geographical areas | | | | | | |
| 3.2 | This will also mean that LTP members will cover all council housing areas in the city and be expected to attend events in all areas. | | | | | | | | |
| 3.3 | <p>LTP members will no longer be elected onto the panel but instead must pass a selection process, This will involve completing an application form and undergoing an informal interview. This will give LTP more control over who joins the panel to ensure applicants have the basic capability and show commitment to carry out the role.</p> <p>Whilst LTP currently have the provision for elections set out in their constitution, this rarely happens.</p> <p>When a vacancy arises on The Panel, all tenants are notified of this writing in the area where the vacancy occurs. All tenants in the area are given opportunity to apply to The Panel. In the event of there being two or more applications an election is held for the area seat.</p> <p>Since 2016 only 3 elections have been held in areas where seats were contested.</p> | | | | | | | | |

There are currently 9 occupied seats on LTP and 9 unoccupied seats. There is one tenant waiting for a seat, but as the seat in the area he lives is occupied, this tenant can not be given a seat. This could be considered as discriminatory and not inclusive as the panel aims to be.

| New Constitution | Amended | Old Constitution | Current |
|------------------|---|------------------|---|
| 2.4 | Sets out a selection process for LTP members to include an application and interview scored against a set criteria Maximum numbers of set as remains at 18 | 2.4 | There are 18 seats geographical seats that can be applied for including one for a leaseholder |

3.4 LTP members seats are not time limited, members will have a review after their first six months and LTP will have the ability to ask a member to stand down immediately if they have not passed the review.

| New Constitution | Amended | Old Constitution | Current |
|------------------|--|------------------|------------------------------------|
| 2.7 | Seats are not time limited, but members are subject to a review after 6 months | 2.3 | Seats are limited to a 4 year term |

3.5 To become chair or vice-chair LTP members will now have to apply for this position. All candidates will be subject to a selection process, with an independent person making a decision on the candidate who is most suited to the position.

The chair and vice-chair will serve a three year term, which is an extension of the current one year term.

| New Constitution | Amended | Old Constitution | Current |
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| 8.4 | The chair and vice chair will be selected for a 3 year term | 3.1 | The chair and vice chair are elected for a 12 month term |
| 8.5 | LTP members can either apply themselves or be nominated for the position(s). An independent person (or council official) will select the most | | |

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| | appropriate candidate against a specified criteria. | | |
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3.6 For LTP positions e.g. HSSC and ARCH, LTP members will no longer be elected, but similar to the above, will have to go through a selection process. This will be conducted by the chair and vice chair and the resident involvement team. Appointments will be made based on how well the candidate meets the role description for the positions.

| New Constitution | Amended | Old Constitution | Current |
|------------------|--|------------------|--|
| 6.3 | LTP members can apply for the position of Housing Scrutiny Sub Committee, applicants will be judged for the suitability of the role against the role description for the position. | 6.3 | The positions on Housing Scrutiny Sub Committee are elected on an annual basis |

LTP members will now be expected to attend 100 per cent of meetings, where as in the past the only requirement was for them not to miss three meetings in a row.

| New Constitution | Amended | Old Constitution | Current |
|------------------|--|------------------|--|
| 2.5 | This refers to a document which is in development which sets out the role and responsibilities of LTP members which includes attendance requirements and exemptions, such as sickness, holidays. The aim is for a high level of attendance | 3.9 | LTP members who miss 3 or more meetings in a row are expected to give reasons and could be asked to stand down |

3.7 The code of conduct has had a complete re-write and is now referred to in the constitution as **Values and Behaviour Agreement**

| New Constitution | Amended | Old Constitution | Current |
|------------------|---------|------------------|---------|
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| | 10 | A new set of values and behaviours have been agreed and are included as appendix to the proposed constitution | 9 | This section about the code of conduct has been removed. | | | | | | | | | | | | |
|------------------|---|---|--|--|------------------|---------|------------------|---------|-----|--|------|--|-----|---|-----|------------------------------------|
| 3.8 | LTP meetings are now be held in a hybrid working system of virtual meetings and some face to face meetings. This was introduced due to Coronavirus epidemic and will be continued. | | | | | | | | | | | | | | | |
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| 3.9 | Expenses that LTP members can claim now include IT and internet expenses which are paid with vouchers to offset the costs. | | | | | | | | | | | | | | | |
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| 3.10 | It is proposed that a three yearly general meeting takes place as opposed to an annual general meeting with the option to call extra-ordinary meetings as and when required | | | | | | | | | | | | | | | |
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| 3.11 | | | | | | | | | | | | | | | | |

