

Homeowner Council

Constitution

www.southwark.gov.uk

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HOME OWNER COUNCIL CONSTITUTION

1. General Purpose

The Homeowner Council is an advisory body established by Southwark Council to:

- a) Represent the views of Southwark Council homeowners on issues relating to housing services, the management of housing, and new housing management proposals, and
- b) Form part of the framework for Southwark Council to consult its homeowners on matters relating to housing management, housing services and policies.

2. Functions and powers

The Homeowner Council's functions and powers are to:

- a) Advise Southwark Council, its committees, sub-committees and scrutiny panels on the borough-wide view of homeowners on any matter relating to Southwark Council's provision of housing-related services, the management of housing, and new housing management proposals.
- b) Act as a consultative body for Southwark Council on matters relating to housing management, housing services and policies in so far as they affect homeowners and potential homeowners.
- c) Accept, consider and advise on referrals as appropriate received from:
 - i The Area Housing Forums
 - ii Tenant Council
 - iii Southwark Council, its committees, sub-committees or scrutiny panels
 - iv The Cabinet Member for Housing and Deputy Leader of the Council
 - v The Strategic Director of Housing and Community Services
 - vi The Chief Executive's Department.
- d) Notify the council, of issues or work within the scope and remit of Homeowner Council, which it would like the council to consider.
- e) Act as the ultimate consultative body for items under 1.1a) above. Matters considered by Homeowner Council after being considered by Area Housing Forums should only be referred back to Area Housing Forums in exceptional circumstances.
- f) Nominate Homeowner Council representatives to appropriate:

- committees
- sub-committees
- scrutiny panels or working parties

including sub-committees and working parties of Homeowner Council.

- g) Promote activities that foster the involvement and participation of homeowners in housing matters.

3. Matters outside the scope and remit of Homeowner Council

3.1 Homeowner Council may not consider or discuss matters:

- a) Outside the scope of issues affecting Council homeowners relating to Southwark Council's provision of housing-related services, the management of housing, and new housing management proposals
- b) Relating to individual members of staff or their employment conditions.
- c) Arising between the Council and any individual person, or
- d) Of a party political nature.

3.2 Homeowner Council is an advisory body which does not have the power to make decisions on behalf of Southwark Council. Southwark Council will consider representations made to it by Homeowner Council and other groups, before making a decision on any relevant housing matters as may be required.

4. Equality and diversity

4.1 Homeowner Council shall conduct its business in a way that:

- a) Promotes equality of opportunity between individuals and treats all people with dignity and respect
- b) Avoids and eliminates discrimination of any kind
- c) Promotes good relations within the community between members of different groups, and encourages the active participation of all homeowners
- d) Represents the best interests of Council homeowners and reflects and understands their views within the context of social housing interests

- e) Homeowner Council shall have regard to equalities issues during the course of its work and shall reflect such equalities issues as have been raised during the year in the Chair's annual report
- f) Homeowner Council will aim to be inclusive, to have a membership that is representative of the community it serves and to elect officers that as far as practicable, are representative of the community it serves.

5. Membership

5.1 Area Forums

- a) Each Area Housing Forum is invited to nominate two of its homeowner members to Homeowner Council as forum representatives.
- b) Each Area Housing Forum is similarly invited to nominate a further two of its homeowner members to Homeowner Council as deputy representatives.
- c) Those Area Housing Forums entitled to nominate two of their homeowner members as forum representatives, and a further two of their homeowner members as deputy representatives to Homeowner Council are:
 - Bermondsey East
 - Bermondsey West
 - Borough & Bankside
 - Camberwell East
 - Camberwell West
 - Dulwich
 - Nunhead & Peckham Rye
 - Peckham
 - Rotherhithe
 - Walworth East
 - Aylesbury
 - Walworth West.
- d) Only the two forum representatives will have voting rights on Homeowner Council. In the event of one or both of the forum representatives being unable to attend a meeting, these voting rights are transferred to their deputy representative(s) for the purposes of that meeting.
- e) In order to be a forum representative or deputy representative at Homeowner Council, all Area Housing Forum nominees must:
 - i. Be a Southwark Council leaseholder, or

- ii. Be a freeholder who pays service charges to, and receives housing services from, the London Borough of Southwark
 - iii. Not be an elected Member of Southwark Council
 - iv. If they are an employee, contractor to or agent of Southwark Council, their post must not be one that is politically-restricted under the terms of the Local Government and Housing Act 1989 Part 1.
- f) If any Area Housing Forum is not represented at Homeowner Council for any three consecutive properly scheduled meetings and no reason is given to the Chair or other officers attending the Homeowner Council, then the forum representatives and deputy representatives from that Area Housing Forum will be taken to have resigned. The Chair of the Homeowner Council will then notify the relevant Area Housing Forum so that new members can be appointed in time for the next meeting.

