



BELLE ISLE TENANT MANAGEMENT ORGANISATION

CONFERENCE CALL BOARD MEETING

AGENDA AND PAPERS

THURSDAY 27th MAY 2021 (6pm)

A conference call meeting will take place via Skype and phone call. For those attending via Skype an invitation will be sent. For those attending via phone call BITMO will ring members just prior to the meeting.

Note:

This is the agenda and papers for the Full Board of Belle Isle Tenant Management Organisation (BITMO)

For each item on the agenda there is narrative describing any issues and details of any recommendations requiring Board approval, where appropriate there may be separate reports attached as an appendix

Part A of the Board meeting and related papers are normally open to the public

Part B is reserved for matters confidential to the Board

CONFERENCE CALL BOARD MEETING

Board meeting to be held on **Thursday 27th May 2021** **via Skype/phone**

***WOULD BOARD MEMBERS PLEASE PASS ANY ITEMS FOR 'ANY OTHER BUSINESS' TO THE CHAIR
BEFORE THE DAY OF THE MEETING***

A conference call meeting of the Board will be held at via Skype and Phone.

Part A – Public Agenda Items

- Apologies
 - Questions from the public (via phone or email beforehand)
 - Issues raised by Board members for the agenda
1. Minutes and Matters Arising – *Page 5*
 - Board Minutes – 25th March 2021 – *Appendix 1 (Page 23)*
 2. Operational Report - *Page 7*
 - Update report from the CEO - *Appendix 2 (Page 33)*
 3. Revised Modular Management Agreement with Leeds CC – *Page 11 & Appendix 3 (Page 37)*
 4. Policy Reviews - *Page 12*
 - Reserves
 - Complaints – *Appendix 4 (Page 41)*
 - Donations – *Appendix 5 (Page 45)*
 5. Establishment of Charity Structure – *Page 17 & Appendix 6 (Page 49)*
 6. Scheduled report updates – *Page 18*
 - Complaints Report 2020-21
 - Financial Reports
 - Current year - Revenue
 - Current year - Capital
 - External Audit Plan – *Appendix 7 (Page 73)*
 7. Any Other Business

Part B – Confidential items

1. Confidential Minutes of the Meeting held on 25th March 2021 (*Conf Paper 1*)
2. Proposed Award of Responsive and Planned Repairs Contract (*Conf Paper 2*)
3. Staff Update (*verbal*)
4. Partnership Opportunity (*Conf Paper 3*)

Part A – Public Agenda Items

- **Apologies:** To be reported at the meeting.
- **Questions from the Public:** All BITMO Board meetings are normally open to the public, but this is not in effect for the current meeting, due to Covid19
- **Issues raised by Board members:** If Board members have issues that they wish to raise that are not included on the agenda these should be discussed with the Chair **before** the meeting starts.

1. Minutes and Matters Arising

In this part of the meeting the Board will consider the notes arising from the Board meeting held on 25th March 2021. The table below summarises some of the matters arising from these meetings and other issues that have arisen since.

Board meeting 25th March 2021

Item	Update
Business Continuity	Discussed under Item 2 - CEO Report.
Green Agenda	Policy and Action Plan agreed by the Board. Thermal survey of 200 properties complete – to inform base line data and forward insulation programme. Solar panels installation to continue on roofing schemes. Solar panel proposal re Aberfield Gate – see designated reserves discussions below. Tree planting to begin again in the autumn following consultation with tenants.
Palliative Care Flat	Work underway. See CEO Report.
Brooms Car Park	Planning consent declined by LCC. See CEO Report
Contractor procurement	Tender process complete with recommendation to the Board included in CEO report. Gas contract to be hopefully extended by two years, saving £12k and offering the opportunity to tie in with LCC tender timetables.
Kickstart & Lift Off Programmes	Discussed under Item 2 CEO Report.
Charity establishment	Discussed under separate item below.
Charter for Social Housing	Complaints procedure reviewed in principle by the Chairs Group – see below.
Board recruitment & AGM	Potential candidate numbers are still low following the advert campaign and head hunting is needed. Board are asked to consider whether they know of potential candidates and report to the CEO.

	It is hoped that an actual meeting may be possible for the AGM in September. A logistical timeline has been prepared and venues examined.
Local elections	GATE and Broom Nook communal rooms used for local elections and charges raised.

Recommendation

The Board are requested to NOTE the matters arising updates

2. CEO Operational Report

Introduction

The purpose of this report is to provide a high level update on BITMO performance and activity during the first quarter. It sets out our plans for remobilising our service, in particular in relation to the GATE. It presents the current position on the repairs and maintenance procurement, and introduces a revised complaints policy, and a designated reserves policy. The report updates the Board on staffing matters and the implementation of Leeds City Council's new Civica IT system. It also includes information on a proposal to enter into discussions with The National Federation of Tenant Management Organisations to provide services to them, to support their work.

Performance

(Detailed performance information is provided at Appendix 2).

1. Repairs

Prior to the COVID 19 situation repairs performance month on month has been consistently strong with over 90% of repairs being completed within target and achieving high levels of customer satisfaction.

2. Rent

Considerable work has been done to strengthen performance in this area and we have seen consistent improvement in rent account management and compliance with procedure that has resulted in increased levels of recovery in the year. Of course the COVID situation adds in additional complexity to the challenges, but overall performance is good and improving,

3. Void relet times

Have been significantly affected during the pandemic. It will take some time for normal working practice to resume and for teams involved in void management to re-establish successful methods of working. As soon as circumstances allow we will focus on end to end management of the voids process to ensure the swiftest possible relet times.

4. Tenancy Management

The main activity for the organisation around tenancy management relates to ASB, and property condition. Work with LASBT is strengthening, and we are working closely with them in relation to a number of cases.

Repairs and maintenance procurement

The process to procure a new responsive repairs and maintenance contract effective from September 2021 is almost complete (see timetable below).

Table 1: Procurement Milestones

Stage	Timeline
Tender documentation	March to July 2020
Publish invitation to complete stage 1	August 2020
Stage 1 evaluation	10 th November 2020
Invitation to tender notification	18 th November 2020
Tender return	6 th January 2021
Tender evaluation	3 rd February 2021
Tender price evaluation	17 th March 2021
Award Report	21 st May 2021
Contract award	7 th June
Mobilisation period	7 th June 12 th August 2021
Contract Start	September 2021

A key decision report has been produced and is in Part B Confidential Paper 2 on this agenda.

Board are requested to consider the report and recommend it to LCC for confirmation. A mobilisation programme is being developed and will commence as soon as possible after contract award.

Planned programme

This year our workstreams are:

Pointing, gutter cleaning, kitchens and bathrooms, mansard roofs including insulation and solar panels , structural work and insulation at the brooms bungalows, grounds works at the 3 storey blocks, water supplies, and decoration and refurnishing of the sheltered communal areas.

Progress reports on delivery will be brought to future Board meetings

Brooms Car Park

Board will recall that considerable work has been done to design and procure works to create additional parking at the Brooms. Planning permission for this has been refused on the basis of deterioration of available green space and the climate emergency. We have appealed this decision but there is no opportunity to have it reconsidered. Local residents have been informed of this. This decision suggests that requesting planning permission for additional parking schemes in the future will be futile.

BITMO Charity

We have completed the paperwork to create our charity, and hope to get Board sign off at the end of May. It is then for the Charities Commission to determine whether we have complied correctly with its purpose and aims. Remember the purpose of the charity is to use it as a vehicle to apply to charitable foundations for funds to support the work we do that is over and above our pure housing management function. So the LIFT OFF programme falls within this. More about that below.

LIFT OFF and Kick start

1. LIFT Off is a programme of personal development designed to help young people achieve success in school, college, university or work. It focuses on self-development, personal agency and setting and achieving goals.

There are seven modules, and it will be delivered through a blend of 1:1 and group sessions. There are community based activities and work experience thrown in. We are offering it to our community, and local schools and colleges. Notre Dame 6th form college are very keen and we will delivering the programme there in November. I'm also talking with the Alternative Provision in Belle Isle. We are at the "proof of concept" stage and once it has been launched and delivered we will refine it. There is a market for this kind of programme to be delivered in schools for a fee, and we are hoping to get into that market following proof of concept.

2. Kickstart is the Govt funded scheme to help young people into the work place. We are hoping to support three young people to get a "kickstart" into the world of work - one person in Tenancy Support, one in Customer Service, and one in the caretaking team. These young people will benefit from 25 hours of work experience, training and personal development each week for six months.

Digital Health update

This project is about us supporting people who are digitally excluded to access health information and support. 50 households are being supported through this project which involves working through an Outcomes Star with them, understanding their health priorities, and providing a tablet that is pre-loaded with useful and individually relevant health apps and other software to enable them to engage with their **health** concerns and access services digitally. There are various spin off benefits to this - one is that we may be able to become a digital health hub, which will enable us to work with the local health partnership in terms of training, social prescribing and supporting far more than the 50 households we have already identified.

Conclusions

Performance is positive in most areas, and it is improving where it is not at the level required. It will be some time before we are able to re- stabilise performance in some key areas, as the disruption caused by COVID has been profound.

Recommendation

Board are requested to:

- Note the contents of the report

2.1 Board Forward Plan

(i) Meetings schedule

Date	Presentation	Discussion Topic	Area for Scrutiny
27 th May 2021	None	Presentation topics Management Agreement Charity structure Complaints Procedure	Human Resources (transferred to July) Complaints Performance KPI's
29 th July 2021 (start of anticipated Blended Meetings)	Police/LASBT		Human Resources Health & Safety Financial Statements Anti-Social Behaviour Safeguarding Performance KPI's Risk Register review
2 nd September 2021			GATE Tenant Engagement Green Action Plan
30 th AGM			Headline Report Financial Statements
7 th October 2021 (post AGM)		To agree Officers and Co-optees	
25 th November 2021 (TBA)	Risk Register	STAR survey	Anti-Social Behaviour Safeguarding Performance KPI's
27 th January 2022 (TBA)			Budgets Performance KPI's Repairs
31 st March 2022 (TBA)			Budgets Retirement Life

(ii) Board Member Bitesize Learning Sessions

Date	Title
May 2021	Teleconference meeting only
July 2021	The Gate Programme - engagement and impact. Hear about the continued remobilisation of our Outreach service.
September 2021	Repairs & Maintenance Hear about how the new repairs contract will operate and an update about the Caretaking Service.
November 2021	Being a Board Member Skills training and responsibilities.
January 2022	Rents and Tenants Responsibilities An update on rent collections and how we support a positive payment culture.
March 2022	Lettings & Tenant Support How we let properties and support our tenants.

3. BITMO-LCC Management Agreement

The last signed agreement with LCC over the management functions of BITMO with regard to the council house stock of Belle Isle estate was in 2014. Discussions have been underway since 2019 about a revised agreement to bring it up to date. These discussions are now concluded and both sides are in a position to seek sign off from their respective governing bodies.

Revisions to the agreement are mostly incidental and intended for clarification. In repairs there is now greater clarity as to how the planned and responsive works are undertaken. These clarifications have not increased the work burden upon BITMO but will aid communications and help plan future programmes.

The documentation itself is extensive and comprises:

- (i) The Modular Management Agreement as proscribed by Ministry of Housing, Communities and Local Government. This document gives a series of best-fit options which have to be selected and which cannot be altered and
- (ii) Supporting Schedules which can give flexibility to incorporate particular arrangements between a local authority and the housing management organisation

Chapters include:

- 1. General Provisions of the Agreement
- 2. Repairs, Maintenance and Services Provision
- 3. Rent (including Tenant Service Charges)
- 4. Leaseholder and Freeholder Service Charges
- 5. Financial Management
- 6. Tenancy Management
- 7. Staffing and Management of the Relationship between the Tenant Management Organisation and the Council
- 8. Performance, Monitoring and Reviewing of Standards
- 9. Definition of Terms and Location of First Use of a Term

The document itself is very extensive and so a schedule reflecting any proposed changes in the Options chosen included in Appendix 3. The full documentation is available to any member who wishes to review it in detail (if so, please contact Karen Hoole – details above).

Local Ward Councillors have been notified of the process and invited to a briefing session by Leeds CC.

The new agreement will be due for review in five years' time (2026).

Recommendation

Board is asked to discuss and if suitable ACCEPT the revised Management Agreement between BITMO and Leeds CC.

4. Policy Reviews

4.1 Reserves

4.1.1 Current Reserves Policy

Some element of General Financial Reserves (Funds) are required by not-for-profits in order to ensure continuity of service during periods of uncertainty or to plan for expected planned expenditures.

BITMO uses the term Reserves to describe that part of the organisations income which is freely available for its general purposes. Reserves are therefore the resources are not yet spent, committed, designated or invested in fixed assets. This definition might more commonly be referred to a free reserves.

In general, reasons why not-for-profit organisations hold free reserves can be summarised as follows:

- to fund working capital (see below);*
- to fund unexpected expenditure, for example when unplanned events occur;*
- to fund potential expenditure which is being contemplated but not yet committed;*
- funds to be used to cover expenditure in the event of reduced income or changes in circumstances.*

Working capital need is identified as that amount of cash at bank or other readily realisable assets which are needed to cover timing differences between billing for management fees and the receipt of cash.

Unexpected expenditure may arise for a number of reasons. It may include increased pension obligations to fund the defined benefit pension scheme deficit or may relate to legal costs for a particular issue.

With regard to income there is an expectation of efficiency savings from our prime funding partner and there also may be exceptional circumstances in which income is delayed for a length of time.

