

NORTH OUTFALL ALLOTMENT ASSOCIATION – NOVEMBER 19

CONSTITUTION

OF THE

NORTH OUTFALL ALLOTMENT ASSOCIATION

NAME, OBJECTS AND POWERS

1. Name
2. Site Location
3. Aim of Association
4. Objects
5. Powers

USE OF NAME

6. Use of Name & Official Communications

MEMBERSHIP

7. Members
8. Rent
9. Cessation of Membership

LIST OF MEMBERS

10. List of Members

GOVERNANCE AND DAY TO DAY MANAGEMENT

11. Governance
12. Day to Day Management

COMMITTEE OF MANAGEMENT & OFFICERS

13. Committee of Management Composition
14. Election
15. Mid-term vacancies
16. President and/or Vice Presidents
17. Powers of committee
18. Removal from committee

MEETINGS OF COMMITTEE

19. Frequency of meetings
20. Quorum at Committee Meetings
21. Emergency Actions
22. Conduct of Meetings

FINANCE

23. Financial records
24. Banking
25. Annual accounts format
26. Loans & borrowing
27. Reports to committee
28. Special expenditure
29. Financial advice
30. Presentation of accounts for audit
31. Mid-term vacancy

AUDITOR

32. Appointment of Auditor
33. Qualifications
34. Mid-term vacancy

AUDIT OF ACCOUNTS

35. Audit procedure
36. Approval of audit of accounts
37. Availability of audited accounts

GENERAL MEETINGS

38. General meetings annual
39. General meetings special
40. Notice of general meetings
41. Agenda items
42. Notices of motion
43. Changes in rules
44. Voting at general meetings
45. Presiding officers at general meetings
46. Quorum at general meetings

ARBITRATION

47. Arbitration

DISSOLUTION OF THE ASSOCIATION

48. Dissolution

NAME, OBJECTIVES AND POWERS.

1. Name.

The name of the Association shall be North Outfall Allotment Association. hereinafter referred to as the Association.

2. Official Communications.

Shall normally be received and signed on behalf of the Association by the administrative Secretary or in the absence of the secretary by the Chairman, Administrative secretary, or Treasurer.

3. Aim of Association.

To assist all members in the pursuit of gardening as a recreation and promote health, education, and community fellowship.

4. Objectives

- (a) To actively cooperate with groups and organisations with a view to increasing the provision of allotments and improving standards and facilities.
- (b) To establish a working relationship with Harrogate Borough Council (HBC) as landlords with the object of improving facilities, carrying out essential landlord maintenance, preparation of allotment gardens for letting, producing publicity about availability of allotments and early consultation on allotment matters e.g. proposed site changes, rent levels and reviewing the tenancy agreement which sets out responsibilities of the landlord and the tenant.
- (c) To administer any distribution service, communal maintenance machinery and equipment including a seed scheme for members.

5. Powers.

- (a). The Association shall have full power all things necessary or expedient for the accomplishment of its objects. No sectarian or party political questions shall be introduced into any meeting and no action of the society shall be directed towards the propagation of political or religious doctrines, racial or gender discrimination or to take part in any political party or religious denominational activities.

(b). The Trustee's delegate the day to day management of the allotment site to the committee, the latter shall be answerable to the former as it is they who are responsible to Harrogate Borough Council through the overarching Tenancy Agreement for the allotment site.

USE OF NAME.

6. Use of Name.

The name shall be mentioned in all business letters of the association, notices, advertisements, and other official publications of the Association and payments, cheques, and orders for money or goods, purporting to be signed by or on behalf of the Association, and in all bills, invoices, receipts and letters of credit of the Association.

MEMBERSHIP.

7. Members.

The Association shall consist of Allotment Holders and registered helpers within the Harrogate North Outfall Association allotment site.

8. Rent.

Members will be required to pay such annual rent as may be proposed by the Committee and endorsed by the AGM.

9. Cessation of Membership.

A member shall cease to be a member in the following eventualities:

- (a). The member/s resignation.
- (b) The non-payment of the annual rent thereof for a period of 28 days after it has become due.
- (c) Failure to maintain their allocated plot to a standard satisfactory to the management committee.
- (d). Non-compliance with the Tenancy Agreement clauses 5, 6, and 10 "which are paraphrased, keeping their plot in good order etc not causing any nuisance to other plot holders and not using firearms on the allotments respectively.

LIST OF MEMBERS.

