

REVIEW OF CONSTITUTION

Report of the Director & Company Secretary

1. SUMMARY

This report is in response to a recommendation, arising from the review of the Governance Arrangements, to review the terms of reference of each committee and panel of the Board.

2. RECOMMENDATION

That the City Board

1. considers the Constitution attached at Appendix 1
2. identifies any further amendments
3. recommends the Constitution to the Governance Services Committee for approval by the Board.

3. MATTER FOR CONSIDERATION

- 3.1 At its October meeting, the City Board received a report advising of a series of recommendations approved by the Derby Homes Board, following a review of the Governance Arrangements. One of the recommendations agreed required a report to be taken to each panel or committee of the Board, setting out new or revised terms of reference and to refer the matter back to the Governance Services Committee and then to the Board for approval.
- 3.2 Currently the City Board's terms of reference are set out in Parts V City Board Constitution and Part VI Delegation of Responsibilities. To avoid duplication or inconsistencies, the two have been amalgamated and are now provided in Part V only. For completeness, we have included in Part VI, a reference that the City Board Constitution is provided in Part V.
- 3.3 Attached to this report at Appendix 1 is the City Board Constitution. Recommendations approved from the Governance Arrangements review and other amendments and formatting have been incorporated and shown with tracked changes.
- 3.4 Committee is asked to consider any further amendments it wishes to make.

4. LEGAL AND CONFIDENTIALITY IMPLICATIONS

Agreeing and/or amending terms of reference for Committees is a matter reserved to the Board.

The areas listed below have no implications directly arising from this report:

Consultation
Financial and Business Plan
Council
Personnel
Environmental
Equalities Impact Assessment
Health & Safety
Risk
Policy Review

If Board members or others would like to discuss this report ahead of the meeting please contact the author, or Phil Davies, Chief Executive, phil.davies@derbyhomes.org – Phone: 01332 888528

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Background Information: None

Supporting Information: Board Report 29 September 2011

Part V

Derby Homes City Board Constitution

The City Board is a committee of the Derby Homes Board with delegated authority pursuant to Article 24. The functions delegated to the City Board are as follows.

1. **DELEGATED POWERS**

1.1. The City Board has the following delegated powers:

Performance

- Set Local Performance standards within a Derby Homes framework

The City Board can agree performance standards for the local housing offices an example of this could be, arranging monthly walkabouts with tenants.

- Set Local Performance targets within a Derby Homes framework

The City Board can agree performance targets for services, an example of this could be the target for waiting time for the completion of repairs number of estate walkabouts completed each year.

- Monitor Local Performance

The City Board will receive performance monitoring information – format and content to be agreed by the City Board. This information will be used to monitor performance in key service areas. The City Board may request additional information where areas of concern/interest arise.

Capital & Other Works

- Prioritise and manage the delegated Housing Capital Works Programme

The City Board will prioritise and monitor the progress of works to be undertaken through the programme.

- Develop the Estates Pridelong term improvements strategy
- Approve the Estates Prideimprovements initiatives including all quick-fix bids, within the Estates Prideany budget available for this purpose.s delegated from the main Board

The City Board will review the process for evaluating the Estates Pride

Comment [m1]: AC recommendation to re-order constitution to set out powers first (AC).

Comment [m2]: The delegated powers have been listed under headings to allow them to be identified more easily

Comment [D3]: Estates Pride is coming to an end – although there is a 'tail off' of the EP programme, new funds will be included within the core management and maintenance fees in future

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improvements initiatives.

Tenant Involvement

- Develop and approve bids for funding for local initiatives from various funding sources
- Approve any grants, loans or sponsorship to organisations operating specifically within the City

The City Board will be responsible for approving funding to Housing Focus Groups, Tenant and Residents Associations and other community groups benefiting tenants in their area.

- Respond to representations from Housing Focus Groups and Tenants' Review Panel

Housing Focus Groups and Tenants' Review Panel will be able to take items of local concern/interest to the City Board. It is envisaged that a standard item will be placed on each Agenda, Housing Focus Group representatives will put items forward for agendas and present this item to the City Board.

- Approve Local Estate Agreements

Derby Homes proposes to develop local agreements with Housing Focus Groups and residents. These agreements would outline the local standards of service that residents can expect. The agreements can include the services provided by Derby City Council departments and other organisations. The City Board will agree and sign the agreements within the City.

