

Approved by Management Committee on 26/11/22



**JOINT POLICY ON
REGISTERING TENANTS'
ORGANISATIONS**

**February 2009
Reviewed November 2022**

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Introduction

The Housing (Scotland) Act 2001 required Registered Social Landlords to have a Tenant Participation Strategy which must include that tenants and residents associations' have a legal right to participate and be consulted on issues that affect tenants.

The Act also requires landlords to maintain a register of tenant organisations and keep it open for public inspection at all reasonable times.

This document is East Lothian Council's (ELC), East Lothian Housing Association's (ELHA) and Homes for Life Housing Partnership's (HFLHP) (*participating landlords*) joint policy on registering tenants' organisations. The participating landlords involved fully recognise the benefits of an active tenants and residents movement and are aware of the positive influence tenant participation has on influencing the management of housing accommodation and the services delivered by all landlords.

This policy for registering tenant organisations has been developed and reviewed jointly by the participating landlords and East Lothian Tenants and Residents Panel (ELTRP), the independent umbrella organisation of tenants and residents' groups in East Lothian. The Policy is open to suggestions of change from any involved party.

Background

What is a Registered Tenants' Organisation?

Registered tenants' organisations (RTO's) are **independent** groups, set up mainly to **represent tenants' interests** in relation to housing and related services. They have more commonly been called tenants and residents associations.

Why have registration?

Registration will give tenants groups' rights to be properly recognised by their landlord. Registration should ensure that the landlord asks for **and pays attention to** the views of tenants' groups, especially in relation to housing policies, housing conditions and housing and related services.

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It is a new and improved right for tenants. Groups do not have to register, but it is beneficial to do so.

Registration also gives tenants' groups the opportunity to show that they are open, democratic and accountable.

What are the benefits of registration for RTOs?

Landlords must:

- Ask RTO's what issues they want to be consulted on
- Make arrangements for obtaining and considering the views of RTO's
- Notify RTOs of intent to make proposals or changes in relation to housing management, housing policy, housing conditions and related services
- Give RTO's information about proposals under consideration
- Allow RTO's time to consider draft proposals and put forward their views

What about mixed tenure groups?

Many groups in East Lothian are tenants and residents' groups. The participating landlords recognise that in East Lothian 'residents' or 'owner occupiers' as well as private tenants are involved in local Tenants and Residents Associations and East Lothian Tenants and Residents Panel (ELTRP).

Mixed tenure groups are welcome to register, as long as they can show that they represent the views of tenants in their area.

What about Tenants Federations or Umbrella Groups?

The Registration criteria is the same for Tenants Federations or umbrella organisations such as East Lothian Tenants and Residents Panel as for local tenants and residents' groups. This means that when being consulted, ELTRP should ensure that the views it gives to landlords are those of the tenants it represents.

What do groups need to do become registered?

To become a registered tenant organisation (RTO), groups must:

- Have an appropriate constitution
- Have an elected committee of at least three people, who may co-opt other members on to the group
- Identify the area that the group represents
- Have a Membership Policy that shows that membership is open to all tenants in the defined area over 16 years old

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- Show that the group's finances are used appropriately, recorded and independently audited each year
- Show that the group has open meetings, consults with the wider membership and acts on the views of the tenants that it represents
- Have appropriate policies in place to protect the data privacy of data subjects e.g. tenants and residents.

Annual review of register

The Register will be reviewed annually by ELC and appropriate checks made to ensure the RTO still meet the criteria. RTOs should let East Lothian Council's Service Development Officer (Community Housing) know if any details change (e.g. office bearers, boundary, constitution or if the group becomes inactive).

How often must groups register?

Registration lasts three years from the point of registration. Groups should let East Lothian Council's Service Development Officer (Community Housing) know if any details change (e.g. office bearers, boundary, constitution or if the group becomes inactive).

