

# Taunton Deane Borough Council

## Tenant Services Management Board Annual General Meeting – 28 April 2014

### Terms of Reference and Code of Conduct of the Tenant Services Management Board

#### Report of the Tenant Empowerment Manager

(This matter is the responsibility of Executive Councillor Adkins)

#### 1. Executive Summary

The purpose of this report is to review the Terms of Reference and Code of Conduct of the Tenant Services Management Board (TSMB). These documents have been in existence since the introduction of the board in 2010 and the Terms of Reference state that they should be reviewed every two years. The last time they were updated was at the TSMB AGM of April 2012.  
The documents are included as Appendix A and B of this report.

#### 2. Background

The Tenant Services Management Board (TSMB) first met in April 2010. One of the first agenda items it considered was the Terms of Reference and Code of Conduct. These documents, detailing the role, aims, objectives and expected conduct of the board, were agreed at the start of the board's existence. They were subsequently reviewed and updated at the TSMB AGM of 2012.

Point 21.2 of the Terms of Reference state that "The Terms of Reference will be reviewed every two years". The two years have now elapsed, meaning the TSMB should reconsider the documents and put forward any amendments it feels are necessary.

#### 3. Finance Comments

There are no financial comments in relation to this report.

#### 4. Legal Comments

There are no specific legal comments.

## **5 Links to Corporate Aims**

There are no specific links to corporate aims.

## **6. Environmental Implications**

There are no specific environmental implications.

## **7. Community Safety Implications**

There are no specific community safety implications.

## **8. Equalities Impact**

Reference is made throughout the documents which highlight that the TSMB has a collective responsibility to uphold the best possible standards in term of equality. Examples include:

“No member will discriminate on any grounds against any other member of the group or public. Discriminatory language will not be used in discussions.”

“All those who attend board meetings have the right to be treated with dignity and respect, regardless of their colour, race, ethnic or national origins, nationality, gender, marital status, age, sexuality, religion or any other matter.”

## **9. Risk Management**

There are no specific risk management issues.

## **10. Partnership Implications**

There are no specific partnership implications.

## **11. Recommendations**

It is recommended the Tenant Services Management Board:

- Note this report
- Consider and agree any changes that are necessary to the existing Terms of Reference and Code of Conduct contained in Appendix A and B.

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**TENANTS SERVICES MANAGEMENT BOARD**

**TERMS OF REFERENCE**

**1. Introduction**

- 1.1 The Tenant Services Management Board (TSMB) is charged with the responsibility for ensuring the best possible standards of housing service delivery to all council tenants. It will assess the housing service of Taunton Deane Borough Council (TDBC) and say where and how it can be improved.

**2. Aims and Objectives of the Board**

- 2.1 To be consulted on and advise Housing Services on changes to policies, procedures and practices, significant service changes and initiatives.
- 2.2 To review the Business and Action Plans of the Housing Service.
- 2.3 To annually review the draft Capital and Revenue Budgets of the Housing Service.
- 2.4 To create a partnership between Taunton Deane tenants, TDBC Councillors and staff to secure effective tenant empowerment and improve communication between TDBC and its tenants. To work in partnership with TDBC to improve accountability to tenants.
- 2.5 To represent the interests of all tenants of TDBC at strategic and policy level, monitoring and reviewing strategic decisions.
- 2.6 To influence the development, formulation and monitoring of policy.
- 2.7 To review the value for money of Council housing services to ensure the best use of resources.
- 2.8 To review and promote tenant participation in housing management.
- 2.9 To review, scrutinise and monitor service performance of the Housing Service in relation to its policy objectives, performance targets, identified standards and budgets and identifying any shortfalls in achievement.
- 2.10 To work with officers of the Council to agree acceptable and realistic service standards in the borough.
- 2.11 To make appropriate recommendations to the relevant Scrutiny Committees, Executive or Full Council on matters relating to Housing Services.

- 2.12 To agree the development of an annual service improvement plan with Housing Services, to monitor performance against agreed targets on a regular basis and to propose remedial action if performance on services falls short.
- 2.13 To promote, encourage and support new membership to the TSMB, and sustain the involvement of existing members.
  - 2.14 To promote awareness of the board and its work to the tenants in the Borough.
  - 2.15 To receive presentations from individuals or organisations within or outside of the Council structure to achieve better understanding of any issues that TSMB so requires.
  - 2.16 To monitor customer feedback and the performance of comparable organisations.
  - 2.17 The TSMB will not be involved with day-to-day operational matters or matters of detailed service delivery.
  - 2.18 The TSMB is non-party political.