10. List of Members.

The membership Secretary shall keep a membership list updated annually in which shall be entered the following:

- (a) Name, address, and telephone number of member, and if appropriate e-mail address.
- (b) Date of joining and leaving.
- (c) Date of receipt of joining subscription and renewal subscriptions.
- (d) For the constitution, a 'plot' may be a full, three quarter, half or a quarter plot.

Any member may see the entry in respect of themselves recorded in the official list of members and in their own interest must notify of any changes of address to the membership secretary.

GOVERNANCE AND DAY TO DAY MANAGEMENT

11. Governance and day to day management.

- (a) The Trustee's hold the responsibility to Harrogate Borough Council through the overarching tenancy for the allotment site.
- (b) Governance of the Association shall be vested in the general meetings
- (c) Day to day management delegated to committee of management

COMMITTEE OF MANAGEMENT AND OFFICERS

12. Committee of Management and Officers

- (a) The committee of management must be members of the association and shall consist of a Chairman, Treasurer, Administrative secretary, Membership secretary and two committee members or such number as shall be determined at a general meeting.
- (b) If Trustee's are not members of the committee management, they shall be invited to committee meetings and have a vote at those meetings as if they were full members of the committee of management.

ELECTION.

13. ELECTION.

(a) The Committee of Management, Trustee's and Auditor will be elected from members of the association at the Annual General Meeting and will office at the end of the Annual General Meeting at which elected until the end of the next Annual General Meeting.

14. ELECTION.

(a) Only one person from any plot (i.e. tenant or registered helper) or household unless that household occupy more than one plot shall be allowed to stand for election to or to sit on the committee of management.

15.MID TERM VACANCIES

The Committee of management may fill any vacancy arising during the year. Members appointed will be full voting members of the committee and count towards a quorum.

16. POWERS OF COMMITTEE

The committee of management shall have full power to supervise and manage the day to day work of the society for the purpose of accomplishing its objectives. Minutes of meetings of the committee of management shall be circulated to the membership and Trustee's.

17.REMOVAL FROM COMMITTEE

The committee of management may remove any officer or committee member from the committee by a simple majority following an open discussion of the issues which include the individual members opportunity to put his/her point of view. If required, the vote may be a secret vote, but the voting numbers will be recorded in the minutes.

MEETINGS OF COMMITTEE MANAGEMENT

18.FREQUENCY OF MEETINGS

The committee of management will meet quarterly or more frequent if required by decision of the Committee.

19. QUORUM AT COMMITTEE MEETINGS

A quorum for meetings of committee of management shall be 4 or such other number as may be agreed at a general meeting.

20. EMERGENCY ACTIONS

The Chairman and/either the Administrative secretary, Membership secretary or Treasurer may take any executive emergency actions required where it is not practicable for the business to be decided upon at a regular or special committee meeting. Details of the action will be reported and recorded at the next meeting of the committee of management.

21. CONDUCT OF MEETINGS

At all meetings of the committee every question shall be decided by most votes and if the votes are equal the chairman shall have the casting vote in addition to his/her vote as a member. In the absence of the chairman, an acting chairman elected at the committee meeting shall preside for that meeting.

FINANCE

22. FINANCIAL RECORDS

The Treasurer will keep in date order a record of all income and expenditure related to society's financial transactions and all expenditure must be supported by a suppliers receipt or appropriate voucher which shows the date of expenditure, the total amount and the purpose for which payment was made. Receipts for membership fee income will be given, recording the date paid, the duration of the membership fee e.g. to 1st November 2xxx, and the name of the member. This receipt will be proof of membership.

23. BANKING.

The Treasurer shall open a cheque book account with a bank or building society in the name of the Society. Payments by cheque shall require any 2 of 3 authorised signatures – Chairman, administrative Secretary and Treasurer.

24. Annual Accounts Format.

If no other activity is envisaged, then a simple income and expenditure account and a balance sheet will suffice. In the event of other activities needing to be presented separately e.g. shows, trading, then a separate simple sub account will be introduced with agreement of the Committee of Management.

25. Loans & Borrowing.

Loans, borrowing or direct debit arrangements will require a specific decision at a Committee of Management meeting or general meeting before any contractual transaction is entered into.

26. Reports to & Committee.

The Treasurer shall make a verbal report at each meeting on income and expenditure and liabilities up to the Friday before the meeting and make available at the meeting the most recent bank statement. The Treasurer's verbal financial report shall be recorded in the minutes.

27. Special Expenditure.

When special projects are considered they will be costed as far as possible and the Treasurer will advise the Committee on possible ways of funding.

28. Financial Advice.

Where the Society requires financial advice outside the normal experience, the treasurer shall seek what professional advice is required and advise the Committee.