- Develop local tenant participation structures

The City Board will review the local arrangements for involving tenants and can develop new ways of working with tenants.

- Monitor local Tenant Management Organisation performance

Tenants have the right to set up their own Tenant Management Organisation (TMO) to manage some or all of the services provided by Derby Homes. If a TMO is set up the City Board will monitor their performance.

- monitor and propose ways of improving Housing Focus Groups and other forms of local consultation

Service & Policy Review

- Develop and approve local Derby Homes Service Improvement Plans and Targets

Each year the City Board will receive service improvement plans and targets for approval, the City Board will also undertake the role of reviewing achievement against previous year's plans.

- review and approve the provision of equal opportunities services;
- review existing customer services and approve the introduction of new services

Other Matters

- Work with other organisations and agencies in order to improve sustainability of council housing within the City

The City Board will provide a key role in co-ordinating the work of partner organisations and agencies operating within the City to ensure maximum benefit is made from partnership working towards achieving sustainability on council housing estates.

- receive questions from members of the public and approve answers;
- receive petitions from members of the public and approve actions arising;
- make recommendations to the Board on any change in strategies, policies, business plans and any other matter reserved to the Board, that it sees fit;
- make recommendations as part of the Budget Review process;
- receive recommendations from the Board and the Resources Remuneration & Regeneration Committee and other Committees on any matter delegated to it by the Board;
- making major decisions about implementation of any of the Derby Homes' functions delegated to the City Board;
- major decisions for the City Board, as referred to above, are defined as:
 - (a) any decision that has significant impact on the City
 - (b) any decision that results in incurring expenditure or saving in excess of £200,000 – however any decisions with expenditure or savings between £100,000 and £200,000 will be reported to the next City Board for noting
 - (c) any decision to change strategy or policy on housing management, maintenance or customer service
 - (d) the decision is qualified as follows:

- i. decisions that are a direct consequence of implementing a major decision are not, in themselves, major;
- ii. bids for sums over £200,000 are not major decisions;
- iii. decisions to make a grant or a loan to any individual or organisations is a major decision unless it is below £5,000;
- iv. significant impact on the City means any decision that is likely to have a significant positive or negative impact on environmental, physical, social or economic terms on tenants and/or leaseholders or residents living or working in the City;
- v. in recognition of their legal responsibility and liability, main Board Members have the right to redirect a decision of the City Board to the next available main Board meeting. This has the effect of status quo applying until the main Board has considered the matter.

Comment [m4]: Moved from Part VI
Delegation of Responsibilities

1.2 The City Board may not sub-delegate any of the powers listed above.

2. **POWERS SUBJECT TO MAIN BOARD RATIFICATION**

In addition the City Board has the power to:

- (a) Appoint partner contractors for improvement programmes
- (b) Prioritise the local area Housing Capital Works programme

The City Board will be able to appoint partner contractors.

These decisions will require the ratification of the main Board.

3. **CONSULTATIVE ROLE**

The City Board will have the power to:

- (a) Make recommendations to Main Board on matters that it has reserved to itself;
- (b) Contribute to Derby Homes Service Reviews
- (c) Monitor and propose ways of improving Housing Focus Groups and other forms of local consultation.

4. **MEMBERSHIP**

4.1. The number of City Board Members shall be twenty-six. Membership is as follows:

- (a) Twelve tenant ~~representative~~ members (called "Tenant ~~Representative~~ City Board Members")
- (b) Two leaseholder ~~representatives~~ members (called "Leaseholder ~~Representative~~ City Board Members")
- (c) The four Tenant main Board Members
- (d) The Tenant Board Member who is the Leaseholder
- (e) Up to two Independent Board Members
- (f) Up to five Council Members of the main Board.

Members of the City Board are called City Board Members.

- 4.2. Only one family member can be on the City Board.
- 4.3. The City Board has power to co-opt up to three non-voting members who have skills and experience that can assist the City Board.

5. **TERMS OF OFFICE**

- 5.1 City Board Members who are also main Board Members are to serve until removed by a resolution of the main Board.
- 5.2 City Board Members who are not also main Board Members are to serve for a term of three years. They will be ineligible for re-appointment if they have served as a City Board Member for the Maximum Period of Office in accordance with Derby Homes Article 19. City Board ~~members~~ Members who are also main Board Members are to serve until removed by a resolution of the main Board.