### **3. Equal Opportunities**

- 3.1 No member will discriminate on any grounds against any other member of the group or public. Discriminatory language will not be used in discussions.
- 3.2 All those who attend board meetings have the right to be treated with dignity and respect, regardless of their colour, race, ethnic or national origins, nationality, gender, marital status, age, sexuality, religion or any other matter.

### **4. Membership**

- 4.1 The board shall consist of a maximum of twelve voting members, ten of which shall be TDBC tenants and two Councillors.
- 4.2 This structure shall be reviewed every two years and will also take into account the need for all sections of the community to be represented, in order to ensure membership of the board is representative of tenants as a whole.
- 4.3 The two main Party groups (reflecting the political composition of the Council) shall nominate one member each to serve on the board.
- 4.4 The Councillor referred to in 4.3 can be any Councillor of the two main party groups except a member of the Executive.

- 4.5 No substitutes are allowed, but a Councillor can attend the board as an observer to brief a Councillor member who is not present at the meeting.
- 4.6 Any Councillor sitting on the TSMB should not consider him or herself restrained by any political group whip on any matter the board will examine.
- 4.7 If there are equal number of candidates for available board positions and the candidates meet the eligibility criteria they may be deemed as elected unopposed and no election is necessary.
- 4.8 Board members should be elected every two years.
- 4.9 Tenants shall be given the opportunity to stand for election onto the board every two years. Ballot papers will be sent to all tenants named on tenancy agreements at the date of the start of the ballot.
- 4.10 However, tenants are not eligible to be elected or serve as a tenant representative on the Board if:
- • they are not a tenant or partner or spouse of at least five year's standing of a tenant living at the same household
  - • they are under 18 years old
  - • they are in serious breach of their obligations as a tenant
  - • they become incapable due to a mental disorder
  - • they do not have a good rent payment and tenancy history
  - • they are a Councillor of TDBC
  - • they are a member of staff in TDBC's Housing service
  - • One of their family members or household is a current member of the board
- 4.11 If elected and a board member's circumstances subsequently change that they then fit into any of above categories they must declare this to the Chairperson of the board and membership will cease.
- 4.12 Membership shall also cease if he or she:
- Resigns by written notice to the Chairperson or Tenant Empowerment Manager.
  - Misses three consecutive meetings (without reasonable excuse) when they will be deemed to have resigned. The member will be contacted by the Tenant Empowerment Manager to enquire about their absences.
  - Brings the board into disrepute.

4.13 If a member resigns or relinquishes their position the resulting vacancy will be filled as follows:

A previously unsuccessful candidate who received the most votes will be asked to fill the vacancy.

If the candidate is unavailable or unwilling to be co-opted, other candidates will be considered in the order of the number of votes received.

4.14 Should the above provision fail to find a representative, the board members with the Tenant Empowerment Manager will agree on a representative to be co-opted until the next ballot.

4.15 All members are volunteers. No payment will be received for any work done by them on behalf of the board. However when attending training or meetings of the board, members may claim travel, childcare or other carers expenses.

4.16 The names of all board members shall be published annually in the “Deane Housing News” or ‘Tenants Talk’ newsletters.

4.17 No substitute members shall be permitted.

4.18 All members must participate in training programmes and seminars aimed at enhancing board members’ roles.

## **5. Chairperson and Vice-Chairperson Posts**

5.1 The board shall have a Chairperson and Vice-Chairperson elected by the TSMB.

5.2 Only voting tenant members of the board shall be eligible for nomination as Chairperson and Vice-Chairperson.

5.3 The posts will be subject to elections at an Annual General Meeting or the following board meeting if an election has subsequently been held. Should any post(s) fall vacant before an Annual General Meeting an election will be held at an ordinary board meeting.

## **6. Duties of the Chairperson**

6.1 The Chairperson should guide the TSMB to achieve its aims as set out in the Terms of Reference.

6.2 The Chairperson shall approve (in conjunction with the Tenant Empowerment Manager) Agendas and papers for the meetings.

6.3 The Chairperson shall chair the meetings of the TSMB, ensuring that each item on the agenda is discussed, that all members have the opportunity and are encouraged to contribute to discussions and that decisions are made and recorded.

