

## CONSTITUTION

### 1. NAME

The name of the organisation is: "The Friends of Newby and Scalby Allotments Group" (hereinafter referred to as "the Friends").

### 2. LOCATION

Situated between Red Scar Lane and Hackness Road, Newby and comprising allotments with adjacent pathways, fences and hedges.

### 3. OBJECTIVES

The Friends objectives are:

- I. To promote, protect and enhance the standard of upkeep of the allotments.
- II. To preserve the existing allotments.
- III. To educate allotment holders with a view to preserving and enhancing skills and offer help and guidance to new allotment holders.
- IV. To encourage allotment holders to improve their plot by attending meetings of the Friends Group, entering local vegetable competitions, raising awareness of the 'In Bloom' competition etc.
- V. To manage and supervise the allotments for the benefit of the Friends in accordance with the Agreement with the Parish Council.
- VI. To represent the interests of the plot holders while creating opportunities for the public to learn about allotments and their cultivation.
- VII. To foster good relations with residential neighbours and local statutory and non-statutory bodies.
- VIII. To practice good governance and follow participatory and non-discriminatory principles.
- IX. To adhere to all Acts and regulations, including those relating to health and safety, relevant to unincorporated associations.
- X. To consult with and advise the Newby and Scalby Parish Council (the Parish Council) on improvements to the allotments and other issues affecting its role.

#### **4. RESPONSIBILITIES**

To achieve the objectives above, the Friends shall:

- I. Carry out regular inspections of plots with a view to increasing standards by issuing verbal and, where necessary, written requests to individual allotment holders.
- II. Inform the Parish Council in cases where allotments fall below acceptable standards and requests for improvement are not acted upon, so that further action can be taken.
- III. Report to the Parish Council if the standard of grass cutting or hedge trimming is not satisfactory.
- IV. Vet prospective tenants so that recommendations relating to letting can be made to the Parish Council.
- V. Ensure that when plots are relinquished they are let in accordance with these rules and are not transferred by the current tenant.
- VI. Be responsible for turning off the water supply to avoid frost damage and to, subsequently turn it back on.
- VII. No bonfires to be allowed but inform allotment holders of green waste collections and ensure that bags are put out at appropriate times on the correct day and do not obstruct entrances. Under no circumstances should allotment holders dispose of waste from other sources at the allotment site.
- VIII. Provide judges for allotment competitions such as the largest marrow, best kept allotment, most improved allotment, etc.
- IX. Have the right to deny access onto the site of members of the public, to ban dogs and other animals not belonging to allotment holders and to request allotment holders to keep dogs on a lead at all times.
- x. Immediately report the theft of produce or equipment to the Police, other plot holders and the Parish Council and adopt preventive measures by liaising with the police to ensure adequate patrols and crime prevention advice.
- xi. Raise funds from shows and other events by the sale of produce and plants, raffles, etc Apply for grants as appropriate.
- xii. Keep the Parish Council, as Landlord, informed of all major activities by informal discussions with the Clerk and the liaison Councillor and by the Chairperson or his or her representative, attending the monthly Parish Council Meetings to raise issues, seek advice and report on progress.
- xiii. Ensure notifiable pests and diseases, other injurious fungal diseases and other problematic conditions are reported to fellow plot holders in the first instance and if necessary to the Parish Council.

- xiv. Ensure weed killers and pesticides are used responsibly and in accordance with tenancy agreements.
- xv. Undertake any other activities which will help achieve the Friends objectives while always acting in a non-political, non-sectarian and non-racial way.

## **5. MEMBERS**

To be eligible for an allotment, applicants should be residents of Newby, Scalby, or Northern Parishes without allotments. No applications will be considered from areas or Parishes South of Newby.

Full membership of the Friends shall be open to all allotment holders aged 16 or over provided that they are named on the tenancy agreement and the current plot rental has been paid.

