



FLECKNEY ALLOTMENT ASSOCIATION

CONSTITUTION 2008

1. **NAME:** The name of the association shall be Fleckney Allotment Association and the site is located on and referred to as Land on Leicester Road, Fleckney, Leicestershire. This name shall be prominently displayed at the site gate and shall be mentioned in all correspondence, notices, invoices, advertisements and the like.

2. **OBJECTS:** The objects of the association shall be:
 - a. To manage the allotments site as an area for fruit and vegetable growing
 - b. To develop the site as a learning environment where members of the wider community can learn about gardening.
 - c. To properly manage the site, for the benefit of all, irrespective of their race, colour, creed, religion, gender or ability.
 - d. To conduct negotiations with the local authority for the use of gardening land.
 - e. To take reasonable action to protect the site against damage, trespass and theft.
 - f. To promote the Association to local businesses, local authorities and organisations and if necessary obtain funding to assist it to pursue & implement its object.
 - g. To obtain gardening supplies and other horticultural equipment on behalf of the members.
 - h. To encourage self sufficiency, sustainability and recycling.
 - i. To promote healthy eating and exercise through gardening and where possible organic vegetable growing in the interests of its members and the local community.
 - j. To co-operate with other gardening associations and environmental organisations in matters of mutual interest.
 - k. To develop and promote the Association in the interests of the local community.
 - l. The Association was founded as and will continue to be a non-profit making organisation. Any surplus money shall be used solely to benefit the Membership





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and local community. No member shall be entitled to any personal financial gain arising from their membership.

3. **FULL MEMBERSHIP:** The first members shall be the persons whose names and signatures appear in the attached schedule. Any further admissions to the Association shall consist of such persons whose applications for membership are approved by the Management Committee. Members of the Association shall consist of plot holders on the Association site. All members on admission shall be given a copy of the Constitution and the rules and terms of agreement. Each member admitted to membership of Fleckney Allotment Association upon payment of fees thereby agrees to abide by the Constitution and the Rules and Terms of Tenancy.
4. **ASSOCIATE MEMBERSHIP:** Associate Membership is open to non allotment plot holders whose application will be considered by the Management Committee.
5. **SUBSCRIPTIONS:** Every Full Member shall pay on entry into the Association an annual subscription of £5.00 (five pounds) and every Associate Member shall pay on entry an annual subscription of £4.00 (four pounds) which is renewable on 28 February in each year. The annual subscription includes the affiliation fee of the National Society of Allotments and Leisure Gardens Ltd. Subscriptions should be made within 28 days of that date. The subscription fee will be increased each year to an amount agreed by the Committee and the Associations Full Members at each AGM.
6. **ARREARS:** Any Full Member or Associate Member who is in arrears with his/her subscription shall be held to have ceased to be a member and any Full Members will also lose his/her right to tenancy, unless explanation is given to the Committee of extenuating circumstances within 28 days of 28 February.
7. **OFFICERS:** The Association will have the following elected Honorary Officers: a Chairperson, a Vice Chairperson, a Secretary, Assistant Secretary, and a Treasurer. Nominations for any Officer position must be made in writing to the Secretary or





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Assistant Secretary seven days prior to the AGM. All nominations must be proposed and seconded and the nominee must indicate that they are willing to stand.

The Chairperson, The Vice Chairperson, The Secretary, The Assistant Secretary, The Treasurer, other Officers from time to time and Members of the Committee shall be indemnified out of the Assets of the Fleckney Allotment Association; against any losses or liabilities incurred by them in respect of the conduct of their Office, provided always that The Chairperson, The Vice Chairperson, The Secretary, The Assistant Secretary, The Treasurer, other Officers from time to time and Members of the Committee was, or were, acting for and on behalf of the Association, by and with the advice and express consent of the Committee at the time any such loss, or losses, or liability, or liabilities (as the case might be) was, or were, incurred.

Nothing in the foregoing shall entitle The Chairperson, The Vice Chairperson, The Secretary, The Assistant Secretary, The Treasurer, other Officers from time to time and Members of the Committee to any indemnity against loss or liability which arises out of Negligence, out of Fraud, out of Criminal activity, or similar activity on the part of The Chairperson, The Vice Chairperson, The Secretary, The Assistant Secretary, The Treasurer, other Officers from time to time and Members of the Committee.