- 6.4 The Chairperson shall allow issues to be properly debated which are on the agenda, but should seek the agreement of the meeting for lengthy discussion on items that have not been published on the agenda, for example, a matter arising from a minute. The Chairperson has the right to cut short contributions which unnecessarily prolong debate or because the meeting will not have enough time for other items on the agenda.
- 6.5 The Chairperson shall summarise discussions prior to the board voting on any issue in order to clarify motions and to provide clarification for the minute taker.
- 6.6 The Chairperson shall inform members, at each board and general meeting of actions taken outside of meeting.
- 6.7 If the Chairperson and Vice-Chairperson are absent from a meeting of the board then its members shall appoint one of their number to chair the meeting.
- 6.8 The Chairperson will attend the Housing Briefing meeting.

## **7. Duties of the Vice-Chairperson**

- 7.1 The Vice-Chairperson shall chair the meetings of the TSMB in the absence of the Chairperson and offer assistance and support to the Chairperson in carrying out their duties.

## **8. Agenda and Supporting Papers**

- 8.1 The Agenda and order of business will be drawn up by the Chairperson in consultation with the Tenant Empowerment Manager no later than ten working days prior to the date of the next meeting.
- 8.2 Any member wishing to place an item on the agenda must notify the Chairperson or Tenant Empowerment Manager in writing twelve working days prior to the meeting.
- 8.3 TDBC in agreement with the Chairperson of TSMB shall serve notice of meetings.
- 8.4 The Agenda and any necessary supporting papers will be sent to board members and invited officers by TDBC at least five working days before meetings. Late reports will be circulated as soon as possible and the TSMB will determine whether to consider them.

- 8.5 Such papers will be sent by officers of TDBC to the address as given on the application form submitted by each member and any incidence of failure to receive such notice shall not invalidate the proceedings of the meeting.
- 8.6 TDBC in conjunction with the Chairperson will be responsible for ensuring that appropriate officers and Councillors are informed of decisions taken and if necessary recommendations are referred to the appropriate Scrutiny Committees, Executive or Full Council.
- 8.7 Where any member of staff is required to attend a board, the Chairperson will notify the Tenant Empowerment Manager, who shall inform the member or staff in writing giving at least ten working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the board. Where the account to be given to the board will require the production of a report, then the member of staff concerned will be given sufficient notice to allow for its preparation.
- 8.8 Where, in exceptional circumstances, the member of staff is unable to attend on the required date the Tenant Empowerment Manager shall consult with the Chairperson so as to make alternative arrangements for attendance.

## **9. Statements, Questions and Petitions to Board**

- 9.1 Members of the public, provided they give notice in writing or by electronic mail to the Tenant Empowerment Manager, may submit a statement, question or petition to the TSMB, by no later than 12 working days before the meeting. The subject of the statement, question or petition must relate to the terms of reference of the board.
- 9.2 The statement, question or petition and any accompanying response, if available before the meeting, will be included in paper copies available at the meeting.
- 9.3 The total time allowed for the presentation and discussion of statements, questions and petitions to the TSMB shall not exceed fifteen minutes except with the consent of the Chairperson; each individual questioner shall be restricted to speaking for a total of four minutes.
- 9.4 The Chairperson, in consultation with the Tenant Empowerment Manager, may reject a question, statement or petition if :
- it is not about a matter for which the board has a responsibility
  - or
  - it is defamatory, frivolous or offensive
- 9.5 Questions shall be directed to the Chairperson, who may request the appropriate board member or officer to reply.



- 9.6 Questions shall not be disallowed merely because advance notice in writing has not been given. Such questions may not be answered immediately but later in writing. However it is always preferred that questions are put in writing in order to assist board members and officers to be able give answers at the meeting.
- 9.7 An answer may take the form of:-  
(a) an immediate oral answer; or  
(b) a written answer where the necessary information is not readily available.
- 9.8 Subject to the time limit and to the discretion of the Chairperson, the questioner shall be permitted to ask one supplementary question relating to the issue raised.
- 9.9 Subject to the discretion of the Chairperson, a non board member may be permitted to contribute to discussions when the issue is being debated as an agenda item as opposed to raising points during Public Question time.

## **10. Meetings**

- 10.1 The rules and general working of the TSMB will have regard for the Council's powers and responsibilities and its constitution.
- 10.2 The board will meet monthly. The dates, times and venues for the meetings will be agreed by the board on a six monthly basis.
- 10.3 Venue for the meetings shall be the Deane House or other central location with the agreement of the Chairperson.
- 10.4 Meetings shall commence at 18.00 hours and the duration shall not exceed three hours but may be extended at the discretion of the Chairperson, having taken into account the views of those members present. Meetings shall start on time provided they are quorate.
- 10.5 The TSMB will not discuss individual or estate specific complaints or issues unless they illustrate a matter of principle or concern which applies across the borough.
- 10.6 A written record (minutes) will be kept of each meeting and must include the names of all members and attendees present and agreed at the following meeting. TDBC shall provide this service.
- 10.7 Copies of the minutes shall be provided to the TSMB, Chairperson of the Tenants' Forum, Executive Member for Housing, Shadow Executive Member for Housing, Housing Services Lead and any officers present at the meeting
- 10.8 Minutes shall be available on request to all tenants, residents, Councillors and staff.
- 10.9 Officers of the Council may attend any of the meetings in an advisory or service capacity.