In the event of misconduct by any allotment holder the Management Committee shall have the right to request the Parish Council to terminate the tenancy subject to allowing the person to make representations before a decision is made.

Membership rights will affect all allotment holders irrespective of the size of plot held.

Only full Members shall be eligible to serve as Officers or Members of the Management Committee. All Members are eligible to attend the Annual General Meeting and Open Meetings but only full Members are able to vote.

## **6. MEETINGS**

### ***Annual General Meeting (AGM)***

The Management Committee shall convene an AGM of all the Members not more than 6 months after the financial year end (31 March). 21 clear days' notice shall be given of the AGM on the Website, on Notice Boards and by any other appropriate means.

The business shall include but is not limited to the following:

- A report by the Chairperson on the year's activities
- A review and approval of the annual audited accounts
- The election/ re-election of Officers and Committee Members (for details see below)
- The appointment of Auditors for the next year
- Motions where notice has been given
- Any other relevant business as agreed by the Chairperson
- The quorum for the AGM shall be 15% of the full members
- Only full members can vote at an AGM

### ***Special General Meeting (SGM)***

- The Chairperson may call a SGM at any time on giving 21 days notice
- The Secretary shall call a SGM within 21 days of receiving a written request to do so signed by not less than 21 full members with a copy of the motions to be discussed
- The Secretary must be given the name of the proposer

- The SGM is open to all members
- The quorum for a SGM shall be 15% of the full members
- Only full members can vote at a SGM

### ***Management Committee Meeting (MCM)***

- The maximum number of members making up the MCM shall not exceed 10 including 4 Officers.
- Only full members of the Friends can serve on the Management Committee.
- At least 4 meetings a year will be held in addition to the AGM.
- Management Committee members will serve for a period of 1 year and can then offer themselves for re-election.
- There will be appointed a Chairperson, Vice Chairperson, Secretary and Treasurer. Other Management Committee members can be allocated other roles as appropriate.
- The MCM can appoint and delegate to Sub Committees specific duties.
- The Management Committee will deem a member of the Committee to have resigned if there is a failure to attend 3 consecutive MCMs without good reason. The member must be given the opportunity to make representations to the MCM before action is taken.
- The Management Committee will recommend to a Special General Meeting the termination of membership of the MCM following a no confidence vote upheld by at least 7 Members after a request by at least 50% of the membership of the Management Committee. The member must be given the opportunity to make representations initially to the MCM and then the SGM before action is taken.
- At least 1 week's notice shall be given of a meeting to each member of the Management Committee.
- The quorum for a MCM shall be 40% of the Management Committees members.
- Only Management Committee members can vote at a MCM.

### ***Open Meeting (OM)***

- All category of member can attend an open meeting.
- There shall be at least three Open Meetings a year.
- The purpose of the OM is to bring all members up to date with recent decisions of the Management Committee, appraise them of up and coming events and to receive and discuss gardening tips.
- The quorum for an OM shall be 10% of full members.
- Only full members can vote at an OM.

### ***Procedures at Meetings***

- All meetings will be chaired by the Chairperson or in his or her absence by another Management Committee member as agreed by the meeting.
- All motions shall be decided by a simple majority of votes cast. In the case of a tie the person in the Chair shall have a casting vote.
- Usually voting will be by a show of hands by full members. The person in the Chair shall have the discretion to request a secret ballot.
- An agenda will be produced by the Secretary for all meetings and distributed to those attending. In the case of MCMs, agendas should be circulated in advance of the meeting to Committee members.
- Minutes should be produced in a timely manner by the Secretary or other appointed person following all meetings. These should comprise: a list of attendees, apologies for absence, the

name of the Chairperson, a summary of the discussion and a record of all resolutions and decisions taken together with a note of the person(s) nominated for action.