Under such circumstances the Board considers that the correct level of free reserves could be considered to be three months operating costs. This timescale is considered to be adequate to ensure continuity of service to Belle Isle in the event of a threat of reduced funding, the need to restructure the organisation or the occurrence of significant unplanned circumstances.

This level of free reserves would equate to some £750k. There would not be any circumstances at present where the Board would wish to retain more than this level. Any excess funds that are identified over and above current need are therefore deemed to be held as a designated fund for investment within Belle Isle Estate.

Adopted by Board: June 2018

Next review: May 2021

4.1.2 Reason for change

It is proposed that the excess amounts over and above the target threshold are designated in terms of what the money is intended to be spent on to further the objects and mission of BITMO.

The existing policy states that such funds are held in expectation of investment to improve the Estate or future service delivery, but this needs to be further refined. This is especially the case because there is likely to be a significant addition to reserve levels following emergence from Covid lockdown.

In the first lockdown of 2020 there was a significant underspend in repair costs as mobility was severely restricted to all but emergency and safety oriented property works. Although repair levels have currently almost returned to pre-Covid levels, the underspend of the early months of the year has not as yet been required to be spent.

4.1.3 Proposed new Reserves Policy

PURPOSE

This policy establishes an effective, accountable and transparent framework for using reserves to meet organisational aims, to add value to the Belle Isle community.

SCOPE

Belle Isle TMO Reserves are split into two current categories:

(i) Free Reserves

BITMO uses the term Free Reserves to describe that part of the Organisation's income which is freely available for its general purposes. Reserves are therefore the resources not yet spent, committed, designated or invested in fixed assets.

(ii) Designated Reserves

These are part of overall reserves which have been currently designated by the Board for specific defined purposes.

POLICY STATEMENT

Free Reserves are intended to:

- to fund working capital (see below);*
- to fund unexpected expenditure, for example when unplanned events occur;*
- funds to be used to cover expenditure in the event of reduced income or changes in circumstances.*

The Board considers that the correct level of free reserves could be considered to be three months operating costs. This timescale is considered to be adequate to ensure continuity of service to Belle Isle in the event of a threat of reduced funding, the need to restructure the organisation or the occurrence of significant unplanned circumstances.

This level of free reserves would equate to some £750k.

Designated Reserves are those amounts over and above the target level of Free Reserves which are held in expectation of investment in:

1. *Property and Estate Enhancement*
2. *The Green Agenda*
3. *Training, development and qualifications tenants and their families*
4. *Voluntary Group Initiatives*
5. *A Hardship Fund*
6. *Additional services to elderly or vulnerable tenants to improve their living conditions*

1. Property and Estate Enhancement

From time to time, expenditure over and above that in the current year budget may be required to meet an unforeseen investment need, or to enhance an existing facility. Maintenance of the external appearance of the estate may require additional expenditure.

2. The Green Agenda

The current Green Strategy has the following current cost areas:

- *Developing alternative investment strategies that address the climate emergency requires investment in pilot schemes such as a heating and insulation systems.*
- *Tree planting projects across the estate would be supported from this fund.*

3. Tenant Training and Hardship

Being able to provide training courses that lead to recognised, marketable qualifications that will help people to gain skills and secure employment would make a significant difference to our community, and is perfectly aligned with our aims.

The cost of further education and training is a significant barrier for people on low and middle incomes. Being able to support our tenants to access further education would provide a valuable opportunity for people to improve their employment and earning potential.

BITMO recognises that customers can suffer severe hardship and have their home and family put at risk without the means to help themselves. A hardship fund encourages the ownership of financial matters for customers and develop financial capability in individuals. It also aims to lead to identification of other support mechanisms that may be beneficial to the customer.

4. Additional services for older and vulnerable customers

Many of our older and vulnerable customers struggle to organise and carry out basic decoration and DIY tasks in their homes. Being able to offer a cyclical decorating programme and handyman service for our tenants that is paid for by them on a contribution basis would represent a significant improvement in our service offering to this group of tenants.

<i>Designated Category</i>	<i>Eligibility</i>	<i>Decision responsibility</i>	<i>Sum designated per annum</i>
<i>Property and Estate Enhancement</i>	<i>All properties</i>	<i>Board</i>	<i>As required</i>
<i>Green Strategy</i>	<i>All properties</i>	<i>Board</i>	<i>£10k</i>
<i>Training and Hardship</i>	<i>All Estate</i>	<i>Panel</i>	<i>£10k</i>
<i>Additional services</i>	<i>All Retirement life or equivalent</i>	<i>Panel</i>	<i>£10k</i>

SUMMARY

It is therefore intended that the level of free reserves should equate to a minimum of £750k, with excess funds being designated for investment in the properties and people of Belle Isle Estate.

PROCEDURES AND PROTOCOLS

If approval is given in principle, detailed procedures will be produced to ensure that application and decision making processes are fair, transparent, properly governed and auditable.

It is considered that, because BITMO funds derive primarily from the LCC Housing Revenue Account, this proposal for a hardship fund needs to be run past the Council. The wording is also being checked with our external auditors.

Recommendation

Board is asked to discuss and if suitable ACCEPT the revised Reserves Policy above, with any potential revisions being put to the July Board meeting.

4.2 Complaints

In line with recommendations from the Housing Ombudsman and the Government Social Housing White Paper of Nov 2020, a review of BITMO's Complaints Policy has been conducted.

The White Paper is intended to be a charter for social housing residents and sets out the actions the government will take to ensure that residents in social housing are safe, are listened to, live in good quality homes, and have access to redress when things go wrong.

Guidance from the Ombudsman is aimed at reviewing and hopefully resolving tenants' complaints in a timely fashion via a fair and transparent system.

BITMO's Complaints procedure has up until now had a three stage process, the last stage of which comprises a review by Board members. The recommended revised policy outlines a two stage process as recommended by the Ombudsman. The second stage would be with two rather than three Board members and with a member of the senior management team.

This will produce a more streamlined process which will: (i) give more time for an informal resolution of the matter, (ii) create a more considered and in depth response for Stage 1 and (ii) be in line with Ombudsman guidance.

The draft revised Complaints Policy is as per Appendix 4.

Recommendation

Board is asked to discuss and if suitable ACCEPT the revised Complaints Policy above.

4.3 Donations

BITMO does not presently have a Donations Policy, but it does receive requests from time to time. BITMO has given to local organisations such as schools and volunteer groups. It has also given top-up contributions when staff and volunteers have raised money for other causes. A Policy is therefore needed to give parameters around which applications can be considered.

A draft policy is included for review per Appendix 5.

Recommendation

Board is asked to discuss and if suitable ACCEPT the revised Donations Policy above.

5. Establishment of Charity Structure

At the Board meeting on 25th March 2021 it was decided that:

- (i) In principle agreement was given for the establishment of the proposed charity
- (ii) Draft Objects were reviewed and some amendments proposed
- (iii) BITMO should control the charity (Association Model of the Charitable Incorporated Organisation)
- (iv) Initial trustees should include the CEO and another staff member as well as a BITMO nominee
- (v) That further development work of the constitution and establishment of the charity was delegated to the Chairs Group, to be reported upon at the Board meeting in May 21.

The amended Objects read as follows:

To address the health, social, economic and environmental inequalities facing the disadvantaged community of Belle Isle (Leeds) by:

(i) developing residents' capacity and skills in such a way that they are better able to identify, and help meet, their needs and to participate more fully in society; and

(ii) the relief of poverty and hardship, by the provision of education, training, health promotion and environmental projects and all the necessary support designed to enable individuals to enjoy self-sufficiency through a sustainable income, improved well-being and a healthy environment

Further discussions have been held with the solicitor in order to prepare the constitution given the above requirements. The draft constitution is given per Appendix 6.

The solicitor (Rollits) have highlighted the following matters:

- Provided a majority of the trustees are not also residents of the Belle Isle Estate (or connected to people who are residents) then any incidental benefits for tenants will not be an issue. Anyone who is appointed a trustee who lives on the Estate or people connected to them could therefore potentially benefit from the CIO's work in their capacity as beneficiaries of the Charity and residents of the Estate.
- The day to day management of the charity would be controlled by trustees but the Board would retain overall control of the entity by being the sole voting member.
- The initial trustees need to be named in the document before it is submitted to the Charity Commission as part of the registration process. The Board would therefore need to provide a nominee to sit as trustee. This may be an Officer such as the Chair, or another member.

Recommendation

Board is asked to:


- **ACCEPT the draft Constitution**
- **AGREE a nomination for the Trustee Board**

6. Scheduled Updates

6.1 Complaints Report 2020-21

An annual report of complaints received and dealt with will be presented to the Board.

The summary for the year to 31st March 2021 is as follows:

 COMPLAINTS SUMMARY						
1st April 2020 to 31st March 2021	Complaints					
Service Area	Total	Main type of complaint	Response on target	Upheld	Partially upheld	Not upheld
<i>Providing local access to services</i>	0	0	0	0	0	0
<i>Letting empty properties</i>	1	Bidding	1	0	1	0
<i>Carrying out repairs</i>	24	Service	20	15	3	6
<i>Collecting rent</i>	0	0	0	0	0	0
<i>Managing tenancies</i>	2	ASB	1	0	0	2
<i>Supporting older people</i>	0	0	0	0	0	0
<i>Offering advice, training and employment opportunities</i>	0	0	0	0	0	0
<i>Providing opportunities for tenants to get involved in their community and their TMO</i>	0	0	0	0	0	0
Total for this year	27	Repairs	22 out of 27	15 out of 27	4 out of 27	8 out of 27

Comments
<p>From 1st April 2020 to 31st March 2021 27 complaints were received. The majority of complaints involved Repair Issues (24) with the remainder being about Managing Tenancies (2) and Letting of Properties (1). Most complaints received were resolved at Stage 1 of the complaints process. The number of complaints has significantly reduced from the previous year's figure (2019 to 2020) of 43 complaints received. This is possibly due to the Covid pandemic resulting in less operational activities being undertaken. 22 (81.5%) out of the 27 complaints received were responded to within the 10 working days timescale. 5 (18.5%) complaints failed to meet the deadline. This was due to lack of information available to complete a response. Holding letters/email messages were sent to inform the complainant of the delays. 3 out of the 27 complaints received were escalated to Stage 2 of the complaints procedure with 1 of these escalated to Stage 3. Of the 3 complaints escalated to the next stage of the complaints procedure two were resolved at Stage 2 and one was resolved at Stage 3 with no recourse to the Ombudsman to date. Of the 27 complaints received 15 (55.6%) were upheld in the complainants favour, 4 (14.8%) were partially upheld and 8 (29.6%) were not upheld. This differs from the previous 5 years where it should be noted that historically the figures for upheld/partially upheld complaints have been lower than complaints not upheld.</p>

BMT will consider the complaints received in detail to identify root cause, and put in place where possible the remedial actions necessary to prevent similar issues arising in the future.

Complaints have been received through the year, especially with regard to the phone contact with vulnerable tenants at the start of the pandemic. These are currently being collated.

Recommendation
<p>Board is asked to ACCEPT the above report.</p>

6.2 Financial Reports

6.2.1 Revenue Management Accounts 2020-21

Work on the management accounts for the year ended 31st March 2021 is nearing completion. It is expected that the result will be a significant underspend on repair costs as a result of the initial Covid related lockdown in the early part of the year.

The Management Accounts to 31st January showed a potential surplus of over £300k and it is expected that the year-end result will be of a similar or even greater magnitude.

Repair costs picked up after June 2020 and are now at levels which are approaching pre-Covid levels. The bounce back did not however eat into the underspend for the first quarter.

Management accounts and draft financial statements will be presented to the Board at its meeting in July 2021.

6.2.2 Capital Accounts 2020-21

The capital programme has faced considerable challenges during the Covid-19 lockdowns and the Repairs team and contractors have been working hard to ensure that as much as possible is accomplished given the restrictions.

Current indications are that some 85% of the original budget will be spent, as long as current commitments are completed in time. These include some £300k of work encompassing:

- (i) £48k re four flat block entrances
- (ii) £66k re the Palliative Care flat (work commenced 17.3.21 and completed 21.5.21)
- (iii) £15k re Public Footpath renewal
- (iii) £98k re Brickwork Re-pointing
- (iv) £53k re GRP external doors
- (v) £20k re stock condition surveys

This work is being completed after the year end, but as it was underway at the year end the cost will be accrued into the 2020-21 financial year.

Scheme Title	2020-21 Budget £000's	Total spend £000's	2020/21 Residue to spend to budget £000's
REACTIVE BOILER REPLACEMENT	80.8	37.5	43.3
PLANNED BOILER REPS	165.0	346.9	(181.9)
RE-ROOFING OF SLATE PROPERTIES	200.0	72.2	127.8
OTHER ROOFS	100.0	4.7	95.3
TIMBER FRAMED PROPERTIES	200.0	44.2	155.8
Four Flat Blocks - ENTRANCES	48.0	49.5	(1.5)
ROOF OUTBUILDINGS / CANOPIES	40.0	0.1	39.9
REACTIVE ELECTRIC UPGRADES	15.0	1.4	13.6
KITCHENS AND BATHROOMS	105.0	95.1	9.9
THREE STOREY BLOCKS (externals)	300.0	13.8	286.2
THREE STOREY BLOCKS (internals)	0.0	3.8	(3.8)
ADAPTATIONS	120.0	204.4	(84.4)
DECENCY FAILURES	50.0	98.5	(48.5)
PUBLIC FOOTPATH RENEWAL SCHEME	50.0	15.7	34.3
PARKING PROVISION	30.0	21.7	8.3
UNADOPTED ROAD REPAIRS	0.0	0.0	0.0
RE-POINTING SCHEME	0.0	98.0	(98.0)
WATER SUPPLIES - HOUSES	60.0	143.3	(83.3)
EXTERNAL GRP DOORS	20.0	54.7	(34.7)
FENCING	0.0	0.0	0.0
PLANNED ASBESTOS	35.0	27.6	7.4
STOCK CONDITION SURVEYS	0.0	20.0	(20.0)
ENVIROVENT CONDITIONING	1.2	0.0	1.2
BITMO VOID REFURBS	100.0	124.7	(24.7)
Total	£1,720.00	£1,477.80	£242.20

Recommendations

- Board is asked to **ACCEPT** the above Revenue and Capital reports re 2020-21.