- 10.10 Special meetings of the board may be called at the request of three board members (having written to the Tenant Empowerment Manager, signed by each, with the stated reason) or on receipt of a request from the Full Council, Executive or Scrutiny Committees. When a special meeting has been called, letters shall be sent to all members to notify the purpose, date, time and place of the meeting at least ten working days in advance.
- 10.11 Extraordinary meetings may be called by the Chairperson or the Housing Services Lead in consultation with the Chairperson at any time.
- 10.12 The notice of meeting, agenda and minutes of all meetings shall be made available to the public upon request by TDBC.
- 10.13 Members of the Tenant Empowerment Team shall ensure that matters identified by the meeting are referred to other sections of the Council as appropriate.
- 10.14 The minutes shall be submitted to the next possible meeting for approval or otherwise of the board following which the Chairperson shall sign and date them as a correct record of the business transacted.
- 10.15 Members of the TSMB are required to disclose the existence and nature of any personal interest which they have in any item of business to be considered at a TSMB meeting, ahead of its discussion.
- 10.16 Members of the public will have the right to attend any TSMB meeting except where confidential or exempt information is likely to be disclosed, and the meeting, or a part of it, is therefore held in private.
- 10.17 The Tenant Empowerment Manager shall ensure minutes are published in the following ways:-  
(i) the record shall be made available for public inspection at the Deane House  
(ii) a copy shall be dispatched by post to every member,  
(iii) a copy shall be posted on the Council's Web site
- 10.18 If a member of the public interrupts the proceedings at a meeting, the Chairperson shall request that there be no further interruptions. If the interruptions continue the Chairperson shall order the removal of the person interrupting from the room.

## **11. Exclusion of the Public or Press**

- 11.1 The public and/or press shall be excluded from a meeting of TSMB during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of proceedings, that, if members of the press or public were present during that item, confidential or sensitive information would be disclosed to them in breach of the obligation of confidence.

## **12. Voting**

- 12.1 Each member of the Board shall be entitled to one vote.
- 12.2 All decisions taken at meetings will be agreed by a simple majority vote of those members present.
- 12.3 If there is a tie in voting, the Chairperson will have the casting vote
- 12.4 Voting shall be by a show of hands, other than in exceptional circumstances when a secret ballot may be held at the request of the Chairperson, and the issue shall be determined by a simple majority of those present. Only voting members present at the meeting may vote.
- 12.5 Any voting member may make a proposal. In order for it to be put to the vote, it must be seconded by another voting member. If this degree of support is not forthcoming, the Chairperson may decide to halt further discussion on the subject.
- 12.6 If before the Chairperson calls for the vote, either,
  - (a) the mover and seconder of the motion - or of the amendment, or,
  - (b) any member supported by the votes of at least a quarter of the members present,request that a Recorded Vote be taken, then votes shall be publicly declared, and recorded in the minutes.
- 12.7 Votes take place by a show of hands and the Chairperson gives the result. Any voting member may query the result, and if this happens, the Chairperson shall take the vote again and ask another member to recount.
- 12.8 Amendments to proposals shall be proposed and seconded before they can be discussed. Discussion of amendments then takes precedence over the original proposal. If consensus or show of hands then rejects the amendment, discussion of the original proposal resumes.

## **13. Quorum**

- 13.1 No business shall be transacted at a meeting unless a quorum of members is present at the start of the meeting.
- 13.2 The quorum is five voting members

## **14. Board Sub-Committees or Working Groups**

- 14.1 If a Sub-committee or working group is convened they shall meet at least two weeks in advance of the board, in order that the considerations and recommendations of sub-committee meetings may be reported to the board.

- 14.2 All Sub-committees or Working Groups shall draw up Terms of Reference which will define the purpose of the group, the relationship with the board, the frequency of meetings, chairmanship and decision making powers, and shall be agreed by the board in advance.

