

Bidford On Avon Allotment Association Constitution

1. The Association shall be known as The Bidford on Avon Allotment Association. The following definitions shall apply to this Constitution.

1.1 The Association means The Bidford on Avon Allotment Association.

1.2 The Site means the allotment site at Salford Road Bidford on Avon.

1.3 The AGM means the Annual General Meeting.

1.4 Member means any person over the age of 18 years who resides in the Parish of Bidford on Avon AND who has signed a tenancy agreement relating to a Plot and has paid a membership fee (and deposit) for the current calendar year.

1.5 Plot means an area of land on the Site set out as an area to be cultivated and within an allocated Plot Number.

1.6 Tenancy agreement means an agreement between the Association and a Member relating to a Member's occupation of a Plot which hereby incorporates this Constitution, The Rules and any Code of Conduct and other Policies made from time to time by the Association or the Committee.

1.7 The Committee is the group of Members duly appointed hereunder for the purpose of managing the affairs of the Association.

1.8 The Rules mean this Constitution, rules, codes of conduct and other policies made, approved and adopted by or on behalf of the Association for the proper management and occupation of the Site and Plots and which have received the approval of The Parish Council.

1.9 The Parish Council means the Bidford on Avon Parish Council.

1.10 The Management Agreement shall mean any Agreement entered into between The Parish Council and The Association whereby The Association are appointed as agents by The Parish Council to manage the Site by virtue of the powers contained in Section 29 of the Small Holdings and Allotments Act 1908 and any subsequent statutory provisions.

2. Objects and Powers of the Association.

2.1 The Objects of the Association are to manage and promote the Site on behalf of the Parish Council and the Members for the benefit of the Members of the Association and to implement management of the Site and to promote and enhance the gardening experience of the Members in accordance with the Rules, approved by the Association and in accordance with The Management Agreement.

2.2 The Association shall have full power to do all things necessary or expedient for the accomplishment of its objects.

2.3 The Association shall comply with the lawful requirements of the Parish Council.

3. The Membership.

3.1 All persons having complied with clause 1.4 hereof shall be a member of the Association.

3.2 Membership shall cease as specified in The Rules.

3.3 Notwithstanding the provisions of Clause 1.4 hereof a Member who subsequently resides outside the boundary of Bidford on Avon Parish Council may within 2 months of moving request the Committee to be permitted to retain the Plot. The decision of the Committee on such request shall be final.

4. The Committee.

4.1 The Committee has power to conduct the affairs of the Association in accordance with this Constitution and the Rules.

4.2 The Committee shall consist of a minimum of four and a maximum of eight Members, made up as follows: Chairperson, Vice Chairperson, Secretary, Treasurer, plus one to four other Members.

4.3 The Committee shall be appointed at the AGM by such Members there present and shall retire at the next following AGM after their appointment but will be eligible for re appointment.

4.4 The Committee may co-opt onto it other Members or persons with appropriate experience and qualities for such purposes as they see fit and proper such co-opted Members having the same voting rights as other Members of the Committee.

4.5 The Committee is empowered to enact all the business of the Association on behalf of the Members.

4.6 Meetings shall have a quorum provided that one of the Chairperson, Vice Chairperson, Secretary, Treasurer, and two other Committee Members are present.

4.7 A Member must have been a Member for at least 12 months before being eligible for appointment to the Committee.

4.8 The Chairperson and the Secretary together may take any executive emergency action required to protect or achieve the Objects where it is not practicable for the business to be decided upon at a regular or special meeting. Details of any such action will be reported and recorded at the next meeting of the Committee.

4.9 The Committee may seek and obtain appropriate insurance in respect of the Objects and Powers herein and have the benefit of trustee insurance cover purchased at the expense of the Association such to accord with the objects of Section 189 of the Charities Act 2011 and The Management Agreement.

4.10 The Secretary shall as soon as practicable send a copy of the Minutes of each Committee meeting to the Clerk of the Parish Council in order that such minutes may be posted on the relevant section of the Parish Council website and such minutes shall also be placed on each notice board on the Site as soon as maybe reasonable following each meeting of the Committee.

4.11 The Committee shall be entitled to be reimbursed for all proper expenses or other liabilities incurred by them in carrying out their duties such reimbursement to be reported in the minutes of the Committee.

5. Meetings.

5.1 The AGM shall be held between 1st October and 1st March in any 12-month period on a date to be chosen by the Chairperson acting reasonably and subject to at least 21 clear days notice being given. At least 10 Members have to be present in order for the AGM to be quorate.

5.2 At The AGM: -

5.2.1 The Committee and Officers shall be appointed (provided that this shall not preclude committee officers being appointed from the Committee after the AGM)

5.2.2 The Chairpersons report for the previous year shall be given.

5.2.3 Accounts for the previous year will be presented.

5.2.4 Discussion may take place on any matter previously notified to the Secretary in writing at least 14 days prior to the date of the AGM.

5.2.5 Any other business may be raised provided that the majority of those Members present agree and in the event of a tie the Chairperson shall have a second or casting vote.

5.2.6 A copy of the minutes of the AGM shall as soon as practicable be forwarded to the Clerk of the Parish Council in order that such minutes shall be posted on the relevant section of the Parish Council website and such minutes shall as soon as practicable following the AGM be placed on each notice board on the Site.