8. **THE MANAGEMENT COMMITTEE:** The affairs of the Association shall be conducted by a Management Committee which shall consist of the Chairperson, the Vice Chairperson, the Secretary, the Assistant Secretary and the Treasurer and up to three other elected members of the Association, plus any other Members co-opted to serve, at the request of the Chairperson and Committee. The Management Committee shall be elected by the Members at the Annual General Meeting. The Chairperson, Vice Chairperson, Secretary, Assistant Secretary and Treasurer shall be elected for a period of up to three years. Vacancies arising through the resignation of any Officer shall be filled by the Committee and the member so appointed shall hold office until the next Annual General Meeting. A quorum of the





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Committee shall consist of four members. The other elected Committee members shall be elected at each AGM for a period of one year or until the following AGM. Duties of the elected Officers shall be determined by the Management Committee if not defined by these rules.

9. DUTIES OF THE ASSOCIATION'S OFFICERS

- a. The Officers will have an overall responsibility for the site and will on behalf of the Association negotiate appropriate leases and dues, perimeter security, roadway maintenance and the like with the landlords. The Officers will also act as arbitrators in disputes between members on matters concerning the allotments and tenancy of plots.
- b. Honorary Chairperson shall chair all meetings of the Members and the Management Committee. The Chairperson will also assist in the determination of policies to benefit Members and lead Association Officers and Members in any meetings with outside bodies.
- c. Vice Chairperson shall chair meetings and deal with matters as above in the absence of the Chairperson.
- d. Honorary Secretary shall convene all meetings of the Committee and Members, take minutes of all meetings and make these available on request to any Member. The Secretary will also conduct correspondence, telephone and other communications on behalf of the Association and the Management Committee and shall represent the Association at external meetings related to these matters. The Secretary shall be aided by the Assistant Secretary with the register of Members, allocated plots, home addresses and waiting lists. All Notices to Quit and of allocation, at the direction of the Management Committee will also be issued by the Secretary and be in compliance with Allotment Statutory Law/Local, Council Law.
- e. Assistant Secretary shall assist the Secretary with the above and will deal with matters described above in the absence of the Secretary.





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f. Honorary Treasurer shall be responsible for all accounts of income and expenditure and investments of the Association, all payments, invoices, cash collection and banking related to these accounts. Balance sheets and statements of income and expenditure shall be prepared by the Treasurer and presented, after auditing, to the AGM of the Association and interim financial reports at the request of the Committee. In conjunction with the Secretary and the Assistant Secretary, the Treasurer will be responsible for the collection of annual rents from all Members and the payment to the overall landlord, Fleckney Parish Council, of relevant dues for the allotment site.

10. **MANAGEMENT COMMITTEE MEETINGS:** The meetings shall be held at such time as the Committee shall decide. The Committee shall meet at least four times a year.

At the Management Committee meeting the business will be:

- Minutes of the last Committee meeting.
- Treasurer's report.
- Secretary's report.
- Acceptance of resignations of members.
- Election of new members of the Association.
- Any other business.

At all Committee Meetings, every question shall be decided by a majority of votes and if equal, the Chairperson of that meeting shall have the casting vote.

11. **ANNUAL GENERAL MEETINGS:** The Annual General Meeting shall be held at such time as the Management Committee shall decide. One-third of members shall form a quorum. At the meeting the audited accounts and Chairperson's Report shall be submitted and in accordance with paragraph 7, elections for Officers and Members of the Committee will take place.





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At the Annual General Meeting (AGM) the business will be:

Minutes of the last AGM.

Chairperson's report for the last year.

Treasurer's report and adoption of audited accounts.

Election of the Management Committee for the ensuing year.

Election of new members of the Association.

Acceptance of resignations of members.

Any other business.

Only members listed as plot holders are able to vote at any AGM or EGM meeting of the Association and there shall only be one vote per member, irrespective of the number of plots held.