## **15. Annual General Meeting**

- 15.1 An Annual General Meeting will be held in April each year, or within 15 months of the previous AGM to:-
- Receive reports from the outgoing Chairperson on the board's activities during the year
  - Elect Chairperson and Vice-chairperson if election has not been held in that year.
  - Elect representatives to any Sub-committees or working groups
  - Consider and vote on any resolutions put forward by tenants

## **16. Training Opportunities**

- 16.1 Board members attending an external training course undertake to provide a presentation or synopsis of the course for the benefit of all members.

## **17. Information and Consultation**

- 17.1 TDBC undertakes to provide copies of the Terms of Reference and Code of Conduct to any tenant, resident, Councillor or member of staff on request.
- 17.2 The board undertakes to seek opinions from TDBC Tenants where it deems appropriate.

## **18. Code of Conduct**

- 18.1 The Code of Conduct has been issued for member's guidance.
- 18.2 The board has the authority to make minor alterations to the documents, by simple majority vote at board meetings.
- 18.3 Any significant revisions to this document shall only be made at the board AGM, in line with changes to the Terms of Reference.

## **19 Dissolution and Removal of Chairperson and Vice-Chairperson**

- 19.1. The board can only be dissolved by a Special General Meeting called specifically to consider a motion to dissolve the group.
- 19.2 The board may only be dissolved if two-thirds of the members attending a Special General Meeting vote for the motion to dissolve the group. In the event of dissolution any remaining assets, equipment and funds will be transferred to TDBC's Housing Services.
- 19.3 In the event of a "vote of no confidence" being proposed in the Chairperson or Vice-Chairperson, this must be put in writing to the Tenant Empowerment Manager and supported by two other voting board members. If at the board meeting this issue is carried by a simple majority of those present and voting, the Chairperson or Vice-Chairperson concerned shall cease to carry out his or her duties for the remainder of that meeting only. The Housing Services Lead will then be tasked to resolve the situation.
- 19.4 If at the next board meeting the "vote of no confidence" has not and cannot be resolved then the Chairperson or Vice-Chairperson concerned will stand down and an election process shall take place to replace the postholder.

## **20. Changes to the Terms of Reference**

- 20.1 Changes to the Terms of Reference may be proposed by board members in accordance with the following procedures:-
- 20.2 Any proposed change must be sent to the Tenant Empowerment Manager in writing, at least twelve days before the board meets. The Tenant Empowerment Manager shall notify all members of the board of the proposed amendment, which shall be subject to a vote at the next meeting.
- 20.3 Any proposed changes to the Terms of Reference require a two-thirds majority vote of members present at the quorate board meeting.
- 20.4 The Terms of Reference and any proposed changes will be submitted to the Housing Services Lead for approval.

## **21. Interpretation and Review of the Terms of Reference**

- 21.1 Any matter requiring resolution, which is not covered within the Terms of Reference, will be referred to the Tenant Empowerment Manager, who will liaise with the board Chairperson to resolve the matter and their decision will be final. If necessary the Terms of Reference will be amended accordingly with immediate affect.
- 21.2 The Terms of Reference will be reviewed every two years.

**TENANT SERVICES MANAGEMENT BOARD  
CODE OF CONDUCT**

**1. Introduction**

- 1.1 Tenant Services Management Board (TSMB) members must always be aware of their responsibilities to represent all tenants of Taunton Deane Borough Council (TDBC), and to make decisions in an efficient, fair and responsible way.
- 1.2 It must therefore adopt a code to guide the conduct of board members. This Code of Conduct sets out the standards that the TSMB Members are required to achieve as part of their role as a TSMB Member.
- 1.3 On taking up their appointment it is an absolute requirement of the board that all board members sign a declaration that they agree to observe the terms of this Code.
- 1.4 The board must have proper regard to the requirements of statutory or regulatory guidance in the implementation of this Code.
- 1.5 Members must comply with the Terms of Reference and Code of Conduct at all times.

**2. Standards of Conduct**

2.1 Members are required to comply with the following principles:

- a) **Selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- b) **Honest and Integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.
- c) **Objectivity** – members should make decisions and recommendations on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

d) **Accountability** – members should be accountable to the public for their actions and manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

e) **Openness** – members should be as open as possible about their actions and should be prepared to give reasons for those actions.

f) **Personal Judgment** – members may take account of the views of others, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

g) **Respect for others** – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, socio-economic status or disability.

h) **Duty to uphold the law** – members should uphold the law and, on all occasions, act in accordance with the trust that the public has placed in them.

i) **Stewardship** – members should do whatever they are able to do to ensure that TDBC uses its resources prudently, and in accordance with the law.

j) **Leadership** – members should promote and support these principles by leadership and by example and should act in a way that secures or preserves public confidence.