East Lothian's Registration Policy

East Lothian Council on behalf of ELHA and HFLHP will be responsible for managing the Register. The Register is a **public document** that will be on display in the public areas of ELC's Housing Area Offices and the main offices of HFLHP. It will also be available, on request from any of the participating landlords and also on their respective websites. The Register will be maintained by the Council's Service Development Officer (Community Housing) and will be updated regularly.

As this is a joint policy, registered tenants' organisations that have one, or more of the participating landlords represented in their area will only have to fill in one form.

1. Process for Registering a Tenants' Organisation

Application forms are available on request from ELC's Service Development Officer (Community Housing) at the address below. The form should be completed and returned to:

Service Development Officer) Community Housing & Homelessness East Lothian Council Penston House
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MACMERRY
EH33 1EX

Tel: 01620 827 526
Fax: 01875 618 682
Email: dpiner@eastlothian.gov.uk

If you have enquiries about registering or require assistance with the form contact the participating landlords or ELC's Service Development Officer (Community Housing) at the above address or:

East Lothian Tenants and Residents Panel
47 Bridge Street
MUSSELBURGH
EH21 6AA

Tel: 0131 665 9304
Fax: 0131 665 8386
Email: tenantspanel@hotmail.com

East Lothian Council will take no longer than 28 days to process the application and will respond in writing to the group.

2. Criteria for Registration of Tenants' Organisations

Registration gives RTOs rights to participate and be consulted, and the opportunity to demonstrate to landlords that they are open and democratic organisations.

To achieve registration, a tenant organisation should meet all of the criteria set out below.

Criteria for Registration of Tenant Organisations

The organisation must have a publicly available written constitution that sets out:

- Its objectives and area of operation
- How people can become members of the organisation
- The way the committee will operate
- How the business of the organisation will be conducted
- How decisions will be reached democratically (a statement should be provided setting out how the organisation plans to engage with its members and how it will represent their views)
- How funds will be managed

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- Arrangements for public meetings (minimum of 2 open meetings each year, one of which can be an Annual General Meeting (AGM))
- Arrangements for an AGM
- How changes can be made to the constitution
- Its commitment to equal opportunities
- Its commitment to data privacy
- How the group can be dissolved
- Its commitment to the promotion of the housing and housing related interests of the tenants of the registering landlord(s).

ELC, ELHA and HFLHP recognise that newly established groups may require time and support to develop a constitution. Assistance is available to develop a constitution from ELTRP or any of the participating landlords, please contact:

- ELTRP on 0131 665 9304
- ELC's Service Development Officer (Community Housing) on 01620 827 526
- ELHA's Housing Manager on 01620 825 032
- HFLHP on 01620 829 300.

The organisation must have a committee that:

- (After the first year) is elected at an AGM
- Has at least three members. (Committee members may be tenants of any involved landlords, owner-occupiers or private tenants)
- Can co-opt others onto the committee during the course of the year
- Has elected office bearers
- Holds meetings that are open to any member of the organisation
- Can demonstrate that decisions are reached democratically
- Promotes equal opportunities.

Where an organisation has received a grant from one of the participating landlords:

- The organisation must present an annual financial statement (referred to as Treasurer's report in ELC's Grants Policy) to the participating landlord

The organisation must operate within:

- An area in East Lothian, which includes housing stock, owned and managed by one or more of the landlords with whom it is seeking to register

3. Removal from the Register

The Housing (Scotland) Act 2001 states that a Registered Tenants' Organisation can be removed from the Register in any of the following circumstances:

- The Tenants' Organisation no longer meets the registration criteria; or
- The Tenants' Organisation ceases to exist or does not operate; or
- Tenants' Organisation no longer wishes to be registered.

Should the RTO wish to be removed from the Register, they should apply in writing to the Council's Service Development Officer (Community Housing) giving the reasons why. If the participating landlords decide not to remove the RTO from the Register, they will notify the RTO in writing giving the reasons why and informing the RTO of their right to appeal.

ELC, ELHA and HFLHP may seek to remove a RTO from the Register. When considering removal, the participating landlords, after joint discussions, will ensure that attempts are made to discuss the reasons for removal with representatives from the RTO in question. Support will be provided where required to enable the RTO to ensure it meets the registration criteria. A representative from ELTRP may be involved in this discussion if this is agreeable to all parties.