6.3 Audit Plan

At the Board meeting in March 2021 it was reported that an Audit Plan had been received from Beever and Struthers and that this would be circulated at the next available meeting.

The Audit Plan for 2020-21 is detailed per Appendix 8.

It comprises of details of how the Auditor will approach the work and what will be the prime areas of focus.

Recommendation

Board is asked to review the Audit Plan 2020-21 and ACCEPT the above report.

7. Any Other Business

Date of Next Meeting: Thursday 29th July 2021 at 6.00pm

APPENDIX 1

BOARD MINUTES 25th March 2021

**FULL BOARD
Minutes of a Teleconference Meeting
Meeting
held on
Thursday 25th March 2021**

Present: Leon Kirkham
Jean Burton
Cllr Paul Truswell
Sharafath Ghafiri
Ashley Knowles
Lisa Caley
Julie Rhodes
Iris Crummack

In Attendance: Deborah Kelly (Chief Executive Officer)
Peter Olver (Head of Governance & Finance)
Andrew Walker (Head of Repairs and Maintenance)

PART A – Public Agenda Items

Apologies

Apologies were received from: Margaret Brown, Tracey Morris, Michelle Lyons, Cllr Judith Blake, Peter Greenwood (LCC)

Questions from the Public

There were no members of the public present.

Issues raised by Board Members for the Agenda

There were no issues raised.

1. Minutes and Matters Arising

The minutes of the Board meeting held on 28th January 2021 were approved.

a. Matters Arising from the Full Board Meeting held on 28th January 2021

Item	Update
Remobilisation re Covid-19	This item was discussed under Item 2 - CEO Report.
Covid Aware messaging	LCC are continuing an awareness raising programme as rates continue to be higher in Middleton Park Ward
Green Agenda	A meeting has taken place to take forward the Green Agenda
Budgets 2021-22	A Revised Revenue Budget was presented under item 5.
Contractor procurement	Tender evaluation for the repairs and maintenance contract was completed on 12 th March 2021. The Gas contract to be hopefully extended by two years, saving £12k and offering the opportunity to tie in with LCC tender timetables.
Kickstart Programme	This was discussed under Item 2 CEO Report.
Charter for Social Housing	The Complaints procedure is currently being reviewed and a tenant engagement programme is being developed.
Board recruitment	Continued call for nominees in tenant emails and on Facebook. Other avenues being explored.
Bits n Pieces	The recent issue of Bits n Pieces was devoted to Board recruitment and so did not have space for a request for old photographs of Belle Isle.
Using the GATE facilities for income generation.	Charges have been raised for use of the GATE premises and Broom Nook for local elections in May. Further opportunities will be investigated.
Santa Event 2020	An apology for any disappointment experienced during Santa's drive around the estate was placed in a tenant email. Space was not available in the Board recruitment issue of Bits n Pieces.

Recommendation for Noting

The Board were requested to NOTE the matters arising updates.

Noted.

2. CEO Operational Report

The Chief Executive Officer presented the CEO Report and highlighted the following:-

Business Continuity

A skeleton staff is still being maintained in the office to deal with contractor access, payments and postal duties. Staff are still being supported to work from home where possible.

An Action Plan has been developed to remobilise the staff as and when guidance from the Government indicates that it is safe to do so.

A phased approach to re-opening will be adopted and the first phase which is expected to commence around the end of July, subject to further guidance.

New external office signage is being prepared in anticipation of office remobilisation.

Procurement

(i) Repairs and Maintenance

The tender evaluation for the repairs and maintenance contract has been completed. Four submissions were received from Morgan Sindall, Engie, Mears and Ian Williams. Final scoring and a tender report is awaited before making the contract award.

(ii) Gas Contract

A proposal to extend the current Gas contract was put to LCC on the basis that this will provide a saving of £12k to BITMO and enable us to align with a Leeds City Council procurement in 2024.

Initial indication are that approval from LCC is favourable and is subject to ratification in the next couple of weeks.

Palliative Care Flat

The contract for this project has been awarded and start on site has commenced. This property is intended to be available on a short term basis only to support people leaving hospital but unable to manage at home or people needing end of life accommodation whose home situation is not suitable.

Board members asked the following questions:-

Q. Will this facility be available to anyone or just for tenants.

A. It is envisaged that all requests will be considered on a case by case basis.

GATE

Telephone contact continues to be undertaken to support people who are isolated or vulnerable. Online groups and meetings are being offered and have taken place this month, a general meet and greet and a men's group.

Outcomes Star training for GATE and Tenancy Support staff has been completed to enable staff involved in employment support, supporting people in retirement life accommodation, and people we are supporting for other reasons.

Work has commenced on the digital health programme alongside Public Health England. Devices and resources are being provided to households who are digitally excluded.

LIFT OFF

Work is currently ongoing on a programme called LIFT OFF that should potentially attract charitable funding.

LIFT OFF will support participants on a personal development journey into employment. It is aimed mainly at young people aged 14 to 24 who live in Belle Isle, but will cater for other age ranges also.

A steering group is being formed to oversee the delivery of the programme.

Schools and colleges in Leeds have been approached to help us with the project. We are currently talking with two schools about the programme.

Continuous Improvement

(i) CATs

The new CRM system called CATS has now been implemented and is working well. The majority of customer contact is logged on the system. This will provide a consistent approach therefore improving the service provided to customers.

(ii) IT implementation

Colleagues have made significant progress on CIVICA testing in readiness for roll out of the CX and Keystone modules.

Recommendation

Board were requested to

Note and comment on the contents of the report.

Noted.

2. Green Agenda

Following a decision at the Board meeting of 26th November 2020 an Environmental Sustainability Sub-Committee of the Board, with a remit to make recommendations to the Board for pushing forward the BITMO Green Agenda, was formed. Members of the Sub Committee are:-

- Cllr Paul Truswell
- Iris Crummack
- Shaf Ghafiri

A meeting of the Sub Committee took place on 3rd March 2021 to consider a draft Environmental Sustainability Policy and an associated draft Action Plan. Both documents were presented at the meeting.

The aim is to tie in with the Climate Emergency declared by LCC and to complement and enhance work done on environmental sustainability.

The draft action plan includes proposals relating to the housing stock and green areas managed by BITMO as well as activities within the organisation itself.

Liaison is ongoing with partners, including contractors. Consultation with tenants and residents will be key to the success of the project.

The Sub-Committee recommended that the draft Policy and Action plan were approved by the Board.

A programme of tree planting on the estate is being developed. Five mature trees are being planted (oak, beech, birch) and a number of fruit trees (15 apple and 10 pear) being made available for tenants and schools to have in their gardens and other areas.

A stock of trees will be ordered for planting in the autumn. Advice was sought from the Board as to any preferences with regard to the types that might be ordered.

Consultation with residents has commenced with an online poll. A Board member highlighted the need to plant trees in areas where they would not cause problems by being too near residents properties. It was confirmed that this would form part of the consultation exercise.

Recommendations

- Board were requested to approve the Environmental Sustainability Policy and Action Plan (Appendix 3 page 39 and Appendix 4 page 47).

Approved.

4. Charity Proposal

The CEO gave an update on the progress on the charity proposal and highlighted the following points from the report.

She explained that the aim of the charity would be to help 14 to 24 year olds to prepare for the next stages of life. A steering group has been set up and work is ongoing with the South Leeds Hub and Pathways.

Legal opinion has been obtained from Rollits solicitors of York and Hull in preparing information.

The draft Objects of the Charity are proposed to be:

(i) To develop the capacity and skills of the members of the socially and economically disadvantaged community of Belle Isle Estate (Leeds) in such a way that they are better able to identify, and help meet, their needs and to participate more fully in society.

(ii) The prevention or relief of poverty [or financial hardship] in Belle Isle Estate by providing or assisting in the provision of education, training, healthcare projects and all the necessary support designed to enable individuals to generate a sustainable income and be self-sufficient.

There are two types of CIO, depending on the intended controlling entity. Both types are a two tier structure of both members and trustees as follows:-

(i) Foundation Model

A CIO may adopt a structure in which the members and the charity trustees are the same people. This is known as a 'foundation' CIO.

(ii) Association Model

A CIO with a wider body of members is known as an 'association CIO', where the membership and trustees may be different persons.

If BITMO will be the only voting member (or a voting member alongside other people) then the Association Model would be needed. However, if the only voting members of the CIO will be the same people as the charity trustees, then the Foundation Model would be used. If the only voting member of the CIO is to be BITMO, then this does not preclude the CIO from creating informal categories of membership.

The purpose of the two tier structure is for the members to hold the trustees to account, and in larger membership charities to provide for the democratic appointment/election of the trustees.

Trustees of a charity must act in the interests of that charity. Individuals could potentially be a mixture of BITMO post holding staff and persons nominated by BITMO and other bodies.

It is proposed that the number of trustees shall be a minimum of three and a maximum of eight and that the first charity trustees are as follows:

- BITMO CEO
- BITMO Head of Finance and Governance
- BITMO Board Member (to be nominated)

Recommendations

Board were requested to:

- (i) Agree in principle to the establishment of the proposed charity

Agreed

- (ii) Approve the suggested Objects

Board agreed the main thrust of the wording but asked for some alterations to be incorporated.

- (iii) Decide whether BITMO should control the charity (Association Model) or whether trustees and members would be the same persons (Foundation)

Board agreed on the Association Model and that BITMO would be the controlling entity.

- (iv) Decide if trustees should include the CEO and other staff members

Agreed to staff and Board representation as above.

- (v) Delegate further development of the constitution and establishment of the charity to the Chairs Group, to be reported upon at the Board meeting in May 21.

Agreed

5. Scheduled Report Updates

5.1 Retirement Life Review 2020-21

An annual update report on the Retirement Life (Sheltered) service was provided at the meeting.

Recommendation

Board was asked to review and accept the Retirement Life Annual Review

Accepted

5.2 Financial Updates

5.2.1 Revenue Management Accounts 2020-21

The Head of Governance and Finance gave a summary on the details of financial performance in the first ten months of the current financial year from 1st April 2020 to 31st January 2021 as follows:-

- The surplus of income over expenditure in the first ten months of the current financial year is £357k.
- Main area of underspend is in Responsive Repairs which are £280k less than budgeted.
- A significant reduction in repair costs was anticipated due to the Covid19 pandemic.

A brief explanation was given on the main variances of expenditure against the budget in the first ten months of this financial year to the end of January 2021.

5.2.2 Capital Programme 2020-21

An update was given on the current status of the Capital Programme. Due to Covid restrictions, considerable challenges have been experienced. It was previously reported to the Board that there would be a significant underspend on budget for 2020-21.

The Repairs team and contractors have been working hard to ensure that as much as possible is accomplished given the restrictions.

Current indications as of 15th March 2021 are that over 70% of the original budget will be spent, as long as current commitments are completed in time.

Some of this work will be completed after the year end, but it is considered that the cost can be accrued into the 2020-21 financial year.

Recommendation

The Board were asked to review and accept the above Revenue and Capital reports 2020-21.

Approved.

5.2.3 Revenue Budget 2021-22

Following discussions at the Board meeting held in January 2021 the savings identified by the Board sub-committee have been worked into the budget. The costs of Simplyhealth were considered at the meeting under Part B Confidential Items and savings from this were not included in the current Budget

An additional saving of £12k has since been potentially identified in procurement costs.

Further savings are being pursued – including an application for a reduction in Council Tax charge. Additional income is also being pursued.

The Revised Revenue budget 2021-22 (post January Board review) was presented at the meeting for approval.

Recommendations

The Board were asked to approve the revised Revenue Budget 2021-22.

Approved.

5.2.4 Supplier Procurement Review

The Head of Governance highlighted that a review of supplier procurement has been carried out.

A register of suppliers has been produced and this will ensure that all engagement of suppliers is properly regulated and that best value is achieved.

In addition to the above as part of BITMO's contract with Leeds City Council, BITMO procures £1.72 million of Capital expenditure.

All procurement should be completed in accordance with BIMO's Financial Regulations and delegated authorities.

The Register of Supplier Procurement will be maintained showing procurement processes in place.

In any instances where it is necessary to procure work quickly outside of the financial regulations details will be reported to the Board retrospectively.

Recommendation

The Board is asked to note the above report.

Noted.

6. Any Other Business

NFTMO Nomination

Due to the current circumstances it was proposed that retrospective permission be granted for Iris Crummack to be nominated to the NFTMO Board for a further year.