5.2 Leaseholders in Street Properties

5.2.1 Four representatives of street property leaseholders may attend Homeowner Council with voting rights. Four deputies may also be elected. However, deputies will only have voting rights if the representative is absent in any meeting.

5.2.2 The representatives, and deputies will be elected to represent the following areas:

- Borough and Bankside/ Walworth
- Camberwell/ Dulwich
- Bermondsey/ Rotherhithe
- Peckham/ Nunhead and Peckham Rye.

Representatives may be allocated an area in the event of an area not having any candidates.

5.2.3 The four representatives and four deputies will be chosen every three years through a ballot of all leaseholders in street properties organised by the Specialist Housing Services division.

5.2.4 Should any representative elected in this manner not attend three consecutive properly scheduled meetings and no reason is given to the Chair or other officers attending the Homeowner Council, then the representative will be taken to have resigned. **No replacement representative may be elected until the next scheduled ballot.** In the interim the Homeowner Council may co-opt a representative who should, in the first instance, be the unsuccessful candidate polling the most votes at the previous election. If they are unwilling to be co-opted then the remaining

unsuccessful candidates should be approached in turn according to the number of votes received.

5.2.5 If, having exhausted the potential candidates under paragraph 5.2.3, no co-opted representative has been identified *and* more than twelve months remain until the next elections, all street properties should be contacted and candidates invited to seek co-option to Homeowner Council. The selection of the representative will be by the next properly constituted Homeowner Council.

5.3 Freeholders (with service charges)

5.3.1 Two freeholders and two deputies who receive Council services and pay service charges for them may be nominated and elected to the Home Owners' Council with speaking and voting rights. However, deputies will only have voting rights if the representative is absent in any meeting. These two delegates and two deputies will be nominated and elected every three years through a ballot of all freeholders (with service charges) conducted by the Specialist Housing Services division.

5.3.2 Should any representative elected in this manner not attend three consecutive properly scheduled meetings and no reason is given to the Chair or other officers attending the Homeowner Council, then the representative will be taken to have resigned. No replacement representative may be elected until the next scheduled ballot. In the interim the Homeowner Council may co-opt a representative who should, in the first instance, be the unsuccessful candidate polling the most votes at the previous election. If they are unwilling to be co-opt then the remaining unsuccessful candidates should be approached in turn according to the number of votes received.

5.3.3 If, having exhausted the potential candidates under paragraph 5.3.2, no co-opted representative has been identified *and* more than twelve months remain until the next elections, all street properties should be contacted and candidates invited to seek co-option to Homeowner Council. The selection of the representative will be by the next properly constituted Homeowner Council.

5.4 Recognised Tenants Associations (RTAs)

5.4.1 Each properly-constituted 'Recognised Tenants' Association', which has been established under the provisions of Section 29 of the Landlord and Tenant Act 1985, and is recognised by the Council for the purposes of the Act, is invited to nominate a representative with voting rights to the Homeowner Council.

5.4.2 In order to send a representative to the Homeowner Council, a recognised RTA must represent a block or estate containing more than two hundred and fifty properties, at least twenty per cent of which are occupied by leaseholders, and of whose leaseholder occupants, at least sixty per cent are members of the RTA.

5.5 Non-resident leaseholders

5.4.1 Two representatives of non-resident leaseholders, and two deputies, who receive services and pay service charges, may attend Homeowner Council with voting rights. However, deputies will only have voting rights if the representative is absent in any meeting. These two representatives, and two deputies, will be chosen every three years through a ballot organised by the Specialist Housing Services division.