| | New Constitution | Amended | Old Constitution | Current |
|------|---|---|------------------|---|
| | 6.3 | 4 members of LTP including the chair and vice chair to sit on Housing Overview and Scrutiny Sub Committee in an advisory role for 3 years. LTP will need to apply and be assessed for these positions | 6.3 | Annually 4 members of LTP including the chair and vice chair to sit on Housing Overview and Scrutiny Sub Committee in an advisory role for one year |
| 3.12 | LTP have a place on the Association for Retained Council Housing (ARCH) tenants' board. This position is a two year term and members must reapply at the end of each two year period. | | | |
| | New Constitution | Amended | Old Constitution | Current |
| | 6.4 | LTP have a place on the Association for Retained Council Housing (ARCH) tenants' board. This position is a two year term and members must reapply at the end of each two year period. LTP members will need to apply and be assessed for this position | NA | Not included |
| 3.13 | | | | |
| | New Constitution | Amended | Old Constitution | Current |
| | 8.4 | The chair and vice-chair will serve a term of three years. They can hold these positions for a maximum of three terms | 3.1 | States a 12 month term for the chair and vice chair |
| | 8.7 | Chair and vice-chair can attend meetings with senior council staff on behalf of the panel | NA | Not included |

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| | but must keep the panel informed of discussions. | | |
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3.14 A new Values and Behaviour Agreement have been agreed with LTP to replace the existing code of conduct

LTP outlined a memorandum of understanding for consideration as part of their constitution. Each point identified has been incorporated into the constitution instead of becoming an appendix for ease of understanding. Some points were duplicated from the constitution and some were addition points

| New Constitution | Amended | Old Constitution | Current |
|------------------|--|------------------|---|
| Section 11 | New Officers and Councillors working together have been proposed | Section 10 | Officers and Councillors section has been removed |

3.15 The section on equality has been updated to take account and briefly explain the duties set out in the 'The Public Sector Equality Duty';

| New Constitution | Amended | Old Constitution | Current |
|------------------|---|------------------|---|
| Section 16 | New text inserted to update the Public Sector Equality Duty | Section 15 | The section about discrimination has been removed |

3.14 LTP are proposing to introduce a selection criteria for LTP members and no longer use a process of elections.

| New Constitution | Amended | Old Constitution | Current |
|------------------|--|------------------|--|
| 2.4 | The proposed selection criteria is set out in this section | Section 18 | The section about Election Procedures has been removed as it is proposed that LTP will need to meet a selection criteria |

3.15 As LTP are no longer proposing to hold an Annual General Meeting, this section has been amended to reflect this.

| New Constitution | Amended | Old Constitution | Current |
|------------------|--|------------------|---|
| 17.1 | It is proposed that amendments to the constitution are carried out at extra-ordinary meeting or the three yearly general meeting | 17.1 | This set out the requirement for an annual general meeting or extra -ordinary meeting to be held to make amendments to the constitution |

3.14 The revised constitution has been subject to scrutiny and amendments by the Council's Data Protection Officer

| New Constitution | Amended | Old Constitution | Current |
|--|-----------------|--|---------------------|
| 16.4 | Updated wording | 15.3 | Out of date wording |
| Appendix 1 Confidentiality Agreement | Updated wording | Confidentiality Agreement | Out of date wording |
| Appendix 2 Designated Persons Panel | Updated wording | Appendix 2 Designated Persons Panel | Out of date wording |
| Appendix 3 Data Protection Principles | Updated wording | Appendix 3 Data Protection Principles | Out of date wording |

It should be noted that some appendices included in the current signed constitution have been removed from the revised constitution as they are working / procedural documents.

These are:

- **Application / nomination form**
- **Expenses form**
- **Skills and knowledge matrix**

5. Strategic Priorities

5.1 Let's deliver quality housing

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| | 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 financial consequences as a result of the report. |
| 6.2 | Legal Implications including Procurement Rules There are no direct legal implications as a result of this report. |
| 6.3 | Equality, Diversity and Human Rights The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees. It requires that public bodies have due regard to the need to: <ul style="list-style-type: none"> • Eliminate discrimination • Advance equality of opportunity • Foster good relations between different people when carrying out their activities • An Equality Impact Assessment has been carried out, is attached at Appendix 3 and there were no issues of concern. |
| 6.4 | Human Resources There are no direct implications as a result of this report. |
| 6.5 | Land, Property and Accommodation There are no direct implications as a result of this report. |
| 6.6 | Significant Community Impact There is no significant community impact. |
| 6.7 | Corporate Health and Safety implications There are no health and safety implications as a result of this report. |
| 7. | Risk Implications |
| 7.1 | (i) Options Explored |

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| | None. |
| 7.2 | (ii) Key risks associated with the preferred approach Failure to properly implement the constitution would lead LTP unable to effectively carry out their role. |
| 8. | Recommendation |
| 8.1 | That Housing Scrutiny Sub Committee provides comments to be passed onto the Executive. |

Is this a key decision?

Yes/No

Do the exempt information categories apply?

No

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

Yes/No

How many appendices does the report contain?

4

List of Background Papers:

None

Lead Officer:

Name, Andrew McNeil

Telephone (01522) 873XXX

Email address:

Please read the frequently asked questions sheet which accompanies this report template in authority wide in the committee report template folder for further information relating to this document and report writing in general.