

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 14 June 2012	<b>Decision Taker:</b> Deputy Leader and Cabinet Member for Housing Services
Report title:		Tenant and Resident Association (TRA) recognition and de-recognition policy	
Ward(s) or groups affected:		All wards	
From:		Strategic Director of Housing Services	

## RECOMMENDATIONS

1. That the attached draft tenant and resident association (TRA) recognition and de-recognition policy be supported and ratified by the cabinet member for housing.
2. That the cabinet member notes that the policy has been through extensive consultation and has had input from a specially-convened meeting of TRA committee members, area housing forums, tenant council and home owner council.

## BACKGROUND INFORMATION

3. TRA recognition allows recognised tenant and resident associations (TRAs) to:
  - Apply for grant funding from the tenant fund
  - Elect delegates and deputies to their area housing forum
  - Manage a hall or similar facility (if applicable)
  - Be seen as a representative group by the council for consultation purposes.
4. Ongoing support is provided to help TRAs to function well. This includes a training program supplemented with bespoke sessions for specific TRAs, the provision of advice and action planning with individual TRAs, support on constitutional issues, including the provision of model documents, mediation, the provision of information, and assistance in completing grant applications.
5. Recognition is a formal means of capturing the number of TRAs within the borough and, as such, must be applied for even when the group does not wish to apply, or does not qualify, for council funding. Recognition allows an annual check to be made on the group's governance and financial probity, and this helps the council to identify where support is needed so that we can target our help and advice most effectively.
6. Automatically recognition of a TRA ends if no successful AGM has taken place within 15 months of the last one, but recognition can be restored when the association does hold a successful AGM.
7. It is highly unlikely for T&RAs to be derecognised, but such situations might arise in extreme circumstances. Derecognition will only be applied as a last resort and only after efforts to assist the TRA in maintaining recognition have been exhausted.
8. Recognition of TRAs under this policy covers arrangements for consultation under Section 105 Housing Act 1985 and goes further in terms of the promoting harmonious and vibrant communities. It does not cover recognition of 'recognised tenants' associations' (bodies of leaseholders that have legal rights

to consultation on specific matters, mainly relating to service charges) under section 29 of the Landlord and Tenant Act 1985. RTAs are subject to a separate recognition process.

9. Appendix B provides details of consultation on the policy.

### **KEY ISSUES FOR CONSIDERATION**

10. The Resident Involvement Service has been reviewing and updating policies covering tenant and resident associations. The goal of the policy review is to have a clear and up-to-date set of policies and standards for recognised T&RAs to operate within.
11. The existing recognition policy was agreed in September 1994 and last reviewed in January 2000. The current policy is now outdated and due for a review to ensure that the council is able to put in place clear expectations for the governance of tenant and resident associations.
12. The council has several interests in having properly recognised TRAs, including:
- Strength of input into the consultation structure at area housing forums and tenant/home owner councils
  - Better local liaison with housing services on local concerns such as area management, repairs, and major works
  - Improved local amenity for residents, with TRAs encouraging community spirit and activities and support for local people. Many TRAs also bring community benefits by managing halls.
13. It would therefore be in the Council's interest to have a clear recognition and de-recognition policy that can be applied consistently, has been agreed with residents, and stands up to external scrutiny. Areas where the policy might be applied include poor governance, financial irregularities or hall mismanagement. If derecognition is applied, TRAs would be excluded from attending area housing forums, would lose the management of their hall and access to the council's resources. They might also, be subjected to a claw back of grant funding.
14. The proposed new policy also allows for conditional recognition, allowing associations to continue to operate whilst they address any problems. The emphasis is very much about supporting a TRA to improve, with derecognition only applied when all other support measures have been exhausted.

### **Community impact statement**

15. There are no likely impacts on equalities grounds, although failure of a TRA to give due regard to equalities requirements, including seeking to represent all communities, might in itself be a cause to start the derecognition process.

