

## Policy for the Admission of Shareholders

This policy explains what it means to be a shareholder of the Byker Community Trust and how to become a shareholder.

Policy Details		
<b>Policy Name</b>	Policy for the Admission of Shareholders	
<b>This policy is applicable to</b>	BCT Board and other shareholders	
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<b>Author job title</b>	Director of Finance and Resources & Company Secretary	
<b>Authorised by</b>	Board	
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Document change history		
Version	Date	Changed sections
1 (original)	September 2012	n/a
2	July 2016	
3	July 2017	
4	January 2020	

## **1. What is the Byker Community Trust?**

- 1.1 Byker Community Trust (BCT) became the owner of the housing on the iconic Byker Estate in July 2012 following a decision by Newcastle City Council to transfer the stock to BCT as the result of a resident ballot which supported the change. The aim was to ensure significant investment was available to improve and maintain the housing stock and over £27M has been committed to the investment programme by early 2018. Tenants and residents across the estate have been consulted in detail about these plans.
- 1.2 The stock transfer also aimed to secure more engagement from tenants and other residents in the management of the estate. For the first four years, services continued to be delivered by Newcastle City Council and its Arms- Length Management Organisation, Your Homes Newcastle (YHN).
- 1.3 That changed in 2016 when the estate housing management services moved 'in house' to be delivered by BCT staff and a partnership company was established with Karbon Homes for the delivery of repairs and maintenance, grounds maintenance, income management and sheltered housing. YHN remains responsible under contract for the concierge and cleaning services in the Byker Wall.
- 1.4 BCT is a registered provider of social housing. It has charitable status and in law it is registered as a Cooperative and Community Benefit Society. That means its primary goals are to deliver services to social housing tenants on the Byker Estate and to engage in other activities which support the local community.
- 1.5 BCT is regulated by the Regulator of Social Housing (RSH). The RSH is a government agency which is responsible for setting consumer and economic standards which registered providers must implement. BCT seeks to provide excellent service to customers and communities, maintains and develops the housing stock on the Byker Estate and supports activities which enable residents to benefit from improved social and economic conditions in the area.

## **2. Who can become a BCT shareholder?**

- 2.1 The transfer promises made to tenants prior to the vote on transfer encouraged tenant, leaseholder and local voluntary organisation to become Members of BCT. Independent people with an interest in the success of Byker were also encouraged to become Members. Newcastle City Council is also a Member. All these Members are known as Shareholders who pay £1 for a 'share' in order to take part in the BCT decision making at General Meetings.
- 2.2 We encourage the widest possible membership among Estate tenants and residents in order to ensure we are accountable to the local community and we maximise opportunities to contribute to BCT's role and work.
- 2.3 The arrangements for becoming a Shareholder of BCT are specified in Section C of BCT's Rules.

### **3. Why become a Shareholder**

3.1 Members/Shareholders are the backstop for ensuring the interests of BCT and, therefore, the tenants and other residents of the Byker Estate are promoted and protected. Members/Shareholders:

- Receive and approve the Annual Report and Accounts of BCT;
- Vote at General Meetings on a range of subjects, in particular the Rules which govern how BCT works;
- Appoint or Elect Board members in the Tenant and Independent Board Member constituencies.

### **4. What are the conditions to becoming a Shareholder?**

4.1 The key condition for membership is that shareholders must always act in the best interests of BCT, for the benefit of the community and act as guardians of BCT's charitable objectives.

4.2 Anyone who seeks to become a shareholder will need to support the BCT vision, mission and values, and contribute to their development in future. Independent shareholders are expected to contribute their expertise to BCT's organisational and financial health; tenant shareholders can take the opportunity to contribute to policy and practice development but must also be tenants in good standing with their rent account; the City Council shareholding reflects the origins of BCT as well as the close partnership working with the Council.