This was approved unanimously

Date of Next Meeting: 27th May 2021 at 6.00pm

APPENDIX 2

Key Performance Indicators 2020-21

KEY PERFORMANCE INDICATORS 2020-21

KPI	LCC actual	BITMO Target	2019-20	2020-21 Qtr1	2020-21 Q2	2020-21 Q3	2020-21 Q4
(RR1) Repairs done right first time	92.34% (Cumulative)	90%	97.59%	96.47%	96.72%	96.70%(C)	97.16%
(RR2) Repairs completed within target time	75.30%(C)	99%	99.06%	82.94%	77.90%	85.82%(C)	89.06%
(RR3) Repairs appointments made and kept	96.52%(C)	99%	97.09%	No contractor visits during pandemic	80.00%	76.47%(C)	80.00%
Customer satisfaction	Specific	95%	100%	No contractor PDA surveys during pandemic	No contractor PDA surveys during pandemic	No contractor PDA surveys during pandemic	No contractor PDA surveys during pandemic
Capital Investment programme completed (100% for the year)	Specific	100.00%	97.10%	2.80%	9.20%	40.12%	85.91%
All homes have a current gas safety certificate (Sayes KPI)	99.76%(C)	100.00%	99.73%	98.53%	99.68%	99.46%	99.79%
Number of homes with a Gas safety certificate overdue for 0-4	Specific	0.00	0.70%	0 No. (0.0%)	0.05	0.37%	0.05%
Number of properties with a Gas safety certificate overdue for 1-3 months	Specific	0.00	0.27%	3 No. (0.16%)	0.05	0.16%	0.16%
Number of properties with a Gas safety certificate overdue for over three months	Specific	0.00	0.00%	0.00%	0.00%	0.00%	0.00%
All homes have a current electric periodic inspection certificate (PMS KPI)	Specific	98.78%	90.66%	90.36%	90.36%	93.47%	95.63%
Fire Safety inspections to communal areas	Specific	100%	100%	100%	100%	100%	100%
<ul style="list-style-type: none"> • For capital Investment programme If year-end accruals/commitments excluded then 68% completion to budget. • Sharp increase in the rate of completion for capital investment programs as easing of lockdown progresses. • 6 Gas safety certificates (Sayes KPI) outstanding at Y/E, due to no access issues. Drop in Quarter 2 and 3. Access to properties increased leading up to year end, finishing the year strong. • Quarter 4 seen a drop in gas safety certificates received, in February the lowest being 99.46% but regained ground by year end. • Electrical periodic inspection certificate 5 yearly inspection regime continues and a data cleanse is underway. 							

KPI	LCC actual	BITMO Target	2019-20	2020-21 Qtr1	2020-21 Q2	2020-21 Q3	2020-21 Q4
Percentage of rent collected (Cumulative)	96.07%	97.50%	95.66%	94.36%	96.85%	96.26%	96.51%
Percentage of rent owed	3.74%	2.20%	4.08%	4.41%	3.50%	3.79%	3.46%
Amount of rent owed	7,841k	164k	£ 282,744	£ 312,979	£ 248,028	£ 267,636	£ 244,293
Number of audits requiring corrective action	Specific	Not Available	236	187	TBC	TBC	Under review
% of arrears cases owing 7 weeks rent with a Notice in place	19.00%	95.00%	30.23%	23.46%	15%	7%	0
Number of Household Supported with Financial Hardship	Specific	No target set	75	27	43	64	74
Additional income generated for customers	Specific	No target set	£37,000	£17,122 ©	£38,978 ©	£56,838 ©	£57,269 ©
Number of Notices served	TBC	No target set	182	0	0	0	0
Number of cases entered to Court	TBC	"	19	0	0	0	0
Number of Court orders obtained	TBC	"	34	0	0	0	0
Number of evictions	TBC	"	7	0	0	0	0
<ul style="list-style-type: none"> • Rent Collection for 2020/21 ending week 52 was 96.51% compared to 95.66% a 0.85% improvement (City year end was 96.70%) • Rent Arrears as at 2020/21 (week 52) showing as 3.46% where previous year end (19/20) at 4.08% a 0.62% improvement. 							

KPI	LCC actual	BITMO Target	2019-20	2020-21 Qtr1	2020-21 Q2	2020-21 Q3	2020-21 Q4
Number of complaints received	Specific	No target set	34	0	1	12	14
Number of complaints responded to within target	Specific	10(Days)	34	0	1	8 (73%)	11
Number of complaints at stage 3	Specific	No target set	4	0	0	0	1
Number of complaints referred to the Ombudsman	Specific	No target set	2	0	0	0	0
<ul style="list-style-type: none"> Number of complaints received at end of year a total of 27 complaints received (21% lower than previous year) With reference to the number of complaints responded to within target, 74% of complaints were responded to within target 26% lower than 2019-20 1 complaint reached stage 3 for the year compared to 4 in the previous year a 75% reduction No complaints have been referred to ombudsman 							

KPI	LCC actual	BITMO Target	2019-20	2020-21 Qtr1	2020-21 Q2	2020-21 Q3	2020-21 Q4
Number of tenancy terminations	TBC	No target set	123	9	10	53	74
Number of commencements	TBC	"	121	12	10	41	92
Number of voids at period end	728	16 (0.8%)	11	6	7	16	22
Time taken to relet empty properties - Gross Relet	82.76days	28(Days)	26.29(Days)	Awaiting LCC discount days decision.	56.36(Days)	56.83(Days)	57.11
<ul style="list-style-type: none"> COVID period impacts also applicable, however average void turnaround days (AVTD) reducing consistently during Q3. Highest AVTD 63.72 as at Oct, with lowest ending Dec (56.83). Faster turnaround times when compared with city (LCC), although target of 28 days not met. 							

KPI	LCC actual	BITMO Target	2019-20	2020-21 Q1	2020-21 Q2	2020-21 Q3	2020-21 Q4
Annual Home Visits to all tenants (new methodology)	TBC	90.0%	96.74%	0.00%	0.00%	76%	84%
Number of new tenant visits completed	0	100.00%	72	0	0	0	0
Number of ASB cases opened	TBC	No target set	88(4.8)	34	22	23	91
Number of ASB cases closed	TBC	"	70 (3.8)	29	31	17	101
<ul style="list-style-type: none"> AHV figure is percentage of Telephone Contacts completed from total of Low Risk Tenants identified by LCC - 961 completed out of 1145. 							

APPENDIX 3

LCC-BITMO Management Agreement Summary of Options

BITMO MMA Review 2020/21

Summary table of agreement clauses:

(All clauses reviewed by Mandy Sawyer- Head of Neighbourhood Services, Deborah Kelly BITMO CEO, Peter Olver BITMO Head of Finance and Governance and Peter Greenwood BITMO/LCC Liaison Officer unless otherwise stated)

Chapter 1 General Provisions of the Agreement

Clause	Previous Option	Option Chosen	Reason for change	Reviewed by
5. Starting date.	A	A	N/A	

Chapter 2 Repairs, Maintenance and Services Provision

Clause	Previous Option	Option Chosen	Reason for change	Reviewed by
1. Functions of the TMO in respect of Responsive and Planned Maintenance Repairs	B	B	N/A	Helen Jackson- Head of Housing Projects, Contracts and PFI
2 Function of the Council in respect of repairs	B	B	N/A	Helen Jackson
6 Major Works	D	D	N/A	BITMO Head of Repairs
9 Repairs covered by the Council's buildings insurance	B	B	N/A	Kate Feltham – Principle Legal Officer
10 Provision of estates services	B	B	N/A	Helen Jackson

Chapter 3 Rent (including Tenant Service Charges)

Clause	Previous Option	Option Chosen	Reason for change	Reviewed by
2 Rent collection from tenants	A	A	N/A	Kevin Bruce Income Service Manager
3 Rent arrears control	E	E	N/A	Kevin Bruce
4 Collection of arrears due at the at the starting date	C	C	N/A	Kevin Bruce
5 Former tenants' arrears	C	C	Additional point added - 5.5 The Tenant Management Organisation may engage the Council to manage this process for an agreed annual fee.	Kevin Bruce
6 Housing benefit payments	B	B	The clauses in B are consistent with us collecting the rent and	Kevin Bruce

			BITMO managing the rent arrears.	
8 Notification of rent charges	A	A	N/A	
9 Payment to the Council of rent due	A	A	N/A	
10 Voids allowances	C	C		PO & MS
11 Bad debts/write offs	B	B		
12 Voids and rents waivers	B	B		

Chapter 4 Leaseholder and Freeholder Service Charges

Clause	Previous Option	Option Chosen	Reason for change	Reviewed by:
3 Service charges: calculation, sending of demands and collection	A & Option B: The Tenant Management Organisation calculates all the service charges (including where appropriate ground rents), sends service charge demands to leaseholders and freeholders and collects Service Charges .	Option A: The Council calculates all the service charges (including where appropriate ground rents), sends service charge demands to leaseholders and freeholders and collects service charges.	The council calculates and collects all services charges. Only option A needed.	Simon Richardson – Housing Manager, Leasehold & Michael Craggs, Financial Manager
4 Service charges and ground rent arrears	A	A		
5 Consultation provisions under the Landlord and Tenant Act 1985 (as amended) relating to service charges where both the Council and the Tenant Management Organisation provide services.	A	A		
tenant Act 1985 relating to other service charges	A	A		
8 Payment of service charges and/or ground rent to the Council	A	A		

Chapter 5 Financial Management

Clause	Previous Option	Option Chosen	Reason for change	Reviewed by:
2 Payment of allowances	B	B		
3 Payment of management and maintenance costs and administrative expenses incurred by the Tenant Management Organisation	B	B		
4 The Tenant Management Organisation's banking arrangements	B	B		
8 Reserve funds	B	B		
9 Major works account	B	B		
10 Financial report and surplus fund	B	B		
12 Interest on late payments	A	A		
13 Set off of payments	B	B		

Chapter 6 Tenancy Management

Clause	Previous Option	Option Chosen	Reason for change	Reviewed by:
3 Selection of tenants of vacant property dwellings	B	B		Kath Bramhall – Housing Manager, Lettings and Tenancy Management
4 Transfers	B	B		
5 Introductory tenancies	C	C		
6 Variations to the tenancy agreement	Option B: Variations to the terms of a tenancy may be initiated by the Council or the Tenant Management Organisation.	Option A: Variations to the terms of a tenancy can only be initiated by the <i>Council.</i>	Only LCC can initiate changes to the tenancy agreement	
7 Breach of a tenancy agreement, term of a lease, or covenant in a freehold transfer	C	C		Kate Feltham
8 Ending and renewing flexible tenancies	New clause	C		
9 Anti social behaviour and harassment	B	B		
10 Residents' disputes	B	B		
11 Unlawful occupation	Option C: The Tenant Management	Option B: The Tenant Management	This should be option B – BITMO would	

	Organisation is authorised to take action to terminate unlawful occupation of Property dwellings .	Organisation investigates unlawful occupation and informs the Council.	investigate and LCC would take legal action	
12 Void dwellings	B	B		
13 Right to exchange	B	B		
14 Right to assign to restricted category of persons	B	B		
15 Applications to sublet	B	B		
16 Right of succession	B	B		
18 Right to buy and sales	B	B		Kate Feltham
19 Enquiries before exchange of contracts	A	A		

Chapter 7 Staffing and Management of the Relationship between the Tenant Management Organisation and the Council

Clause	Previous Option	Option Chosen	Reason for change	Reviewed by:
3 Secondment of Council staff to the Tenant Management Organisation	A	A		
4 Employment of contractors	Option B: The Tenant Management Organisation establishes its own list of approved contractors.	Option A: The Tenant Management Organisation is free to choose contractors where the contract price is under a stated amount, and uses contractors from the Council's approved list where the contract price equals or exceeds that stated amount.	Changed to reflect BITMO need to use LCC contractors over a specified amount	Helen Jackson
8 The Council's nominee	C	C		
15 Statutory consultation	A	A		
18 - Disputes and arbitration.	Option 1	Option 1		Chris Simpson (Ex BITMO CEO)

APPENDIX 4

REVISED COMPLAINTS POLICY

BITMO COMPLAINTS POLICY

Draft 27.5.21

1. PURPOSE

This policy establishes an effective, accountable and transparent framework for managing customer complaints about service failure, and resolving problems caused by service failure. It complies with best practice (in the form of The Housing Ombudsman's Complaint Handling Code, July 2020) and the recommendations of the 2020 Housing White Paper.

2. SCOPE

The complaints policy relates to all request for service from BITMO tenants, or third parties who are affected by the services BITMO provides.

3. POLICY STATEMENT

Belle Isle Tenant Management Organisation strives to provide an excellent standard of service. However, we recognise there may be occasions where someone may need to make a comment or a complaint.

We welcome complaints and feedback from all tenants and residents within our area and we will make sure it is easy for people to do this. In considering complaints about our service we will investigate whether approved policy has been applied in a correct and timely way, whether all relevant matters have been taken into consideration, and whether the service has been provided courteously, objectively and

We will use complaints and poor feedback to improve our processes and compliments and good feedback to identify good working practices that can be shared across the organisation.

What is a complaint?

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by BITMO, its own staff, or those acting on behalf of the TMO, made by an individual customer or group of customers.

What is not a complaint?

A request for service, or information, or a complaint about a neighbour or other third party is not a complaint within the terms of this policy.

A matter will not be normally considered under this policy if:

- the issue giving rise to the complaint occurred over six months ago,
- it is subject to legal proceedings
- it has already been considered under the complaints policy.