### **Resource implications**

16. The process of investigation and derecognition will require staff time but no direct costs. It is unlikely that the staff time needed would be much more than under the existing policy.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

## **Strategic Director of Communities Law & Governance**

17. The report recommends approval of the recognition/derecognition policy attached at appendix A. It is the council's policy to formally recognise tenant and resident associations (TRA) whose membership is open to all the tenants and residents living on its estate or defined area and which are governed by a constitution in line with the model constitution adopted by the council. As noted in the report, council recognised TRAs are able to apply for funding from the council, have access to council resources such as halls, be represented at their local area forum and be consulted on matters affecting the local community.
18. Under Part 3P of the council's constitution the decision to recognise or derecognise a TRA is exercised by council officers in accordance with the internal scheme of management for the relevant department.
19. Recognition and derecognition of TRAs is an exercise of council discretion and it is in accordance with administrative law principles and good governance for the council to adopt a clear and transparent policy that explains how the council will exercise its discretion.
20. Part 3D of the council's constitution provides that agreement to significant policy areas is reserved to the individual cabinet member within whose area of responsibility it falls; the decision on the recommendation to approve this policy falls within the remit of the cabinet member for housing.

## **Finance Director (FIN0700dk30042012)**

21. Tenant resident associations can apply for grant funding from the tenant fund based on the guidelines under the policy. The tenant fund is paid from the housing revenue account. This will not change under a new agreement. Within the budget for financial year 2012-13 £215,000 has been earmarked for this purpose including a small sum for administration of the grants. On average each association receives between £1,400 and £2,000 per annum and funding is based on a full assessment of need.
22. Continuous monitoring is required to ensure the grant is fit for purpose and is for community benefit.

## **Consultation**

23. Consultation has been carried out as follows:
  - Special consultation meeting with TRA committee members  
10 March 2011: two hundred and fifty TRA members were randomly selected from Resident Involvement database and invited to a special session to look at this policy and the draft funding appeals procedure. 43 attended.
  - Area housing forums  
From May to November 2011, the report went to the forums for consideration and input. Their comments and changes made as a result are shown on the next pages.

- Tenant council  
18 April 2011: the report was considered and referred to all Area Housing Forums for comments.  
14 November 2011: the report was deferred.  
28 November 2011: the report was deferred.  
9 January 2012: Following discussion, tenant council asked for the report to be brought back 23 January 2012 and further discussions on wording to be held in the meantime with delegates from tenant and home owner councils.  
23 January 2012: Policy agreed.
- Home owners council  
22 June 2011: the report was deferred  
27 July 2011: the report was deferred  
10 January 2012: home owner council agreed the report subject to minor wording changes delegated to Peter Suthers.

24. The feedback from the area housing forums, and the response to these, including changes made, are shown in appendix B.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Paper for area housing forums	Resident Involvement Service, 160 Tooley Street	Simon Godfrey, Tel: 020 7525 4969
Paper for tenant council	Resident Involvement Service, 160 Tooley Street	Simon Godfrey, Tel: 020 7525 4969
Paper for home owner council	Resident Involvement Service, 160 Tooley Street	Simon Godfrey, Tel: 020 7525 4969

## APPENDIX

No:	Title:
A	Recognition & de-recognition policy for tenant & resident associations
B	Area Housing Forum recommendations and comments

## AUDIT TRAIL

<b>Lead Officer</b>	Gerri Scott, Strategic Director of Housing Services		
<b>Report Author</b>	Darren Welsh, Head of Community Housing Services		
<b>Version</b>	Final		
<b>Dated</b>	14 June 2012		
<b>Key Decision?</b>	Yes	<b>If yes, date appeared on forward plan</b>	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			

<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		14 June 2012

## Recognition & de-recognition policy for tenant & resident associations

UPDATED: - March 2012

### 1. Recognition

- 1.1 A tenant & resident association (TRA) will be recognised by the council, if it complies with its constitution and engages with its members and the council. The constitution and code of conduct must meet the minimum requirements as laid out in Southwark Council's model constitution, including:
- meeting regularly with the required quorum for general and committee meetings
  - adhering to its equal opportunity policy and code of conduct
  - maintaining good financial practice, including submitting a statement of accounts annually
  - Being transparent and accountable to the membership in managing TRA business.
- 1.2 In order for the TRA to have access to council resources (including funding from the Tenant Fund and Homeowner Fund), and to manage council facilities, the TRA must make an annual application to the council (as per the criteria for TRA grant funding), either for:
- Recognition only, or for
  - Recognition and Funding
- 1.3 The application for recognition and/or funding will require supporting evidence as detailed in the recognition and funding application pack.
- 1.4 The same estate or local area may be covered by more than one residents' organisation, tenant & resident association (TRA), tenant management organisation (TMO) or recognised tenant association (RTA - a group of leaseholders that has been recognised for the purposes of section 29 of the Landlord and Tenant Act 1985). However, the council

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will only fund one residents' organisation for the same set of residents, and where a TMO and TRA exist in the same area, the TRA will be the recognised body to be funded from the tenant fund and homeowner Fund. Where an RTA exists, the council recommends that it is a subcommittee of the tenant and resident association.

