

Advisory Council Terms of Reference



**The Property Redress Scheme is a government authorised
Consumer Redress Scheme for Lettings, Property Management
and Estate Agents and other Property Professionals**

Authorised By



Department for
Communities and
Local Government

Introduction

1. To act as an advisory body to the Head of Redress and the Property Redress Scheme Board in all matters relating to the running of the Property Redress Scheme.
2. To refer matters of consideration to the Head of Redress and Property Redress Scheme Board including where appropriate changes in the law resultant from new, modified or changed legislation, subject to legal challenge or current case law precedent.
3. To represent, report to and inform the Head of Redress and the Property Redress Scheme of developments within their relevant area of expertise that may have bearing on the Property Redress Scheme.
4. To scrutinise and maintain the Head of Redress' impartiality and if necessary to make recommendations relating to the resourcing of the Head of Redress' department.
5. To undertake, investigate and to make recommendation on the conduct or resultant change in the suitability of the position the Head of Redress in accordance with the Terms of Reference of the Scheme and his appointment and to include where appropriate, draft and pass a motion of no confidence in the Head of Redress.
6. To make a decision on the consequences of a Member that, in the opinion of the Head of Redress has breached the Terms of Reference of the Property Redress Scheme. Such consequences include having their membership cancelled and being reported to a relevant body (trade association or trading standards) for any further action. The decision of the Advisory Council will be final.
7. Each Advisory Council Member can publicise their role within the Property Redress Scheme to their own area of expertise.
8. Each Advisory Council Member will be expected to provide a report on their specific area of expertise for the Property Redress Scheme annual report.

Remuneration

9. Each Member may be remunerated depending on the time they spend on Property Redress Scheme business.
10. There will be a meeting fee of £350 for each Member and also reasonable travel expenses for attending. The Members will also be paid £350 for providing their submission to the annual report. Constitution of the Advisory Council ('Council')
11. The Advisory Council and any subsequent members will be appointed by the Property Redress Scheme Board in consultation with the Head of Redress and the current Advisory Council where appropriated.
12. Sector organisations and/or individuals may nominate Advisory Council members on the basis of addition or replacement to the Advisory Council.
13. A sector organisation may be any organisation with no fiduciary interest or control over the Property Redress Scheme or any company with a share of control over the Property Redress Scheme.

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13. A sector organisation may be any organisation with no fiduciary interest or control over the Property Redress Scheme or any company with a share of control over the Property Redress Scheme.
14. Any individual member of the Advisory Council should have no interest, share or financial benefit from the Property Redress Scheme other than the remuneration and expenses agreed by the Property Redress Scheme for activities involved in their role on the Advisory Council.
15. The make-up of the Advisory Council should be no less than three members or exceed nine members not including the Head of Redress who has a permanent seat, but no voting rights.
16. The Advisory Council may invite for a limited basis, others who are not members, but can offer expertise that would be useful or essential to a particular matter or function.
17. Such invitees are at the discretion of the Advisory Council and should not be made without express permission of the HF Resolution Board.

Property Redress Scheme Board in advance of the invitation

18. Invitees will have no voting rights and must only be appointed for the duration of the task they were appointed to undertake.
19. The Property Redress Scheme Board may appoint an individual to attend the Advisory Council at their discretion to represent the interest of the Property Redress Scheme or their owners. Such a member will not have any voting rights.
20. The Property Redress Scheme Board may appoint an individual to assist, minute and support the Advisory Council. The individual will be bound by the authority of the Advisory Council and subject to any appropriate confidentiality obligations.
21. The Property Redress Scheme Board or Advisory Council may request to remove any council member they feel have transgressed the Term of Reference of the Advisory Council or prejudiced the position of the Property Redress Scheme or their owners. The removal of the Advisory Council Member will be subject to a majority vote made by the remaining Advisory Council Members. Should the Vote be evenly matched, the final vote will be made by the Head of Redress.
22. The Advisory Council may expel or suspend any member of the Advisory Council for breach of confidence, misconduct leading to the breaking of the Terms of Reference or any conduct that brings The Property Redress Scheme or its Advisory Council or its Board into disrepute.

Property Redress Scheme Board in advance of the invitation

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27. The Property Redress Scheme Board may appoint an individual to assist, minute and support the Advisory Council. The individual will be bound by the authority of the Advisory Council and subject to any appropriate confidentiality obligations.
28. The Property Redress Scheme Board may remove without challenge any council member they feel have transgressed the Term of Reference of the Advisory Council or prejudiced the position of the Property Redress Scheme or their owners.
29. The Property Redress Scheme Board may dissolve the Advisory Council following a six months' notice for any reason.
30. The Advisory Council may expel or suspend any member of the Advisory Council for breach of confidence, misconduct leading to the breaking of the Terms of Reference or any conduct that brings The Property Redress Scheme or its Advisory Council or its Board into disrepute.
31. Any expulsion or suspension must be notified to the Property Redress Scheme Board with reasons provided. The Board may object to, but not overturn the decision.
32. The Advisory Council cannot expel or suspend the Head of Redress. The Advisory Council can however pass a motion of no confidence in the Head of Redress. This motion would then be passed to the HF Resolution Board. The HF Resolution Board would then consider the reasons for the motion being passed, and if they feel that the Head of Redress has materially breached his terms of appointment then he may be dismissed.

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