Managing Complaints

Complaints can be made:-

- In person at the Housing Office
- To any member of staff when they are on the estate
- By telephone
- In writing to B.I.T.M.O.
- By e-mail to:- bitmo-complaints@belleisletmo.co.uk
- Via our website – www.belleisletmo.co.uk
- Via a third party authorised to act on their behalf

There are 2 formal stages to managing complaints, following a three working day period during which the complaint will be logged and informal resolution sought.

Stage 1: 10 working days

Stage 2: 15 working days

Informal

When a complaint is made we should seek to remedy it immediately. It should be logged on the CRM system and directed to the appropriate service area for possible resolution. This should occur within three working days of receipt.

Stage 1

Some issues cannot be dealt with at the first point of contact and will require a longer time span and the involvement of other officers. These should be considered at Stage 1. Stage 1 complaints will be investigated by a member of the BITMO Management Team (the Complaints Officer), other than the CEO, and Heads of Service. The Complaints Officer will have autonomy and authority to resolve complaints.

The purpose of the investigation is to consider whether there has been a service failure, and if so what the root cause of the service failure is.

Having established the root cause of the failure, the aim is to rectify it to prevent it happening again. If there is no service failure the aim is to manage the customers' expectations by explaining what the service offering is and considering whether we need to amend the service offering to provide a higher level of service.

Stage 1 outcome. We do not use the language of "Upheld" or "Not Upheld at this stage". Doing so potentially alienates the customer and takes the focus away from continuous improvement.

Stage 2

If the customer is not satisfied with the response at stage 1 they can ask for a review by a member of the Senior Management Team and a panel of a minimum of 2 Board Members (The Complaints Panel). The customer has the opportunity to meet with The Complaints Panel in person to explain their concerns.

The purpose of the review is to consider whether all appropriate factors were taken into consideration at stage 1, whether the conclusions reached were reasonable, and to understand whether there are valid reasons for the customer's ongoing dissatisfaction.

Stage 2 Complaints Panel Outcome. At this stage the Complaints Panel will determine whether the complaint is "Upheld" "Partially Upheld" or "Not Upheld".

At the completion of each stage of the complaints process we will write to the customer advising them of the following:

- the complaint stage
- the outcome of the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- details of how to escalate the matter if dissatisfied

As part of the process there will be dialogue with the customer at each stage to enable them to set out their position before a decision is reached.

If the customer remains dissatisfied after this stage, they are entitled to refer their complaint to the Housing Ombudsman (telephone: 0845 602 1983 or 024 7682 1960; advice@lgo.org.uk; Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH; www.lgo.org.uk).

Confidentiality

The principle of confidentiality will be maintained at all times, details of customer contact will never be discussed with a third party outside the necessary investigation of the case.

Reporting

An annual report on complaints is presented to the Board. The purpose of the report is to analyse the root cause of complaints and the areas where changes and improvements need to be made to operating practice or policy.

Complaints KPIs are included in quarterly performance reporting to Board. The focus of this report is the number of complaints at each stage and the timeliness of responses.

Records management

All informal complaints must be recorded on the CRM system, and formal complaints are logged with and monitored by the Governance and Finance Team.

APPENDIX 5

DRAFT DONATIONS POLICY

Belle Isle TMO

Draft Donations Policy

17.5.21

1. INTRODUCTION

It is considered best practice in terms of fairness, equity and transparency that BITMO has a donations policy and that it reports on donations given and received via the audited financial statements at the annual general meeting each year.

2. AIMS AND OBJECTIVES

The aim of the policy is to set out the circumstances where BITMO will consider making donations, where it will not consider making donations and also its policy in relation to receiving donations from others. The policy will ensure transparency to staff, Board members and our external stakeholders in relation to the giving and receiving of such donations.

The policy is based on its overall objectives, being: to act for the benefit of the community in the Belle Isle Estate; to carry on the business of providing, maintaining and managing housing and associated amenities and activities within the area of benefit.

BITMO fundraising and fund giving should support initiatives that benefit tenants and the wider community of Belle Isle Estate, Leeds in order to improve the quality of people's lives.

3. INTERESTED PARTIES

Any donations given by or to the Organisation must not compromise its integrity or that of its staff or volunteers, they will be openly declared and any potential conflicts of interest will be properly declared and dealt with.

The policy should be read in conjunction with BITMO's Code of Conduct, Gifts and Hospitality, Anti-Bribery and Anti-Money Laundering policies, as well as staff terms and conditions of employment.

4. RISKS

The policy is designed to ensure that there are no risks associated with making reasonable and proportionate donations from our income. Donations and sponsorship to individuals will not be permitted. The policy will provide staff, Board members and our wider stakeholders with clarity on the approach to receiving and providing donations.

5. ANNUAL BUDGET AND REPORTING

Donations paid should only be made from designated budget headings established for that purpose, including the transfer of monies from other budgets by decision of the Board.

All donations made will be declared and detailed in the annual Reports and Financial Statements of the organisation.

All donations received over £1k will also be detailed in the financial statements.

6. POLICY PRINCIPLES

The Organisation recognises that its aims and objectives all are founded on the income that it receives and that the principle indirect source of income is from our rents due by tenants of Leeds City Council.

This Policy will follow the following conditions:

- Requests are likely to be considered as one-off donations. If multiple donation requests are received these will be considered by the Board.
- Donations will be considered for local events where our residents and their immediate household will gain some benefit. Where these events are annual, the governing Board will decide a period of time suitable to allow sponsorship, for example, 3 years, before a period of review will be undertaken
- Donation applications will be considered from local organisations representing the wider community, rather than from individuals. This can include local schools where specific projects are being considered. Groups should be legally constituted and have a bank account.
- BITMO is unfortunately not able to consider donation applications from individuals.
- Local groups and organisations will also, when suitable, be referred to the Housing Advisory Panel Grants Fund, administered by Leeds CC.
- The Organisation may potentially accept donations from existing contractors, consultants, and suppliers for events and activities where this benefits the community, unless such a donation may be seen to be related to the award of a contract by BITMO.
- The raising of external charitable funds by staff or Board members will be acceptable between staff and Board members, provided this is reasonable and voluntary.

7. COMMUNITY BENEFITS

The Organisation will report on these items annually to our governing Board, our tenants and our wider community.

8. EQUALITIES

BITMO is committed to:

- Treating people fairly
- Not allowing unlawful discrimination, harassment and victimisation
- Advancing equality of opportunity
- Fostering good relations within the community and communities.

For further detail please refer to the Organisation's Equal Opportunities Policy

9. COMPLAINTS AND APPEALS

All appeals will be referred to the Organisation's Governing Board, whose decision will be final. There is no further course of appeal. Should someone feel that they have been treated unfairly, or that the policy is discriminatory in any way, they can use the Organisation's complaints handling procedure. A copy of this procedure is on the website www.belleisletmo.co.uk and also available from the office.

10. REVIEW

This policy will be reviewed every three years and a report on donations made annually to members at the Annual General Meeting.

Draft: PO 17.5.21

Review:

Adopted:

APPENDIX 6
LIFT OFF CHARITY
DRAFT CONSTITUTION

LIFT OFF Charity
Draft Constitution

Constitution of a Charitable Incorporated Organisation with voting members other than its charity trustees

(‘Association’ model constitution)

Date of constitution (last amended):

.....

1. Name

The name of the Charitable Incorporated Organisation (“the CIO”) is

LIFT OFF

2. National location of principal office

The CIO must have a principal office in England or Wales. The principal office of the CIO is in England.

3. Objects

The objects of the Charitable Incorporated Organisation (CIO) are:

To address the health, social, economic and environmental inequalities facing the disadvantaged community of Belle Isle (Leeds) by:

- (i) developing residents' capacity and skills in such a way that they are better able to identify, and help meet, their needs and to participate more fully in society; and
- (ii) the relief of poverty and hardship, by the provision of education, training, health promotion and environmental projects and all the necessary support designed to enable individuals to enjoy self-sufficiency through a sustainable income, improved well-being and a healthy environment

4. Powers

The CIO has power to do anything which is calculated to further its objects or is conducive or incidental to doing so. In particular, the CIO has power to:

- (1) borrow money and to charge the whole or any part of its property as security for the repayment of the money borrowed. The CIO must comply as appropriate with sections 124 and 125 of the Charities Act 2011, if it wishes to mortgage land;

- (2) buy, take on lease or in exchange, hire or otherwise acquire any property and to maintain and equip it for use;
- (3) sell, lease or otherwise dispose of all or any part of the property belonging to the CIO. In exercising this power, the CIO must comply as appropriate with sections 117 and 119-123 of the Charities Act 2011;
- (4) employ and remunerate such staff as are necessary for carrying out the work of the CIO. The CIO may employ or remunerate a charity trustee only to the extent that it is permitted to do so by clause 6 (Benefits and payments to charity trustees and connected persons) and provided it complies with the conditions of that clause;
- (5) deposit or invest funds, employ a professional fund-manager, and arrange for the investments or other property of the CIO to be held in the name of a nominee, in the same manner and subject to the same conditions as the trustees of a trust are permitted to do by the Trustee Act 2000.

5. Application of income and property

- (1) The income and property of the CIO must be applied solely towards the promotion of the objects.
 - (a) A charity trustee is entitled to be reimbursed from the property of the CIO or may pay out of such property reasonable expenses properly incurred by him or her when acting on behalf of the CIO.
 - (b) A charity trustee may benefit from trustee indemnity insurance cover purchased at the CIO's expense in accordance with, and subject to the conditions in, section 189 of the Charities Act 2011.
- (2) None of the income or property of the CIO may be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to any member of the CIO. This does not prevent a member who is not also a charity trustee receiving:
 - (a) a benefit from the CIO as a beneficiary of the CIO;
 - (b) reasonable and proper remuneration for any goods or services supplied to the CIO.
- (3) Nothing in this clause shall prevent a charity trustee or connected person receiving any benefit or payment which is authorised by Clause 6.

6. Benefits and payments to charity trustees and connected persons

(1) General provisions

No charity trustee or connected person may:

- (a) buy or receive any goods or services from the CIO on terms preferential to those applicable to members of the public;
- (b) sell goods, services, or any interest in land to the CIO;
- (c) be employed by, or receive any remuneration from, the CIO;

- (d) receive any other financial benefit from the CIO;

unless the payment or benefit is permitted by sub-clause (2) of this clause or authorised by the court or the prior written consent of the Charity Commission (“the Commission”) has been obtained. In this clause, a “financial benefit” means a benefit, direct or indirect, which is either money or has a monetary value.

(2) Scope and powers permitting trustees’ or connected persons’ benefits

- (a) A charity trustee or connected person may receive a benefit from the CIO as a beneficiary of the CIO provided that a majority of the trustees do not benefit in this way.
- (b) A charity trustee or connected person may enter into a contract for the supply of services, or of goods that are supplied in connection with the provision of services, to the CIO where that is permitted in accordance with, and subject to the conditions in, sections 185 to 188 of the Charities Act 2011.
- (c) Subject to sub-clause (3) of this clause a charity trustee or connected person may provide the CIO with goods that are not supplied in connection with services provided to the CIO by the charity trustee or connected person.
- (d) A charity trustee or connected person may receive interest on money lent to the CIO at a reasonable and proper rate which must be not more than the Bank of England bank rate (also known as the base rate).
- (e) A charity trustee or connected person may receive rent for premises let by the trustee or connected person to the CIO. The amount of the rent and the other terms of the lease must be reasonable and proper. The charity trustee concerned must withdraw from any meeting at which such a proposal or the rent or other terms of the lease are under discussion.
- (f) A charity trustee or connected person may take part in the normal trading and fundraising activities of the CIO on the same terms as members of the public.

(3) Payment for supply of goods only – controls

The CIO and its charity trustees may only rely upon the authority provided by sub-clause (2)(c) of this clause if each of the following conditions is satisfied:

- (a) The amount or maximum amount of the payment for the goods is set out in a written agreement between the CIO and the charity trustee or connected person supplying the goods (“the supplier”).
- (b) The amount or maximum amount of the payment for the goods does not exceed what is reasonable in the circumstances for the supply of the goods in question.
- (c) The other charity trustees are satisfied that it is in the best interests of the CIO to contract with the supplier rather than with someone who is not a charity trustee or connected person. In reaching that decision the charity trustees must

balance the advantage of contracting with a charity trustee or connected person against the disadvantages of doing so.

- (d) The supplier is absent from the part of any meeting at which there is discussion of the proposal to enter into a contract or arrangement with him or her or it with regard to the supply of goods to the CIO.
- (e) The supplier does not vote on any such matter and is not to be counted when calculating whether a quorum of charity trustees is present at the meeting.
- (f) The reason for their decision is recorded by the charity trustees in the minute book.
- (g) A majority of the charity trustees then in office are not in receipt of remuneration or payments authorised by clause 6.

(4) In sub-clauses (2) and (3) of this clause:

- (a) “the CIO” includes any company in which the CIO:
 - (i) holds more than 50% of the shares; or
 - (ii) controls more than 50% of the voting rights attached to the shares; or
 - (iii) has the right to appoint one or more directors to the board of the company;
- (b) “connected person” includes any person within the definition set out in clause 30 (Interpretation);

7. Conflicts of interest and conflicts of loyalty

A charity trustee must:

- (1) declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the CIO or in any transaction or arrangement entered into by the CIO which has not previously been declared; and
- (2) absent himself or herself from any discussions of the charity trustees in which it is possible that a conflict of interest will arise between his or her duty to act solely in the interests of the CIO and any personal interest (including but not limited to any financial interest).