4.3 There are detailed conditions spelled out in the BCT Rules summarised in Appendix C of this policy and available in full on the BCT website ([www.bykerct.co.uk](http://www.bykerct.co.uk)) where the Rules can be inspected along with other information about Byker Community Trust.

4.4 Individuals interested in becoming a shareholder can fill in the application form at Appendix B.

### **5. Suspension of admission to the shareholding register**

5.1 The BCT Board has the ability to suspend new applications for and admission to shareholding membership from time to time where this is deemed necessary or expedient for the proper conduct or management of the BCT. This will always be undertaken through a formal Board approval and will have a defined timescale for review.

### **6. Review**

6.1 Full details relating to shareholder membership can be found in BCT's Rules.

6.2 This Policy will be reviewed every two years by the Company Secretary.

6.3 The Board shall set, review and publish its policies for admitting new shareholders and any changes to this Policy will be approved by the Board.

6.4 This Policy was reviewed on 19 January 2020 and approved by the Board on 29 January 2020.



## **Becoming a Byker Community Trust (BCT) Member**

BCT is committed to giving every tenant and individuals interested in the local community a say in the management of the BCT. A key opportunity is by becoming a Member of BCT.

It only costs £1 to become a Member of BCT.

Membership of BCT enables you to:

- Vote at the Annual General Meeting and any Special General Meeting.
- Vote in BCT Board Member elections.
- Vote on any changes to the BCT rules.

### **Who is eligible to become a Member?**

#### Tenant Member

Tenant Membership is open to every tenant who has an up to date rent account and is not in breach of their tenancy conditions.

#### Independent Member

Independent Membership is open to those who have an interest in the welfare of BCT tenants, or in the provision of affordable homes in Byker. Membership applications are considered by BCT Board.

### **How to apply**

If you would like an application form or more information on Membership please contact BCT on 0800 533 5442 or visit the BCT website;

<http://www.bykercommunitytrust.org/>

Please note BCT Members are classed as Shareholding Members.

Registered office: Byker Community Trust, 17 Raby Cross, Byker, Newcastle upon Tyne, NE6 2FF.

## Appendix B – Application Form



### Byker Community Trust Limited (BCT) Application for Share Membership

<b>Name</b>	
<b>Address</b>	
<b>Telephone No</b>	
<b>Email address</b>	
<b>Please outline the reason(s) why you want to become a shareholder of BCT and which class of membership you are applying for (i.e. tenant or independent membership)</b>	
<b>Please provide details of any relevant qualification(s) to support your application</b>	

I agree to be bound by the obligations placed on shareholders as set out in the BCT Rules and Policy for the Admission of Shareholders. When acting as a shareholder I shall act in the best interests of BCT and for the benefit of the Byker community. Copies of the Rules and the Policy for the Admission of Shareholders are available from the Company Secretary.

#### Data Protection

Upon receipt of your application form, BCT will be the Data Controller of your personal data. BCT will hold all the information you have given on this application form for legal requirements and for the purposes of personnel administration and statistical analysis. Your information will be stored in a secure digital format. No information will be passed onto a third party unless contracted to BCT for specific employment services without your express agreement unless required by law. By signing below you are agreeing to the above statement.

Please tick the box to give BCT permission to keep your application for 12 months should another suitable position become available.

I enclose £1 membership fee (refundable if shareholding membership is not approved).

Signed .....

Dated .....

*Please send the completed form to The Company Secretary at The Byker Community Trust, 17 Raby Cross, Byker, Newcastle, NE6 2FF.*

BCT is dedicated to the elimination of discrimination and aims to demonstrate a fair and equitable approach to the rights and responsibilities of all individuals, groups and communities. We promote quality of opportunity and respect for diversity, so that all people have equal access to BCT's services, employment and tendering opportunities.

