

# **RULES AND CONSTITUTION** (Abridged)

To be read in conjunction with the full Rules & By-Laws of the Association and Derby city Council

## **1. Name**

The name is '**NOTTINGHAM ROAD AND DISTRICT ALLOTMENTS ASSOCIATION**'.

## **2. Official Communications**

These shall normally be received and signed on behalf of the Association by the Secretary or in the absence of the Secretary by the Treasurer, Trading Secretary, or Chairman.

## **3. Aim of Association**

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

## **4. Objectives**

To help new gardeners on the site in whatever way is appropriate including providing where possible introduction to a nearby experienced gardener with the view to special help during early months of tenancy.

To actively cooperate with groups and organisations with a view to increasing the provision of allotments and improving standards and facilities

To be in partnership with local schools enabling pupils to gain experience of gardening, recycling and the biodiversity of an allotment site

To establish a working relationship with Derby City Council as landlords with the object of improving facilities, agree the carrying out of essential maintenance, 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.

The preparation of allotment gardens for letting, producing publicity about availability of allotments and to administer any distribution service, communal maintenance machinery and equipment, to run a seed scheme for members.

To operate a safe and healthy site.

Where possible improve the wildlife habitat and the environment

To promote organic gardening where possible

To continually strive to improve facilities on the site

## **5. Powers**

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

## **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, cheque 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 and Leisure Gardeners within the Derby City Area or of such other persons as the committee may admit to membership, including all genders, nationalities, persons from ethnic groups, persons with disabilities and by arrangement local schools.

### **8. Subscriptions**

Members will be required to pay such annual subscription as may be determined by a Meeting of the Committee.

Members joining part way through a financial year will pay one twelfth for each month or part of a month remaining in the current year.

New members taking on a derelict plot will pay a full years rent (and at the discretion of the Committee) the provision for a free second years rent if the plot has been brought up to a satisfactory standard.

### **9. Cessation of Membership**

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

- The member's death.
- The member's resignation.
- The non-payment of the annual subscription 3 months after it has become due.
- The expulsion of a member under Rule 10.

## **10. Expulsion of Members**

- (A) A Committee Meeting may, by a vote of two thirds of the members present and entitled to vote, expel any member for conduct detrimental to the Association, provided that a notice specifying the conduct for which it is intended to expel is sent to the member at the address entered in the register of members at least one calendar month prior to the date of the meeting.
- (B) Where a plot is not cultivated to the satisfaction of the Committee, or is a source of annoyance to the neighbouring plot holder(s), or there is a strong possibility of weed seeds being blown onto adjoining plots.
- (C) Where the plot holder is causing annoyance to neighbouring plot-holders or local residents

## **LIST OF MEMBERS**

### **11. List of Members**

The Secretary and Trading Secretary shall keep, or allocate the keeping of, a membership list, to be kept up to date and which shall consist of the following:

- Name, address and telephone number of member.
- Plot number.
- Status e.g. OAP, full, benefit, etc.
- Size of plot.
- Annual subscription date received.

Any member may see the entry in respect of themselves recorded in the official list of members and in their own interest must notify any changes of the above items to the Secretary/Trading Secretary.

## **DAY TO DAY MANAGEMENT**

### **12. Day to Day management**

Delegated to the Committee elected at the Annual General Meeting.

## **COMMITTEE OF MANAGEMENT AND OFFICERS**

### **13. Committee of Management**

The Committee of Management must be members of the Association and shall consist of a Chairman, Secretary, Treasurer, Trading Secretary and 4 or more Committee Members.

The Secretary, Treasurer and Trading Secretary may be one person, if agreed by a majority vote at an AGM, or a meeting called for this specific purpose.

Amendment of rule 10b 06 10 05: 2<sup>nd</sup> amendment of rule 10b 01 07 07

#### **14. Election**

The Committee of Management will be elected from members of the Association at the Annual General Meeting and will take office at the end of the Annual General Meeting at which elected until the end of the next Annual General Meeting.

#### **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. Co-option**

The Committee may co-opt any member to the Committee to assist in its work. Such co-opted members will be non-voting and not count towards a quorum.

#### **17. Powers of Committee**

The Committee shall have full power to supervise and manage the day to day work of the Association according to the rules for the purpose of accomplishing its objectives.

#### **18. Attendances**

Any Committee member, who has failed to attend two meetings in any year for any reasons unacceptable to the Committee, will cease to be a Committee member.

#### **19. Removal from Committee**

The Committee 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 member's 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 OF MANAGEMENT**

#### **20. Frequency of Meetings**

The Committee will meet quarterly or more frequently if required by decision of the Committee.

## **21. Quorum at Committee Meetings**

A quorum for Committee meetings shall be five or any other number as agreed at an Annual General Meeting.

## **22. Executive Actions**

The Chairman, Secretary, Treasurer or Trading Secretary may take any executive actions required where it is not practical to call a Committee Meeting before the action. A Committee Meeting must be called to report and record such actions as soon as practical.

## **23. Conduct of Meetings**

At all meetings of the Committee every decision shall be agreed by a majority of votes, and if the votes are equal, the Chairman shall have a casting vote in addition to his/her vote as a member.

In the absence of the Chairman at a meeting, an acting Chairman shall be elected from the Committee present, to preside for that meeting.

## **FINANCE**

### **24. Financial Records**

The Treasurer will keep, in date order, a record of all income and expenditure related to the Associations financial transactions.

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.

The Trading Secretary will issue receipts for membership fees. It will record the date paid, the duration of the membership fee e.g. 'to 31<sup>st</sup> December 2003' and the name of the member. This receipt will be proof of membership.

