

NORTH STAFFORDSHIRE  
LANDLORDS ASSOCIATION

CONSTITUTION AND RULES

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October 2004

## **1. NAME.**

The name of the Association is "North Staffordshire Landlords Association" (hereinafter called "The Association").

## **2. OBJECTS OF THE ASSOCIATION.**

The Association exists to:

Promote and represent all member landlords who let residential properties.

Provide members with a source of information and advice on legislation and good practice.

In furtherance of this aim, the Association may:

- a) Provide a forum for the consideration of matters relating to the letting of properties.
- b) Promote a professional standard of practice and conduct by all members.
- c) Present the general views of members to local authorities and other relevant bodies.
- d) Promote such activities as may benefit the members and safeguard their interests, consistent with the maintenance of professional standards of conduct.
- e) Provide mutual advice and assistance to members in connection with problems relating to the letting out of properties.
- f) Promote the professional standing of the Association within the private rented sector.
- g) Represent equally all members, whether letting large or small portfolios
- h) Collect and disseminate information and exchange such information with other bodies.
- i) Promote and carry out research, surveys and investigations.
- j) Facilitate training.

### **3.1) EXECUTIVE COMMITTEE.** (hereinafter called "the Committee")

- a) The Committee shall direct policy and the general management of the affairs of the Association.
- b) The members of the Committee shall be elected at the A.G.M. for the following year.
- c) The proceedings of the Committee shall not be invalidated by the failure to elect a member.
- d) The Committee shall be able to co-opt members or associate members to assist where specialist skills are required, or Committee resignations are received prior to the year-end.
- e) Co-opted Committee members will have no voting rights.

### **3.2) EXECUTIVE COMMITTEE: POSITIONS & RESPONSIBILITIES.**

The Committee shall consist of the following officer positions:

- a) Chairman - Responsible for the overall running of the Association. The committee may recommend to the members, the use of a non-volunteer to provide this service.
- b) Vice Chairman - Will assist the Chairman with the running of the Association.
- c) Treasurer - Will make authorized payments, maintain proper records, generally safeguard the funds of the Association, and present the annual accounts to the A.G.M.
- d) Secretary - Will maintain minutes of committee and general meetings.
- e) Membership Secretary - Will receive and administer applications from new members and renewals.

In addition, there shall be a minimum of two and maximum of seven non-officer appointments, i.e. Committee members with no specific duties, responsible for any function subsequently delegated to them.

#### f) The President

The President is the formal head of the Association and will normally represent the Association on formal occasions.

The President has no executive function, but may at his own discretion, attend and vote at Committee meetings, or, at the request of the Chairman, carry out certain functions.

### **3.3) EXECUTIVE COMMITTEE: ELECTION AND SERVICE.**

All positions listed at 3.2 above, automatically terminate at each A.G.M., and are open to nominations from members, providing that: -

- a) No person shall be eligible for nomination to an Officer position, until a minimum of one year has been served as a non-officer committee member.
- b) No volunteer person shall hold the same officer position for more than five consecutive years.
- c) No person shall be eligible for nomination as President until they have been a member for at least five years, been a committee member for at least three years and held an officer position for at least one-year.
- d) No person shall hold the position of President for more than five consecutive years.

## **4.1) MEMBERSHIP.**

Full membership of the Association shall be open to Landlords who:

- a) Let property for residential purposes.

- b) Agree to adopt and comply with the RULES and CODE of PRACTICE of the Association.
  - c) Have paid the annual subscription as laid down in this constitution.
- Managing agents and other persons with a legitimate interest in residential property, may also be admitted to “Associate, Non-voting” Membership, at the discretion of the Committee.

#### **4.2) DISCIPLINE**

- a) The Executive Committee may consider evidence put to it by any person or organization bringing any relevant claim, with regard to the lettings business of a member.
- b) If the Committee considers there is; insufficient evidence, that the claim is not relevant or in relation to the lettings activities of the member, they will inform the member that they intend to advise the claimant to take their case to the statutory authority.
- c) The member may still request the Executive Disciplinary Committee to consider the claim and /or enter a plea.
- d) Sanction may be sought against a member if, in the majority opinion of the Committee;
- e) There is clear breach of the Rules or Code of Practice of the Association.
- f) There is some other relevant action or omission that has brought disrepute upon the Association.
- g) The decision of the Committee will not affect any Statutory rights / obligations of the member / claimant.

#### **4.3) APPEAL**

- a) A member landlord shall have the right of appeal to the Committee in respect of any disciplinary proceedings.
- b) The member shall have 28 days from the issue of the notice of the decision of the committee to make an appeal. No sanction will apply until the expiry of this period.

#### **4.4) SANCTION**

Considering previous good character, together with the severity of a code breach, a member may be subject to one or more of the following:

- a) Issued with a warning / reprimand
- b) Barred from attending Association meetings.
- c) In the event of a Committee member to step down from the Committee.
- d) Suspended from the Association.
- e) Dismissed from the Association.
- f) Mediation can be offered at each stage to try and resolve the issue, until final dismissal of the member.

