

KEY POINTS of the CONSTITUTION and associated RULES

CHARITABLE OBJECTS: to provide or assist in the provision of facilities for allotments in Berwick-Upon-Tweed and the surrounding area, in the interests of social welfare for recreation or other leisure time occupation for the public at large with the object of improving their conditions of life

MEMBERSHIP

- membership is confined to residents of Berwick-Upon-Tweed and the surrounding area
- membership is automatic on signing the Tenancy Agreement and payment of the fee, which is the annual rent for an allotment
- the Association's governing document is its Constitution. Changes must be approved by the Charity Commission. A full copy will be provided by the trustees on request
- members have a duty to exercise their powers as members of the Association in the way they decide in good faith would be most likely to further its purposes
- members are encouraged to consider becoming trustees and may make their interest known to any serving trustee
- membership comes to an end in the event of death, or if the allotment tenancy is given up, or if the member receives notice of termination by the trustees in the context of the Rules for Members or the terms of the Tenancy Agreement. Exceptionally the trustees may decide removal from membership is in the best interests of the Association and may pass a resolution to that effect
- membership cannot be inherited or transferred, but an allotment tenancy may be transferred to another person if the allotment has been cultivated and maintained with that person on a joint and equal basis for at least 3 years. In these cases the transferee becomes a member. The decision must be taken by at least 2 trustees who may use their discretion, taking individual circumstances into account
- if the Association is wound up or dissolved members are liable to contribute no more than £1 each towards its assets or the payment of debts

DECISION-MAKING

- AGMs must be held, usually on the 3rd Sunday in November
- members must have 14 clear days notice of date, time and place
- notification must include particulars of any resolution and the general nature of other business
- names of persons standing for election as trustees must be provided
- the text of any proposed alteration to the Constitution must be provided
- any member may make a request to include an item on the agenda and must give 21 clear days notice to the secretary of the meeting
- a quorum is 5% of the membership or 3 members whichever is greater
- trustees may nominate the Chair or those present may elect
- the Association's accounts and annual report must be provided
- the number nearest one third of trustees must retire but any trustee who retires by rotation or giving notice is eligible for re-election
- voting is by a show of hands, and the Chair has a casting vote
- voting may include votes cast by post, email or proxy if there are appropriate procedures in place
- minutes must be taken by the Secretary of the meeting
- general meetings may be called by the trustees and AGM procedures must be followed
- not less than 10% of the members may ask the trustees to make a proposal for decision by members at a general meeting. The trustees must comply within 21 days, and the meeting must be held within 28 days of when it was called, unless the proposal is frivolous, vexatious, defamatory, unclear, unauthenticated by the proposers, or its effect would be unlawful if agreed
- members may propose the removal of individual trustees. Provisions and procedures are set out in the Constitution
- the Association may be wound up or dissolved by resolution of the members. Provisions and procedures are set out in the Constitution

RULES FOR MEMBERS

- the rules are set out in the Lions House Allotments Association Rules and Regulations
- individual members must be provided with a copy
- changes to the Rules may be proposed by trustees and members and are subject to agreement at general meetings
- changes to the Rules must not be inconsistent with the Association's charitable objects or other provisions of the Constitution

RULES FOR TRUSTEES

1. General

- 1.1. promote and ensure the cultivation and maintenance of the allotments
- 1.2. take reasonable measures to maintain or improve the condition of the site
- 1.3. take reasonable measures to protect the landscape value of the site, having regard to its historic location in a conservation area
- 1.4. take measures to increase the number of allotments when practicable or desirable
- 1.5. ensure an appropriate level of insurance is in place
- 1.6. take measures to ensure any hazards are kept to a minimum
- 1.7. apply for grants where appropriate and consider other fund-raising options
- 1.8. foster good relations with community groups or other organisations where working together may be mutually beneficial
- 1.9. trustees may appoint individual trustees to specific roles or to lead on particular issues
- 1.10. trustees must have at least 2 meetings a year, usually 7 days notice minimum
- 1.11. if decisions are made outside meetings, the agreement of individual trustees must be recorded. Proposals and assents may be transmitted via email
- 1.12. trustees must discharge their duties according to the provisions and guidance set out by the Charity Commission

2. Members and Membership

- 2.1. applications for membership must be accepted on a first-come first-served basis Exceptionally an application may be refused if the trustees believe it is in the best interests of the Association
- 2.2. only residents of Berwick-Upon-Tweed and the surrounding area may join the waiting list
- 2.3. notice to terminate a tenancy must be consistent with the Rules for Members or the terms of the Tenancy Agreement and agreed in advance by at least 2 Trustees. In exceptional circumstances the trustees may decide it is in the best interests of the Association that a member is removed from membership and may pass a resolution to that effect
- 2.4. members must be involved in significant decision-making e.g. rent increases, changes to the Rules for Members, leasing / buying property, and must be kept informed of such matters through general meetings, the notice board, letter, or email
- 2.5. trustees should seek to involve members in the Association's operations and may appoint them to particular roles if they volunteer e.g. site maintenance
- 2.6. trustees must protect members' security of tenure, set the membership fees / rents in accordance with the Constitution and associated Rules, and negotiate the terms of any lease or corporate payment to any landlord. Trustees should seek to cooperate with the landlord whenever possible, but any agreement must not be inconsistent with the Constitution / Rules or put their provisions at risk

3. Financial

- 3.1. a bank account must be established in the name of the Association and all monies received on its behalf must be paid into that account, or a separate savings / investment account where appropriate
- 3.2. there must be at least 2 signatories to the bank account
- 3.3. the trustees must obtain, collect or receive money by way of fees/rents, grants, donations, fundraising or loans
- 3.4. the trustees must repay any loans according to the terms
- 3.5. the trustees must pay suppliers within a reasonable timescale or according to the terms
- 3.6. records and accounts of all transactions must be kept
- 3.7. the trustees must provide annual accounts and reports to the Charity Commission