- 1.5 Recognised TRA's are expected to follow their constitution, follow good practice guidelines and co-operate with the council in trying to resolve problems, using the advice and support of council officers and/or others in managing their business.
- 1.6 In a situation where one or more individual members of a TRA acts in a way that is unacceptable to the committee, the general membership or to the council, it is the TRA committee's responsibility to address and resolve the issue using their constitution and code of conduct, and/or through dialogue or mediation. TRAs will be given the opportunity to do this before the council takes action to de-recognise.
- 1.7 Where there has been a serious breach of the TRA's constitution or if the TRA has changed its constitution in a way that is seriously out of keeping with the council's minimum requirements for recognition of TRAs, and where either of these is accompanied by a loss of confidence by the council in the TRA committee, de-recognition may be imposed with immediate effect pending full investigation of the matter. A serious breach would include for example: illegal acts, misuse of council facilities, financial misconduct, discrimination, disorder, assault and threat or use of violence.
- 1.8 TRA Constitutions require that an Annual General Meeting is held once every 12 months following which an application for recognition and/or funding application must be made. In order to give a TRA reasonable flexibility on this, the council's recognition policy will allow a further three months leeway before recognition automatically lapses (i.e. a maximum of 15 months between AGMs, if required). The TRA will be provided with recognition and funding form before the start of their AGM, and this form should be completed and returned within a target time of one month of their successful AGM. The processing of the application by the council will have a target time of 14 days from receipt of full application form and supporting documents.

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### **2. Conditional recognition**

- 2.1 Where a TRA is unable to meet the constitutional and/or administrative requirements for full recognition, a TRA may be given temporary or 'conditional recognition' status by the council. Conditional recognition will be for a stated limited period, giving the TRA time in which to meet the council's requirements for full recognition, i.e. A conditional recognition for up to six months will typically be granted, after which the TRA will either be granted full recognition or de-recognised. Payment of grant may be withheld until the TRA has satisfied the conditions stated.

### **3 De-recognition and consequences of de-recognition**

- 3.1 In order to be recognised a TRA must meet the minimum requirements laid out in Southwark's model TRA constitution and the following conditions:
- a) The TRA must have held an AGM within 15 months of its previous constitutional AGM.
  - b) The TRA must comply with its constitution including holding general and committee meetings properly
  - c) The TRA must not falsify minutes or decisions
  - d) The TRA's accounts must be kept properly and there must be no evidence of serious financial irregularity
  - e) The TRA's accounts should be independently checked by a qualified accountant or book-keeper appointed by a general meeting of the association person and agreed by a general meeting, preferably the AGM. The accounts should be agreed no later than three months after the end of the period they cover.
  - f) There should not be incidents of serious or repeated bad behaviour or breaches of the TRA's equalities policy by the TRA or its members that might bring the TRA into disrepute and that remain unaddressed by the committee or general membership
  - g) The TRA must be open and accountable to its general membership
  - h) The TRA must co-operate with the council to allow the council to verify that it is operating in a proper manner



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- 3.2 A de-recognised TRA will no longer be recognised as a body that the council consults with on matters that affect the local community.
- a) The TRA will no longer have representation on the area housing forum, or any other part of the council's consultation structure and any Southwark Council property accessed or managed by it, including its tenant hall, will be repossessed by the council.
  - b) In addition the TRA will be required to pay back to the council any tenant fund grant held by it, at and following the date of de-recognition and any income generated from its management of council assets.
- 3.3 If the council has de-recognised a TRA for a case of fraud, threat, or incident of violence then the council may consider placing conditions on future recognition of that TRA. This could include requiring the TRA to restrict certain members from being a bank signatory or key officer or attending meetings.

### **4. Reporting of misconduct, malpractice or breach of constitution in a TRA**

- 4.1 Incidents, behaviour and observations may be reported by anyone, including committee or general members of the association, members of the public, council officers, and councillors to the resident involvement team.
- 4.2 The resident involvement team will, in the first instance, decide what action should be taken to resolve the matter, including ensuring that advice and support is given to the TRA or individual.
- 4.3 Southwark Group of Tenant Organisations will be informed before the start of the process of derecognition so that the SGTO may offer the TRA support and advice.
- 4.4 Following this, if review shows that no progress has been made in line with an action plan drawn up by the resident involvement team, whether or not accepted by the TRA, and the matter has not been resolved, then the council may commence action to de-recognise the TRA.

### **5. Procedure for investigation and de-recognition**

- 5.1 Following a decision to commence action to de-recognise a TRA the

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resident involvement team will investigate the matter by gathering information and intelligence, within a reasonable time-frame that reflects the nature of the case.

- 5.2 This will include arranging meeting(s) with TRA members as a group and/ or individually; and consulting with anyone else whose input might be required or might be useful to the investigation. The council may request further evidence to be provided by the TRA, and failure to provide this may be held against the TRA in recognition decisions. Anyone being so consulted may have a witness or an independent person present at the meeting.
- 5.3 After collecting evidence, the resident involvement team will make recommendations to a case conference panel.
- 5.4 The case conference will be a formal meeting of an invited panel of six people, representing a cross-section of housing interests. The case conference panel will include:
  - a) The strategic director of housing (or head of service within the housing department)
  - b) A council manager from the housing department on a grade of at least Hay 14 without a direct interest in that TRA (advisory)
  - c) A councillor from a different ward than that covering the TRA (advisory)
  - d) A delegate from tenant council (selected by the chair, or vice chair if the chair is absent or has a conflict of interest) (advisory)
  - e) A delegate from home owner council (selected by the chair, or vice chair if the chair is absent or has a conflict of interest) (advisory)
  - f) A delegate from the Southwark group of tenants' organisations (advisory)
- 5.5 The case conference panel's role will be:
  - a) To check that the correct procedures have been followed;
  - b) To consider the recommendations of the resident involvement team;
  - c) To consider if sufficient support has been offered, the response from the TRA, and the likelihood of the TRA resolving issues within a reasonable timescale, and;
  - d) To make recommendations on recognition, conditional recognition, de-recognition and/or further actions.

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The decision on recognition, conditional recognition, de-recognition and/or further actions will be taken by the strategic director of housing (or head of service within the housing department) after consideration of the panel's recommendation(s).

- 5.6 The resident involvement team will service the meeting and present the case as to why it is believed that the TRA has breached the recognition policy. A representative of the TRA will be invited to attend, in their own defence to present evidence, should they wish to. The TRA representative attending may have a witness or an independent person present at the meeting.

At least 14 days' notice of the intention to convene a case conference panel meeting will be given to the TRA. The meeting will be held within a maximum of three months from the notice being issued unless there are cogent reasons not to do so, in which case a new time frame will be given to all concerned with the meeting to take place as soon as is practicable. All panel members and TRA representatives will receive details of the case conference procedure and supporting paperwork at least five days before the meeting. Panel members will be asked to declare any personal conflicts of interest before the meeting.

- 5.7 On de-recognition, the resident involvement team will notify:
- The chair and secretary of the TRA
  - The chairs and vice chairs of tenant council, home ownership council, tenant fund management committee and home ownership management committee
  - The chair and resident services manager for the appropriate area housing forum
  - The chair of the SGTO
  - All households in the TRA's area of benefit

If the decision is other than to de-recognise, the decision will be notified to the chair and secretary of the TRA in writing by the resident involvement team.

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<b>6.</b>	<b>Appeal procedure.</b>
6.1	<p>The TRA may contest the decision following the case conference panel within 30 days of receiving the letter by referring it to stage three of the council's complaints process. The grounds under which the TRA may contest the decision are where:</p> <ul style="list-style-type: none"><li>• The procedure as laid out in this policy was not followed</li><li>• There was a clear conflict of interest within the case conference panel</li><li>• The decision was plainly contrary to the evidence presented to it</li><li>• False evidence was used in reaching the decision</li><li>• New evidence has come to light</li><li>• The level of sanction was not appropriate</li></ul>
6.2	<p>The decision following the case conference panel will stand until the result of any complaints investigation overturns that decision.</p>
6.3	<p>If the stage three complaint is not upheld, there is recourse to the local government ombudsman.</p>
<b>Address of Corporate Complaints Unit</b>	
<p><a href="mailto:complaints@southwark.gov.uk">complaints@southwark.gov.uk</a> Corporate Complaints Unit Southwark Council PO BOX 64529 London SE1P 5LX Tel: 020 7525 0042 Fax: 020 7525 3189</p>	

