

## North Lanarkshire Council

# Staff Guide to Tenant Participation

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**North Lanarkshire Council****Tenant Participation and the Housing Scotland Act 2001****Purpose of Guide**

The introduction of the Housing (Scotland) Act 2001 has introduced a new legal framework for tenant participation. All local authorities and registered social landlords are now required to have tenant participation strategies in place and tenants should be involved in this process.

This guide provides North Lanarkshire Council staff with practical guidelines and good practice in respect of tenant participation.

The guide will:

- Look at the key principles for effective tenant participation
- Identify the benefits of tenant participation for North Lanarkshire Council
- Highlight the legal duties North Lanarkshire Council has regarding tenant participation.
- Look at the role of Communities Scotland
- Look at the barriers to participation and what makes good tenant participation
- Look at what to participate on and how to participate
- List useful sources of advice

**What is Tenant Participation?**

The National Strategy for Tenant Participation, Partners in Participation has adopted the following definition of tenant participation:

“Tenant participation is about tenants taking part in decision making processes and influencing decisions about:

- housing policies;
- housing conditions; and
- housing (and related) services.

It is a two way process which involves the sharing of information, ideas and power. Its aim is to improve the standard of housing conditions and service.”

This strategy was launched in 1999 and provided the basis of the Scottish Executive’s commitment to bringing about effective tenant participation.

The Working Group that devised this strategy identified a number of key principles endorsed by tenants’ organisations, landlords, housing agencies and the Government. These include:

“Tenant participation requires a culture of mutual trust, respect and partnership between tenants, elected and committee/board members, and housing officers at all levels, working together towards a common goal of better housing conditions and housing services.

Tenant participation practice should be seen as a continuous process where information, ideas and power are shared, common understandings of problems are strived for and a consensus on solutions is worked out.

Good tenant participation allows all parties to contribute to the agenda. All participants require to have all the information needed to consider issues properly; that information requires to be clear, timely and accessible to take account of equal opportunity concerns.

Processes of decision-making should be open, clear, and accountable.

Adequate time should be given to tenant representatives to consider the issues properly. Tenants should have the opportunity to work out a common view in advance of meeting landlord’s representatives.

Good tenant participation requires the landlord to recognise the independence of tenants’ organisations.

Good working relationships evolve gradually and are flexible to adapt to local circumstances.

Tenants’ organisations require adequate resources for organisation, training and support.

Tenant participation in rural areas must be tailored to suit the particular circumstances and needs of tenants in such communities.

Tenant participation must meet the requirements of the legislation surrounding equal opportunities. Good practice in participation removes barriers to effective participation arising from ethnicity, geographic location, special needs, language differences, learning difficulties, age, sexual orientation, or disability.”

The Scottish Executive as part of the National Strategy published a number of Codes of Practice for Tenant Participation. These codes are:

- Tenant Participation at a Local Level
- Tenant Participation in Best Value
- Tenant Participation in Regeneration
- Tenant Participation in stock Transfers
- Tenant Participation in Rural Areas

These Codes describe how to apply the principles outlined in the National Strategy. North Lanarkshire Council has copies of all these Codes and the National Strategy. Copies can also be found on the Scottish Executive website: [www.scotland.gov.uk](http://www.scotland.gov.uk)

### **Benefits of Tenant Participation**

The benefits of effective tenant participation for North Lanarkshire Council include:

- Better service delivery & increased value for money
- Help for staff in decision making and priority setting
- Personal development for tenants
- Increased tenant satisfaction and better communication between staff and tenants
- Better links between the community and the landlord and community development
- Tenants are more informed about how their homes are run
- Tenants are more aware of the difficulties that staff face
- Breaks down misunderstandings and helps to remove any mistrust between landlord and tenants
- Tenants will have an increased satisfaction of their home therefore they are less likely to want to move out

All these benefits for both tenants and landlord will accumulate gradually as a consequence of long-term tenant participation.

### **The Legal Framework for Tenant Participation**

The Housing (Scotland) Act 2001 provides a legal framework for tenant participation to take place. All local authorities and Registered Social Landlords (RSLs) have a number of new legal duties regarding tenant participation. The Scottish Executive has also produced guidance on the legal framework for tenant participation to ensure landlords are clear about their legal duties.