29. Presentation of Accounts for Audit.

The Treasurer shall close the annual account on 30th September each year and prepare income and expenditure statements and a balance sheet for presentation to the Honorary Auditor by the 2nd Monday in the following month.

The audited accounts shall be circulated as part of the agenda for the Association's Annual General Meeting signed by the Honorary Auditor and Treasurer.

30. Mid Term Vacancy.

Where for any reason the Treasurer ceases to hold office the Committee of Management will appoint an Acting Treasurer and ask the Honorary Auditor to carry out an interim audit in preparation for the new Treasurer taking up office.

AUDITOR.

31. Appointment of Auditor.

The Honorary Auditor shall be appointed at each Annual General Meeting and shall hold office until the close of the following Annual General Meeting.

32. Qualifications

The Auditor must not be an officer of the Society or a member of the Committee of Management but otherwise any person, member or not who has agreed to carry out the duty may be nominated and appointed year by year at the Annual General Meeting.

33. Mid Term Vacancy.

Where for any reason the auditor ceases to hold office the Committee of Management will appoint a replacement auditor as soon as is practicable and record the action in the minutes.

AUDIT OF ACCOUNTS.

34. Audit Procedure.

The Auditor shall receive the draft accounts, payments, receipts files, bank statements and bank books from the Treasurer by the 2nd Monday in October each year, and will examine them and agree final accounts as an accurate and fair record based on the documents of the Society's financial transactions for the year.

35. Approval of Audit Accounts.

The Annual General Meeting will consider the annual accounts presented by the Treasurer and/or the Auditor. Adoptions of the audited accounts will be proposed by a member other than the Treasurer and Auditor. The Auditor may raise at the Annual General Meeting any financial matters which require the attention of the society.

36 Availability of Audited Account.

Any member has the right to request a copy of the adopted audited accounts from the Secretary who will provide a copy within 2 weeks of the request.

GENERAL MEETINGS.

37. Annual General Meetings.

The Annual General Meetings shall be held at such times as the Committee of Management or a General Meeting shall determine as soon after the audit of accounts is completed.

38. Special General Meeting.

A Special General Meeting shall be held whenever the Committee of Management thinks expedient or whenever a written requisition for such meeting by 5 members is delivered to the secretary. A special general meeting shall be convened by the Committee of Management within 4 weeks of receipt of the request. Should the secretary fail to convene the meeting the members signing the requisition may convene such a meeting by giving notice themselves.

39. Notice of General Meeting.

Notice of at least seven days stating the business to be transacted should be given of every General Meeting. This notification shall be sent to every member at the address entered in the list of members or by e-mail.

40. Agenda Items.

Agenda items must be notified in writing to the Administrative Secretary 14 days prior to the meeting.

41. Nominations.

Nominations for Chairman, Administrative Secretary, Membership Secretary, Treasurer and Committee members should be notified in writing to the Administrative Secretary.

42. Changes in Rules.

Changes in rules must be notified in writing to the administrative Secretary 14 days prior to the meeting signed by proposer(s) and seconder(s).

43. Voting at General Meetings.

One member per plot present at a general Meeting and not otherwise disqualified shall have one vote and where the votes cast in any matter are equal then the Chairman shall have the casting vote in addition to his/her vote as member. Members who are not allotment tenants shall not have the right to vote on questions affecting allotment tenant members only.

44. Presiding Officer at General Meetings.

At all General Meetings, the Association Chairman shall preside.

45. Quorum at General Meetings.

A quorum at General Meetings shall consist of 25% of membership.

46. Arbitration.

In case any dispute arises between the Association and any of its officers or any member or persons claiming or in case of any complaint against any member, application may be made to the Committee of Management for redress, and should the Committee not bring the parties to agreement, the matter in dispute may be submitted to arbitration.

One arbitrator shall be appointed by each of the parties concerned, and one by the Committee of Management. The decision of the arbitrators shall be final, and the costs of such arbitration shall be shared between the parties as determined by the arbitrator. In this rule the word Member includes any person aggrieved who has for not more than 6 months ceased to be a member. Any arbitrator shall not be a member of North Outfall Allotment Association.

DISSOLUTION OF THE ASSOCIATION.

47. Dissolution.

The Association may at any time be dissolved by consent of three fourths of the members, testified by their signatures to an instrument of dissolution. Instructions for dissolution will clearly set out what is to happen to any assets and residual cash after payment of expenses.

AMENDMENTS OF ASSOCIATION.

48. Code for Amending Constitution.

The constitution may be amended by resolution of a three fourths majority of those attending a General Meeting called for that purpose.