Removal from the Register will take place 28 days following written notification to the group that explains:

- The reasons for removal
- Timescale for removal
- Information on the appeal process.

When the participating landlord(s) decides to remove an organisation from the register, the group will be notified in writing and also given a right of appeal.

The Act obliges the landlord to keep a record of RTOs that are removed from the Register.

4. Process for Appeals

The Housing (Scotland) Act 2001 states that a tenants' organisation may appeal against a landlord's decision to:

- Not register the organisation; or

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- Remove the organisation from the Register; or
- Not remove the organisation from the Register

The appeals process will have various stages these are outlined below:

1. The **RTO should write** to the participating landlords explaining their reason for their appeal:

If **ELC** is the landlord, then:

- The (R)TO **should write** to the Service Development Officer for East Lothian Council
- The appeal against the landlord's decision will be considered by the Service Development Manager who will instruct an investigation into the appeal

If **ELHA** or **HFLHP** is the landlord, then:

- An appeal should be made through the individual landlord's appeals process

In cases of mixed tenure and where there is more than one landlord, ELC can provide support and assistance to advise who would hear the appeal. Please contact ELC's Service Development Officer on 01620 827 526 or email dpiner@eastlothian.gov.uk.

- The respective landlord will have **28 days** to make a decision and inform the (R)TO in writing.
- If the appeal is successful, the landlord will reinstate the organisation to the register and inform the RTO in writing.
- If the appeal is unsuccessful, the (R)TO can appeal to the Scottish Housing Regulator, Buchanan House, 58 Prt Dundas Road, Glasgow G4 0HF, email shr@shr.gov.scot, who will investigate on behalf of Scottish Ministers. The Scottish Housing Regulator will be responsible for the process of the second stage appeal and the timescales involved.

5. Groups that do not want to Register

There may be circumstances where a tenant group does not wish to register with the landlord. Where this is the case individual group members, as individual tenants of the landlord, will still have their right to be consulted. Landlords whenever appropriate should as a matter of good practice, consult with non-

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registered groups, particularly if this is an informal group, brought together over a specific issue in a certain area.

Landlords will have to apply a judgement, possibly with the assistance of ELTRP as to the representative nature of the group. Consultation with such a group would still remain outwith the statutory provisions of the Act.

In line with the aims of the participating landlords' individual Tenant Participation Strategies, ELC, ELHA and HFLHP will ensure that all their tenants have opportunities to get involved in a way that suits them. They recognise that a range of options need to be available to enable involvement will promote a menu of options for participation. ELC, ELHA & HFLHP value all forms of tenant participation equally and will ensure that support is available to encourage tenants to get involved.

6. Complaints

Complaints about Landlords

ELC, ELHA and HFLHP endeavour to provide a high quality service, but in the event that your Group would like to make a complaint against a landlord, please contact the relevant agency who will inform the Group of the next stage of complaint should you be unsatisfied in the first instance. Copies of the complaints policies are also available by contacting below:

Customer Feedback Team

East Lothian Council
John Muir House
Haddington
EH41 3DX

Tel: 0131 653 5290
Email: feedback@eastlothian.gov.uk
Web: www.eastlothian.gov.uk

East Lothian Housing Association
18-20 Market Street
Haddington
EH41 3JL

Tel: 01620 825032

Email: enquiries@elha.com
Web: www.elha.com

Homes for Life Housing Partnership
Tolbooth Gate
57 Market Street
HADDINGTON
East Lothian
EH41 3JG

Tel: 01620 829300
Fax: 01620 829302

Complaints about RTOs

Complaints about RTOs should be made in the first instance to its committee. If the complaint is not resolved satisfactorily, the complainant can request the assistance of an independent party who will assist in trying to resolve the matter.