6. **APPOINTMENT AND RECRUITMENT**

Appointment and recruitment will be as follows

- 6.1 Twelve tenants will be elected each to represent one of four areas of the City, and two leaseholders will be elected each to represent one half of the City. They will retire in rotation as follows:

Area	No of seats	Management Area	Retirement Date
North East	3	Sussex Circus Derwent Chaddesden Park Spondon	October 2012
Leaseholders	1	Derby North	October 2012
Leaseholders	1	Derby South	October 2012
North West	2	Mackworth Brook Street	October 2013
South West	3	Stockbrook Street Austin Littleover	October 2013
<u>South East</u>	<u>4</u>	<u>Alvaston</u> <u>Allenton</u> <u>Old Sinfen</u> <u>New Sinfen</u> <u>Osmaston</u> <u>Chellaston & Shelton Lock</u>	<u>October 2014</u>

And will subsequently retire in rotation which mirrors this so that each Tenant and Leaseholder Representative will serve for a term of office as close to three years as possible. When calculating this length of time in office, a person who was appointed to fill a casual vacancy is treated as though he/she

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Comment [m5]: Updated following this year's elections

had held office from the date of the appointment of the Tenant or Leaseholder Representative he/she replaced.

- 6.2 Procedural arrangements for the election of Tenant and Leaseholder ~~representatives~~ City Board Members and casual vacancies will be as for Main Board Members, set out in Derby Homes Governance Arrangements Section ~~2.2.2 – 2.2.10 of~~ Part IX Appointment and Recruitment of Board Members.

7. CHAIR AND VICE CHAIR

- 7.1. ~~4.1~~ One of the Vice Chairs of the main Board shall be elected as ~~Chair~~ City Board Chair by the City Board.

- 7.2. ~~4.2~~ The remaining Vice Chair of the main Board will be appointed as City Board Vice Chair.

- 7.3. ~~4.3~~ In the absence of the City Board Chair or Vice Chair ~~of the City Board~~, the City Board ~~members~~ Members present may only appoint one of their number who is also a main Board ~~member~~ Member to chair the meeting.

- ~~4.4 Existing Representatives and Deputies nominated by Housing Focus Groups will remain on the City Board until their relevant retirement date, outlined in paragraph 3.1 above.~~

- 7.4. ~~4.5 Until such time, no Deputy Tenant Representative or Deputy Leaseholder Representative shall be entitled to vote at a meeting if the Tenant Representative or Leaseholder Representative from the relevant nominating body is also present.~~ ~~4.6 All members~~ Members of the City Board have equal rights to speak and vote subject to Derby Homes' Governance Arrangements concerning the declarations of interests.

8. VOTING

- ~~4.7~~ Where a matter is to be put to a vote, it shall be decided by a simple majority of votes on a show of hands, subject to paragraph ~~4.7~~ 4.4 above, each City Board Member present in person will have one vote. In the event of a tied vote, the City Board Chair has a second or casting vote.

~~8.9.~~ DISQUALIFICATION

A person shall be ineligible for appointment to the City Board and if already appointed shall immediately cease to be a City Board member if the relevant individual:-

- (a) in the case of a main Board member where they cease to be a main Board Member; or
- (b) is, or may be, suffering from mental disorder and either:-
 - i. is ~~admitted to hospital in pursuance of an application for admission for treatment under the Mental Health Act 1983 or, in Scotland, an application for admission under the Mental Health (Scotland) Act~~

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Comment [D6]: AC rec clarification

Comment [D7]: AC rec clarification

Comment [m8]: There are now no deputies remaining on the City Board

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~~1960~~required by law to be admitted to hospital because of that disorder; or

Comment [D9]: AC clarification

- ii. an order is made by a court having jurisdiction (whether in the United Kingdom or elsewhere) in matters concerning mental disorder for his/her detention or for the appointment of a receiver, curator bonus or other person to exercise powers with respect to his property or affairs; or
- (c) resigns his office by notice to the Company Secretary; or
- (d) shall for ~~more than six~~three consecutive months have been absent without permission of the City Board from meetings of the City Board held during that period and the City Board resolves that his office be vacated; or
- (e) in any period of 12 months, he shall have been absent (without the permission of the City Board ~~members~~Members) from at least ~~60~~50% of the meetings of City Board ~~members~~Members held during that period and the City Board ~~members~~Members resolve that his office be vacated; or
- (f) in the case of a Tenant City Board member he or she permanently ceases to be a Tenant or a Family Member of a Tenant or a Leaseholder or a Family Member of a Leaseholder; and
- (g) is a Tenant City Board member and is in the opinion of the main Board in serious breach of their obligations as a Tenant or a Leaseholder.