5.4.2 Should any representative elected in this manner not attend three consecutive properly scheduled meetings and no reason is given to the Chair or other officers attending the Homeowner Council, then the representative will be taken to have resigned. No replacement representative may be elected until the next scheduled ballot. In the interim the Homeowner Council may co-opt a representative who should, in the first instance, be the unsuccessful candidate polling the most votes at the previous election. If they are unwilling to be co-opt then the remaining unsuccessful candidates should be approached in turn according to the number of votes received.

5.4.3 If, having exhausted the potential candidates under paragraph 5.4.2, no co-opted representative has been identified *and* more than twelve months remain until the next elections, all street properties should be contacted and candidates invited to seek co-option to Homeowner Council. The selection of the representative will be by the next properly constituted Homeowner Council.

5.6 Observers with speaking rights

a) Delegates from recognised, properly-constituted, borough-wide, leaseholders' groups and equalities groups, are invited to nominate one representative to Homeowner Council with observer status and speaking rights and with voting rights.

6. Meetings

6.1 Homeowner Council meetings are open to all members of the public who may attend as observers.

- 6.2 Homeowner Council may invite the senior Council officers with responsibility for the Council's housing stock and resident involvement matters (within the remit in para 2.1c above) or their representatives, to attend Homeowner Council to provide briefings or to answer questions.
- 6.3 All Southwark Councillors and Council officers may attend Homeowner Council's meetings as observers.
- 6.4 Observers may address the meeting only with the permission of the Chair and may only speak on the agenda item under discussion.
- 6.5 It is incumbent upon any Homeowner Council member or observer to act in accordance with the Constitution, in particular with the Standing Orders and Code of Conduct for the meetings. Any misbehaviour or disregard for the rulings of the Chair shall mean that the Chair, on the advice of the Council officer with delegated responsibility for Homeowner Council (hereinafter referred to as the Responsible Officer), can suspend or cancel the meeting then in progress and all Homeowner Council members and any Council officers shall then leave the meeting room and a further meeting shall be scheduled to deal with any unfinished business.
- 6.6 If there is persistent disregard for the Constitution, Standing Orders and Code of Conduct or the rulings of the Chair then the Chair shall move that the representative(s), and any deputy representatives from the relevant Area Housing Forum, and/or other observer(s) be forbidden from attendance at any further meetings of the Homeowner Council until a written apology and an assurance that Standing Orders will be complied with, are received by the Chair or Vice-Chair of the meeting. The motion to suspend the attendance of offending members/groups shall be voted on in accordance with Standing Orders.
- 6.7 Homeowner Council meetings are open to the press, but photographs and audio recordings may not be made without the agreement of the Homeowner Council.
- 6.8 In the event of the Chair and the Vice Chair being absent for a particular meeting, an acting Chair for that meeting only will be elected from within the voting representatives present, by a simple majority of votes.

7. Election of HOC representatives to sub-committees, working parties and other groups

- 7.1 All Homeowner Council representatives nominated as described in item 2.1f above, are to be elected by a simple majority of votes cast at a properly constituted meeting of the Homeowners Council. Where the nominated role lasts longer than a year, new elections for such posts must be held on an annual basis with all positions up for election at the AGM. All members nominated to positions by Homeowner Council are

accountable to it and must report back as a formal agenda item at least twice yearly or more often as necessary.

- 7.2 If any Homeowner Council member's nominating body decides at any time to withdraw the nomination rights of any individual member or members then this means that any ex-nominees will immediately cease to hold any status save as Council homeowner observers at Homeowner Council. Any such individual or individuals must immediately resign any officer or working party position that they hold as Homeowner Council members.
- 7.3 Where a Homeowner Council nominee to any office or working party position ceases to be the elected representative of their nominating body at Homeowner Council, Homeowner Council must elect a replacement nominee to that office or working party position at the next Homeowner Council meeting.

