

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 The period of appointment will be two years, with an eligibility of reappointment after two years.
- 4.3 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.
- 4.4 The two main Party groups (reflecting the political composition of the Council) shall nominate one member each to serve on the board.
- 4.5 Any Councillor except a member of the Executive may be the Councillor member of the TSMB.

- 4.6 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.
- 4.7 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.
- 4.8 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.
- 4.9 At every annual general meeting, at least one third of the board shall retire from office. The board members to retire shall be those who have been longest in office. Retiring board members and others shall be eligible for election and if this number does not exceed the number of vacancies, the board members and nominated members shall be declared to have been elected.
- 4.10 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.
- 4.11 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
- 4.12 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.
- 4.13 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.

- 4.14 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.
- 4.15 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.
- 4.16 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.
- 4.17 The names of all board members shall be published annually in the “Deane Housing News” or ‘Tenants Talk’ newsletters.
- 4.18 No substitute members shall be permitted.
- 4.19 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 each Annual General Meeting. 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, 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
- 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.