### **3. Personal Conduct**

3.1 All members shall be open and honest in their dealings and show respect for other members.

3.2 Members must avoid making any statements that could be seen as defamatory, insulting or overly personal, malicious or make any unsubstantiated allegations.

3.3 All members shall read any relevant papers in advance of the meeting, prepare for and attend meetings, training sessions and other events.

3.4 All members shall abide by the decisions taken at meetings. Decisions that are made by the board need to be supported by all members, even if it is not the individual's personal point of view.

3.5 All members shall provide their apologies to the Tenant Empowerment Manager for meetings in the event of non-attendance.

- 3.6 Members must not expect to receive more or less favourable treatment for themselves, their family, or relatives from staff because of their membership of the board and must use the normal procedures for reporting repairs, complaints etc.
- 3.7 Members will provide new members with the appropriate support and make them feel welcome at all times.
- 3.8 When dealing on behalf of the board with the landlord, (or with any other groups, agencies or individuals), the member of the board shall ensure that any views they put forward are those which have been agreed at properly convened meetings of the board. Members expressing personal opinions outside of board meetings must ensure that they do so strictly in a personal capacity and not in situations where they are representing the board.
- 3.9 Members must not use official board stationery to send out correspondence expressing personal viewpoints which have not been agreed on at board meetings.
- 3.10 Members shall ensure that at all times when they are representing the board their conduct (e.g. behaviour, language, etc) is reasonable, honest, and in accordance with the Terms of Reference, Code of Conduct and policy decisions of the board.
- 3.11 Members must not speak or write on behalf of the group without the prior agreement of the group. Any correspondence sent on behalf of the group should be made available to all members of the group.
- 3.12 Statements to the media or other organisations must have the prior approval of board members and the Tenant Empowerment Manager.
- 3.13 Members must remember that they are representing the views of the whole borough, not individuals or groups.
- 3.14 Members will not deal with neighbour or inter-personal disputes involving tenants. If a member is approached by a tenant and asked to take up their complaint or enquiry on their behalf, the member must refer them to the Council.
- 3.15 The Chairperson's position should be respected at all times.
- 3.16 No member of the TSMB should behave in a way likely to bring the reputation of the TSMB into disrepute.
- 3.17 In their capacity as members of the TSMB, members must not accept cash or personal gifts with a significant monetary value under any circumstances, nor must they solicit personal gifts under any circumstances. Similarly, members should never solicit or accept an offer of lavish hospitality, nor any hospitality which could be interpreted as a means of exerting an improper influence over the way in which they carry out their duties. The timing of hospitality in relation



to sensitive matters should also be a crucial consideration in accepting or offering hospitality.

- 3.18 Gifts of negligible value e.g. pens, diaries, calendars etc may be accepted. Normally, visits to exhibitions, demonstrations, conferences, business meals, social functions by members in connection with their official duties will be at TDBC's expense to avoid jeopardising the integrity of subsequent purchasing decisions.
- 3.19 Members should not give hospitality that could be seen as lavish or as a way of exerting an improper influence over the decision of another person or organisation. Occasional and modest hospitality will be allowed but only with the prior approval of the Chairperson.
- 3.20 If a Member is in any doubt in respect of the receipt or giving of any gift or hospitality, advice should be sought from the Chairperson and/or Tenant Empowerment Manager.
- 3.21 All members are required to submit quarterly a list of all gifts and hospitality received. This information will be collated and held by the Tenant Empowerment Manager.
- 3.22 At the end of their term of office, members must return to TDBC all board property in their possession. They should continue to treat as confidential the information they learned during their time as members
- 3.23 Members must ensure that such resources are not used for other purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the TSMB.
- 3.24 Members must observe Equal Opportunities and Diversity.
- 3.25 Members must notify the Chairperson and Tenant Empowerment Manager immediately of any changes to their circumstances which they know, believe or have reason to believe may affect their being a board member.

#### **4. Non-Attendance**

- 4.1 Board members who fail to attend three consecutive meetings without reasonable excuse will be deemed to have resigned. The member will be contacted by the Tenant Empowerment Manager to enquire about their absences.

#### **5. Conflicts of Interest**

- 5.1 Members must disclose any interest, whether personal or on behalf of any group they represent, or financial or non financial, that they consider may

affect or influence their approach to the matter under discussion. This disclosure must take place at the start of the meeting.