Please help us to reflect the diversity of the Byker community by providing the following information:

**Please describe your ethnic origin** - tick the appropriate box to indicate your background:

		<b>Please tick</b>
White	British	
	Irish	
	European	
	Other (please state)	
Mixed	White and Black Caribbean	
	White and Black African	
	White and Asian	
	Other (please state)	
Asian or Asian British	Indian	
	Pakistani	
	Bangladeshi	
	Other (please state)	
Black or Black British	Caribbean	
	African	
	Other (please state)	
Chinese or Other Ethnic Group	Chinese	
	Any other background (please state)	
Refused		

**Age Group** – please tick

Under 30	30 to 39	40 to 49	49 to 50	50 to 59	60 to 69	70 +
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**Sex** – please tick

Male		Female	
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**Disability** – please tick

Do you consider yourself to have a disability?	Yes		No	
Are you registered disabled?	Yes		No	

## **Appendix C – details of eligibility and summary of Rules relating to Shareholders**

- 1 A shareholder can belong to only one class of membership.
- 2 The following cannot be shareholders:
  - A minor (ie: a person under the age of 16).
  - A person who has been expelled as a shareholder (see below) unless authorised by special resolution at general meeting.
  - An employee of BCT or an employee of any other body whose accounts must be consolidated with those of BCT.
  - A person who has been removed by the Board.
  - A person(s) who are indebted to BCT (ie: in material or serious breach of their tenancy agreement or lease).

### **3 Admission of Shareholders**

- 3.1 An application for shares shall be made in writing to BCT's registered office.
  - setting out the reasons for applying and the qualification (ie: by virtue of being a tenant of the Byker Estate); and
  - paying the sum of £1 (which shall be returned to the applicant if the application is not approved by the Board).
- 3.2 Every application shall be considered by the Board. The Board has the ultimate power to accept or reject an application. If the application is approved the name and address of the applicant shall be entered into BCT's register of shareholders.
- 3.3 The Board may decide to reject an application if there is evidence that the applicant would not promote the best interests of BCT, or would seek to undermine the aims and objects of BCT as set out in the Rules and the current Corporate Plan and Business Plan.
- 3.4 Any applicant who is rejected will be given reasons in writing for the rejection.
- 3.5 Only one share shall be issued to each applicant. Successful applicants will be issued with a copy of BCT's Rules and a share certificate.

### **4 Ending a Shareholding**

- 4.1 A shareholder shall cease to be a shareholder if:
  - They die.
  - They are expelled (see below).
  - They withdraw from BCT by giving one month's notice to the Secretary.
  - In the case of a body corporate it ceases to be a body corporate.
  - In the case of a nominee of an unincorporated body, they transfer their share to another nominee of that body.
  - They are a resident of BCT and are subject to a possession order or are in breach of a suspected possession order, or are subject to any of the following types of court order: anti-social behaviour order, anti-social behaviour injunction, demoted tenancy or closure order.
  - BCT has obtained a competent court or tribunal order against them for the recovery of monies due from them to BCT provided that if the order is suspended or is an order for the payment in instalments they shall cease to be a shareholding member upon failing to meet the terms of the order.

- They are a resident of BCT and are in material or serious breach of their tenancy agreement or lease.
  - In the case of tenant shareholders, the tenant ceased to be a tenant of BCT.
- 4.2 A shareholder (except for the local authority shareholder) may only be expelled by a special resolution passed at a special general meeting called by the Board.
- The Board must give the shareholder(s) at least one month's notice in writing of the general meeting. The notice to the shareholders must set out the particulars of the complaint of conduct detrimental to BCT, and must request the shareholder to attend the meeting to answer the complaint.
  - At the general meeting called for this purpose the shareholder(s) shall consider the evidence presented by the Board and the shareholders(s) if any. The meeting will take place even if the shareholder does not attend.
  - If the resolution to expel the shareholder is passed in accordance with this rule, the shareholder shall immediately cease to be a shareholder. His/her name shall be removed from the register of shareholders.
- 4.3 When a shareholder ceases to be a shareholder his or her share is cancelled. The amount paid (ie: £1) shall become the property of the association and shall not be returned to the shareholder after they cease to be a shareholder.