



CAERPHILLY HOMES TASK GROUP – 19TH FEBRUARY 2015

**SUBJECT: CODE OF CONDUCT FOR TENANT REPRESENTATIVES
ON THE CAERPHILLY HOMES TASK GROUP**

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To clarify the application of the Council's Code of Conduct to the tenant representatives on the Caerphilly Homes Task Group (CHTG).

2. SUMMARY

- 2.1 The Caerphilly Homes Task Group is not a committee of the Council within the Constitution. Tenants are not members of the Council and therefore the provisions for the enforcement of the Members Code of Conduct do not apply. Notwithstanding it is considered to be good practice for the tenant representatives on the CHTG to sign and abide by a Code of Conduct specifically drafted for tenants to cover their involvement in CHTG as a consultative body.

3. LINKS TO STRATEGY

- 3.1 The Welsh Housing Quality Standard (WHQS) is intended to ensure that all local authority and housing association homes are improved and maintained to achieve specified standards.
- 3.2 The Single Integrated Plan 2013-2017 has a priority to "Improve standards of housing and communities, giving appropriate access to services across the County Borough."
- 3.3 The Council's Local Housing Strategy "People, Property, and Places" has the following aim:
"To provide good quality, well managed houses in communities where people want to live, and offer people housing choices which meet their needs and aspirations."
- 3.4 The Caerphilly Homes Task Group is a formal mechanism to engage with tenant representatives and ensure their views are reflected in decisions relating to public sector housing.

4. THE REPORT

- 4.1 Following the outcome of the ballot in February 2012 the Council considered the mechanisms required to oversee the management and delivery of the WHQS Programme and the housing service improvements that had been promised in the Offer Document / Addendum. In particular there was a commitment to engage more effectively with tenants in future decision making. To give effect to this the Council at the meeting held on 29th February 2012 agreed to establish an all party Housing Task Group with tenant representatives, reporting to a Cabinet Sub Committee. The Task Group, subsequently named the Caerphilly Homes Task Group was established with seven Councillors and seven tenant representatives.

- 4.2 A review of the terms of reference of the CHTG was undertaken in April 2014 in light of the updating of the Council's Constitution. The main issue addressed was that the public sector housing scrutiny function must sit within the remit of one of the formally constituted scrutiny committees (Policy and Resources Scrutiny Committee). The function of the CHTG was consolidated as a consultative group on all matters relating to public sector housing and with a particular focus on the WHQS Programme. The Cabinet Sub Committee was disbanded in view of the arrangements for pre decision scrutiny of reports requiring decision by Cabinet.
- 4.3 It has been the practice to request the tenant representatives to sign and abide by the "Code of Conduct for Members and Co-opted Members". This code covers standards of conduct, behaviour in meetings, and declarations of interest.
- 4.4 Section 52 of the Local Government Act 2000 states that members of relevant authorities such as the Council are bound by the Code of Conduct. This obviously includes Councillors but would also extend to co-opted members. Co-opted member in relation to a relevant authority, means a person who is not a member of the authority (ie a councillor) but who
- (a) Is a member of any committee or sub committee of the authority, or
 - (b) Is a member of, and represented the authority on, any joint committee, or joint sub committee of the authority
- and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub committee.
- 4.5 The CHTG is a consultative mechanism and is not therefore a defined committee or sub committee within the Council's Constitution. The tenant representatives are not members of the Council nor would they fall within the definition of co opted members.
- 4.6 Therefore the Members Code of Conduct does not apply and cannot be enforced by the normal arrangements whereby a complaint about an individual tenant's behaviour on the CHTG may be referred for investigation by the Ombudsman.
- 4.7 It is considered good practice that tenant representatives should agree to abide by a Code of Conduct and therefore a specific code for tenants is proposed. A copy of the proposed Code of Conduct is attached at Appendix 1.
- 4.8 The Code of Conduct covers general behaviour, conduct during meetings, confidentiality and discrimination. A procedure is set out to deal with a breach of the Code of Conduct by a tenant together with sanctions that may be imposed. All tenant representatives on the Caerphilly Homes Task Group will be expected to sign this Code of Conduct.

5. EQUALITIES IMPLICATIONS

- 5.1 An EqlA screening has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and for low level or minor negative impact have been identified, therefore a full EqlA has not been carried out.
- 5.2 The Code of Conduct requires that duties and responsibilities are carried out with due regard to the principle that there should be equality of opportunity for all people regardless of their gender, race, disability, sexual orientation, age or religion.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from the report.

7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications.

8. CONSULTATIONS

8.1 The tenant representatives on the CHTG felt they needed independent advice in respect of the content of the Code of Conduct. As a result of this a number of changes were requested and most have been incorporated within the document which is attached at Appendix 1. Officers have included an alternative procedure for dealing with breaches of the Code of Conduct.

9. RECOMMENDATIONS

9.1 To note the adoption of the tenants Code of Conduct for the tenant representatives on the CHTG.

10. REASONS FOR THE RECOMMENDATIONS

10.1 The report was requested by the CHTG to clarify the position relating to tenants and the Code of Conduct.

11. STATUTORY POWER

11.1 Local Government Act 2000.

Author: Phil Davy, Head of Programmes - Email: davypg@caerphilly.gov.uk
Tel: 01443 864208

Consultees: Cllr Gerald Jones, Deputy Leader & Cabinet Member for Housing
Chris Burns, Interim Chief Executive
Nicole Scammell, Acting Director of Corporate Services & S151 Officer
Shaun Couzens, Chief Housing Officer
Gail Williams, Monitoring Officer/Principal Solicitor

Appendices:

Appendix 1 – Code of Conduct