### **What North Lanarkshire Council Must Do**

The Act sets out a range of duties on landlords to develop participation. The main areas are:

- Tenant Participation Strategies to be produced, promoting tenant participation in proposals which are likely to affect tenants. (Section 53 of Act)
- Maintain a register of Tenants Organisations, set up arrangements for the registration of tenant's organisations. (Section 53 of Act)
- Consultation, to consult with both registered tenant groups and individual tenants on a range of issues. (Section 54 of Act)
- Tenant Management Agreements, sets out the arrangements for a tenant management co-operative to enter into an agreement with a local authority or RSL to manage their landlords houses. (Sections 55 and 56)

This guidance for staff will now look more closely at each of these areas.

### **1) Developing Tenant Participation Strategies**

North Lanarkshire Council must develop and put into practice a tenant participation strategy. North Lanarkshire Council's strategy has been developed in consultation with tenants, tenant groups, council officials, elected members and other key stakeholders. The strategy sets out the mechanisms for effective consultation and participation. This tenant participation strategy must comply with the Act and had to be in place by 31<sup>st</sup> March 2003. The development of the strategy should not be seen as an end in itself, but as the start of a process that North Lanarkshire Council will regularly review and update.

North Lanarkshire Councils tenant participation strategy shows:

- How the Council will obtain and take account of the views of registered tenant organisations and tenants.
- How the Council will notify registered tenant organisations and tenants about their intention to review a policy or develop a new one.
- How the Council will provide information to registered tenant organisations and tenants about proposals and their likely effect. North Lanarkshire also has a duty to provide information to tenants about: the tenancy, rent setting, allocations policy, repairs and maintenance, right to buy, the tenant participation strategy and how decisions are taken. (Section 23 of the Act outlines tenants rights to information under the new Scottish Secure Tenancy)
- An assessment of the resources including financial and other assistance to bodies representing tenants and a statement of the resources to implement the strategy.

## **2) Registration of Tenant Organisations**

The Housing Scotland Act 2001 has as its Tenant Participation core, the registration of tenant organisations. This is important as it gives local tenant groups recognition and a crucial role in the ongoing tenant participation process.

The Registration of Tenant Organisations places additional responsibilities on North Lanarkshire Council as a landlord. The Housing (Scotland) Act 2001 requires North Lanarkshire Council to consult all Registered Tenant Organisations on issues that affect them. The Council must also have regard to any representations made by Registered Tenant Organisations. North Lanarkshire Council's list of Registered Tenant Organisations is available at each first stop shop and on the Council's web site [www.northlan.gov.uk](http://www.northlan.gov.uk)

### **Basic Features of Registration**

- Each local authority and RSL must keep a register of tenant groups in their area, which is open to public inspection at reasonable times
- Criteria for registration is set by Scottish Ministers
- Tenants groups can register with the landlord, provided they meet the criteria set by Ministers, about being democratic and accountable
- To receive the full benefit of the legislation tenants' organisations should register with every landlord, whose tenants they represent
- Tenants groups can appeal to Scottish Ministers if they are unhappy about a decision reached about registration.

### **The Criteria for Registration**

Applications for registration must include

- The organisation's constitution
- A definition of the area of operation
- A list of the office bearers
- Contact information
- Details of any other landlords with whom the organisation has, or is seeking registration
- A statement describing the practical ways the membership may be involved.

## **Procedures for Registration**

North Lanarkshire Council will provide information to tenants groups to assist with the registration process. This information will include:

- The criteria for registration and de-registration
- How groups can apply
- Where groups can get advice and information on how to apply
- What groups can expect as a result of registering
- Timescale involved in registering and re-registering
- Procedure for removal from the register
- How to appeal.

Appendix 1 contains a copy of North Lanarkshire's Guidance Notes on Registering as a Registered Tenants Organisation and an application form.

## **Groups who do not wish to register**

Not all tenant groups will wish to register. If this is the case individuals will still have a right to be consulted. Consultation with these groups would be outwith the statutory provisions of the Act. Groups should be encouraged to register through training, information and help from the Council.

## **Changes an RTO Makes**

If a tenants' organisation changes its constitution, office bearers, membership or area of operation, they are required to inform the Council. Providing the changes mean that the registration criteria are still met, the Register of Tenants Organisations will be amended accordingly. The failure of a registered group to meet the criteria for registration would constitute grounds for deregistration.