8. Annual General Meeting

- 8.1 The first meeting of the Homeowner Council year is the Annual General Meeting (AGM). At least four weeks' notice of the AGM or an Extraordinary General Meeting must be given to all nominating bodies to enable them to confirm who their representatives and deputy representatives are by at least seven clear days prior to the meeting. Registered observers will also be notified of any such meeting.
- 8.2 At the AGM the Homeowner Council:
- a) Receives the outgoing Chair's report on the work of Homeowner Council in the previous year
 - b) Receives notification of forum representatives and deputy representatives from Area Housing Forums for the forthcoming year
 - c) Receives a report from the Chair of the Homeowner Fund Management Committee on the financial activities of the Fund in the previous financial year
 - d) Elects the Chair and Vice Chair and any Homeowner Council representatives to committees or working parties (see item 2.1f, above). No elected officer can hold the office to which they have been elected for more than three consecutive years
 - e) Elects Homeowner representatives to committees, sub-groups and working parties (see item 2.1f)
 - f) May review its constitution, code of conduct and standing orders. (No proposals to amend this Constitution and Standing Orders are effective until agreed by the appropriate Southwark Council)

decision-maker or decision-making body in accordance with Southwark Councils constitution)

- g) Sets provisional meeting dates for the following year.

Election of Officers

- 8.3 The Chair and Vice-Chair will be elected annually at the AGM through the following process
- (a) Nominations for the office of Chair and Vice Chair shall be sought from all groups entitled to nominate voting delegates to Homeowners Council in writing at the same time as the Notice of the Annual General Meeting is given
 - (b) Nominations for these offices must be submitted to the senior officer of the Specialist Housing Services division in accordance with the requirements detailed in the nomination form, at least seven days before the Annual General Meeting is to be held.
 - (c) In the event of more than one nomination being received for the role of Chair or Vic-Chair, the AGM shall elect to the posts by a simple majority of those voting members present
 - (d) In the event of no nominations being received the incumbent officers shall be entitled to be nominated and elected to continue in their post for another year even when this will exceed the maximum term of three consecutive years as stipulated under paragraph 8.2c above subject to a maximum of two additional terms of office.

9. Frequency of Meetings

- 9.1 Homeowner Council shall meet a minimum of six and a maximum of ten times per year. The AGM and any EGM so called will count towards the minimum and maximum number of meetings.
- 9.2 Special General Meetings may be called by the Chair and the Vice-Chair, should urgent matters arise. This may follow advice or requests from the Responsible Officer. Seven days notice of such additional meetings must be given if possible. Any SGM so called following the advice of the Responsible Officer will not count towards the required number of meetings detailed in paragraph 9.1

10. Agendas and minutes

- 10.1 The Chair, Vice Chair and Responsible Officer (or representatives of the Responsible Officer) shall hold an agenda planning meeting at least three weeks before each Homeowner Council meeting. Draft papers for the next meeting and draft minutes of the previous meeting must be available at the agenda planning meeting.

- 10.2 Items will be excluded from the agenda by the Chair in consultation with the Responsible Officer, if:
- a) Homeowner Council has no remit to consider them
 - b) They have been considered by Homeowner Council within the previous six months and there are no new developments to report.
- 10.3 The Responsible Officer will make every effort to ensure that Homeowner Council representatives and deputy representatives are sent an agenda and any supporting papers at least seven days prior to the meeting.
- 10.4 Late items will be discussed at the discretion of the Chair. If possible, late items will be distributed to representatives before the meeting. In exceptional circumstances, emergency items may be tabled at the meeting with the discretion of the chair.

11. Conduct

11.1 The Code of Conduct detailed in paragraphs 11.2 – 11.4 applies to Homeowner Council's meetings, committees, sub-committees and working parties and to its elected representatives to other bodies/ working parties.

11.2 Code of Conduct

Everyone present at the meeting must:

- a) Treat other participants with courtesy and respect
- b) Be sensitive to the needs of those participants who are not used to speaking in public, or whose first language is not English. See also item 14.2
- c) Conduct themselves in a way that does not cause offence to others or limits in any way others' ability to participate in meetings

Unacceptable conduct includes:

- i Discriminatory or other derogatory remarks or actions
- ii Behaviour that intimidates any person present at the meeting
- iii Preventing others from expressing their views by interrupting or talking while they are speaking
- iv Failure to comply with standing orders
- v Treating Council Officers disrespectfully, either individually or as a group, when speaking to them, or about them
- vi Making personal attacks on anyone else present at the meeting

- d) Only speak when called on by the Chair and speak through the Chair.