- 5.2 Members are advised that if they have any doubt, they should declare their interests. The consequence of declaring is that members should not participate in the discussion or vote on the matter and the interests will be minuted.
- 5.3 Members should consider whether participation in the discussion or determination of a matter would suggest a real danger of bias. This should be interpreted in the sense that members might unfairly regard with favour or disfavor the case of a party to the matter under consideration. In considering whether a real danger of bias exists in relation to a particular decision, members should assess whether they, a close family member, a person living in the same household, or a firm, business or organisation with which the member is connected are likely to be affected more than the generality of those affected by the decision in question.
- 5.4 Examples where members would be expected to declare a conflict of interest would include, but are not restricted to, the following circumstances:-
- where a member is employed by an external contractor competing for, or successful in winning, a contract;
- where a member is employed by another contractor working for TDBC and may have a specific or general financial interest in a topic under discussion.
- 5.5 The Chairperson may ask any member who declares an interest to withdraw from the meeting whilst the relevant matter is being discussed.
- (NB: The National Code of Local Government Conduct says of non-pecuniary (i.e. non financial) interests: 'Kinship, friendship, membership of an association, society or trade union, trusteeship and many other kinds of relationship can sometimes influence your judgement and give the impression that you might be acting for personal motive. A good test is to ask yourself whether others would think that the interest is of a kind to make this possible');
- 5.6 If a board member considers that another member of the board has such an interest, he or she has a duty to raise it in the board.

## **6. Confidentiality**

- 6.1 Board Members must always respect the confidentiality of information they acquire in the course of their work concerning tenants, contractors, consultants and employees of the Council or confidential board business.
- 6.2 Any member revealing confidential information will be liable to expulsion from the board.

- 6.3 Any information or items shared with the board that is of a confidential nature must not be disclosed to anyone else apart from members of the board in order to allow the business of the meeting to take place.
- 6.4 Members can discuss issues with other tenants subject to any confidentiality issues.

## **7. Conduct during Meetings**

- 7.1 Members will conduct themselves in a reasonable manner at meetings in accordance with the Code of Conduct. The use of sexist, racist or other discriminatory or abusive language, behaviour that intimidates people who are speaking or wish to speak and preventing people from expressing their views through interrupting or talking while others are contributing to the debate and discussion shall be considered detrimental to the interests of the board, and members responsible may be subject to a motion for suspension or expulsion.
- 7.2 Members will not raise individual problems or estate issues during discussion unless these illustrate a topic under discussion.
- 7.3 All speakers will address themselves through the Chairperson.
- 7.4 Members must follow the guidance of the Chair in the conduct of the meeting.
- 7.5 Only one person shall speak at a time.
- 7.6 All speakers shall be polite, non-confrontational and not raise their voices.
- 7.7 Members must remember to follow the agenda.
- 7.8 All speakers will keep to the subject under discussion.
- 7.9 Each person may speak only once on an issue until every other member has had the opportunity to speak, thereby accounting for all opinions. The Chairperson may then allow members to speak more than once.
- 7.10 The Chairperson, with the majority agreement of the members, shall have the right to request any member of the audience or visitor to leave the meeting in the event of that person's disruptive behaviour at the meeting.
- 7.11 Any member may ask for the minutes to be read back to clarify the record of the meeting on a particular point. If the record is disputed, the Chairperson may direct the record to be amended by agreement with the meeting.
- 7.12 Members should be particularly sensitive to the needs of those who may not be used to speaking in public or whose first language is not English.

- 7.13 It is the responsibility of each member to ensure that they are prepared for the meeting by reading all the relevant papers and bringing them to the meeting.

## **8. Breaches of the Code of Conduct**

- 8.1 If a board member disregards this code, the Chairperson may provide a verbal warning of the breach.
- 8.2 If a board member persistently disregards this code, the Chairperson may ask the meeting to vote on whether the member concerned should be asked to leave the meeting.
- 8.3 A board member may only be asked to leave the meeting by a motion or resolution carried by two thirds of the voting members present for conduct detrimental to the interests of the board.
- 8.4 Should a member be asked to leave the meeting the Chairperson shall write to the member concerned within seven days confirming the reasons for their being asked to leave the meeting. The Chairperson and Tenant Empowerment Manager must arrange a date and time to hold a meeting (which must be held within fourteen days of the incident) for them to discuss the incident and make a decision on what action to take.
- 8.5 Members who consider that this code of conduct has been broken should raise it with the Chairperson either at the time or as soon as it is practicable for him / her to do so.
- 8.6 All members must follow the procedures to resolve any breach of Code of Conduct.