## **Rights of Registered Tenants Organisations**

Registered Tenants Organisations in addition to any consultation with tenants as a whole should be involved with the Council in the following ways:

- Invite RTOs to identify what they feel the Council should be considering changing
- Have arrangements for obtaining and taking the views of RTOs into account
- Notify RTOs of their intention to review or make proposals
- Provide information to RTOs on any proposals under consideration
- Provide RTOs with information about worked out proposals about housing services, housing standards, tenant participation strategy and stock transfers
- Give reasonable time for RTOs to offer views about proposals and consider any views submitted

RTOs will be given copies of Communities Scotland inspection reports after their landlord has been inspected and may be consulted by them during the course of the inspection.

### **Appeals Procedure**

A tenant's organisation may appeal against the Council's decision:

- Not to register the organisation; or
- To remove the organisation from the register; or
- Not to remove the organisation from the register

Any appeal against the Council's decision on this will be dealt with in accordance with the Council's internal appeals procedure.

If a Tenants Organisation is still dissatisfied with the Council's decision, the group may have a subsequent appeal considered by the Regulation & Inspection Division of Communities Scotland. An appeal should be presented to Communities Scotland only after the Council's internal appeal procedures have been exhausted.

### **3) Consultation with tenants and Registered Tenants Organisations**

The Housing Act contains a new provision that requires the Council to consult with both individual tenants and registered groups on a range of housing issues that affect them (Section 54 of the Act). The Council also must have regard to any representations made by a tenant or a tenant's organisation about any proposals, how this will be done is included in the Tenant Participation Strategy. The proposals on which a landlord should consult its tenants and RTOs include:

- Its housing management and repair and maintenance policies and how they may significantly affect tenants
- The standard of service it intends to provide in relation to housing management, repair and maintenance
- Its tenant participation strategy
- Any change of landlord

When the Council proposes to increase its rents, it must first consult tenants affected and take on board their views before a decision is made (Section 25 of the Act). The Council is also required to give 4 weeks notice in writing before increasing rents or service charges.

#### **4) Right to Manage**

The Act replaces the existing provisions of the Housing (Scotland) Act 1987 and sets out arrangements for a tenant management co-op to enter into an agreement with a local authority or registered social landlord to manage the landlords houses. Scottish Ministers must approve such management bodies and the terms of the agreement between the landlord and co-operative. There is a right of appeal to Ministers in the case of an inability to agree terms or a refusal by the landlord to enter into an agreement (Sections 55 & 56 of the Act).

#### **5) Equal Opportunities**

Landlords will be expected to ensure that their tenant participation strategies comply with equal opportunity requirements and promote equal opportunities (Section 106 of the Act). The Scottish Executive requires landlords and tenants to adhere to the following key principle of the National Strategy:

“Tenant participation must meet the requirements of the legislation surrounding equal opportunities. Good practice in participation removes barriers to effective participation arising from ethnicity, geographic location, special needs, language differences, learning difficulties, age, sexual orientation, or disability – and should be reflected in landlords tenant participation strategies and in the requirements for registration of tenants groups.”

### **The Role of Communities Scotland: Regulation and Inspection**

The publication of the tenant participation strategy should be seen as the start of a process to develop ongoing work. The strategy includes information about how it will be monitored, evaluated and reviewed. Communities Scotland will measure how the Council complies with their legal requirements and their performance in a number of areas. This role will be carried out in line with national Performance Standards jointly published by Communities Scotland, CoSLA and the Scottish Federation of Housing Associations.

Communities Scotland will examine how tenant participation has been “mainstreamed” in the development of a landlord’s policy and practice. The following Performance Standard relates to tenant participation:

“We have published and are implementing a sound strategy for encouraging and supporting tenants, residents and service users to participate actively in all areas of our work. We support tenants who take an active interest in managing their homes.”

The inspection process will examine how well the tenant participation strategy is being implemented in practice. During the inspection process Communities Scotland will talk directly to tenants and tenants' representatives to get views about the landlords' services. Those tenant organisations that have registered will be given copies of the inspection reports on request.

### **What will the Regulator be looking for?**

Some of the questions that Communities Scotland will be asking during the inspection process may include:

- Is the tenant participation strategy of good quality, does it include a statement of action and has an assessment been made of the level and types of involvement?
- Are there sufficient methods to encourage involvement?
- Is there support to build the confidence and skills of both staff and tenants?
- Is the culture of the landlord open to tenant participation and does this openness extend across departments?
- Are there adequate resources & access to independent advice?
- Are tenants happy with the methods of consultation and are these making a positive impact?
- Does the landlord consider equalities issues in their approach to participation?
- Are tenants deciding on their levels of involvement?
- Are effective working relationships being developed between tenants and staff at all levels?
- Is the monitoring, evaluation and review framework effective?

