

Housing Services

Tenant Participation Section

December 2011

Conditions for registering tenant organisations



NORTH AYRSHIRE
COUNCIL

Tenant Participation Section
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1. What is registration?

The Housing (Scotland) Act 2001 has introduced a number of new tenant participation duties that all registered social landlords must carry out. One of these duties involves setting up and maintaining a register of tenant organisations.

By registering with us, tenants groups will have a recognised role in the participation process. Groups will have the right to be consulted on a wide range of housing issues.

To register, groups must be able to show that they meet the conditions set out in section 4. Although they are called registered tenant organisations (RTOs), mixed groups such as tenants and resident associations can apply as long as they meet the conditions.

2. What does the register look like?

It is a public document that holds information about registered tenant organisations (for example, their constitution, and a map or details of the area they represent). It also includes information on:

- How to contact the group;
- When the group has its committee and annual general meeting;
- The local councillor and relevant housing staff; and

Copies of the register are available for the public to see at each of our area housing offices, and our headquarters at Cunninghame House.

3. How does a group apply?

You can contact the tenant participation staff at:

North Ayrshire Council
Housing Services
Tenant Participation Section
1 Main Street
Stevenston, KA20 3AB
Phone: 01294 471501
Fax: 01294 471729
Email: tenantparticipation@north-ayrshire.gov.uk

We will ask you to fill in a registration form and give us:

- A copy of your constitution (written set of rules)
- Details of the area your association represents, or a map outlining the area
- The names and contact details of committee members (identifying who holds which post); and
- A statement setting out how you plan to involve members and how you will represent their views.

Our tenant participation staff can give you help and advice to meet the necessary requirements. Contact us and we will meet with you to take you through the process. Once we receive this information, we will check that your group meets the conditions set out by the Scottish Government.

We will write to you within two weeks of receiving your application and let you know if we have accepted you for registration. If we do not accept you, we will explain why.

4. What are the conditions?

Conditions for registering tenant organisations

(Adapted from Housing (Scotland) Act 2001 Guidance on Tenant Participation)

A. Your group must have written constitution that is available to the public and which sets out:

- your objectives and the area you will cover
- how people can become members of your group
- the way the committee will work
- how people can become committee members or hold certain posts
- how the business of your group will be carried out
- how decisions will be reached democratically
- how you will manage funds
- your arrangements for public meetings and an annual general meeting (AGM)
- how you can change your constitution
- your commitment to promoting equal opportunities ; and
- your commitment to promoting the housing and housing-related interests of tenants

B. Your group must have a committee that :

- (after the first year) is elected at an annual general meeting
- has at least five members
- can elect other onto the committee during the course of the year
- has elected people who can hold certain posts
- holds regular committee meetings
- holds advertised public meetings
- can show that decisions are reached democratically ; and
- promotes equal opportunities

You can show that you meet sections A and B through a constitution. We need to see that:

- your group answers to the tenants and residents that you represent
- decisions within your group are reached democratically ; and
- you have the appropriate structures in place to run your association

We have a model constitution, if you want to use it.

C Your group must operate within a defined geographical area, which includes housing we own, and manage. Membership of the group and involvement in its activities must be open to all tenants and residents within your defined area

You could give us the names of the streets that your group represents, or we can give you a map so that you can outline the area your group covers.

D Your group must keep appropriate accounting records and present an audited annual financial statement at an annual general meeting

We can give you training and information to help you with this.

E Your group must show that:

- **It is committed to representing the interests of its members (tenants and residents in your area of operation); and**
- **It can represent the views of its members who are tenants of North Ayrshire Council**

Membership of your group must be open to all tenants and residents in your defined area. Because membership is open, we need to have some idea of how you will represent your members, such as a simple statement explaining how your group will be accessible and involve its members. This might be similar to the types of things you would say in your chairperson's report at your annual general meeting. For example:

- information about public meetings
- information about newsletters
- that you will encourage as many members as possible to your annual general meeting
- that you may carry out a survey to get your member's view on a specific topic

There are many ways in which you can make your group available to your membership. There are also different ways in which you can get their views so that you know you are representing their interests.

If you represent tenants of different landlords (for example, you may have tenants of North Ayrshire Council **and** a local housing association *for example Irvine Housing Association* represented in your membership), you can register with both landlords as long as you meet the conditions. However, when we consult you to get your views, we will want to make sure that we consult our own tenants.

F If your group is made up of a mix of tenants and residents, a process must be in place that will allow us to get the views of our tenants

There will be occasions when we may want to get the views of our tenants and not the views of owner-occupiers or other residents. We need to agree a way for us to be able to do this – for example a tenant subgroup or tenant survey.

5. How long does registration take?

Registration lasts for three years. When you first register, we will need to carry out a detailed check against the conditions set out by the Scottish Government. Once we have done this, you will need to submit each year an

annual update form. We have designed this process to take alongside each group's annual general meeting. We will ask you to fill in an annual update form after your annual general meeting. You will be required to re-register every three years.