**APPENDIX B: Consultation**

**Area Housing Forum recommendations and comments: Draft TRA Recognition and De-recognition policy.**

Area	<u>Date</u>	Recommendation	Response
<b>Aylesbury</b>			
<b>Bermondsey East</b>	27/07/11	Report received and noted	
<b>Bermondsey West</b>	22/06/11	Report deferred.	
<b>Borough &amp; Bankside</b>	11/10/11	<ol style="list-style-type: none"> <li>1. The Forum wish to endorse the proposal with some proviso. The Forum proposed that the composition of the panel of three persons should be expanded to five to include more residents and SGTO representative.</li> <li>2. The Forum demanded for a review process to be included in the plan which would be on-going to accommodate future changes in the council and residents groups.</li> <li>3. The Forum proposes that individual responsibilities and dispute resolution structure within TRA's should be clearly spelt out to ensure TRA's are not unjustly punished because of disagreements between two feuding members.</li> </ol>	<p><b>Accepted, changes made in 5.4. However, derecognition is a matter for the council, and we have changed other case conference members to advisory</b></p> <p><b>It is usual practice to update documents to bring them in line with changes</b></p> <p><b>This is a separate issue. The resident involvement team would have been working to resolve such disputes and to strengthen the committee. Derecognition is very much a last resort and would not simply happen because of a dispute.</b></p>
<b>Camberwell East</b>	03/10/11	1. Paragraph 1.5 - some concern that this meant that TRAs must do what told by the Council. I advised that the	<b>Have changed to 'co-operate with the council <u>in trying to resolve problems.</u></b>

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		<p>language used did not support that concern but they wanted this to be clearer. ??</p> <p>2. Paragraph 1.6 - second line - considered that rather than "causing a problem" the wording should be changed to breaching the code of conduct.</p> <p>3. Paragraph 1.6 - second line - considered that it is not always the TRA committee's responsibility, ie an assault on member of staff would be dealt with as a separate action by LBS and not by TRA.</p> <p>4. Paragraph 1.6 - considered that at line 5 the sentence should stop at "derecognise them".</p> <p>5. Paragraph 1.8 - unanimously agreed that the timescale should be 18 months.</p>	<p><b>Understand the point being made in terms of wording, but the code of conduct may not cover the situation (e.g. unacceptable behaviour outside TRA business, or individuals refusing to allow the TRA to follow its constitution).</b></p> <p><b>The TRA would need to deal with the person's position on the committee, even if the matter is in the hands of the council, the police etc.</b></p> <p><b>Agreed. Wording removed.</b></p> <p><b>Time set at 14 months to allow for a further attempt at a quorate AGM. If that also fails, recognition would lapse. The council would continue to work with the TRA, probably by holding a dissolution or restart meeting. Should this further effort succeed, recognition would re-start.</b></p>
		<p>6. Paragraph 1.8 - line seven - would like to change must to ideally.</p>	<p><b>Have changed 'must' to should to allow some leeway, but to still press for this to happen. Given the current volume of grant applications, we have</b></p>

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		<p>7. Paragraph 2.2 (c) - change to 18 months.</p> <p>8. Paragraph 3.1 (a) - change to 18 months.</p> <p>9. Paragraph 3.1 (e) - see comment made regarding paragraph 1.5. Needs to be clearer.</p>	<p><b>also changed the requirement on the council to process forms within 14 days to a target time of 14 days.</b></p> <p><b>See 5 above</b></p> <p><b>See 5 above</b></p> <p><b>Have added 'or the SGTO'. A TRA failing to take advice and continuing to act in a poor way means that it will continue to fail to meet the requirements and has no intention of changing its approach.</b></p>
		<p>10. Paragraph 3.2 (b) - it was noted that not all T&amp;RAs share the same rules, i.e. Sceaux Gardens is a charity so would not pay back the Council. This principle needs to be reflected in document.</p>	<p><b>The constitutional arrangements should not have a bearing on paying back grant that has been given a year in advance and has not been used. It is a condition of grant and this is already stated in the grant form. When derecognised by the council, a TRA can still operate. Being derecognised only happens in the most extreme circumstances. If the TRA has been, for example, running a hall entirely for the profit of its committee, there is a strong argument that revenue held by it should be given back to the tenant fund rather than used for some other</b></p>