12. **EXTRAORDINARY GENERAL MEETINGS:** An EGM may be called by the Committee or by 50% of voting members. Twenty one days notice must be given to the Secretary or Assistant Secretary for such a meeting.
13. **BANK ACCOUNT:** The Committee shall open a banking account in the name of the Association and all monies received from any source on behalf of the Association shall be paid into such account. All cheques to be countersigned by two non-related Officers of the Association, one of whom should be either the Treasurer or the Chairperson.
14. **ACCOUNTS:** The Treasurer shall present at each Management Committee meeting a brief statement of the accounts for that period and produce a full income and expenditure account and balance sheet for approval at the Annual General Meeting. Signatory to the accounts shall be any two of the Chairperson, Vice Chairperson, Secretary, Treasurer and Assistant Secretary.
15. **AUDITORS:** An independent reviewer who is not an Officer shall be appointed to carry out a non statutory audit of the accounts and report thereon to the Annual General Meeting.





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16. **MEMBERSHIP of:** The National Society of Allotment and Leisure Gardens Ltd, shall be applied for and it shall be a condition of the membership to agree to pay such annual affiliation contributions as may from time to time be prescribed.
17. **TERMS OF TENANCY FOR FULL MEMBERS:** A person shall be deemed a Full Member of the Association once he/she has been allocated a plot number and has agreed to abide by the rules of the Association.

A person who holds a plot must abide by the Rules and Terms of Tenancy.

All Members shall pay the agreed annual or part year, plot rental on demand on 28 February of each year. If payment in full is not made within 28 days of that date, any member who is one month in arrears with his/her subscription shall be held to have ceased to be a member and will lose the right of tenancy, unless an explanation is given to the Committee of extenuating circumstances.

Change of address and telephone number must be notified to the Secretary or Assistant Secretary as soon as possible, as should sickness or any other reason for not keeping the plot clean. Failure to do so may invalidate the tenancy.

On relinquishing an allocated plot, that plot will be re-allocated to a person on any waiting list or to another Member at the discretion of the Management Committee. Members will not assume a right to nominate another person as successor to that plot.

Members must give three months notice wherever possible to the Secretary or Assistant Secretary of intention to relinquish the tenancy of a plot, or give three months rent in lieu.





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In the event of a death or incapacitating illness of a Member, a representative of their family may make a claim of any interest the Member may have had in the Association.

18. NOTICE TO QUIT: Notice to quit may be served in the event of the following:

Failure to pay the agreed rent by the stated date.

Failure to cultivate the plot to an agreed standard as required by the rules and terms of tenancy.

Assigning a plot or part of a plot without the agreement of the Management Committee.

For damage/theft from another plot holder or the Association and its property.

Violation of the Management Committee rules regarding the use of communal water supplies.

19. WINDING UP PROCEDURE: Should the Management Committee decide for any reason to recommend to dissolve the Association, then an EGM of all fully paid up members will be held to debate the matter fully before a resolution is put before the members. The meeting will make the final decision. In the event of the Management Committee of the Fleckney Allotment Association resolving to cease the Association, then the assets and monies of the Association shall be dealt with in the following manner:

a. Three persons shall be appointed by the Management Committee as Trustees to hold such assets and monies on the terms set out below:

b. The Trustees shall first discharge any outstanding debts of the Association.

c. In the case of a deficit occurring, the individual liability of any member shall be limited to an amount not greater than the annual membership fee.





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- d. The Trustees shall then retain all remaining assets and monies for a period of two years. All bank and other accounts being operated on the signature of at least two Trustees.
- e. If, during the period of two years members of the local community desire to reform an Allotment Association, having the same or similar objects to Fleckney Allotment Association, then the Trustees shall use the assets and monies to assist the establishment of such Allotment Association. When the Trustees are satisfied that the new Association is being run in a responsible manner, the remaining assets and monies will be paid over to the new Association.
- f. In the event of no local Allotment Association being established within the period of two years, the Trustees shall sell any assets not in liquid form and apply the proceeds and any other monies in accordance with any or all of the objects of the Association laid down in Clause 2 of the Constitution.
20. **ANY MATTERS NOT PROVIDED FOR:** Any matters not provided for in this Constitution shall be dealt with by the Management Committee at their discretion and shall be reported at the next AGM of the Association.
21. **APPROVAL:** This Constitution was approved at a meeting held on 19 February 2008 by the members of the Association whose names are included in the AGM minutes.