6. What if a group does not register?

If your group chooses not to register, we would include consultation we carry out. However, we would not recognise you as an RTO and you will not have the legal rights of an RTO.

7. What happens if there are any changes to a group?

If your group's constitution, members, or area of operation changes, you must tell us. We may ask you to register again. You should send your application to register again to the tenant participation staff no later than two weeks from the date the change takes place.

We will tell you if we have accepted you onto the register within two weeks of receiving your application.

8. Can a group be removed from the register?

We can remove a group from the register if any of the following circumstances apply.

- You no longer meet the registration conditions
- Your group no longer exists or does not operate
- There is mutual agreement between you and us to take you off the register

We can remove your group from the register after we have given you one month's notice.

9. Can a group appeal against our decision?

You may appeal against our decision:

- not to register your group
- to remove your group from the register ; or
- not to remove your group from the register

If you want to appeal against our decision not to register your group or to remove your group from the register, you must write to the Tenant Participation Manager, they will then in consultation with the Divisional Manager (Headquarters) make a decision. We will write to you within three weeks to let you know the outcome of your appeal.

If you are not happy with our decision you have the right to appeal further to:

The Scottish Housing Regulator
Highlander House
58 Waterloo Street
GLASGOW G2 7DA
Telephone: 0141 271 3810

10. Can a group get help and advice?

We value and support our tenant and residents groups. We recognise your independence and valuable input that can be achieved through the new tenant participation arrangements. Our tenant participation staff will work with all groups to them achieve registration. However, if your group wants to get independent advice, you could contact the following organisations:

Tenant Participation Advisory Service (TPAS)
74-78 Saltmarket
Glasgow, G1 5LR
Telephone : 0141 552 3633

Tenant Information Service (TIS)
Suite 342, Baltic Chambers
50 Wellington Street
Glasgow, G2 6HJ
Telephone: 0141 248 1242

APPLICATION FOR REGISTRATION OF TENANT/RESIDENT GROUP

PLEASE WRITE IN BLOCK CAPITALS. If you have difficulty filling our any part of this form please let us know and we will help you. Please refer to the information and guidelines we have produced on registration of groups.

Name of Association

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Contact Information

Remember that the register is a public document, you want to be contact through the Tenant Participation Team.

Name _____
Position _____
Address _____

Telephone Number _____

Contact via the Tenant Participation Team

Yes		No	
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Enclosed Information

Please make sure that you enclose the following information:

- Your group's constitution
- Details of the area your association represents (either a map or list of streets)
- The names, addresses and telephone numbers of all committee members (including office bearer)
- A statement outlining how your association intends to engage with your members (tenants and residents) and how you will represent their views

Sign the Application

Signature _____

DATA PROTECTION ACT 1998

Please read the following statement and sign the declaration below:

The information that you have provided in this form, and the information which you give in future to North Ayrshire Council staff in relation to this matter will be maintained by the Housing Services in the Register of Registered Tenant Organisations in North Ayrshire. The Council may use the information in order to establish communication links between the named contacts held in the Register of the different Registered Tenant Organisations. The information that you provide to Council staff will be held in terms of the Data Protection Act 1998. As a result, the information will be treated as confidential and will only be maintained for the purposes mentioned above. You will also be entitled to access personal information held about you by the Council.

Declaration:

I confirm that the information, which I have provided in this form, is correct and authorise North Ayrshire Council to use the information, which I have provided for the above purposes

Signed _____ Date _____

Tenant Participation Team use

Date application received _____

Information enclosed	Yes		No	
Criteria Checked	Yes		No	
Application Accepted	Yes		No	

Comments:

Date of registration _____

Date of re-registration _____

If no, reasons for refusal:

Date Group Informed _____



ANNUAL UPDATE FOR RTO REGISTER

PLEASE WRITE IN BLOCK CAPITALS. If you have difficulty filling our any part of this form please let us know and we will help you. Please refer to the information and guidelines we have produced on registration of groups.

Name of Association

Contact Information

Remember that the register is a public document, you want to be contact through the Tenant Participation Team.

Name _____
Position _____
Address _____

Telephone Number _____

Contact via the Tenant Participation Team

Yes		No	
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Changes to your Association

Are there any changes your group's

• Constitution	Yes		No	
• Area of operation	Yes		No	

Enclosed Information

Please make sure that you enclose the following information:

- The names, addresses and telephone numbers of all committee members (including office bearer)
- A minute of your AGM

Sign the Application

Signature _____

Tenant Participation Team use

Date application received _____

Information enclosed	Yes		No	
Criteria Checked	Yes		No	
Application Accepted	Yes		No	

Comments:

Date of registration_____

Date of re-registration_____

If no, reasons for refusal:

Date Group Informed_____