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		<p>11. Paragraph 5.6, second paragraph - no timecales for paperwork - would like to see some.</p> <p>12 Paragraph 6.1 - should be a reference to new information or evidence coming to light.</p>	<p>purpose.</p> <p><b>Have added 'at least five days before the meeting'</b></p> <p><b>Agreed and added</b></p>
<b>Camberwell West</b>	11/10/11	<p>a. Proposed policy is too rigid as TRA's need more support not de-recognition.</p> <p>b. Funding application process takes too long once applications in.</p> <p>c. TRAs feel under scrutiny by the proposed policy rather than supported.</p> <p>d. All blocks and estates should have notice boards put up for TRA's.</p> <p>e. Motion passed. 'This Forum recognises that more help and advice should be given to a struggling TRA and at least three months support is given before de-recognition procedure commences.'</p>	<p><b>It is only in the most extreme cases that a TRA would be derecognised, and after trying all viable alternatives.</b></p> <p><b>At the moment, but not once fully into the new system.</b></p> <p><b>This policy is about what happens the most extreme cases. Derecognition is very, very rare.</b></p> <p><b>Not relevant to recognition policy. However, there are budget reasons that make this difficult.</b></p> <p><b>Usually, there would be a much longer period. But it is possible that derecognition would happen much faster – for example if a committee openly and unanimously declared itself to have a racist agenda.</b></p>
<b>Dulwich</b>	03/10/11	" Forum felt the the new model constitution should be completed and	<b>The constitution might change from time to time. The expectation is that</b>



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		<p>bought in line before being asked for comments to be made. TRAs should also have the right of appeal on any decisions rather than the 3 listed in the procedure"</p>	<p><b>TRAs are acting properly. It is possible for TRAs to fail to meet their constitutions and not to be derecognised – support would be offered.</b></p> <p><b>We have added new information coming to light to the appeals process.</b></p>
<p><b>Nunhead &amp; Peckham Rye</b></p>		<p>That the Nunhead and Peckham Rye Area Housing Forum rejects the proposal set out in the report entitled 'Draft Tenant and Resident Association (TRA) Recognition and De-recognition policy' on the following grounds:</p> <ol style="list-style-type: none"> <li>1. There are a number of clauses where the wording is obscure and therefore unworkable.</li>   <li>2. There are clauses that give powers to the Council against which the Tenants and Residents Association, its officers, and members, have very little power of redress.</li>   <li>3. Taken overall the proposals breach natural justice and fetter the right to proper and unobstructed representation.</li> </ol>	<p><b>Not specified. Have changed wording where others have given examples.</b></p> <p><b>Not specified. Derecognition is about whether the council recognises a TRA as a legitimate body for the purposes of consultation, representation, use of council facilities (e.g. halls) and funding. A TRA can continue to exist without derecognition. The council will be following measures (such as constitutional requirements that have been agreed with residents.</b></p> <p><b>Do not agree. It is really poor TRAs that do that.</b></p>

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		4. That it fetters the right of an independent Tenants and Residents Association to act independent of Council control.	<b>Not true. But the council has the right to dissociate itself from a poor TRA.</b>
		5. That a working party be set up to redraft the constitution and appeals procedure.	<b>There is already a working party looking at the constitution and this is not the appeals policy for funding decisions.</b>
<b>Peckham</b>	14/06 .2011	The Forum recommended that the report be rejected for the following reasons:-  1. The report is more focused on de-recognition than capacity building and some aspects have not been taken into account especially consultation.  2. Nothing has been written into the document which addresses the issue of conflict resolutions. There is no clear strategy on how to manage.  3. The Council should set up new framework for monitoring. Would like to have a borough wide constitution in place for all TRA's to accept and adhere to.	<b>The procedure is intended to make it clear in an extreme position how a TRA would be derecognised. It also provides a method whereby non-functioning TRA,s will stop being involved in the formal consultation process until they can get back on track. It is not intended as a document on support (which would be hard to report as there are so many different types of support that might be given).</b>  <b>The constitution is being reviewed.</b>
	07/11/11	Revised comments:  add financial misconduct to 1.7	<b>Added as suggested</b>