### **25. Banking**

The Treasurer shall open an account with a bank or building society in the name of the Association. Withdrawals shall require two authorized signatures of Treasurer, Secretary, or Trading Secretary.

Or in the case of the Treasurer, Secretary and Trading Secretary being one person, the Chairman will become a signatory.

### **26. 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 the agreement of the Committee.

## **27. Reports to Committee**

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

## **28. Special Expenditure**

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

## **29. Financial Advice**

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

## **30. Presentation of Accounts for Audit**

The Treasurer shall close the annual account on 31<sup>st</sup> December each year and prepare income and expenditure statements and a balance sheet for presentation to the Honorary Auditor/s by the 4<sup>th</sup> 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/s, Chairperson, Secretary or treasurer, and two members.

## **31. Mid-term Vacancy**

Where for any reason the Treasurer ceases to hold office, the Committee 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.

## **32. Membership Fee**

The Treasurer shall advise the Committee of the need for change in the amount of the membership fee for the following financial year. The Committee will consider and agree on the membership fee.

The allotment financial year is January 1<sup>st</sup> to December 31<sup>st</sup>.

## **33. Appointment of Auditor**

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

### **34. Qualifications**

The Auditor(s) must not be an officer of the Association or a member of the Committee 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.

### **35. Mid-term Vacancy**

Where for any reason the auditor(s) cease to hold office the Committee will appoint a replacement auditor as soon as is practicable and record the action in the minutes.

## **AUDIT OF ACCOUNTS**

### **36. Audit Procedure**

The Auditor shall receive the draft accounts, payments, receipts files, bank statements and bank book from the Treasurer by the 4<sup>th</sup> Monday in January each year, and will examine them and if found accurate, agree final accounts as an accurate and fair record based on the documents of the Associations financial transactions for the year.

### **37. Tax Liability**

The Association is liable to corporation tax on any investment interest accruing during the year and these matters must be addressed with VAT Inspectors by the Treasurer and Auditor.

### **38. 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 Association.

### **39. Availability of Audited Accounts**

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.

## **MEETINGS**

### **40. Annual General Meetings**

The Annual General Meetings shall be held at such times as the Committee shall determine as soon after the audit of accounts is completed as is convenient but before 31<sup>st</sup> March of that year.

#### **41. Special General Meeting**

A Special General Meeting shall be held whenever the Committee thinks expedient or whenever a written requisition for such a meeting by five members is delivered to the Secretary. A meeting shall be convened by the Secretary within four weeks of receipt of the request and giving at least two week's notice to members. Should the Secretary fail to convene the meeting the members signing the requisition may convene such a meeting by giving such notice themselves.

#### **42. Notice of Committee Meeting**

At least 14 days notice posted on the notice boards to be given of every Committee Meeting, stating the business to be transacted at such a meeting. Only the stated business shall be transacted at such a meeting unless further agenda items are submitted. See 43.

#### **43. Agenda Items**

Additional agenda Items must be notified in writing to the Secretary 7 days prior to the meeting.

#### **44. Notices of Motions**

Notices of motion must be notified in writing to the Secretary 7 days prior to the meeting signed by a proposer and seconder for each motion.

#### **45. Changes in Rules**

Proposed changes in rules must be notified in writing to the Secretary 7 days prior to the meeting signed by a proposer and seconder for each changed rule.

### **DISSOLUTION OF THE ASSOCIATION**

#### **46. 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 at a Special General Meeting. Cash may be lodged with the National Society of Allotment and Leisure Gardeners H/Q office and held against any reformation of a successor Association or Society. In the event of winding up, any assets remaining, after all debts have been paid, shall be given to another Group with similar aims working within the membership area, no funds would be payable to any individual or member. Cash may be lodged with the National Society of Allotment and Leisure Gardeners H/Q office and held against any reformation of a successor Association or Society. The Treasurer shall prepare closing accounts, which record the distribution of remaining assets.

## AMENDMENT OF RULES

### 47. Mode for Amending Rules

The rules may be amended by resolution of a three fourths majority of those attending a General Meeting called for that purpose or Committee Meeting where the proposed change of rules is part of the agenda.

### 48. Extra plots or moving to another plot

Anyone wanting to take on an extra plot or changing to another plot will have to apply in the proper manner to the committee. Three Committee Members will then inspect the original plot to ensure it is in good cultivation before giving consent to any move or extra plots being taken on.

### 49. Plot Co-workers Rights (AGM March 2010):

A) All tenants are to be allowed to name a single "Plot Co-worker". The "Plot Co-worker" is to be allowed the right to continue working the plot should the tenant, for whatever reason, cease to be the tenant. The "Plot Co-worker" will have the same rights of:

- a. access to the site;
- b. attendance to the AGM;
- c. standing for the positions on the Committee (or sub-committees); and
- d. be able to vote, as a proxy, at the AGM or on the Committee (or sub-committees)

as the tenant.

B) Once the "Plot Co-worker" has taken over from the tenant they must formally apply for the tenancing by completing an application form for the plot.

C) The "share" of the tenant plot will be held in trust, by the Committee, until the Co-worker becomes the tenant.

D) Only the tenant can nominate a "Plot Co-worker"

E) The "Plot Co-Worker" must satisfy the Management Committee that they have been working, with the tenant, the plot.

Amendment of rule 10b    06 10 05: Addition of rule 48    06 10 05: 2<sup>nd</sup> amendment of rule 10b 01 07 07  
Addition of rule 49                      04-Mar-10: