

# **London Borough of Lambeth**

## **Housing Services**

### **Model Constitution for Residents' Associations**

## Introduction

This Model Constitution is intended for all Residents' Associations (RAs) wishing to be formally registered with the Council

Being a registered RA means that residents can:

- Be consulted and involved in the management of their homes
- Receive funding and support from the Council
- Attend and vote at Neighbourhood Forum meetings.

Before this can happen each RA needs to adopt a formal constitution based around this model. As you can see most of the clauses in the constitution are listed as 'essential for registration'. This means you must include these in your constitution.

There are other clauses, which are optional. Shading marks these areas.

At the meeting at which your RA is set up, you will need to go through the terms of the Model Constitution and tick the boxes, which suit your requirements. The Resident Participation Team is able to help residents who are interested in setting up a Residents' Association through this process.

At the meeting, you will also elect a committee to manage your association. The section on 'Roles of Committee Officers' has been included to help you with this.

Once you have agreed the constitution, send it to the Resident Participation Team for your Area, along with your completed registration documents. The Resident Participation Officer for your Area will check through the Constitution to ensure all the relevant sections have been completed.

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# Section One: The Model Constitution

**1. Name**

The name of the Association is

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The Association covers the following area (please list all streets and blocks covered by the Association)

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**2. Aims**

The aims of the Association shall be to carry out such purposes being charitable in law as to benefit all residents within the Association area. In furtherance of this, the Association shall have the following powers:

- a) To represent all the residents within the Association area.

- b) To promote, support and achieve changes and improvements to
  - The quality of life for local people and their communities
  - The way the Council manages and delivers its housing service.
- c) To promote equal opportunities and work for good relations amongst all members of the community as detailed in the attached Equal Opportunities Statement.
- d) To provide facilities for recreation and amenity where possible, and to encourage a community spirit
- e) Regularly consult and inform all members.
- f) Represent the majority view of the community.
- g) Be non party-political
- h) Promote membership to all members of the community.

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### **3. Membership**

- a) Voting membership of the Association is open to all tenants, leaseholders and adult members of their household (aged 18 and above) living in the Association area.
- b) The Secretary keeps records of all the members of the Association
- c) Voting membership will end when a member stops living in the Association area, dies or resigns.
- d) In the event of continuous or serious breaches of the Constitution or Code of Conduct membership of the Association can be suspended or ended by a two-thirds majority vote of the Committee.
- e) A member whose membership has been suspended in accordance with clause, 3(d) shall be entitled to have that suspension reviewed at the next general meeting

- f) A copy of the constitution will be given to all new members of the Association, on request.

#### **4. Affiliation**

The Association may affiliate to any non-party political organisation whose aims and objectives are commensurate with those of the Association and which can help the Association in achieving its aims and objectives.

#### **5. The Committee**

- a) The Committee shall have a minimum of the following Officers: a Chairperson, Secretary, and Treasurer Committee members shall be elected at an Annual General Meeting (AGM). The size of the committee should be no less than 5 and no more than \_\_\_ members.

*Either:*

- b(i) The Chairperson shall chair all meetings of the Association. In the absence of the Chair, another member present shall take the role of Chairperson.

*Or:*

- b(ii) The role of Chair will be rotated between the Committee members.
- c) No more than one officer shall be elected per household
- e) Election or removal of Officers or Committee members can only be carried out by a majority vote at a General Meeting or Special General Meeting called specifically for that purpose.
- g) Any vacancies from the Committee occurring by resignation or otherwise may be filled by the Committee by co-opting members with full voting rights, until the next General Meeting.
- h) The Committee may, when necessary or when deemed to be of benefit to the Association, co-opt up to three people not living in the Association catchment area, but whose skills and/or experience would be advantageous to the Committee in carrying out its functions.

- i) In view of the potential conflict of interest, Lambeth Elected Members (Councillors) and Housing Department Staff are not eligible to be officers of the Association.
- j) Copies of the Constitution are available free to all people in the Association area. The Secretary must send out copies of the constitution within seven days of a person requesting it
- i) The Committee shall, as far as possible, be representative of the community which it serves
- j) Any committee member who does not attend three consecutive meetings without giving reasonable apologies shall be deemed to have resigned.

## 6. Youth Forum

The Association shall, where possible, set up a Youth Forum for those under the age of eighteen (18) years. Two members of this Forum, who are over the age of sixteen years and elected by the members of the Forum, shall sit on the main Committee as representatives and shall have full voting rights.

## 7. Meetings

### Annual General Meetings

- a) The Association shall hold an AGM once each calendar year in the month of ..... and not more than 15 months shall pass between the date of one AGM and the next.
- b) The AGM shall
  - Receive an annual report from the Committee.
  - Present a statement of accounts to members.
  - Appoint an independent Auditor (if turnover £5K per year)
  - Elect officers and Committee members
  - Elect 2 voting representatives to the Neighbourhood Forum
  - Agree rates for membership fees (if any)
  - Vote on amendments to the constitution
  - Consider any resolution put forward by members
- c) An independent observer shall attend each AGM. They shall confirm that the meeting was arranged and conducted in accordance with the Association's Constitution. The Independent observer must be one of the following:

- A member of the Resident Participation Team
  - A Council Officer
  - Elected Councillor
- d) All members shall receive notification of an AGM not less than 28 days prior to the meeting. Notice of the AGM shall be given to *everyone* in the Association area.
- e) Every member present shall have a vote.

**General Meetings**

- f) There shall be at least 4 general meetings of the Association in any year (including the AGM).
- g) Meetings are open to all people living in the defined area. Every member present at a General Meeting shall have a vote.
- h) Decisions of the General Meeting shall be binding on the Committee
- i) At least seven days notice shall be given for a General Meeting.
- j) The quorum for a General Meeting shall be 5% of properties represented or ten (10) properties represented whichever is the greater.

**Special General Meetings**

*Either:*

- k(i) A Special General meeting may be called by a Committee or if requested by at least 10% of the membership. This request should be made in writing to the Secretary at least 14 days before the requested meeting date. The Secretary must then send written notice to all members at least seven days in advance of the meeting.

*Or:*

- k(ii) The Secretary shall call a Special General Meeting at the request of a majority of the Committee; or on receipt of a petition by not less than 5% of the total number of dwellings or ten (10) dwellings whichever is the greater, giving reason for their request. Only one signature on the petition shall be counted for each dwelling in the RA catchment area. The Secretary shall give not less than 7 days notice of such a

meeting, which will take place within 14 days of receipt of this petition.

### **Committee Meetings**

- l) The quorum of Committee members shall be one-third of its elected membership or four (4) members, whichever is the greater.
- m) Committee meetings may be called by the Chair and Secretary or at the request of one third of the Committee members. At least 7 days notice must be given to Committee members.
- n) Although Committee meetings shall be open to all members, only members of the Committee may vote at Committee meetings.

## **8. Conduct of Business**

### **Voting**

- a) At all meetings (except those dealing with alterations to the constitution) decisions shall be taken by a simple majority of those members present and voting. Each Member has one vote.
- b) Alterations to the constitution require a 2/3<sup>rd</sup> majority of those present and voting at the meeting at which the constitution is proposed to be changed. Full details of proposed changes must be circulated at least fourteen days before the meeting.
- c) In the event of a tie in voting the chair of the meeting shall have the casting vote. This casting vote should not be used to change or introduce new policies or procedures.
- d) Conflict of interest must be declared. Members with a conflict of interest should then withdraw from discussion and voting on the issue in question.

### **Minutes**

- e) All voting that takes place at an AGM, General Meeting, Special General Meeting or Committee Meeting shall be counted and recorded in the minutes.
- f) All formal meetings such as Committee Meetings, Special General Meetings and AGMs must be minuted and the

minutes formally approved by the next meeting of the Committee or General Meeting.

## **9. Finance**

- a) A simple record of income and expenditure must be produced each year at the AGM and be available to all members on request.
- b) Accounts should be independently audited if the turnover is over £5,000 per year.
- c) Accounts should be open to inspection by members on request.
- d) The Association may raise funds either by donation, grant application or other means. The proceeds of any such fundraising shall be used in accordance with: and to the furtherance of: the aims and objectives of the association.
- e) Account(s) must be opened in the name of the Association. Cheques, transfers and other banking instruments or instructions shall be signed by at least 2 signatories who must be members of the Committee.
- d) Signatories must not be related or be members of the same household.
- e) Proper records of all petty cash transactions must be kept.

## **10. Changes to the Constitution**

- a) Any proposed change to this constitution can only be made at a Special General Meeting, a General Meeting or an Annual General Meeting.
- b) Any proposed change to this constitution must be sent to the Secretary not less than 28 days prior to the meeting at which the alteration is to be discussed.
- c) The Secretary will send the new wording (amendment) together with the old wording and notice of the meeting at least fourteen days prior to the meeting at which the alteration is to be discussed.

- d) Alterations to the constitution require a 2/3<sup>rd</sup> majority of those present and voting.

## **11. Dissolution**

- a) A Special General Meeting called specifically to consider a motion to dissolve the Association can only dissolve the Association.
- b) All members shall be given 14 days written notice of such a meeting.
- c) The Association can only dissolve if a majority of the members present and voting at the Special General Meeting vote for a motion to dissolve the Association.
- d) The meeting shall decide on the disposal of any assets remaining after the satisfaction of debts and any other liabilities. These assets must be applied to charitable purposes agreed with the members of the Association.
- e) Any Council assets the Association has been permitted to use but which have not been transferred into the ownership of the Association by way of outright donation or gift must be returned to the Council if the Council so wishes.

## Section Two: Code of Conduct for Committee Members

1. The role of the Committee is to carry out the day to day business of the Association in an efficient, fair and responsive way. In taking decisions on behalf of the Association, Committee members must always be aware of their responsibilities to represent all residents of the estate/area.
2. All Committee members must comply with the Constitution and Code of Conduct at all times.
3. The Association will provide new members with the appropriate support and make them feel welcome at all times.
4. Members shall conduct themselves in a manner that will not cause offence to others. Racist, sexist or inflammatory remarks or abusive behaviour will not be tolerated. The Chair or Committee members have the right to warn the members of their behaviour. If they persist they will be asked to leave the meeting until further notice. The Committee must arrange a date and time and hold a meeting for them to discuss the incident and make a decision for what action to take.

### **Personal interest of Committee Members.**

5. Committee members must never use their position to seek preferential treatment for themselves, their family, or relatives. Nor should they be treated less favourably when requesting services from the Council
6. Committee members must use the agreed normal procedure for reporting repairs or making other enquiries about their property.

### **Relations between Committee Members and other residents.**

7. Committee members shall not be involved in harassment and anti-social behaviour. Action will be taken under the Code of Conduct against anyone in breach of this condition.
8. Committee members will not have access to personal and individual files of estate residents.
9. Committee members will not deal with neighbour or inter-personal disputes involving residents on the estate/area. If a Committee Member is approached by a resident and asked to take up a complaint or enquiry on their behalf, the Committee Member must refer them to the Council. The Committee will deal with matters relating to the maintenance, repair and upkeep of the external fabric of the estate/area.

## **Finance**

10. Committee members cannot receive any payment from the Association other than for bona fide expenses, which have been submitted to the Treasurer not less than seven days before the next Committee meeting.

## **Relations with Lambeth Council and outside bodies**

11. Statements to the media or other organisations should be made to the Secretary. Any decision to contact or respond to the media must have the approval of the Committee.
12. Letters sent on behalf of the Association must be signed by the Secretary, agreed by the Committee, and recorded in a log by the Secretary.
13. Committee members must not divulge any Association business, which is treated as confidential to other persons or organisations. Failure to comply with this will result in the issue being fully discussed at the next Committee meeting.