Further information on the performance standards and guidance on the inspection process is available on:

[www.inspection.communitiesscotland.gov.uk](http://www.inspection.communitiesscotland.gov.uk)

## How to Participate

Whether tenant participation is well developed in an area or not it seems to be a constant struggle to get a lot of tenants involved. Developing tenant participation should be seen as a gradual process. The best results are usually achieved when working on issues that directly impact on tenants themselves. If new tenants have a good experience then they are more likely to become involved.

### Barriers to Tenant Participation

There are many barriers to tenant participation; landlords often focus on the apathy of their tenants if planned events are unsuccessful. This section looks at what puts tenants off. For example:

- Landlords only tell tenants what they want them to know
- Landlords and tenants have a different understanding of participation
- Landlords set the agenda
- Its time consuming and achieves nothing
- Not enough information is provided and the information that is provided is too complicated
- “When tenants views are asked for, we don’t get much back.”

### What do tenants need to get good participation?

**Resources** may be required for the following:

- Basic administration (minute taking, mailings, venue bookings and photocopying)
- Access to premises and facilities
- Training and conference events to help build tenants capacity to participate
- Stationary and running costs
- Access to information and publications
- Access to independent advice
- Committee running costs

**Support and Training** aims to build tenants capacity, skills and confidence.

Support and training can include providing:

- Support to set up new groups
- Support to develop existing groups
- Support for committee members and office bearers to be effective in their roles
- Support to network with other tenants organisations
- Skills and training for negotiating
- Training on general skills and housing issues

**Flexibility**, there needs to be a range of opportunities to participate at a time, level and method which suits best. Tenant participation is more than just about tenant groups. Methods of participation include both written communication and face-to-face contact.

Written Communication:

- Letters
- Leaflets
- Newsletters
- Handbooks
- Questionnaires
- Surveys
- Exhibitions
- Consultative draft

Face to face contact:

- Meetings
- Road shows
- Open days
- Working parties
- Representation on committees
- Briefing sessions
- Consultation register
- Focus groups
- Estate walkabouts

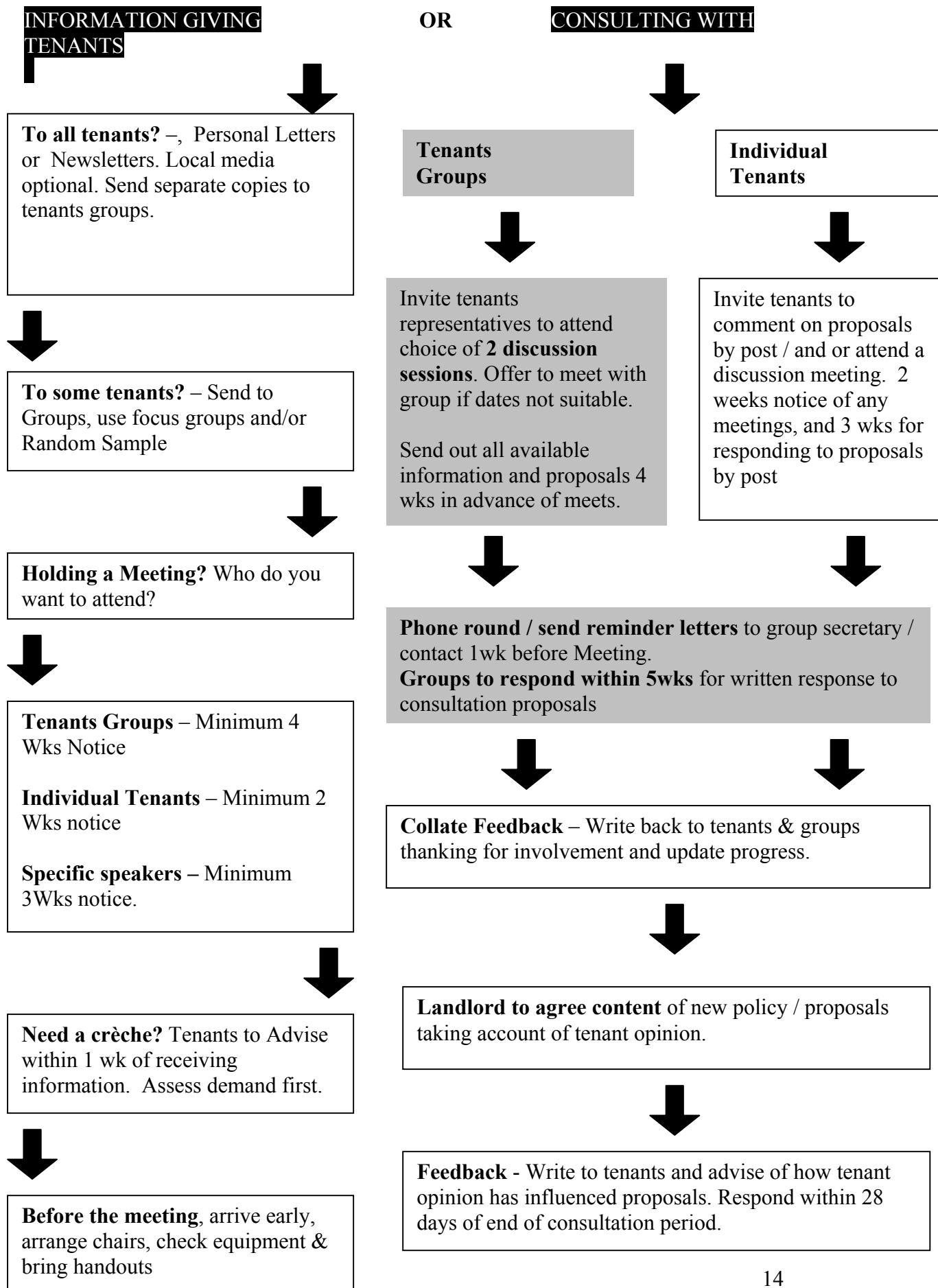
Approaches to participation need to suit local circumstances. For landlords, experience of what works will come from trying a range of approaches and seeing what works best. It will also depend on the issue that is being consulted whether it is a local issue or one that all tenants would need to be consulted about. Some important points to consider when deciding which method of participation to use include:

- Put tenants priorities first
- Ensure events are informal and fun
- Ensure structures are flexible
- Make sure events produce results
- Value the process of tenants having a say as much as the end results
- Initially produce small, quick results
- Take time to allow tenant and staff confidence to grow.

**Good communication and information** is essential for tenants to be equal partners in the tenant participation process, effective communication channels should be developed with landlords and access should be given to local housing staff about local issues and senior staff and sometimes elected members about issues affecting all tenants. Tenants also require all the necessary information to enable them to make fully considered opinions.

Listed below is a tenant participation flow chart, this can be a useful tool when planning how to provide information or consult with both individual tenants and RTOs.

## Tenant Participation Process Flow Chart



## What to Participate On and Possible Methods

Listed below are some of the areas that landlords will need to consult with tenants on:

**Estate Management/ Environment:** landscaping, car parking, community safety, noise nuisance, dogs, refuse disposal etc

**Policy Changes:** allocations, repairs and maintenance, anti-social behaviour etc. policies

**Financial Issues:** rent reviews, changes to service charges, debt recovery.

**Improvements/ Design & Adaptation:** New kitchens, bathrooms, heating, medical adaptations etc.

**Housing Service Standards:** performance monitoring, satisfaction and dissatisfaction.

### Tenancy Conditions and Agreements

**Special Needs:** sheltered housing services

**Tenant Participation Strategies:** review, monitoring and evaluation.

### **Methods: Estate walkabout with tenant representatives**

This is a good practical way for staff to talk with tenants about local issues. It can give staff an idea of what the local concerns are and can also improve tenants perception of staff. Walkabouts could involve the housing manager, housing officer, maintenance officer and staff with responsibilities for maintenance of common areas and cleansing, it really depends on the issues that are raised. It is advisable to keep the group to a manageable number of participants and ensure that feedback on action to be taken is provided as quickly as possible following the walkabout.

### **Local Meetings / Briefing sessions**

This can be an effective way of meeting local concerns. A suitable venue would be within walking distance of tenants homes if possible and have disabled access. A crèche could also be provided. One important point to consider before arranging a meeting is to be clear about the purpose of the meeting. The person leading the meeting will need to have an agenda and timetable.