## **9. Disciplinary and Appeal Procedures**

- 9.1 Any member of the board who has reason to believe that another member has acted against the Terms of Reference, Code of Conduct or policy decisions of the board may make a complaint to the Chairperson and/or Tenant Empowerment Manager who will ensure that the complaint is brought before a meeting of the board within twenty eight days of the complaint being made.
- 9.2 Within fourteen days of receiving a complaint the Chairperson and/or Tenant Empowerment Manager should inform, in writing, the member about whom a complaint has been made about the nature of the complaint and the date of the meeting at which it will be considered.
- 9.3 In considering a complaint, the board may ask the member who has complained, the member about whom a complaint has been made, any board

member, or any other person who has relevant knowledge of the complaint to attend the board meeting to put their case and answer questions. The board may consider correspondence and any other relevant material pertaining to the complaint.

- 9.4 Any member making a complaint, and any member about whom a complaint has been made, shall have the right to attend the board meeting and shall be given a reasonable amount of time to put their case.
- 9.5 Anyone who has been asked to attend the meeting to give information and who is not a board member shall leave the meeting after putting forward information and answering any questions.
- 9.6 The member about whom a complaint has been made shall leave the meeting after putting forward his or her case and answering questions. The board member about whom a complaint has been made shall not take part in making the decision about whether or not the complaint is upheld.
- 9.7 Where the original complaint was made by a board member, that person shall leave the meeting after putting his or her case and answering questions, and shall not take part in making the decision about whether or not the complaint is upheld.
- 9.8 The board shall take a vote to decide, by a simple majority, whether or not the complaint is upheld.
- 9.9 The board shall decide on further action from the following options:-
- a) Written reprimand to the member concerned.
  - b) Member concerned to be suspended from membership of the board for period of time to be specified by the board; the suspension to take effect as soon as the member is informed in writing, and to run for not more than six months.
  - c) Member concerned to be suspended from holding a Chairperson or Vice-Chairperson position until the AGM; at which time he or she will be entitled to stand for reelection provided that he or she is nominated and seconded. The member must not carry out Chairperson or Vice-Chairperson duties whilst suspended.
  - d) Member concerned to be expelled from membership of the board. Membership to be terminated with effect from the day that the member concerned is informed in writing of the expulsion. A member who has been expelled from the board may apply for reelection to the board after a four year period has elapsed from the date of expulsion.
- 9.10 A member about whom a complaint has been made shall be informed in writing of the decision of the board, and the reasons for that decision, within seven days of the meeting that made the decision taking place.

- 9.11 If a board member is suspended or expelled through these disciplinary procedures, the board may appoint a replacement to hold the position until the AGM.

## **10. Political Affiliation**

- 10.1 Individual members may be affiliated to/or be members of a political party but they may not represent a political party in their role as a member of the board.
- 10.2 Board Members must ensure that they demonstrate its non-political nature and they must keep their personal political activities totally separate from the board's work.

## **11. Expenses**

- 11.1 Board Members will receive no fees or payment for being a board member or carrying out board business but will be reimbursed for all costs and out of pocket expenses reasonably incurred on board business. Examples of expenses include:  
Car mileage  
Car parking  
Public transport  
Meals: reimbursed if attending full-day meetings or training sessions.  
Carers: reimbursed whilst attending meetings or training sessions.
- 11.2 Forms are available from the Tenant Empowerment Manager and can be submitted on a monthly basis or at the claimants' discretion.
- 11.3 Receipts must be submitted with the claim form.
- 11.4 Claim forms must be signed by the claimant and then handed to the Tenant Empowerment Manager who will counter-sign the form.
- 11.5 Once Taunton Deane Borough Council has checked the claim form, it is passed to the Finance Department for payment.
- 11.6 Payment is by cheque or BACS, sent to the member's home address.

## DECLARATION FORM

**AS A MEMBER OF THE TENANTS SERVICES MANAGEMENT BOARD, I HAVE READ, UNDERSTOOD AND WILL ABIDE BY THE CODE OF CONDUCT.**

Signed.....Date.....

Name.....

Address.....

Telephone no.....

Mobile no.....

Email.....

Please complete both copies of this statement, keeping one copy for your records and returning the other copy to The Tenant Empowerment Manager of Taunton Deane Borough Council

The board Member must immediately inform the Chairperson of the (and confirm in writing within fourteen days) of any change in their interests or details.

**Note: Failure to return or complete the declaration as required in the accompanying Code will be considered a breach**