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		Write in that we will involve the SGTO in providing support at the start, before we move to derecognise	<b>Added in 4.3</b>
<b>Rotherhithe</b>	Rec received on 15 July 2011	<p>Andrew Eke and Peter Suthers feel that the recognition proposal outlined in the report does not show a support mechanism from the council. Justin notes that this is not the purpose of the policy, that it is covered in the Resident Involvement strategy.</p> <p>Peter Suthers informs forum that he has already sent in a 4 page critique. He feels that those who have drafted this have not taken into consideration registered tenant associations, which are made up solely of leaseholders. There are restrictions to this which have not been considered.</p>	<p><b>Not the purpose of the policy.</b></p> <p><b>Responded to separately.</b></p> <p><b>RTAs are a legal right for leaseholders and serve a separate function to that of a TRA and are therefore out of the scope of this policy.</b></p>
<b>Walworth East</b>	13/10/11	14 days time frame for the appeal process after receiving the letter by referring it to stage 2 is too small, therefore forum voted for 30 days.	<b>Agreed. Changed to 30 days</b>
<b>Walworth West</b>	26 May 2011	The forum raised concern with point 1.4 of the report which states that the Council will only fund one residents' organisation from any geographical area, and where a TMO and TRA exist in the same area, the TRA will be the recognised body to be funded from the Tenant Fund and	<b>TRA's define their own geographical areas. No properties should be represented by two TRAs at the same time. This would be a problem both for funding and for representation.</b>

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		<p>Homeowner fund.</p> <p>It was asked how the geographical area is defined.</p> <p>This will need to be clarified as Brandon Estate has 3 TRAs.</p> <p>Concerns were raised by the forum that not all members had the opportunity to go through this report and members were asked to email further recommendations to the chair.</p>	<p><b>But for separate areas of estate, like Tabard Gardens.</b></p>
<p><b>Peter Suthers</b></p>		<p><u>Peter's comments.</u></p> <p>Item 6&amp;7: TRA Funding Appeals Procedure/Recognition &amp; Derecognition policies</p> <p>One wonders why these documents have never been to the Constitution Working Party, who are currently re-writing the Model TRA Constitution. The so called Consultation Meeting of 40 TRA Committee members was no such thing.</p> <p>It is surprising how that very few of those who attended were faces I recognised as being currently involved in Tenants Council/Home Owner Council, a cynic might suggest that the invited people were not quite so</p>	<p><b>Although there are links with constitutions, these procedures are about recognition and appeals, and not the model TRA constitution. The draft documents are still being updated according to the feedback we receive. TFMC, and TC have already considered the papers and they will hopefully soon be considered by HOC as well.</b></p> <p><b>The invitees were chosen from the Resident Involvement data base of tenants and homeowners who are currently involved. 250 people were randomly selected to give a wider input into the proposals, to make them</b></p>

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		<p>randomly chosen as suggested. I muscled in on the meeting uninvited.</p> <p>It was not run as a consultation exercise. It was run more like a training session, Officers ran through the documents telling those present how the Procedures would work, and answering questions to clarify. There was no sense what so ever that this was a consultation on the content of the documents, and worryingly when pressed the officers did not seem to fully understand the documents and often TRA members had to correct the Officers in their interpretation.</p>	<p><b>more robust and sustainable.</b></p> <p><b>We went through the papers clause by clause and took note of issues raised. Your input was very useful in the points you raised. The feed back we received from participants after the event was overwhelmingly positive, and saying that it had been a very successful consultation exercise.</b></p>
		<p>It was only when a few of the more bolshey members forced the officers to justify some points did any semblance of consultation occur.</p> <p>Whilst there have been minor amendments to the documents since that Meeting, many of the inconsistencies and bad drafting remain. Things that would have been dealt with had the policies been presented to the Constitution Working Party or similar small group at an earlier stage.</p> <p>As to the claim that the policies were approved by those present, this is a falsehood. The meeting was not asked to approve the policies.</p>	<p><b>There was a strong sense that those in the room were happy with the documents (taking in points raised) and the discussion – they actually applauded! Additionally, the positive feedback we received afterwards would seem to support this.</b></p>

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		There is inconsistency throughout these two documents regarding the terms "TRA", "T&RA".	<b>We have addressed this in the updated drafts.</b>
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