5.3 Proper notice of any meeting of the Association shall be given by exhibiting the appropriate calling notice at **bidfordonavon-pc.gov.uk/bidford-allotment-association/** and such notice being placed on each notice board on the Site.

5.4 Committee meetings may be held 1/4ly but more frequently as the Committee in its discretion decides provided at least 7 clear days notice is given to the Committee Members.

5.5 Additional General Meetings of the Association may be called on written request to the Secretary by at least 20 Members or at the discretion of the Chairperson subject to 21 clear days notice being given as aforesaid.

6. Voting.

6.1 All Members may vote at the AGM and at any General Meeting and in the event of a tie the Chairperson shall have a second or casting vote.

6.2 Committee business shall be decided by a majority of Members of the Committee voting and in the event of a tie the Chairperson shall have a second or casting vote.

6.3 Notwithstanding the provisions of Clauses 6.1 and 6.2 where a Tenancy is in the name of more than one person only one vote may be cast in respect thereof.

7. Powers and Duties of the Committee.

The powers and duties of the Committee shall inter alia include but not be limited to the following: -

7.1 The maintenance of a register of Members with appropriate information to enable proper communication to take place with Members.

7.2 The maintenance of a waiting list of persons wishing to become Members.

7.3 The offering of Plots to persons wishing to become Members subject to the Committee or such Officer having been duly authorised by the Committee being satisfied that the next person on the waiting list will meet the objects and expectations of the Association and will comply with the Rules.

7.4 As appropriate and necessary communicate with the representatives of the Parish Council.

7.5 In consultation with the Parish Council to determine the level and collect all fees subscriptions and deposits due from Members in respect of their occupation of Plots.

7.6 To make and receive all appropriate payments due from and to the Association. The Committee may authorise payments for services, works or materials for the maintenance or improvement of the Site subject to obtaining approval at a General Meeting before incurring any expenditure in excess of £750 excluding value added tax.

7.7 The drafting and preparation of Rules (or amendments to existing Rules), Policies and any other provisions and or requirements as the Committee thinks reasonable for the proper management of the Site and Plots all such to be approved by the Parish Council.

7.8 The power as agent for and on behalf of the Parish Council to (a) grant Tenancies to persons on a waiting list and (b) to issue any notice to a Member in respect of any default or breach of the provisions of the Rules or a tenancy agreement and power to terminate the Tenancy of a Member who is in default or in breach of the Rules or tenancy agreement such action to be undertaken by the Committee in accordance with the Rules and The Management Agreement.

7.9 To determine requests made pursuant to Clause 3.3 hereof.

8. Changes to the Constitution and Rules.

8.1 Changes to the Constitution and Rules can only be made at the AGM or at a General Meeting called for the purpose and only if supported by at least 75% of those Members present and voting and in the event of a tie the Chairperson shall have a second or casting vote. Such changes to be approved by the Parish Council.

9. Resignation from the Committee.

9.1 Should a member of the Committee resign during their tenure the Committee shall at its sole discretion call a General Meeting or co-opt another Member or person with appropriate experience and qualities to the Committee. Any co-opted appointee not being a Member shall not be able to vote.

10. Banking and Financial Accounting.

10.1 The Committee shall operate a bank account in the name of the Association. The signatories shall be the Treasurer, the Secretary and Chairperson and all cheques MUST be signed by at least two of the signatories.

10.2 The treasurer will keep in date order a record of all income and expenditure, all expenditure to be supported by appropriate vouchers or receipts which duly show the amount and purpose of such expenditure. Receipts for Members fees and deposits will be given recording the date and amount paid period covered and the name of the Member and Plot number.

10.3 The Treasurer shall give an oral report at each meeting of the Committee on the income and expenditure that has arisen since the last meeting and the current amount held in the Associations bank account and any anticipated demand on the amount held by the bank.

10.4 The Treasurer shall prepare an annual written record of the income and expenditure of the Association for submission to the Associations Auditor and the AGM.

10.4 The income and assets of the Association shall be applied only in furtherance of the Objects and Rules.

11. Auditor.

11.1 An honorary auditor may be appointed at each AGM (or by the Committee under Clause 11.2) and shall hold office until the close of the following AGM.

11.2 The Auditor may not be a Member of the Committee but otherwise may be any person or Member who has either at the AGM or subsequently agreed at the request of the Committee to carry out the duty and who may be paid for the service such payment having been approved by the Committee.

12. Dissolution.

12.1 Dissolution of the Association shall be determined upon the recommendation of the Committee at a General Meeting of the Association specifically called for the purpose. Upon the voting of 50% of the Members attending such meeting agreeing (and in the event of a tie the Chairperson shall have a second or casting vote) to accept the recommendation of the Committee the action below will be taken.

12.2 The Committee shall be empowered to realise all the assets held by or on behalf of the Association. After the satisfaction of all proper debts and liabilities any remaining assets shall be given to the Parish Council in accordance with The Management Agreement

12.3 A copy of the determining resolution and Statement of Account for the final accounting period shall be produced and made available to any Member and any other party as required by law.

It is hereby certified that this Constitution was considered and approved at a General Meeting of the Association held on the _____ day of _____ 2025.

Signed

Chairperson

Secretary

This _____ day of _____ 2025

As amended on 3.3.25