11.3 There will be no smoking at meetings and mobile phones are to be switched off at the start of meetings.

11.4 Breach of Code

- a) Anyone present at the meeting, including observers and officers, who thinks that this code of conduct has been breached can raise it with the Chair or appropriate Council Officer either at the time or after the meeting.
- b) The Chair, following the advice of the Responsible Officer, will decide whether the Code of Conduct has been breached. If they decide that the Code has been breached, then the Chair will point out to that person that their behaviour is not acceptable and will, if appropriate and thought necessary, inform the body or organisation that the person represents about the breach.
- c) If the breach is of a sufficiently serious nature the Chair has the authority to instruct the offender to leave and not return for the remainder of the meeting. If the offender fails to comply, the Chair will suspend the meeting for a cooling off period. If the offender still refuses to leave, then the Chair will close the meeting.
- d) If unacceptable behaviour persists for more than one meeting, then the Chair will put a motion to Homeowner Council to suspend the person or persons. The Chair will ensure that the relevant nominating body is notified of the suspension. The person may not participate in future meetings unless they provide a written commitment to the Chair, and the nominating body they represent, that such behaviour will not reoccur.
- e) In the event that it is the Chair who breaches the code of conduct, then the Vice Chair shall take over the meeting and a motion to suspend the Chair for the duration of the meeting shall be proposed, and a vote taken. In the event that such behaviour persists then action under paragraph 11 (d) will apply with the written commitment being provided to the Vice Chair or the Responsible Officer

12. Quorum

12.1 The quorum for Homeowner Council shall be eight voting representatives. The representatives present shall be recorded in the minutes. If there is no quorum after 30 minutes from the scheduled start time, the meeting will be adjourned. Once the meeting has commenced, it will continue even where there is no longer a quorum.

- 12.2 In the event that a meeting is inquorate and adjourned, a reconvened meeting shall be held within 7 days. The number of voting attendees present in the reconvened meeting shall be the quorum for that meeting.
- 12.3 In the event of a reconvened meeting the provisions of paragraph 10.3 shall be reduced to 48 hours.

13. Voting and reporting back

13.1 Conflict of Interest

- a. At each meeting voting members will consider whether they have an interest (financial or otherwise) in relation to the business of that meeting that might reasonably be regarded as being significantly greater than the interests of other voting members.
- b. Where a voting member has an interest in the business of the meeting as referred to in 13.1a they:
 - i must declare their interest at start of the meeting or immediately it becomes apparent
 - ii must not participate in any discussion on the issue except where the Chair gives permission (as with any other member of the public) in accordance with paragraph 6.4 above
 - iii must vote only in accordance with the mandate of their forum or nominating constituency on the issue.
- c. Failure to comply with 13.1 a. and b. will be treated in the same way as a breach of the code of conduct and paragraph 11.4 (Breach of Code) will apply.

13.2 Where a matter has previously been discussed and voted on at Area Housing Forums, forum representatives and deputy representatives are expected to respect, and vote accordingly with, the wishes of their forum. On rare occasions, following debate, a representative may decide to vote differently. Where a representative persistently votes against the wishes of their forum, the Chair of Homeowner Council will raise this with the Chair of the relevant forum.

13.3 Members of Homeowner Council nominated by an Area Housing Forum must report back to their Area Housing Forums on the business of Homeowner Council and any decision taken.

13.4 In every case where a representative votes against the mandate of their forum, they must account for this to their forum, at the next Area Housing Forum meeting following Homeowner Council. The

Responsible Officer will send to the Area Housing Forums, a copy of the voting record of delegates at Homeowner Council to be attached to the minutes of Homeowner Council.

- 13.5 Homeowner Council representatives nominated to appropriate committees, sub-committees, scrutiny panels or working parties under 2.1(f) above must report back to Homeowner Council at least twice a year, with appropriate minutes and reports produced by working parties included in Homeowner Council members' meeting packs.