8. Liability of members to contribute to the assets of the CIO if it is wound up

If the CIO is wound up, the members of the CIO have no liability to contribute to its assets and no personal responsibility for settling its debts and liabilities.

9. Membership of the CIO

(1) Admission of new members

(a) Eligibility

Membership of the CIO is open to anyone who is interested in furthering its purposes, and who, by applying for membership, has indicated his, her or its agreement to become a member and acceptance of the duty of members set out in sub-clause (3) of this clause.

A member may be an individual, a corporate body, or an individual or corporate body representing an organisation which is not incorporated.

(b) Admission procedure

The charity trustees:

- (i) may require applications for membership to be made in any reasonable way that they decide;
- (ii) shall, if they approve an application for membership, notify the applicant of their decision within 21 days;
- (iii) may refuse an application for membership if they believe that it is in the best interests of the CIO for them to do so;
- (iv) shall, if they decide to refuse an application for membership, give the applicant their reasons for doing so, within 21 days of the decision being taken, and give the applicant the opportunity to appeal against the refusal; and
- (v) shall give fair consideration to any such appeal, and shall inform the applicant of their decision, but any decision to confirm refusal of the application for membership shall be final.

(2) Transfer of membership

Membership of the CIO cannot be transferred to anyone else except in the case of an individual or corporate body representing an organisation which is not incorporated, whose membership may be transferred by the unincorporated organisation to a new representative. Such transfer of membership does not take effect until the CIO has received written notification of the transfer.

(3) Duty of members

It is the duty of each member of the CIO to exercise his or her powers as a member of the CIO in the way he or she decides in good faith would be most likely to further the purposes of the CIO.

(4) Termination of membership

(a) Membership of the CIO comes to an end if:

- (i) the member dies, or, in the case of an organisation (or the representative of an organisation) that organisation ceases to exist; or
- (ii) the member sends a notice of resignation to the charity trustees; or

(iii) any sum of money owed by the member to the CIO is not paid in full within six months of its falling due; or

(iv) the charity trustees decide that it is in the best interests of the CIO that the member in question should be removed from membership, and pass a resolution to that effect.

(b) Before the charity trustees take any decision to remove someone from membership of the CIO they must:

(i) inform the member of the reasons why it is proposed to remove him, her or it from membership;

(ii) give the member at least 21 clear days notice in which to make representations to the charity trustees as to why he, she or it should not be removed from membership;

(iii) at a duly constituted meeting of the charity trustees, consider whether or not the member should be removed from membership;

(iv) consider at that meeting any representations which the member makes as to why the member should not be removed; and

(v) allow the member, or the member's representative, to make those representations in person at that meeting, if the member so chooses.

(5) Membership fees

The CIO may require members to pay reasonable membership fees to the CIO.

(6) Informal or associate (non-voting) membership

(a) The charity trustees may create associate or other classes of non-voting membership, and may determine the rights and obligations of any such members (including payment of membership fees), and the conditions for admission to, and termination of membership of any such class of members.

(b) Other references in this constitution to "members" and "membership" do not apply to non-voting members, and non-voting members do not qualify as members for any purpose under the Charities Acts, General Regulations or Dissolution Regulations.

10. Members' decisions

(1) General provisions

Except for those decisions that must be taken in a particular way as indicated in sub-clause (4) of this clause, decisions of the members of the CIO may be taken either by vote at a general meeting as provided in sub-clause (2) of this clause or by written resolution as provided in subclause (3) of this clause.

(2) Taking ordinary decisions by vote

Subject to sub-clause (4) of this clause, any decision of the members of the CIO may be taken by means of a resolution at a general meeting. Such a resolution may be passed by a

simple majority of votes cast at the meeting (including votes cast by postal or email ballot, and proxy votes).

(3) Taking ordinary decisions by written resolution without a general meeting

(a) Subject to sub-clause (4) of this clause, a resolution in writing agreed by a simple majority of all the members who would have been entitled to vote upon it had it been proposed at a general meeting shall be effective, provided that:

(i) a copy of the proposed resolution has been sent to all the members eligible to vote; and

(ii) a simple majority of members has signified its agreement to the resolution in a document or documents which are received at the principal office within the period of 28 days beginning with the circulation date. The document signifying a member's agreement must be authenticated by their signature (or in the case of an organisation which is a member, by execution according to its usual procedure), by a statement of their identity accompanying the document, or in such other manner as the CIO has specified.

(b) The resolution in writing may comprise several copies to which one or more members has signified their agreement.

(c) Eligibility to vote on the resolution is limited to members who are members of the CIO on the date when the proposal is first circulated in accordance with paragraph (a) above.

(d) Not less than 10% of the members of the CIO may request the charity trustees to make a proposal for decision by the members.

(e) The charity trustees must within 21 days of receiving such a request comply with it if:

(i) The proposal is not frivolous or vexatious, and does not involve the publication of defamatory material;

(ii) The proposal is stated with sufficient clarity to enable effect to be given to it if it is agreed by the members; and

(iii) Effect can lawfully be given to the proposal if it is so agreed.

(f) Sub-clauses (a) to (c) of this clause apply to a proposal made at the request of members.

(4) Decisions that must be taken in a particular way

(a) Any decision to remove a trustee must be taken in accordance with clause 15(2).

(b) Any decision to amend this constitution must be taken in accordance with clause 28 of this constitution (Amendment of Constitution).

(c) Any decision to wind up or dissolve the CIO must be taken in accordance with clause 29 of this constitution (Voluntary winding up or dissolution). Any decision to amalgamate or transfer the undertaking of the CIO to one or more other CIOs must be taken in accordance with the provisions of the Charities Act 2011.

11. General meetings of members

(1) Types of general meeting

There must be an annual general meeting (AGM) of the members of the CIO. The first AGM must be held within 18 months of the registration of the CIO, and subsequent AGMs must be held at intervals of not more than 15 months. The AGM must receive the annual statement of accounts (duly audited or examined where applicable) and the trustees' annual report, and must elect trustees as required under clause 13.

Other general meetings of the members of the CIO may be held at any time.

All general meetings must be held in accordance with the following provisions.

(2) Calling general meetings

(a) The charity trustees:

(i) must call the annual general meeting of the members of the CIO in accordance with sub-clause (1) of this clause, and identify it as such in the notice of the meeting; and

(ii) may call any other general meeting of the members at any time.

(b) The charity trustees must, within 21 days, call a general meeting of the members of the CIO if:

(i) they receive a request to do so from at least 10% of the members of the CIO; and

(ii) the request states the general nature of the business to be dealt with at the meeting, and is authenticated by the member(s) making the request.

(c) If, at the time of any such request, there has not been any general meeting of the members of the CIO for more than 12 months, then sub-clause (b)(i) of this clause shall have effect as if 5% were substituted for 10%.

(d) Any such request may include particulars of a resolution that may properly be proposed, and is intended to be proposed, at the meeting.

(e) A resolution may only properly be proposed if it is lawful, and is not defamatory, frivolous or vexatious.

(f) Any general meeting called by the charity trustees at the request of the members of the CIO must be held within 28 days from the date on which it is called.

(g) If the charity trustees fail to comply with this obligation to call a general meeting at the request of its members, then the members who requested the meeting may themselves call a general meeting.

(h) A general meeting called in this way must be held not more than 3 months after the date when the members first requested the meeting.

(i) The CIO must reimburse any reasonable expenses incurred by the members calling a general meeting by reason of the failure of the charity trustees to duly call the meeting, but the CIO shall be entitled to be indemnified by the charity trustees who were responsible for such failure.

(3) Notice of general meetings

(a) The charity trustees, or, as the case may be, the relevant members of the CIO, must give at least 14 clear days notice of any general meeting to all of the members, and to any charity trustee of the CIO who is not a member.

(b) If it is agreed by not less than 90% of all members of the CIO, any resolution may be proposed and passed at the meeting even though the requirements of sub-clause (3) (a) of this clause have not been met. This sub-clause does not apply where a specified period of notice is strictly required by another clause in this constitution, by the Charities Act 2011 or by the General Regulations.

(c) The notice of any general meeting must:

(i) state the time and date of the meeting;

(ii) give the address at which the meeting is to take place;

(iii) give particulars of any resolution which is to be moved at the meeting, and of the general nature of any other business to be dealt with at the meeting; and

(iv) if a proposal to alter the constitution of the CIO is to be considered at the meeting, include the text of the proposed alteration;

(v) include, with the notice for the AGM, the annual statement of accounts and trustees' annual report, details of persons standing for election or reelection as trustee, or where allowed under clause 22 (Use of electronic communication), details of where the information may be found on the CIO's website.

(d) Proof that an envelope containing a notice was properly addressed, prepaid and posted; or that an electronic form of notice was properly addressed and sent, shall be conclusive evidence that the notice was given. Notice shall be deemed to be given 48 hours after it was posted or sent.

(e) The proceedings of a meeting shall not be invalidated because a member who was entitled to receive notice of the meeting did not receive it because of accidental omission by the CIO.

(4) Chairing of general meetings

The person nominated as chair by the charity trustees under clause 19(2) (Chairing of meetings), shall, if present at the general meeting and willing to act, preside as chair of the meeting. Subject to that, the members of the CIO who are present at a general meeting shall elect a chair to preside at the meeting.

(5) Quorum at general meetings

(a) No business may be transacted at any general meeting of the members of the CIO unless a quorum is present when the meeting starts.

(b) Subject to the following provisions, if at any time the CIO shall have one member, the quorum for general meetings be one member. If at any time the CIO shall have more than one member, the quorum for general meetings shall be two members or the number nearest to at least one third of the total number of members whichever is greater. An organisation represented by a person present at the meeting in accordance with sub-clause (7) of this clause, is counted as being present in person.

(c) If the meeting has been called by or at the request of the members and a quorum is not present within 15 minutes of the starting time specified in the notice of the meeting, the meeting is closed.

(d) If the meeting has been called in any other way and a quorum is not present within 15 minutes of the starting time specified in the notice of the meeting, the chair must adjourn the meeting. The date, time and place at which the meeting will resume must either be announced by the chair or be notified to the CIO's members at least seven clear days before the date on which it will resume.

(e) If a quorum is not present within 15 minutes of the start time of the adjourned meeting, the member or members present at the meeting constitute a quorum.

(f) If at any time during the meeting a quorum ceases to be present, the meeting may discuss issues and make recommendations to the trustees but may not make any decisions. If decisions are required which must be made by a meeting of the members, the meeting must be adjourned.

(6) Voting at general meetings

(a) Any decision other than one falling within clause 10(4) (Decisions that must be taken in a particular way) shall be taken by a simple majority of votes cast at the meeting (including proxy and postal votes). Every member has one vote unless otherwise provided in the rights of a particular class of membership under this constitution.

(b) A resolution put to the vote of a meeting shall be decided on a show of hands, unless (before or on the declaration of the result of the show of hands) a poll is duly demanded. A poll may be demanded by the chair or by at least 10% of the members present in person or by proxy at the meeting.

(c) A poll demanded on the election of a person to chair the meeting or on a question of adjournment must be taken immediately. A poll on any other matter shall be taken, and the result of the poll shall be announced, in such manner as the chair of the meeting shall decide, provided that the poll must be taken, and the result of the poll announced, within 30 days of the demand for the poll.

(d) A poll may be taken:

(i) at the meeting at which it was demanded; or

(ii) at some other time and place specified by the chair; or

(iii) through the use of postal or electronic communications.

[(e) In the event of an equality of votes, whether on a show of hands or on a poll, the chair of the meeting shall have a second, or casting vote.

(f) Any objection to the qualification of any voter must be raised at the meeting at which the vote is cast and the decision of the chair of the meeting shall be final.

(7) Representation of organisations and corporate members

An organisation or a corporate body that is a member of the CIO may, in accordance with its usual decision-making process, authorise a person to act as its representative at any general meeting of the CIO.

The representative is entitled to exercise the same powers on behalf of the organisation or corporate body as the organisation or corporate body could exercise as an individual member of the CIO.

(8) Adjournment of meetings

The chair may with the consent of a meeting at which a quorum is present (and shall if so directed by the meeting) adjourn the meeting to another time and/or place. No business may be transacted at an adjourned meeting except business which could properly have been transacted at the original meeting.

12. Charity trustees

(1) Functions and duties of charity trustees

The charity trustees shall manage the affairs of the CIO and may for that purpose exercise all the powers of the CIO. It is the duty of each charity trustee:

- (a) to exercise his or her powers and to perform his or her functions in his or her capacity as a trustee of the CIO in the way he or she decides in good faith would be most likely to further the purposes of the CIO; and
- (b) to exercise, in the performance of those functions, such care and skill as is reasonable in the circumstances having regard in particular to:
 - (i) any special knowledge or experience that he or she has or holds himself or herself out as having; and,
 - (ii) if he or she acts as a charity trustee of the CIO in the course of a business or profession, to any special knowledge or experience that it is reasonable to expect of a person acting in the course of that kind of business or profession.

(2) Eligibility for trusteeship

- (a) Every charity trustee must be a natural person.
- (b) No individual may be appointed as a charity trustee of the CIO:
 - if he or she is under the age of 16 years; or
 - if he or she would automatically cease to hold office under the provisions of clause 12(1)(e).
- (c) No one is entitled to act as a charity trustee whether on appointment or on any re-appointment until he or she has expressly acknowledged, in whatever way the charity trustees decide, his or her acceptance of the office of charity trustee.
- (d) At least one of the trustees of the CIO must be 18 years of age or over. If there is no trustee aged at least 18 years, the remaining trustees may only act to call a meeting of the charity trustees, or appoint a new charity trustee.

