

Shepherd Way Allotment Society

CONSTITUTION

1. INTRODUCTION

1.1 The name of the Society shall be SHEPHERD WAY ALLOTMENT SOCIETY.

1.2 The Society shall consist of bona-fide members, each of which is the tenant of one or more allotment plot(s) being part of the Shepherd Way Allotment Society Site, held under a tenancy agreement by the Society from Sunderland City Council (SCC).

1.3 The Society shall not be involved in any way in any political, religious or other sectarian matters and shall be solely and exclusively involved in allotment gardening.

2. OBJECTIVES

2.1 The securing of continuity of tenure of the Site and achievement of full compliance with all terms and conditions and spirit of the Site Tenancy Agreement with SCC.

2.2 The effective management of the Site sub-let in allotment plots to members for allotment gardening and appropriate animal husbandry.

2.3 The provision, through 2.2, to members the opportunity to:

- provide for themselves vegetables, fruit and flowers
- keep chickens
- enjoy attendant leisure, social and health benefits.

2.4 The establishment and maintenance of co-operative and harmonious relationships amongst members and with the local community neighbouring the Site.

2.5 The continuation of the existence of the Society and its operation for the benefit of its members.

2.6 The preservation, or improvement, of the fertility of the soil of each allotment plot and management of the Site in an environmentally friendly way.

3 OPERATING ARRANGEMENTS

3.1 Committee

Management of the Society and the Site shall be through three Officers, namely Chairperson, Secretary, Treasurer, and a Committee consisting of the three Officers and not less than three and up to six other Members.

The Committee shall be responsible for overseeing and otherwise assisting in the management and operation of the Society in pursuit of its OBJECTIVES.

Quorum: For a decision to be made at a Committee Meeting there must be no less than 5 Members present.

The three Officers shall each have management duties on a day-to-day basis in accordance with their titles:

The Chairperson shall:

- call and chair committee meetings, the AGM and any EGM

The Secretary shall:

- keep a record of all members' names and contact details, relevant plot numbers and location of plots
- maintain the waiting list, contacting all applicants periodically to ascertain whether they are still interested
- introduce new members to the site
- keep minutes of all committee meetings, AGM, and any EGM.

The treasurer shall:

- maintain an accurate and up-to-date record of all expenditure and income, reconciled with bank statements and cash-in-hand
- calculate the annual rent for each plot holder, determined by the site rent demanded by Sunderland City Council (SCC), the invoice for water, and the addition of any agreed membership fees
- produce a set of annual accounts to be presented at the AGM
- allow any member of the Society to inspect the accounts.

3.2 AGM

An annual general meeting (AGM) will be held, normally in April, open to all members of the society, and a notice giving date and venue will be posted on the website and circulated to all members at least three weeks before the AGM date.

An agenda for the AGM will be made available to all members at least one week in advance of the meeting.

A copy of the minutes from the previous AGM and a statement of financial affairs will be presented at the AGM.

Quorum: For a decision to be made at an AGM there must be no less than 10 members present.

At the AGM, the three Officers and other Members of the Committee shall be elected and shall remain in-office until the next AGM, provided that they remain members. The Committee Members shall each be eligible for re-election.

In the event that Committee Member vacancies arise between successive AGMs, the Committee may appoint Members, with their prior agreement, to fill such vacancies.

Any major issues which a member wishes to raise for discussion/resolution at the AGM, must be submitted in writing to the Secretary, not less than two weeks prior to the AGM.

Any minor issues may be raised at the AGM under Any Other Business.

3.3 Other Meetings

An Extraordinary General Meeting (EGM) shall be held by order of the Committee or within four weeks of receipt (by the Secretary) of written request from thirty percent or more of the members in which they detail the specific issue they wish to raise for discussion/resolution.

Any member not acting in a business-like fashion at an AGM or EGM will be asked to leave by the Chairperson; likewise any member under the influence of alcohol or drugs.

3.4 Applications and new members

Applications for an allotment shall be in writing, received and dated by the Secretary.

If there are valid reasons for rejecting the application the Secretary will discuss the issue with at least four Members of the Committee. If there is agreement the application will be rejected. The Secretary shall notify the applicant without undue delay.

