

SUBJECT:	LINCOLN TENANTS' PANEL CONSTITUTION
DIRECTORATE:	HOUSING AND INVESTMENT
REPORT AUTHOR:	ANDREW MCNEIL, ASSISTANT DIRECTOR, HOUSING AND INVESTMENT

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 attending an Annual General Meeting or an Extraordinary General Meeting called for the purpose.

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.

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 .

- 2.3 Executive must approve any amendments to the Constitution.

3. Summary of the Main Proposed Changes to the LTP Constitution

- 3.1 LTP members will no longer represent specific areas or estates and will be expected to cover all council housing estates within the city.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 that 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.

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

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 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.

Whilst LTP currently have the provision for elections set out in their Constitution, this rarely happens.

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.

Since 2016 only 3 elections have been held in areas where seats were contested.

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 cannot 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 seats 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
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 appropriate candidate against a specified criteria.		

- 3.6 For LTP positions e.g., Housing Scrutiny Sub Committee and Association of Retained Council Housing (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
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.

New Constitution	Amended	Old Constitution	Current
3.7	A mix of virtual meetings and face to face meetings will be included	3.8	Meetings usually take place at City Hall
3.7	A minimum of 3 meetings a year are proposed	3.5	Meetings take place every 4 weeks.

- 3.9 Expenses that LTP members can claim now include IT and internet expenses which are paid with vouchers to offset the costs.

New Constitution	Amended	Old Constitution	Current
3.8	Includes IT and Internet costs	3.10	This was not included in expenses that can be claimed

- 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

New Constitution	Amended	Old Constitution	Current
6.1	Three yearly General meetings to take place as opposed to an Annual General Meeting with the option to call extra-ordinary meetings as and when required	6.1	States there will be an Annual General Meeting with the option to call extra-ordinary meetings as and when required. The requirement for an Annual General Meeting has been removed.

- 3.11

New Constitution	Amended	Old Constitution	Current
6.3	4 members of LTP including the Chair and Vice-Chair to sit on Housing 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 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 but must keep the Panel informed of discussions.	NA	Not included

3.14 A new Values and Behaviour Agreement has 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

3.16 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

3.17 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

3.18 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**

4. Strategic Priorities

4.1 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.

5. Organisational Impacts

5.1 Finance (including whole life costs where applicable)

There are no financial consequences as a result of the report.

5.2 Legal Implications including Procurement Rules

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

5.3 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:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

5.4 Human Resources

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

5.5 Land, Property and Accommodation

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

5.6 Significant Community Impact

There is no significant community impact.

5.7 Corporate Health and Safety implications

There are no health and safety implications as a result of this report.

6. Risk Implications

6.1 (i) Options Explored

None.

6.2 (ii) Key Risks Associated with the Preferred Approach

Failure to properly implement the constitution would lead LTP unable to effectively carry out their role.

7. Recommendation

7.1 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?

3

List of Background Papers:

None

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