(3) Number of charity trustees

(a) There must be at least three charity trustees. If the number falls below this minimum, the remaining trustee or trustees may act only to call a meeting of the charity trustees, or appoint a new charity trustee.

(b) The maximum number of charity trustees is eight. The charity trustees may not appoint any charity trustee if as a result the number of charity trustees would exceed the maximum.

(4) First charity trustees

The first charity trustees are as follows, and are appointed for the following terms –

- A Belle Isle Tenant Management Organisation (BITMO) Board member for the duration of holding that office. Postholder currently [insert name].
- BITMO Chief Executive Officer for the duration of their employment with BITMO. Postholder currently Deborah Kelly.
- BITMO Head of Governance & Finance for the duration of employment with BITMO. Postholder currently Peter Olver.

13. Appointment of charity trustees

Ex officio Trustee

(1) The BITMO Chief Executive Officer for the time being (“the office holder”) shall automatically (“ex-officio”) be a charity trustee, for as long as he or she holds that office.

(b) If unwilling to act as a charity trustee, the office holder may:

- (i) before accepting appointment as a charity trustee, give notice in writing to the trustees of his or her unwillingness to act in that capacity; or
- (ii) after accepting appointment as a charity trustee, resign under the provisions contained in clause 12 (Retirement and removal of charity trustees).

The office of ex officio charity trustee will then remain vacant until the office holder ceases to hold office.

(2) The members shall have power to appoint charity trustees at the Annual General Meeting or by notifying the CIO in writing at any time provided the maximum number of trustees in clause 12(3)(b) is not exceeded.

14. Information for new charity trustees

The charity trustees will make available to each new charity trustee, on or before his or her first appointment:

- (a) a copy of the current version of this constitution; and

- (b) a copy of the CIO's latest Trustees' Annual Report and statement of accounts.

15. Retirement and removal of charity trustees

(1) A charity trustee ceases to hold office if he or she:

- (a) retires by notifying the CIO in writing (but only if enough charity trustees will remain in office when the notice of resignation takes effect to form a quorum for meetings);
- (b) is absent without the permission of the charity trustees from all their meetings held within a period of six months and the trustees resolve that his or her office be vacated;
- (c) dies;
- (d) in the written opinion, given to the company, of a registered medical practitioner treating that person, has become physically or mentally incapable of acting as a director and may remain so for more than three months;
- (e) is removed by the members of the CIO in accordance with sub-clause (2) of this clause; or
- (f) is disqualified from acting as a charity trustee by virtue of sections 178-180 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).

(2) A charity trustee shall be removed from office if a resolution to remove that trustee is proposed at a general meeting of the members called for that purpose and properly convened in accordance with clause 11, and the resolution is passed by a two-thirds majority of votes cast at the meeting.

(3) A resolution to remove a charity trustee in accordance with this clause shall not take effect unless the individual concerned has been given at least 14 clear days' notice in writing that the resolution is to be proposed, specifying the circumstances alleged to justify removal from office, and has been given a reasonable opportunity of making oral and/or written representations to the members of the CIO.

16. Trustees' terms of office

A charity trustee shall serve such term of office as directed by the members when appointing charity trustees pursuant to clause 13(2). If the members do not direct that a charity trustee when appointed, shall serve a specific term of office, then that charity trustee shall hold office until he or she ceases to be a charity trustee in accordance with clause 15.

17. Taking of decisions by charity trustees

Any decision may be taken either:

- at a meeting of the charity trustees; or
- by resolution in writing or electronic form agreed by a majority of all of the charity trustees, which may comprise either a single document or several documents containing the text of the resolution in like form to which the majority of all of the charity trustees has signified their agreement. Such a resolution shall be effective provided that:
 - a copy of the proposed resolution has been sent, at or as near as reasonably practicable to the same time, to all of the charity trustees; and
 - the majority of all of the charity trustees has signified agreement to the resolution in a document or documents which has or have been authenticated by their signature, by a statement of their identity accompanying the document or documents, or in such other manner as the charity trustees have previously resolved, and delivered to the CIO at its principal office or such other place as the trustees may resolve within 28 days of the circulation date.

18. Delegation by charity trustees

- (1) The charity trustees may delegate any of their powers or functions to a committee or committees, and, if they do, they shall determine the terms and conditions on which the delegation is made. The charity trustees may at any time alter those terms and conditions, or revoke the delegation.
- (2) This power is in addition to the power of delegation in the General Regulations and any other power of delegation available to the charity trustees, but is subject to the following requirements:
 - (a) a committee may consist of two or more persons, but at least one member of each committee must be a charity trustee;
 - (b) the acts and proceedings of any committee must be brought to the attention of the charity trustees as a whole as soon as is reasonably practicable; and
 - (c) the charity trustees shall from time to time review the arrangements which they have made for the delegation of their powers.

19. Meetings and proceedings of charity trustees

(1) Calling meetings

- (a) Any charity trustee may call a meeting of the charity trustees.
- (b) Subject to that, the charity trustees shall decide how their meetings are to be called, and what notice is required.

(2) Chairing of meetings

The charity trustees may appoint one of their number to chair their meetings and may at any time revoke such appointment. If no-one has been so appointed, or if the person appointed is unwilling to preside or is not present within 10 minutes after the time of the meeting, the charity trustees present may appoint one of their number to chair that meeting.

(3) Procedure at meetings

- (a) No decision shall be taken at a meeting unless a quorum is present at the time when the decision is taken. The quorum is two charity trustees, or the number nearest to one third of the total number of charity trustees, whichever is greater, or such larger number as the charity trustees may decide from time to time. A charity trustee shall not be counted in the quorum present when any decision is made about a matter upon which he or she is not entitled to vote.
- (b) Questions arising at a meeting shall be decided by a majority of those eligible to vote.
- (c) In the case of an equality of votes, the person who chairs the meeting shall have a second or casting vote.

(4) Participation in meetings by electronic means

- (a) A meeting may be held by suitable electronic means agreed by the charity trustees in which each participant may communicate with all the other participants.
- (b) Any charity trustee participating at a meeting by suitable electronic means agreed by the charity trustees in which a participant or participants may communicate with all the other participants shall qualify as being present at the meeting.
- (c) Meetings held by electronic means must comply with rules for meetings, including chairing and the taking of minutes.

20. Saving provisions

(1) Subject to sub-clause (2) of this clause, all decisions of the charity trustees, or of a committee of charity trustees, shall be valid notwithstanding the participation in any vote of a charity trustee:

- who was disqualified from holding office;
- who had previously retired or who had been obliged by the constitution to vacate office;
- who was not entitled to vote on the matter, whether by reason of a conflict of interest or otherwise;

if, without the vote of that charity trustee and that charity trustee being counted in the quorum, the decision has been made by a majority of the charity trustees at a quorate meeting.

(2) Sub-clause (1) of this clause does not permit a charity trustee to keep any benefit that may be conferred upon him or her by a resolution of the charity trustees or of a committee of charity trustees if, but for clause (1), the resolution would have been void, or if the charity trustee has not complied with clause 7 (Conflicts of interest).

21. Execution of documents

- (1) The CIO shall execute documents either by signature or by affixing its seal (if it has one)
- (2) A document is validly executed by signature if it is signed by at least two of the charity trustees.
- (3) If the CIO has a seal:
 - (a) it must comply with the provisions of the General Regulations; and
 - (b) the seal must only be used by the authority of the charity trustees or of a committee of charity trustees duly authorised by the charity trustees. The charity trustees may determine who shall sign any document to which the seal is affixed and unless otherwise so determined it shall be signed by two charity trustees.

22. Use of electronic communications

(1) General

The CIO will comply with the requirements of the Communications Provisions in the General Regulations and in particular:

- (a) the requirement to provide within 21 days to any member on request a hard copy of any document or information sent to the member otherwise than in hard copy form;
- (b) any requirements to provide information to the Commission in a particular form or manner.

23. Keeping of Registers

The CIO must comply with its obligations under the General Regulations in relation to the keeping of, and provision of access to, a (combined) register of its members and charity trustees.

24. Minutes

The charity trustees must keep minutes of all:

- (1) appointments of officers made by the charity trustees;
- (2) proceedings at general meetings of the CIO;
- (3) meetings of the charity trustees and committees of charity trustees including:
 - the names of the trustees present at the meeting;
 - the decisions made at the meetings; and

- where appropriate the reasons for the decisions;
- (4) decisions made by the charity trustees otherwise than in meetings.

25. Accounting records, accounts, annual reports and returns, register maintenance

- (1) The charity trustees must comply with the requirements of the Charities Act 2011 with regard to the keeping of accounting records, to the preparation and scrutiny of statements of account, and to the preparation of annual reports and returns. The statements of account, reports and returns must be sent to the Charity Commission, regardless of the income of the CIO, within 10 months of the financial year end.
- (2) The charity trustees must comply with their obligation to inform the Commission within 28 days of any change in the particulars of the CIO entered on the Central Register of Charities.

26. Rules

The charity trustees may from time to time make such reasonable and proper rules or byelaws as they may deem necessary or expedient for the proper conduct and management of the CIO, but such rules or bye laws must not be inconsistent with any provision of this constitution. Copies of any such rules or bye laws currently in force must be made available to any member of the CIO on request.

27. Disputes

If a dispute arises between members of the CIO about the validity or propriety of anything done by the members under this constitution, and the dispute cannot be resolved by agreement, the parties to the dispute must first try in good faith to settle the dispute by mediation before resorting to litigation.

28. Amendment of constitution

As provided by sections 224-227 of the Charities Act 2011:

- (1) This constitution can only be amended:
 - (a) by resolution agreed in writing by all members of the CIO; or
 - (b) by a resolution passed by a 75% majority of those voting at a general meeting of the members of the CIO.
- (2) Any alteration of clause 3 (Objects), clause [29] (Voluntary winding up or dissolution), this clause, or of any provision where the alteration would provide authorisation for any benefit to be obtained by charity trustees or members of the CIO or persons connected with them, requires the prior written consent of the Charity Commission.
- (3) No amendment that is inconsistent with the provisions of the Charities Act 2011 or the General Regulations shall be valid.
- (4) A copy of every resolution amending the constitution, together with a copy of the CIO's constitution as amended must be sent to the Commission by the end

of the period of 15 days beginning with the date of passing of the resolution, and the amendment does not take effect until it has been recorded in the Register of Charities.

29. Voluntary winding up or dissolution

- (1) As provided by the Dissolution Regulations, the CIO may be dissolved by resolution of its members. Any decision by the members to wind up or dissolve the CIO can only be made:
 - (a) at a general meeting of the members of the CIO called in accordance with clause 19 (General meetings of members), of which not less than 14 days' notice has been given to those eligible to attend and vote:
 - (i) by a resolution passed by a 75% majority of those voting, or
 - (ii) by a resolution passed by decision taken without a vote and without any expression of dissent in response to the question put to the general meeting; or
 - (b) by a resolution agreed in writing by all members of the CIO.
- (2) Subject to the payment of all the CIO's debts:
 - (a) Any resolution for the winding up of the CIO, or for the dissolution of the CIO without winding up, may contain a provision directing how any remaining assets of the CIO shall be applied.
 - (b) If the resolution does not contain such a provision, the charity trustees must decide how any remaining assets of the CIO shall be applied.
 - (c) In either case the remaining assets must be applied for charitable purposes the same as or similar to those of the CIO.
- (3) The CIO must observe the requirements of the Dissolution Regulations in applying to the Commission for the CIO to be removed from the Register of Charities, and in particular:
 - (a) the charity trustees must send with their application to the Commission:
 - (i) a copy of the resolution passed by the members of the CIO;
 - (ii) a declaration by the charity trustees that any debts and other liabilities of the CIO have been settled or otherwise provided for in full; and
 - (iii) a statement by the charity trustees setting out the way in which any property of the CIO has been or is to be applied prior to its dissolution in accordance with this constitution;
 - (b) the charity trustees must ensure that a copy of the application is sent within seven days to every member and employee of the CIO, and to any charity trustee of the CIO who was not privy to the application.
- (4) If the CIO is to be wound up or dissolved in any other circumstances, the provisions of the Dissolution Regulations must be followed.

30. Interpretation

In this constitution:

“connected person” means:

- (a) a child, parent, grandchild, grandparent, brother or sister of the charity trustee;
- (b) the spouse or civil partner of the charity trustee or of any person falling within sub-clause (a) above;
- (c) a person carrying on business in partnership with the charity trustee or with any person falling within subclause (a) or (b) above;
- (d) an institution which is controlled –
 - (i) by the charity trustee or any connected person falling within sub-clause (a), (b), or (c) above; or
 - (ii) by two or more persons falling within sub-clause (d)(i), when taken together
- (e) a body corporate in which –
 - (i) the charity trustee or any connected person falling within sub-clauses (a) to (c) has a substantial interest; or
 - (ii) two or more persons falling within sub-clause (e)(i) who, when taken together, have a substantial interest.

Section 118 of the Charities Act 2011 apply for the purposes of interpreting the terms used in this constitution.

“General Regulations” means the Charitable Incorporated Organisations (General) Regulations 2012.

“Dissolution Regulations” means the Charitable Incorporated Organisations (Insolvency and Dissolution) Regulations 2012.

The **“Communications Provisions”** means the Communications Provisions in Part 9, Chapter 4]of the General Regulations.