## **General**

14. Committee members must never personalise issues and should be willing to recognise that everybody is entitled to express their point of view without unduly preventing progress of discussion on the agenda at a Committee or General meetings.
15. A serious breach of any of the Association's Code of Conduct may result in a Committee Member, following a majority vote of the Committee, being asked to resign.
16. The Committee will take decisions based on there being a unanimous agreement or a simple majority of those present if a vote is taken. Minority voters should always be prepared to accept the majority decision and not take such a decision as any form of personal slight or criticism.
17. Committee meetings must be held at times, which are convenient to the majority of Committee members. Every Committee Member must try to attend Committee meetings regularly. If a Committee Member fails to attend three consecutive meetings without giving good reason, they must be asked to consider resigning at the next Committee meeting. To prevent there being arguments about attendance at meetings, a record will be kept showing who was at each meeting.

## Section Three: Equal Opportunities Statement

1. The London Borough of Lambeth has a diverse, multi-cultural population containing people with a variety of abilities. This Association recognises that all sections of the community have a positive contribution to make to the life of the borough. This Association will represent the interests of all local residents to the best of its ability.
2. We will take steps to make our Association as representative of the local community as possible. We will ensure that our meetings and any other Association activities are accessible and welcoming to all local residents.
3. All individual members of the Association will be responsible for helping the Association to meet these aims.
4. Any resident who feels that they have not been treated fairly and equally by the Association can raise this with Lambeth Housing Department Resident Participation Team.

**The Constitution, Code of Conduct for Committee Members and Equal Opportunities Statement has been adopted at a public meeting of the Association.**

Held at \_\_\_\_\_

On \_\_\_\_\_

Signed \_\_\_\_\_(Chair)

Signed \_\_\_\_\_(Secretary)

## Section Four: Advice on roles of Committee Members

Named officers are elected from the Committee to carry out particular roles. The usual officers are Chairperson, Vice-Chairperson, Secretary and Treasurer. In Lambeth, Associations also elect two (2) voting members to represent the views of the Association at the local Neighbourhood Forum meetings. Other officers may be elected to deal with other issues, such as fundraising. Although certain people are named to carry out roles, it is important that the committee share out the day to day tasks, or you will either find people are doing all the work or that others drop out because they don't feel involved.

### **The Chairperson**

The Chairperson has overall responsibility for seeing that things get done during and in between meetings. It is most important that the Chairperson works closely with the rest of the committee and has their support to ensure that she/he does not become isolated or a 'figurehead'. Some basic tasks are:

- Preparing agendas for meetings with other member(s) of the Committee.
- Keeping reasonable order during meetings and encouraging everyone to have their say.
- Making sure that decisions are made at the end of discussions, that they are recorded and that any work to be done is allocated to people to carry out.
- Checking that decisions made at previous meetings have been carried out.

### **The Secretary**

The Secretary's role includes:

- Letting people know the time, date and place of the meetings.
- Helping to prepare the agenda for meetings.
- Taking notes (minutes) of the meetings.
- Receiving and sending out mail on behalf of the Association.
- Gathering information and correspondence together so that everyone sees them.
- Keeping minutes, agendas and correspondence in accessible files.
- Keeping an up to date list of members.

Associations can generate a great deal of work, which often falls on the secretary. It is good to divide and share out some of the tasks. Being a Secretary does not have to involve typing and other skills; minutes can be taken in a notebook and the job rotated at meetings. Typed notes for the membership can be distributed when necessary and the minute book available for anyone to look at.

## **The Treasurer**

The Treasurer has the responsibility for the finances of the Association. This means keeping a written record of any money coming in and going out of the Association's account. If it is a new association, the Treasurer should make sure that either a bank or building society account is opened in the Association's name, with at least two people named as signatories. All decisions about finances should be made at meetings and statements of the account should be available at each meeting for members to see.