If a meeting is not controlled successfully it can be taken over by individuals with a specific agenda and the whole process can produce a negative effect for the landlord and tenants. Again, for meetings to be successful, feedback needs to be provided to those who attend as soon as possible, it would be beneficial to get tenants to sign an attendance sheet. If there were to be subsequent meetings this list could also be useful in attracting people to attend. Identifying staff to attend will depend on the issues being discussed. It is important that staff from the relevant departments attend to discuss and answer tenants concerns.

### **Newsletters**

Local newsletters can be another effective way of providing information to tenants and seeking views. Tenants will often be more responsive to newsletters that focus on issues in their area that are relevant to them. Producing regular local newsletters can take a considerable amount of staff time but it can be a worthwhile process particularly if a working group involving local tenants is set up to guide the process. Staff from other departments such as finance and repairs could write articles which could add a different perspective to issues. Sometimes newsletters can include surveys on a particular issue.

### **Surveys / Questionnaires**

This can be a suitable method of getting opinions from tenants, make sure it is easy to return and consider having a prize draw for all returned surveys to encourage the maximum response possible. Again ensure the results of surveys and questionnaires are reported back to tenants in an understandable format. This can be a useful participation tool for all council departments, for example maintenance and development sections can use this to determine tenants preferences when commencing modernisation programmes.

### **Setting up a tenants association / Consulting with an RTO**

The Housing Scotland Act (2001) now states that landlords must consult and inform Registered Tenants Organisations of any relevant issues affecting their area of operation. If no groups exist a landlord may wish to set one up. There may be particular issues that a group could focus on, alternatively if the landlord has funds for environmental improvements, is planning a regeneration initiative or making any changes in a registered tenant groups geographical area, gauging opinions and working in partnership with tenants would be expected of the landlord.

## **Tenants Panel / Focus Group**

A tenants panel is a group of people who would meet a few times a year to look at how certain services can be improved and act as a sounding board for new ideas. The panel would meet a few times a year and be serviced by the landlord. This has become a particularly popular method for landlords who currently do not have many tenant groups operating within their stock. Landlords can develop local tenants panels, this will involve more input from staff in local offices. Staff from various departments would be expected to facilitate the panel. For example if the landlord wanted to get opinions on changes to the way rents were collected, finance staff would be expected to be involved, likewise if the discussions involved the planned maintenance programme maintenance and development staff should be involved.

## **Conferences**

Many housing organisations are using this concept as a good way of building tenant / landlord relations. This can also be used as a means of consulting tenants on rent setting. Examples have included annual 1 day events for tenants to attend and workshops to gauge tenants opinions on changes to policies. These events will cost money to facilitate properly but can be rewarding for those who attend. They also provide opportunities for staff who are not in the frontline to be involved, for example finance staff on rent setting, changes to service charges or payment options and development staff on regeneration and redevelopment issues and maintenance staff on repairs and planned maintenance.

## **Open days / Road shows**

This can be an effective method to provide information in an accessible location. Many landlords used this concept to provide information on the new Scottish Secure Tenancy Agreement. Open days / road shows can be held at local housing offices or community centres. The whole idea is ease of access for tenants. Staff from different departments should be involved where the information being provided is relevant to their job, this means that enquiries can be directly answered rather than passed on. Many landlords use this method to provide tenants the opportunity to choose new kitchens, bathrooms or to answer questions about planned maintenance. This can also be a useful method when targeting a particular audience, for example the elderly by visiting sheltered housing complexes or community centres that are providing social events.

## **Working Parties**

This is similar to a tenants panel, however the group would only be looking at one particular area. Many landlords have set up working parties to develop their tenant participation strategies. These will generally involve staff, tenant representatives and possibly an independent advisor. They can be a useful method of consultation which involves the knowledge and expertise of a cross section of staff and tenant opinion.

## **Written Consultative Drafts**

Many landlords to meet their requirements to consult individuals have developed consultation registers. It is not possible to consult every individual every time a landlord wishes to make a change therefore this can be a useful method. A consultation register allows individual tenants who don't have time to join a tenants association or attend open meetings to be consulted in their own home by agreeing to have their names put on a register and to receive additional information on areas of interest to them. This method has been used by North Lanarkshire to consult on their tenant participation strategy. The draft strategy was available on the councils website and copies made available to local tenant and resident groups and other interested parties.

## **Individual Letters**

This method is best used for targeting areas, particular properties or where a change is going to directly affect all tenants. It is a very direct approach and is often used when wanting to get changes on a specific service that only some tenants receive such as stair cleaning. If works were being carried out in a specific area a landlord could write to all the tenants that would be directly affected by the work to get their views.