- In the case of MCMs minutes shall be distributed only to the Management Committee and the Parish Council via the Clerk. Any issues affecting all members will be further discussed at OMs and minutes from these, together with AGM and SGM minutes will be distributed to all members via the website and allotment notice boards and the Parish Council via the Clerk.
- The Management Committee shall have the power to adopt standing orders for its committees and sub committees. These would come into effect immediately they were approved by the Management Committee.
- In the event of any dispute over the conduct of a meeting the Chairperson's decision is final.

## **7. FINANCE**

- The Friends financial year shall end on 31 March.
- The Management Committee shall maintain a suitable bank account in the name of the Friends into which all monies received must be paid.
- The Management Committee shall authorise three of its members to sign cheques on behalf of the Friends. One of the members must be the Treasurer. All cheques must be signed by two of the authorised signatories. Any expenditure over £100 must be approved in advance by a MCM.
- The annual accounts will be subject to an independent audit.
- The Treasurer will report on the finances of the Friends at all meetings.

## **8. DISSOLUTION**

- The Management Committee may decide, by a simple majority at any time, that it is necessary or advisable to dissolve the Friends. It shall then call a SGM in writing to all members stating the terms of the resolution to be proposed at the meeting.
- If the resolution is approved then the Management Committee shall, in the first instance, apply the assets of the Friends to the settlement of any debts. Any remaining assets shall be transferred to the Parish Council to be held in Trust. Funds shall be held in a separate Bank Account and used for the benefit of the allotments.
- If dissolution is caused by the cessation of allotment or community gardening within the Parish then the Parish Council shall determine which other horticultural charities or activities should benefit from the assets. Any funds shall not be paid to or distributed among the members of the Friends.

## **9. ALTERATIONS TO THE CONSTITUTION**

This Constitution can only be amended at an AGM or SGM called for this purpose. Amendments can only be made if 60% of voting members attending are in agreement. Amendments must be submitted as set out in the appropriate paragraphs relating to AGMs.

## **10. THE PARISH COUNCIL**

Involvement of the Friends with the Parish Council is set out elsewhere in this document.

There are a number of duties retained by the Parish Council but which will be open for future discussion. For completeness these are set out in an Addendum to this Constitution.

The Parish Council shall nominate one of its Members to attend Open Meetings of the Friends, to receive copies of Minutes and to be briefed on new developments, etc.

## **11. RULES**

The Friends have formulated a set of practical guidelines to ensure the continued enjoyment with minimum inconvenience to all allotment holders and local residents. These rules do not form part of the Constitution but have been drawn up with a view to help attain the objectives set out above and are available from the Secretary upon request. They cover:

- Allocation
- Maintenance
- Inspection
- Refuse
- Structures
- Footpaths, Trees and Hedges
- Pets, Livestock and Bees
- Sale of Produce
- Vacating of Allotment
- Bonfires
- Noticeboards
- Water
- Children
- Litter
- Security and Theft

## **12. ADDENDUM**

This addendum sets out the day to day tasks the Parish Council retains:

- Payment of rent to Landlord
- Payment of grass/hedge cutting charges
- Payment of water charges
- Payment of any other charges agreed by the Parish Council
- Collection of rents from allotment holders
- Setting the level of rents
- Insuring the Parish Council's Public Liability risks
- Maintaining the waiting list for vacant plots
- Issuing Tenancy Agreements to new allotment holders
- Removing allotment holders under the terms of their Tenancy Agreement
- Provision of and presentation of prizes for the annual best kept and most improved allotment and the largest marrow competitions.

## **13. GLOSSARY OF TERMS**

### Landlord

The Newby and Scalby Parish Council. The Council in turn leases the allotment site from the Duchy of Lancaster which is responsible for major decisions relating to the site.

Immediate Family Members

Includes parents, grandparents, children and grandchildren together with step members of the family.

Misconduct

Neglect of the plot, criminal acts, anti-social behaviour towards other allotment holders.

Secret Ballot

Organised by the Chairperson. Ballot papers to be distributed to those eligible to vote and collected and votes counted by the Chairperson or representative. The result to be announced by the Chairperson.