The Treasurer has to:

- Keep a record of money received and issued from the account.
- Issue receipts for money received.
- Pay bills.
- Keep the Committee informed about the financial position of the group by doing a written statement and bringing books etc. to meetings.
- Prepare statements for the Annual General Meeting.

## **The Neighbourhood Forum Voting Representatives.**

The Neighbourhood Forum voting representative's role includes:

- Representing views of the Association at the local Neighbourhood Forum.
- To report to the Association on any matters arising from the local Neighbourhood Forum.
- To make sure items requested by the Association are put in writing to the Forum Chair and are placed on the agenda of the neighbourhood forum.
- To report to the Association any policy issues discussed at the neighbourhood forum and make neighbourhood forum agendas available at every Association meeting.
- To bring any correspondence they receive at neighbourhood forum representatives to Association meetings.

At the local Neighbourhood Forum meetings, only the named representatives will be allowed to vote.

It is important that the Neighbourhood Forum representatives discuss matters coming up in the Forum meeting with the whole Association, as representatives are often expected to give a view at the Forum on items. Agendas for the Neighbourhood Forum are distributed at least two weeks before the meetings so that the representatives can give a view based on discussion with their Association. Neighbourhood Forum representatives should ensure that reporting from the Forum is a standing item on the Association agenda.

Forum Representatives very often become 'the known face' of the Association and as named representatives, will often be the person first contacted by the Council for a wide range of issues.

## **Other Roles**

You may want to give other Committee members responsibility for specific things, such as fundraising, leaflets and newsletters or social activities. This encourages people who may not feel ready to chair a meeting to take an active role in the Association and also helps to make sure that activities do take place.

## Section Five: Advice on Handling Money

1. At least two Committee members will be authorised to sign cheques on behalf of the Committee. All cheques require two authorised signatures. The signature holders cannot be related to each other or dwell in the same property. The Committee may authorise further Committee members to be signatories as appropriate.
2. Blank cheques should never be signed.
3. All invoices should be marked 'paid' and have the cheque number, date and initials of the person signing the cheque. The person who makes out the cheque must, at the same time, complete the cheque stub, date, amount, payee and brief description. Cheque stubs should always be kept in a safe place.
4. All accounts, including the cash book, petty cash book etc. should be kept up to date and made available for inspection at each Committee meeting.
5. Record of accounts should be kept for a minimum of three years.
6. A Sub-Committee can be created to support the Treasurer in their work.

### **Petty Cash**

1. A float of up to £50 can be kept. It should be kept secure.
2. Petty cash should only be used for small items (e.g. costing up to £15). Anything more should be paid by cheque.
3. Petty cash payments should be made on petty cash vouchers accompanied by a detailed explanation and receipt.
4. All receipts should be stapled to the completed petty cash voucher and kept in the petty cash box together with the cash balance of the float.
5. All monies drawn for petty cash purposes should be authorised by the Treasurer.

### **Paying-in money/cheques**

1. All cash received should be banked. A receipt should be issued for all items of cash received.
2. A record of all payments into the bank account should be kept with the date, amount, payee, description, and type of income or transaction. The bank paying-in book could be used for this purpose.

## **Payments**

1. All payments over £50 should have prior consent of the Committee.
2. Payments should only be made if supported by a proper invoice/receipt.
3. Committee members should inform the Chair of any conflicts of interest.

## **Reports**

1. A simple report on income and expenditure should be produced annually and presented at the AGM.
2. An independent person should check this report.
3. At each AGM the account books, petty cash books and receipts should be made available for inspection if required by members.

## **Trustees**

The Association may appoint or elect up to four trustees. These trustees will act for and on behalf of the Association in any business or legal document that requires a formal signature by the Association.

## **Assets**

1. An inventory of any assets should be presented at the AGM. Any changes from year to year should be made in a report to the AGM. The report should include location, condition and any explanation of change.