The Secretary shall maintain a record of all applications and resulting acceptances or rejections. Following acceptance of an application the Secretary shall:

a) *If a vacant plot is available*, offer an agreed allotment plot to the applicant. If accepted the new member will then be:

- given access to the main gate
- required to confirm that they have read both the Constitution and the Tenancy Agreement, both documents being available on the Society website and on the official noticeboard in the communal hut.

b) *If a vacant allotment plot is not available*, record the applicant's details and the date of application on to a waiting list. When a plot becomes available, where there is more than one name on the waiting list, a 'first listed, first offered' policy shall be applied.

The membership of any new member is subject to three months' probation after which the Committee may follow procedures to terminate the tenancy should they determine there to be sufficient valid reasons to do so.

Any membership resignations should be made in writing to the Committee.

3.5 Rent

The annual plot rent for members shall be invoiced to members, showing the breakdown of the payment to include rent to SCC, water, and agreed membership fees.

The annual plot rent payment from existing members is due by 30th April each year.

Any member whose does not pay their allotment plot rent by the due date shall receive a written reminder that the plot rent must be paid within 14 days (or make an application to the Treasurer to pay by instalments if experiencing financial difficulties), If this does not happen within 14 days a notice to quit will be issued, which gives a further 14 days to quit the plot.

3.6 Tenure

Transfer of tenure of an allotment plot or part thereof by a member is not permitted. No sub-letting of plots is allowed.

In the event that cultivation of an allotment has been demonstrably shared between the tenant and a third party for at least 3 years, then notwithstanding any waiting list, the third party will be offered the tenancy of the plot when it becomes vacant. This will not apply if the third party has an allotment in their own right elsewhere on this site or any other owned by SCC.

3.7 Grievances

If a member of the Society has a grievance concerning the actions or behaviour of another member(s) they can have this addressed by informing the Committee Secretary in writing. The Secretary will then call a Committee Meeting to address the issues.

Both the complainant and any other involved parties will be invited to attend the meeting. The complainant may be accompanied by a friend.

4. GENERAL RULES

4.1 Caravans

Caravans and mobile homes are not allowed on the Site.

4.2 Communal paths

These must be kept clear of all materials such as soil, manure and compost.

4.3 Vehicle Access

Members are allowed vehicle access to the site for haulage to/from their plot only.

The Society does not take any responsibility/liability for vehicles brought onto the site.

4.4 Piped Water Supply

The metered mains water supply via standpipes must be sparingly used. Any restrictions imposed by the water supplier from time to time must be adhered to.

Members must ensure that all hoses/connections do not leak. Standpipes must be fully turned off after use.

Members must not turn on/off the metered mains supply. This will be the responsibility of a named Committee Member. Any water leaks must be reported immediately to this Member. In emergencies the water supplier must be contacted.

4.5 Site Security

Members are required to lock the site access gate after use for entry/exit.

The access code to the main gate may be shared with co-workers on site but with no one else.

Members must not allow their visitors to stray onto allotment plots other than the one(s) they are visiting.

Members must not leave the site and leave their visitors unattended.

All visitors must obey the site rules of this document at all times.

All breaches of security must be reported to an Officer, e.g. break-ins or thefts or trespassing.

4.6 Plot Use

A member's allotment plot(s) must be used wholly for regular cultivation and/or permitted animal husbandry. Cultivation means production of fruit, flowers or vegetables on a regular basis, for the member's own consumption/use. Any Member who does not regularly cultivate their plot and keep the plot free of weeds will be liable to having their tenancy agreement revoked.

Any other use of the allotment plot is strictly prohibited and will revoke the tenancy agreement. Prohibited practices include: market gardening; garaging/repair of road vehicles; parking of caravans/mobile homes; warehousing or any service/manufacturing industry activity; bringing onto the site/storage of non-gardening items/artefacts. This list is not exhaustive and any inappropriate behaviour will be considered by the Committee and appropriate discipline initiated (see 6).

4.7 Plot Tidiness.

Each member must ensure that communal paths outside their allotment allow free movement and are free from weeds and that his/her allotment plot:

- is kept practicably free of weeds
- is kept free of rubbish and junk
- has its perimeter fence/hedge maintained in good order
- is free of items that are not gardening related and ensure that they do not bring such items onto the site.