If a complaint is made about an RTO's failure to comply with the registration criteria, this will be investigated depending on the nature of the complaint by one of the following:

- The ELC Service Development Officer for Community Housing Services
- Another delegated member of ELC staff
- A representative of ELHA or HFLHP
- An independent party e.g. Tenants Information Service, Tenant Participation Advisory Service etc.

The RTO will be notified in writing that an investigation will be carried out. The investigation will take no longer than 28 days (unless in exceptional circumstances) and the findings will be shared with the committee of the RTO.

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Appendix A: Application for Registration as a Registered Tenants' Organisation

Please read the policy and guidance before filling in this form. This is a joint application form for groups that represent tenants of East Lothian Council, East Lothian Housing Association or Homes for Life Housing Partnership.

1. Name of Group

2. Contact details of Group (You may ask to keep this confidential, as the Register is a publicly available document. You can also choose to register your Group with the ELTRP Office as a contact address. Contact ELTRP for more details.)

Contact name:
Position in Group:
Address:

Postcode:
Tel:
Fax:
Email:

3. Area of operation (List the streets that your Group covers)

4. Do you have a written, publicly available constitution?

Yes No

Please remember to include this with your application.

5. Does your organisation have a committee of at least three members who have been elected at your Annual General Meeting?

Yes No

Please provide a copy of the minutes of your last Annual General Meeting with the application form.

Please provide your Office Bearers' contact details.

	Name	Position	Address
1.			
2.			
3.			
4.			

6. Is your organisation committed to representing the views of ELC, ELHA or HFLHP tenants in your area?

Yes No

Please tell us briefly how you will represent your members' views, for example, the number of public meetings you will hold; newsletters you produce and how you will publicise your AGM;

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Under the terms of the UK GDPR Data Protection Act 2018, East Lothian Council needs to provide information about how people's personal data will be stored and describe what it will be used for. The Data Controller is East Lothian Council.

The personal data that you provide will be held by ELC only for the purposes of managing the Register of Tenants' Organisations. In order to process your application to register, your details will be shared with ELHA and HFLHP. The lawful basis for this is legitimate interest.

The Scottish Government will also, from time to time, ask ELC to pass on information, from our Register of Tenant Organisations to them. The lawful basis for this is legal obligation.

If ELC wishes to use this data for any other reason in the future, we will contact you and ask you for your consent before we go ahead.

Under the Freedom of Information (Scotland) Act people have a right to ask for recorded information held by East Lothian Council. Some information may be covered by the exemptions listed in the Act. If ELC does not provide you with the information you have requested, it has to give full reasons for not doing so and you have the right to appeal to the Scottish Information Commissioner. If you would like to request information, please email foi@eastlothian.gov.uk or contact any East Lothian Council office.

8. Check list

Please ensure that you have included the following:

- Application form with all sections completed
- Constitution
- Minutes of last AGM

9. Confirming information

Please complete the section below to confirm that you are the person who has completed this application form on behalf of the Group and that all the information about your Group is correct.

Your Name:	Position in Group:
Your Address:	
Postcode:	
Tel:	
Email:	
Signed	Date

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Please return the completed application and attached papers to:

Service Development Officer (Community Housing)
Community Housing & Homelessness
East Lothian Council
Penston House
MACMERRY
EH33 1EX
Tel: 01620 827 526
Fax: 01875 618 682
Email: dpiner@eastlothian.gov.uk

Forms can also be returned to the participating landlords:

East Lothian Housing Association
18-20 Market Street
Haddington
EH41 3JL
Tel: 01620 825032

Email: enquiries@elha.com

Homes for Life Housing Partnership
Tolbooth Gate
57 Market Street
HADDINGTON
East Lothian EH41 3JG
Tel: 01620 829300
Fax: 01620 829993
Email: info@homesforlife.co.uk

For assistance with this form, please contact the Council's Service Development Officer (Community Housing), ELHA, HFLHP or:

East Lothian Tenants and Residents Panel
47 Bridge Street
Musselburgh
EH21 6AA
Tel: 0131 665 9304
Fax: 0131 665 8386
Email: tenantspanel@hotmail.com