#### **5.1) FINANCE**

The Financial Year of the Association starts on 6<sup>th</sup> April and ends on the following 5<sup>th</sup> April.

The Committee shall comply with their obligations to:

- a) Keep accounting records of the Association.
- b) Confirm the Accounts by an independent audit.
- c) Submit the Accounts in an appropriate manner to the A.G.M.
- d) Maintain a written policy on recapitulation of expenses.
- e) Maintain a system whereby payments and transfers of funds for sums greater than £500, require two signatures from the Executive Committee.
- f) Not commit the Association to more expenditure than its current assets.

#### **5.2) PAYMENTS**

All monies raised by or on behalf of the Association shall:

- a) Be applied to further the objectives of the Association and for no other purpose.
- b) Nothing shall prevent the repayment to members of the Committee, or others authorized by the committee, of reasonable out-of-pocket expenses, advances, or other agreed honorarium.
- c) An honorarium can be paid subject to recommendation by the Committee, and agreement of members at a general meeting.

#### **5.3) SUBSCRIPTIONS and FEES**

- a) All members, unless exempted, shall pay an annual subscription in each year.
- b) Exemptions and exceptions will be considered by the Committee on a case-by-case basis.
- c) New members shall pay the full administration / joining fee unless exempted by the committee.
- d) The amount of the subscription and administration / joining fee may vary from time to time, being determined by the Committee and shall be approved at the preceding A.G.M.
- e) Membership shall terminate for any member whose subscription is three calendar months in arrears.

#### **5.4) INDEPENDENT AUDITOR**

- a) The Membership may request the Committee to appoint an Independent Auditor.
- b) The Independent Auditor may not be a member of the Association.
- c) The Auditor’s duty will be to confirm the accuracy and comprehensiveness of the Annual Accounts submitted to the members at the A.G.M. and to Companies House.

- d) Any member of the Association may inspect the Association annual Accounts at an A.G.M. or E.G.M.
- e) The Membership may, at their discretion, decide not to appoint an Independent Auditor.

**5.5) HONORARY SOLICITOR.**

- a) The Committee may, at its discretion, appoint an Honorary Solicitor.
- b) The Solicitor may, or may not be, a member of the Association.
- c) The Solicitor's duty will be to provide legal advice in running the Association.
- d) The Solicitor shall serve until removal from office by the Committee.

**6.1) MEETINGS. - RULES AND PROCEDURES.**

- a) Notice - Members shall be given written notice of the time and place of the meeting.
- b) Quorum - A quorum shall consist of ten members for general, AGM and EGM meetings.
- c) Voting - All matters will be decided by a simple majority of those present and entitled to vote, excepting a two thirds majority being required to approve changes to this constitution.
- d) Minutes - A record of all proceedings and resolutions shall be recorded by an appropriate member of the Committee.

**6.2) ANNUAL GENERAL MEETING.** (hereinafter called "the A.G.M.")

The A.G.M. of the Association shall be held at a time and place agreed by the committee, normally preceding a general meeting.

The business shall include:

- a) The election of Committee members.
- b) The presentation of the Accounts.
- c) The level of member fees payable during the following year.
- d) Minutes of the A.G.M. are to be circulated for approval at the next A.G.M. or E.G.M.
- e) Nominations for positions as detailed in section 3 above, must be made in writing, either in advance to the Committee, or at the A.G.M.
- f) In the event of more than one nomination for a position being made, a majority vote of full members of the Association present will decide the appointment.
- g) In the event of no majority, the President shall have the casting vote.
- h) No postal or proxy votes will be accepted.

**6.3) GENERAL MEETINGS**

- a) There shall be a minimum of two general meetings every year.
- b) The business may include reports of activities, presentations by visiting speakers and discussion of matters of concern.

**6.4) EXTRAORDINARY GENERAL MEETING** (hereinafter called the "E.G.M.")

- a) An E.G.M. may be called by not less than six full members, to deal with a matter of great importance.
- b) Unless the Committee considers the matter to be trivial or adequately dealt with elsewhere, the Committee must convene such a meeting giving a minimum of two weeks notice.

**6.5) COMMITTEE MEETINGS**

- a) The Committee shall meet to discuss activities or matters of concern.
- b) Meetings will be held when called by an Officer Member.
- c) A quorum will be five Committee members.

**7. CODE OF PRACTICE**

- a) The Code of Practice has been prepared by the Association, in consultation with the National Federation of Residential Landlords (NFRL) and other relevant bodies.
- b) Compliance with the Code of Practice is an ongoing requirement of membership.

**8. ALTERATIONS TO THE CONSTITUTION**

- a) The Constitution shall be amended only at an A.G.M. or at an E.G.M. specially convened for the purpose.
- b) Any amendment shall require a majority of two thirds of those present and voting.