

Conditions for Registering

Safer Communities

Housing & Communities

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Registration of Tenant Organisations Procedure

Introduction

The Housing (Scotland) Act 2001 introduced Registered Tenant Organisations (RTOs) to give tenants' and residents' associations, which meet certain criteria, a recognised role in the tenant participation process.

Registration puts responsibilities on the Council as a landlord to consult with Registered Tenants Organisations on issues that affect them. In addition, the Council is required to take notice of the representations made by Registered Tenants' Organisations.

East Ayrshire Council's register of tenants' organisations is a public document which is available for inspection at all Neighbourhood Housing Offices and published on the Council's web site at www.east-ayrshire.gov.uk

New tenants' and residents' associations will be supported through the registration process.

Registration Criteria

Set out below are the criteria that tenants' and residents' associations must meet to achieve registration.

1. Constitution

To become an RTO, tenants and residents' associations must have a publicly available written constitution that sets out:

- its objectives and area of operation
- how people can become members of the association
- the way the committee will operate
- how people can become committee members/office bearers
- how the business of the association will be conducted
- how decisions will be reached democratically
- how funds will be managed
- arrangements for public meetings
- arrangements for an annual general meeting (AGM)
- how changes can be made to the constitution
- its commitment to the promotion of equal opportunities and
- the promotion of East Ayrshire Council's tenants' interests in dealings with the Council on tenancy related matters

We will assist groups to develop and review their constitutions.

2. Committee

The association must have a committee that:

- (after the first year) members are elected at an AGM
- has at least three members
- can co-opt others onto the committee during the course of the year
- has elected office bearers
- can demonstrate that decisions are reached democratically and
- promotes equal opportunities

We can provide committee skills training.

3. Area of Operation

The association must operate within a defined geographical area which includes housing stock owned and managed by the Council.

Where there are competing associations purporting to represent the same tenants, we will encourage them to merge to promote more effective liaison.

4. Membership Policy

Membership of the association and participation in its activities must be open to all eligible tenants and residents within the area of operation who are over the age of 16.

5. Accounting

The association must have appropriate accounting records and present an audited annual financial statement to the AGM.

We will assist groups to establish appropriate accounting records.

6. Consultation and Representation

The association must demonstrate that it is committed to representing the interests of its members and that it can represent the views of the tenants in its defined area of operation. This could be achieved through open meetings, newsletters and surveys which are accessible to all members.

While residents are welcome members of tenants and residents associations, there are some issues which we will want to consult only our tenants on such as rent levels. Associations should have in place a mechanism for which tenant only consultation can be achieved, such as tenant only surveys or tenant sub-committees.

Process of Registration

1. The association must complete and submit an RTO registration form to the Customer Liaison Officer, and include
 - A signed copy of its written constitution
 - Names and addresses of committee members and office bearers
 - A copy of the most recent audited annual financial statement
2. The association will be advised in writing of the outcome of the application and where appropriate, will be offered guidance, assistance and support to meet the registration criteria.
3. Tenants' and residents' associations will agree the information to be published about their association in advance of publication in the RTO register. In line with data protection, the information to be made available to the public will consist of:
 - Name of the group
 - Area the group represents
 - How to contact the group, including an address (this can be via the Customer Liaison Officer) and email address (where possible)
 - Membership
 - Meeting information
 - Other information
 - Date of original registration
 - Details of current registration
4. Registration will normally last for three years at which time associations will be invited to re-register.

Removal from the Register

An RTO can be removed from the register in any of the following circumstances:

- the RTO no longer meets the registration criteria
- the RTO ceases to exist or does not operate
- there is a mutual agreement between the RTO and the Council

Removal from the register will only take place after 21 days notice. Notice will be served in writing to all registered committee members of the association, setting out the reasons and the effective date of removal.

The Council will always offer support to the RTO to maintain their registration.

In the case of an RTO which appears to the Council to have ceased to exist, notice of de-registration will be deemed to have been given to the association if it is served at the last known address known to the Council to be the principle place of business of that association.

Where an RTO makes a written application to the Council to be removed from the register, the Council will require a copy of the minute of the meeting at which this was agreed.

Appeals Procedure

In terms of the registration process, tenants and residents associations and RTOs retain the right to appeal against decisions taken about them by the Council.

An association may appeal against the Council's decision to:

- not register the organisation
- remove the organisation from the register
- not remove the organisation from the register

In the first instance, any appeal by an organisation must be made in writing to the Housing Services Manager, who will consider the appeal and any supporting evidence within one month and respond in writing to the association. There will be an opportunity for an oral hearing if requested.

If an association is not satisfied with the outcome of their appeal to the Housing Services Manager they can further appeal to the Scottish Housing Regulator.

During the appeals process where an RTO is already registered, it will remain registered until the outcome of the appeal is known.

Amendments to the Register

RTOs are required to inform the Council if:

- there is any alteration to their constitution
- there is any change to their office bearers
- there is any alteration to their membership criteria or
- there is any change to their area of operation

Changes to the above which do not affect the registration criteria will be recorded in the Register. Should any notified changes affect the ability of a RTO to meet the registration criteria, the organisation will be notified in writing by the Council, as these may constitute grounds for de-registration.

Review Process

These procedures will be reviewed alongside the Tenant Participation Strategy and in full consultation with RTO's.