14. Administration

- 14.1 The Responsible Officer will ensure that administrative support is provided for all meetings of Homeowner Council and, with the support of the Chair and Vice Chair, will ensure that:
- a) Minutes are taken
 - b) The agenda and supporting papers are sent by post to all duly elected representatives, Southwark Councillors and appropriate Southwark Council officers at least seven days prior to the meeting unless the delay is unavoidable
 - c) A record of attendance for each meeting is kept which delineates between attendees making up the quorum and those observing. The record of attendance should record everyone who was at the meeting and the capacity in which they attended
 - d) A formal membership list is maintained (including deputy representatives).
 - e) Appropriate officers are informed of decisions taken
 - f) Recommendations and reports are referred to appropriate committees, forums, officers and the Cabinet Member for Housing and Deputy Leader as required
 - g) Agenda items are relevant to homeowner needs and have broad appeal
 - h) Reports are written in plain English.
- 14.2 The Responsible Officer, in conjunction with the Chair and the Vice Chair, will ensure that the full participation of disabled people in the meeting is possible. Whenever possible, Homeowner Council will meet in a room with an induction loop system. Other reasonable adjustments, such as providing papers in large print, will be made where necessary. Representatives intending to attend a meeting should give at least one week's notice of any such needs so that arrangements can be made if necessary.

On receipt of a reasonable request and with one week's notice the Responsible Officer will also arrange, for representatives or deputy representatives:

- Interpreters, signing, braille and translations
- Child care, payment for child care or provision of a Carer's Allowance
- Transport to and from the meeting.

15. **Amendment of this constitution**

Proposals for amendments to be made to this constitution can be made:

- a) At the AGM
- b) At an Extraordinary General Meeting

All such proposals for amendments must be received in writing 21 clear days before the meeting.

Amendments adopted by the Homeowner Council are not effective until ratified by the appropriate Southwark Council decision-maker or decision-making body, as advised by the responsible officer.

LONDON BOROUGH OF SOUTHWARK

HOMEOWNER COUNCIL CONSTITUTION

Appendix 1: Homeowner Council Standing Orders

1. Meeting timing

- 1.1 Homeowner Council will agree a provisional schedule of meetings at its Annual General Meeting. The Chair and Vice Chair, following advice or requests from the Responsible Officer, may vary the provisional meeting schedule.
- 1.2 Meetings will begin at 7pm and end no later than 9.30pm. Meetings may be extended by the Chair, with the agreement of Homeowner Council, by no more than 15 minutes. Following this, the meeting must be closed by the Chair.

2. Chair's Powers and Rules of Debate

- 2.1 Only one person may speak at a time. All remarks and discussion must be made through and with the permission of the Chair.
- 2.2 The Chair may:
 - i Decide the order of speakers
 - ii Limit the time that someone may speak
 - iii Limit the time spent on a particular issue
 - iv Alter the order of the agenda
 - v Require that a motion be proposed and seconded before an issue is debated
 - vi Permit discussion on an issue or report without first requiring a motion
 - vii Adjourn the meeting for a short period.

3. Decision Making

- 3.1 A motion must be proposed and seconded before a decision is taken.
- 3.2 For the majority of decisions, voting will be by a show of hands. The Responsible Officer will make provision for a secret ballot to be available, should the meeting decide it is appropriate.
- 3.3 Decisions will be made by a simple majority of voting members who are present and voting at the meeting.
- 3.4 In the event that the voting is tied, the Chair of the meeting may exercise a casting vote, in addition to their normal vote.

4. Other administration matters

- 4.1 When the Council has consulted with the Homeowner Council on any matter, it will report back to the Homeowner Council, its decisions, the reasons for them and the actions taken as a result.
- 4.2 The Council Officer with delegated responsibility for Homeowner Council is currently the Head of the Specialist Housing Services division.
- 4.3 Agenda planning meetings may be conducted online or in person as appropriate and agreed, by those attending.
- 4.4 Homeowner Council recommendations or minutes will be sent out to nominating bodies following each meeting.
- 4.5 Draft minutes and an action sheet shall be forwarded to the Chair and Vice Chair within 14 days of each meeting.

5. Homeowner Council Distribution List

LEASEHOLDER AND FREEHOLDER REPRESENTATIVES

Delegates

Name	Representing
	AHF
	Street Properties
	Freeholders with service charge liability
	Non-resident leaseholders

Observers

Name	Representing
	Other nominating bodies
	RTAs

SOUTHWARK COUNCILLORS

Name	Ward/ position/ Party

SOUTHWARK COUNCIL OFFICERS

Name	Job title