“charity trustee” means a charity trustee of the CIO.

A **“poll”** means a counted vote or ballot, usually (but not necessarily) in writing.

Appendix

The following provisions do not form part of the 'Association' model constitution but are available as options under clauses 11 (General meetings of members) and 22 (Use of electronic communications). For CIOs intending to include these powers in their constitutions, we recommend that you use the following wording. Notes on these clauses are included with the explanatory notes accompanying the clauses in the model.

General meetings of members

(7) **Proxy voting**

- (a) Any member of the CIO may appoint another person as a proxy to exercise all or any of that member's rights to attend, speak and vote at a general meeting of the CIO. Proxies must be appointed by a notice in writing (a "proxy notice") which:
 - (i) states the name and address of the member appointing the proxy;
 - (ii) identifies the person appointed to be that member's proxy and the general meeting in relation to which that person is appointed;
 - (iii) is signed by or on behalf of the member appointing the proxy, or is authenticated in such manner as the CIO may determine; and
 - (iv) is delivered to the CIO in accordance with the constitution and any instructions contained in the notice of the general meeting to which they relate.
- (b) The CIO may require proxy notices to be delivered in a particular form, and may specify different forms for different purposes.
- (c) Proxy notices may (but do not have to) specify how the proxy appointed under them is to vote (or that the proxy is to abstain from voting) on one or more resolutions.
- (d) Unless a proxy notice indicates otherwise, it must be treated as:
 - (i) allowing the person appointed under it as a proxy discretion as to how to vote on any ancillary or procedural resolutions put to the meeting; and
 - (ii) appointing that person as a proxy in relation to any adjournment of the general meeting to which it relates as well as the meeting itself.
- (e) A member who is entitled to attend, speak or vote (either on a show of hands or on a poll) at a general meeting remains so entitled in respect of that meeting or any adjournment of it, even though a valid proxy notice has been delivered to the CIO by or on behalf of that member.
- (f) An appointment under a proxy notice may be revoked by delivering to the CIO a notice in writing given by or on behalf of the member by whom or on whose behalf the proxy notice was given.
- (g) A notice revoking a proxy appointment only takes effect if it is delivered before the start of the meeting or adjourned meeting to which it relates.

(h) If a proxy notice is not signed or authenticated by the member appointing the proxy, it must be accompanied by written evidence that the person who signed or authenticated it on that member's behalf had authority to do so.

(8) Postal Voting

- (a) The CIO may, if the charity trustees so decide, allow the members to vote by post or electronic mail ("email") to elect charity trustees or to make a decision on any matter that is being decided at a general meeting of the members.
- (b) The charity trustees must appoint at least two persons independent of the CIO to serve as scrutineers to supervise the conduct of the postal/email ballot and the counting of votes.
- (c) If postal and/or email voting is to be allowed on a matter, the CIO must send to members of the CIO not less than [21] days before the deadline for receipt of votes cast in this way:
 - (i) a notice by email, if the member has agreed to receive notices in this way under clause [22] (Use of electronic communications), including an explanation of the purpose of the vote and the voting procedure to be followed by the member, and a voting form capable of being returned by email or post to the CIO, containing details of the resolution being put to a vote, or of the candidates for election, as applicable;
 - (ii) a notice by post to all other members, including a written explanation of the purpose of the postal vote and the voting procedure to be followed by the member; and a postal voting form containing details of the resolution being put to a vote, or of the candidates for election, as applicable.
- (d) The voting procedure must require all forms returned by post to be in an envelope with the member's name and signature, and nothing else, on the outside, inside another envelope addressed to 'The Scrutineers for [name of CIO]', at the CIO's principal office or such other postal address as is specified in the voting procedure.
- (e) The voting procedure for votes cast by email must require the member's name to be at the top of the email, and the email must be authenticated in the manner specified in the voting procedure.
- (f) Email votes must be returned to an email address used only for this purpose and must be accessed only by a scrutineer.
- (g) The voting procedure must specify the closing date and time for receipt of votes, and must state that any votes received after the closing date or not complying with the voting procedure will be invalid and not be counted.
- (h) The scrutineers must make a list of names of members casting valid votes, and a separate list of members casting votes which were invalid. These lists must be provided to a charity trustee or other person overseeing admission to, and voting at, the general meeting. A member who has cast a valid postal or

email vote must not vote at the meeting, and must not be counted in the quorum for any part of the meeting on which he, she or it has already cast a valid vote. A member who has cast an invalid vote by post or email is allowed to vote at the meeting and counts towards the quorum.

- (i) For postal votes, the scrutineers must retain the internal envelopes (with the member's name and signature). For email votes, the scrutineers must cut off and retain any part of the email that includes the member's name. In each case, a scrutineer must record on this evidence of the member's name that the vote has been counted, or if the vote has been declared invalid, the reason for such declaration.
- (j) Votes cast by post or email must be counted by all the scrutineers before the meeting at which the vote is to be taken. The scrutineers must provide to the person chairing the meeting written confirmation of the number of valid votes received by post and email and the number of votes received which were invalid.
- (k) The scrutineers must not disclose the result of the postal/email ballot until after votes taken by hand or by poll at the meeting, or by poll after the meeting, have been counted. Only at this point shall the scrutineers declare the result of the valid votes received, and these votes shall be included in the declaration of the result of the vote.
- (l) Following the final declaration of the result of the vote, the scrutineers must provide to a charity trustee or other authorised person bundles containing the evidence of members submitting valid postal votes; evidence of members submitting valid email votes; evidence of invalid votes; the valid votes; and the invalid votes.
- (m) Any dispute about the conduct of a postal or email ballot must be referred initially to a panel set up by the charity trustees, to consist of two trustees and two persons independent of the CIO. If the dispute cannot be satisfactorily resolved by the panel, it must be referred to the Electoral Reform Services.

Use of electronic communications

(2) To the CIO

Any member or charity trustee of the CIO may communicate electronically with the CIO to an address specified by the CIO for the purpose, so long as the communication is authenticated in a manner which is satisfactory to the CIO.

(3) By the CIO

- (a) Any member or charity trustee of the CIO, by providing the CIO with his or her email address or similar, is taken to have agreed to receive communications from the CIO in electronic form at that address, unless the member has indicated to the CIO his or her unwillingness to receive such communications in that form.
- (b) The charity trustees may, subject to compliance with any legal requirements, by means of publication on its website:

- (i) provide the members with the notice referred to in clause 11(3) (Notice of general meetings);
 - (ii) give charity trustees notice of their meetings in accordance with clause 19(1) (Calling meetings); [and
 - (iii) submit any proposal to the members or charity trustees for decision by written resolution or postal vote in accordance with the CIO's powers under clause 10 (Members' decisions), 10(3) (Decisions taken by resolution in writing), or [the provisions for postal voting] 10 (6).
- (c) The charity trustees must –
 - (i) take reasonable steps to ensure that members and charity trustees are promptly notified of the publication of any such notice or proposal; and
 - (ii) send any such notice or proposal in hard copy form to any member or charity trustee who has not consented to receive communications in electronic form

APPENDIX 7

DRAFT AUDIT PLAN FROM BEEVER AND STRUTHERS 2020-21

AUDIT PLAN 2020-21

For the Attention of: The Board
Belle Isle Tenant Management Organisation Limited
Aberfield Gate
Belle Isle
Leeds
LS10 3QH

Dear Board Members

Belle Isle Tenant Management Organisation Limited
Audit for the year ending 31 March 2021

I am writing to confirm the detailed practical arrangements for the year end audit of the above.

Beever and Struthers Team

Our team this year will be as follows:

Partner	Sue Hutchinson	m : 07903 457333 e-mail : sue.hutchinson@beeverstruthers.co.uk
Senior Manager	Alison White	m : 07976 592030 e-mail : alison.white@beeverstruthers.co.uk
Assistant Manager	Amanda Griffiths	e-mail : amanda.griffiths@beeverstruthers.co.uk
Senior	Sylvia Luscombe	e-mail : sylvia.luscombe@beeverstruthers.co.uk

Key dates

The agreed timing of work and our proposed points of contact will be as follows:

Date	Activity	What you will see
16 February	Audit Planning Meeting.	
25 March	Present Audit Plan to Board.	Audit Plan.
w/c 28 June	Belle Isle Tenant Management Organisation to provide draft statutory accounts and supporting working papers to Beever and Struthers.	
w/c 28 June and w/c 5 July	Audit fieldwork.	Audit clearance meeting on 9 July @ 2pm, to be done by Teams.

Date	Activity	What you will see
Manager to review work during second week		Summary of important issues identified during the audit, points for discussion, details of information required to complete audit and recommendations on financial systems and controls.
22 July	Draft audit management letter provided for Board papers.	Draft Audit Management Letter.
29 July	Attendance at Board to present Statutory Accounts, Audit Report and Management Letter.	Presentation of Audit Management Letter. Statutory Accounts signed.
30 September	Attendance at AGM.	

Scope

Our work will be carried out in accordance with the terms of our letter of engagement issued in March 2020. This planning letter does not vary the terms agreed in the letter of engagement and matters in this planning letter are to be interpreted in accordance with our letter of engagement.

Our audit work in 2020/21 will include additional work as a result of the application of the following revised International Standards on Auditing:

- ISA 540 – Auditing Accounting Estimates and Related Disclosures
- ISA 570 – Going concern
- ISA 700 – Forming an Opinion and Reporting on Financial Statements

Independence of Beever and Struthers

We are bound by the guidelines set out by the Financial Reporting Council to consider and apply the principles set out in the Ethical Standards published by them.

These aim to ensure that we are both independent, and seen to be independent, from the clients for which we provide an audit report, and the information on which we are reporting.

Furthermore, we are required to identify any potential threats to our independence.

No additional services are provided to the Organisation or its Board Members. As such I do not believe that there are any threats to our independence, in respect of our audit of the Organisation.

Audit Approach and Risk Assessment

Our audit for 2021 will be conducted in accordance with the International Standards of Auditing (UK & Ireland).

Audit Approach and Risk Assessment (continued)

Our approach to the audit will be on a risk basis and our audit attention will be focused to the areas which we consider to be the key risk areas. From our knowledge of the Organisation gained through our planning work we have identified the following potential risks:

1) Assessment of fraud risk (Significant Audit Risk)

- a) The risk of management override of controls. Under ISA 240 there is a presumed risk of management override of the system of internal controls. Material misstatements can arise from

management overriding the controls which are in place or by manipulating the results to achieve targets and the expectations of the stakeholders.

- b) Revenue recognition, ensuring that all income due to the Organisation is recorded within the correct accounting period. Material misstatements due to fraudulent reporting often result from an overstatement of revenues, for example through premature revenue recognition or recording fictitious revenues. The auditor therefore presumes that there are risks of fraud in revenue recognition and considers which types of revenue may give rise to fraud risks.
- 2) Disclosure of events not driven directly by the financial records, for example, related party transactions and operating lease commitments (Significant Audit Risk)
 - 3) Staff costs are the largest single expense to the Organisation. We will test key controls within the payroll system and reconcile the payroll totals to the general ledger and the accounts (Significant Audit Risk)
 - 4) The pension liability for the West Yorkshire Pension Fund defined benefit scheme is a material balance. We will test the accounting entries to the actuarial valuation and assess whether we can place reliance on the valuation (Significant Audit Risk)
 - 5) Going concern - due to a reduction in management fee from Leeds City Council there is a deficit budget for the next financial year. We will review evidence to support the organisation's ability to resource its activities in the foreseeable future, robustly challenging management's assessment of going concern, thoroughly testing the adequacy of supporting evidence (Significant Audit Risk)

During the course of the audit, other matters may come to light and may highlight that there are further key risk areas which were not identified at the planning stage but which may affect the audit approach and the initial risk assessment. These will be discussed with you as they occur and a suitable course of action agreed with you. If this results in additional costs being incurred, then we will discuss this with you first and additional fees will be agreed with you where necessary.

Fee proposal

Our base fee proposal (excluding VAT) for the work to be performed in connection with the audit of the accounts of the Organisation for the year ending 31 March 2021, is £10,365.

The proposed fee is on the basis that:

- A complete set of draft accounts, in the final format, including Board Report is provided for the commencement of the w/c 28 June.
- We will review no more than 3 drafts of the accounts.
- There is no significant change in the scope or scale of activities from that currently discussed.
- Management accounts for the year are provided with comparisons to budget and forecast outturn, and an explanation of variances.
- An appropriate system of internal control is maintained throughout the accounting period.
- At the commencement of the audit there will be a referenced file of supporting documentation, as requested on our deliverables list.
- Agreed timetables are adhered to.
- Detailed information is provided when requested.
- The relevant members of the Belle Isle TMO team will be available to help us find information and provide explanations during our audit fieldwork.

Our ability to deliver the services outlined to the agreed timetable and fee will depend on the schedules on our deliverables list being available on the due dates in the agreed form and content.

If there are any variations to the above plan, I will discuss these with you and agree any additional fees before costs are incurred wherever possible.

Billing and payment schedule

An on-account fee note was raised in January 2021 for £2,095 or 21% of the proposed fee, and the remainder will be raised when the audit work is substantially complete in July.

Any additional costs will be billed as soon as they are agreed with you and these fees will be due when the fee notes are issued.

I trust the above is clear and in accordance with your understanding, but should you have any queries or comments, please do not hesitate to contact me.

Kind regards

Yours sincerely

A handwritten signature in black ink that reads "Beever and Struthers". The signature is written in a cursive, slightly informal style.

Beever and Struthers