This is not an exhaustive list of the areas that landlords will need to consult with their tenants on. Again the experience of what works best will come from trying a range of options. It is important that consulting and informing tenants is not just seen as a housing management function. The legislation provides a statutory right for tenants to participate in decisions that are taken about their homes and related services. These services are provided by wide variety of council departments and as such all staff need to be aware of their legal duty to consult and inform.

## **Tenant Participation in my Job?**

As tenant participation develops, a range of staff will spend more time in discussion with tenants. Whilst landlords might usually employ dedicated tenant participation staff, good tenant participation should involve all staff. Tenant participation therefore has time implications for all staff. The staff that will be most affected will be front line staff who meet tenants and those that have the decision making authority. Frontline staff should have a certain degree of devolved authority to work through the local problems that they face. Therefore it is essential that all staff that deal with tenants are aware of the new legal duties regarding tenant participation and consultation. Tenant participation can no longer be viewed as a specialist area all staff who deal with tenants have a role to play. All departments within a landlord organisation will be involved at some time or another in planning, assisting or delivering information or consultation events to tenants and should therefore be aware of good practice guidance.

Tenant participation is no longer an option for landlords it is a legislative duty. Good tenant participation takes time and perseverance; landlords have many challenges and opportunities ahead.

**Useful Sources of Advice**

Tenant Participation Advisory Service (TPAS)  
74-78 The Saltmarket  
Glasgow  
G1 5LD  
E-mail: [enquiries@tpasscotland.org.uk](mailto:enquiries@tpasscotland.org.uk)  
[www.tpasscotland.org.uk](http://www.tpasscotland.org.uk)

Chartered Institute of Housing (CIH)  
6 Palmerston Place  
Edinburgh EH12 5AA  
Tel: 0131 225 4544  
E-mail: [scotland@cih.org](mailto:scotland@cih.org)

Tenants Information Service (TIS)  
Suite 335  
Baltic Chambers  
50 Wellington Street  
Glasgow G2 6HJ  
Tel: 0141 248 1242  
E-mail: [jmiller@tis.org.uk](mailto:jmiller@tis.org.uk)

Communities Scotland  
Tenant Participation Development Team  
West of Scotland  
Highlander House  
58 Waterloo Street  
Glasgow G2 7DA  
Tel: 0141 305 4138  
E-mail: [stanleya@communitiesscotland.gov.uk](mailto:stanleya@communitiesscotland.gov.uk)

Shelter  
4<sup>th</sup> Floor, Scotia Bank House  
6 South Charlotte Street  
Edinburgh EH2 4AW  
Tel: 0131 473 7170  
E-Mail: [sheltersco@shelter.org.uk](mailto:sheltersco@shelter.org.uk)

Positive Action in Housing  
98 West George Street  
Glasgow G2 1PJ  
Tel: 0141 353 2220  
E-mail: [home@paih.org](mailto:home@paih.org)

Legal Services Agency  
3<sup>rd</sup> Floor, Fleming House  
134 Renfrew Street  
Cowcaddens  
Glasgow G3 6ST  
Tel: 0141 353 3354  
E-mail: [lsa@btconnect.com](mailto:lsa@btconnect.com)

## **Appendix 1**

### **North Lanarkshire Council**

#### **Guidance Notes: Registration of Tenant Organisations**

##### **Introduction**

The Housing (Scotland) Act 2001 introduces the right to participate for tenants. Part of this legislation is the requirement that all local authorities and other social landlords introduce a system for setting up and maintaining a register of tenant organisations. Tenant groups need to apply to become registered and must meet certain criteria to qualify. The criteria for registration has been set out by the Scottish Executive and covers a number of points. Groups who do become **RTOs** are entitled to certain rights and the landlord has a duty to inform and consult with them on housing matters.

##### **What is a Registered Tenant Organisation-RTO?**

A Registered Tenant Organisation-RTO is a group who has applied to become registered with a landlord and meets certain conditions which have been set down in the Housing (Scotland) Act 2001.

##### **Becoming an RTO**

##### **What do we need to do to become registered?**

A group must apply in writing to become registered. To help you North Lanarkshire has an application form which asks you for all the information we need. Part of this application includes the need to send certain information.