4.8 Disposal of Rubbish/Fires

The Site is within a Smokeless Zone.

The use of bonfires is only permitted to dispose of garden waste (e.g. diseased plant growth, wood). No other material may be burnt.

Fires may be lit only during those periods specified by SCC.

When fires are to be lit, burning is only permitted providing that care is taken to avoid creating a hazard and/or inconvenience to other members and to site neighbours.

Any other rubbish must not be 'fly-tipped' anywhere on site or over an allotment peripheral fence. Fly-tipping is banned under the Environmental Protection Act (1990) and members should be aware that the maximum penalty is £20,000.

Any member found fly-tipping would immediately be given notice to quit their plot and will be reported to the relevant authority (e.g. SCC or Environment Agency).

Members with rubbish that cannot be disposed of by fire or composting should remove it for safe and legal disposal elsewhere. The Committee should be consulted about removal of any toxic waste.

Members should not bring items/articles onto the site without first thinking about how they will dispose of them when they outlive their usefulness.

4.9 Dogs

Any dog brought onto the site must be kept on a lead except when on the member's plot, in which case at his/her discretion. A member allowing a dog on to site shall be wholly and personally responsible for meeting any claims for injury or damage arising therefrom and any fouling of road/pathway by the dog shall be immediately removed from the site by the member. Dogs should not be allowed to harass/interfere with wildlife/other domestic animals.

4.10 Trees

A member shall ensure that any trees overhanging an adjacent plot are satisfactorily pruned if this is the wish of the adjacent tenant .

Trees must not be allowed to cast shade on neighbouring plots and should not exceed 2.5 metres in height.

4.11 Extraction

A member shall not remove, or allow any other person, to remove any soil, gravel or minerals from their plot.

4.12 Barbed wire

Barbed/razor wire is not permitted on any portion of internal fences below a height of 2 metres.

4.13 Notices

Notices and requirements will be posted on the official notice board, Society website and/or social media as appropriate, as and when required, and must be complied with.

Urgent notices may be circulated by email.

5. INSPECTION

5.1 A constructive inspection of allotment plots, pathways, perimeter fence and site environs will be carried out regularly by the three Committee Members. Where remedial action is required, the Committee will write to the member concerned, bringing to their attention the problem and relevant rule(s) that has/have been broken. The member will be given 28 days for remedial actions to be taken. Failure to comply with remedial actions will result in disciplinary action (see 6.2).

6. DISCIPLINE

6.1 The Committee may terminate tenancy of any member whose conduct is found to be contrary to the OBJECTIVES of the Society and/or is detrimental to the interests and reputation of the Society and/or members.

6.2 Where a member has failed to complete rectifying action(s) by the due date specified in writing by the Society, a notice to quit his/her plot will be issued, giving 14 days to quit the plot and remove any lock to their garden. The Committee will take extenuating circumstances into account before such a notice is issued.

6.3 Any member given a notice to quit his/her allotment plot by the Society may lodge an appeal provided it is submitted within fourteen days of the date of the notice to quit and the reason for the appeal is given in writing at the time of submission. On receipt of an appeal the Secretary will organise an EGM at which the appeal will be heard and resolved. The appellant must attend the appeal or send a representative.

7. AMENDMENT OF THE CONSTITUTION/DISSOLUTION

7.1 This Constitution (rules) may be amended by proposal and carried out at an EGM or AGM. The names of the proposers shall be stated in the notice of the meeting.

7.2 If the membership by a simple majority at an AGM or EGM, decides at any time to dissolve the Society, it must have been preceded by at least 4 weeks' notice of such a meeting. If such a decision is confirmed by the majority vote of those present and voting at the meeting the Committee shall have the power to dispose of any assets held by the Society. Any assets remaining after satisfaction of any proper debts or liabilities shall be given or transferred to such charitable groups or groups having similar objects to the Society as the Committee may decide.

8. INFORMATION ABOUT RULES/MINUTES ETC.

8.1 A copy of all rules, agreements, tenancy with SCC will be available on the website and on the official notice board.

Other relevant information will also be posted on the website and/or social media, which should be checked regularly by all members.

9. OTHER MATTERS

9.1 Any matters not provided for in this Constitution, which require urgent attention will be dealt with by the Committee at its discretion, in the best interests of the Society and its members.