Comment [m10]: As approved by the DH Board

Comment [m11]: As approved by the DH Board

PROCEDURAL GUIDANCE

9-10. A number of reports will normally be submitted to meetings of the City Board. They will be in ~~two~~three main categories:

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- (a) Reports for information – these will give routine statistics and other information and progress reports on matters already approved by the City Board.
- (b) Reports for decision – these will suggest action, which could be taken to tackle particular problems.

~~(b)(c)~~ Confidential reports – these will contain confidential and/ or business sensitive information

Comment [m12]: In line with normal practice.

In case of (b), City Board Members may sometimes disagree with the recommendations laid out in the report. If so, it is within the City Board's powers to reject the recommendations. However, in this situation the City Board Members must suggest an alternative course of action to the recommendation or indicate which aspects of the problem may need a further report or further work to be undertaken.

For matters requiring an urgent resolution/decision, an urgent decision may be taken by the ~~Chair of the~~City Board Chair in consultation with Chair and Chief

Executive of Derby Homes. A report on the decision will then be made to the subsequent City Board meeting for ratification.

Members of the City Board will not normally be expected to make reports themselves, but there is nothing to stop them from doing this if they so wish.

11. Meetings of the City Board will be convened by the Company Secretary, upon a decision of the ~~Chair of the City Board~~ Chair, Chair of Derby Homes or by requisition of 5 ~~members~~ Members of the City Board.

~~10.12.~~ Agendas should be set by a process with the City Board at the start of every financial year and as a minimum the ~~Chair of the City Board~~ Chair should agree the actual agenda. Members of the City Board can request the Chief Executive to include items on the agenda and to produce reports on certain subjects. In order to do this, ~~members~~ Members should contact the Company Secretary. The agenda will be despatched five clear working days prior to the City Board Meeting and therefore it is essential to contact the Company Secretary at least ten working days before the date of the meeting to ensure that an item is placed on the agenda. In cases of urgent items, they will only be accepted onto the agenda with approval of the ~~Chair of the City Board~~ Chair.

~~11.13.~~ The City Board minutes will be submitted for consideration and action as required to the Main Board. Copies of the minutes of the previous meeting will be circulated with the agenda for the next meeting of the City Board for approval.

~~12.14.~~ The City Board Chair will conduct the meeting and all remarks, questions, comments, etc are to be made through the City Board Chair.

~~13.15.~~ Meetings of the City Board are open to the public subject to limitations imposed by the size of the venue. Participation in the business of the meeting, but not voting, may be extended to non-members at the discretion of the City Board Chair. The City Board Chair shall exclude all persons who are not entitled to vote on an item of business from any part of a meeting where the City Board Chair considers the business is private.

~~14.16.~~ Business shall only be conducted at meetings if at least 2 Main Board ~~m~~Members are present. This minimum number of ~~members~~ Members is known as the quorum of the City Board. Where a quorum is not present the meeting shall be adjourned. Where a meeting is adjourned, the business that would have been conducted at that meeting may be referred to the next meeting of the City Board, except in the case of urgent business, which should be referred directly to the Chair of the Board.

~~15.17.~~ All City Board ~~members~~ Members will be under a duty of confidentiality. Matters relating to individual tenants or tenancies should not be discussed, nor should information be disclosed so that these can be identified.

~~16.18.~~ Where a member of the City Board or a close relative has a personal interest in a matter being discussed the interest should be declared to the meeting. The member should then take no further part in the consideration of that matter.

17.19. Meetings of the City Board shall have duration of no more than 2 hours, but can be extended by ~~members~~ Members agreeing to move Standing Orders.

18.20. The venue should be convenient and reasonably accessible to all.

19.21. Training will be made available ~~to staff, City Board members~~ Members, ~~tenants and residents~~ on an annual basis to maximise their effectiveness as a City Board.

20.22. So far as they are capable of applying and unless already addressed in this City Board Constitution, the main Board's Standing Orders will apply to the proceedings of the City Board.