##### **What do we need to send?**

All groups wanting to become registered must send:

- a copy of their constitution
- a list of office bearers and committee members
- a contact address for correspondence which can be made public
- a description of the area your group operates in
- details of other landlords you are registered with or applying to become registered with

## **What criteria do we have to meet?**

There is a range of criteria you have to meet.

1. You must have a written constitution that is available for inspection and which details:
  - your objectives
  - the area in which you operate
  - your membership process
  - how your committee operates and is elected
  - how your business is conducted
  - how your funds are managed
  - when you meet including the Annual General Meeting
  - how your constitution can be amended
  - your commitment to equal opportunities
  - how you intend to promote housing and housing related matters
2. You must have a committee that:
  - is elected annually and committee members must be required to stand down after a certain period (this period should be included in your constitution)
  - consists of at least three members who can co-opt other members on
  - reaches decisions democratically (the decision making process should be included in your constitution)
3. You must operate within a defined area that includes local authority housing stock and your group must be open to all tenants within that area
4. You must have proper accounting records showing income and expenditure, your assets and liabilities. Your constitution must require an annual audited financial statement to be presented at your AGM
5. You must be able to demonstrate how you plan to represent the views of your members and how you will keep them informed

## **What happens next?**

If you meet the registration criteria we will place you on the register and let you know in writing that you have qualified and from what date. If you don't meet the registration criteria we will tell you in writing of our decision not to place you on the register, the reasons why you don't meet the criteria and your right of appeal to Scottish Ministers.

## **What happens if we don't register?**

If you don't register we will still keep your details on file and include you in any consultation that we do. However you will not be classed as an RTO and you will not have the statutory rights of an RTO.

## **What rights and benefits will we have as an RTO?**

As a Registered Tenant Group you will have a recognised role in the participation process. You will have the right to be consulted on issues affecting you. You will also have the right to have your opinions taken into account in any consultation.

## **What help is there to become registered?**

We can provide a model constitution that helps meet the registration criteria. We can also offer advice and training on the registration process. If you need help or advice on equal opportunities policies we can supply this. We will also have support staff who can work with your group and we can provide access to independent help and advice. We also have an information pack on tenant and residents groups in general.

## **Will the register be a public document?**

We are required by law to make the Register publicly available. The Register must include contact details for groups, however if you prefer you can use a post office box or care of address. The Register will be available at housing offices and on the Councils website.

## **Can a group be removed from the register?**

A group can be removed from the Register if it no longer meets the registration criteria. A group can also ask to be removed from the Register and it must apply in writing to do this. If a group ceases to exist it will also be removed.

## **Do we have the right of appeal if we are removed from the Register?**

You have the right to appeal if you are refused registration. You also have the right to appeal against any decision to remove you from the Register or if we refuse to remove you on your request.

## **Can we register with more than one landlord?**

You can register with any social landlord who has housing stock in the area you cover.

## **How long will registration last?**

Registration will last for 3 years, after this period groups will have to reapply.

**For more information or if you have any question then please contact  
Housing Development on 01236 812509**

## Application to become a Registered Tenant Organisation

Name of Group

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Area Covered (please list streets and include map)

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Contact address for Group

**(please note this address will be available for public display)**

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Tel/ Email contact (if applicable)

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How often and where does your group meet?  
(please provide details)

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**To become a Registered Tenant Organisation (RTO) your group must meet certain criteria, please see enclosed guidance notes for more information.....**

Does your group have a publicly available written constitution?  
(if so please enclose a copy)

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Does your group have a committee of at least three members?  
(if so please list all committee members including addresses, please indicate which are office bearers.)

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Does your group maintain accounting records showing income and expenditure which are audited annually and presented at your AGM  
(please see attached guidance notes for more details)

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How do you consult and inform with your members e.g. newsletters, meeting, leaflets etc?  
(please provide details and continue on a separate sheet if necessary)

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## Thank you for completing this application form

Please provide a contact that can give further details if necessary

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### .....Registration Checklist.....

Have you included???

Constitution	
Names and Addresses of Committee Members	
Details of Office Bearers	
List of streets covered with map	
How you plan to consult and inform members	
Contact details for public display	

**Once you have completed this form please return to:**

**Housing Development**

**Municipal Buildings**

**Kildonan St**

**Coatbridge**

**ML5 3NG**

Or e mail [DoyleC@northlan.gov.uk](mailto:DoyleC@northlan.gov.uk)

**If you require help in completing this form or would like more details then please contact Housing Development on 01236 812509**