

EGLINTON GROWERS CONSTITUTION v6.0

Name

The Association will be known as the Eglinton Growers (hereinafter called 'The Association')

Objectives

1. To manage and supervise the Community Gardens, Orchard and Open spaces for the benefit of the local community in accordance with the Associations Rules
2. To represent and promote the interests of plot holders, cultivators and friends of the Association.
3. To promote the opportunity for physical activity and mental health and wellbeing.
4. To provide the opportunity for people who may otherwise be socially isolated to interact and enjoy the therapeutic aspects of communal gardening.
5. To encourage healthy living through the local production of vegetables, fruit and flowers and help adults and young people to share and learn about gardening using environmentally friendly methods.
6. To protect and manage biodiversity and environmental sustainability.
7. To encourage social enterprise through fundraising for the benefit of the association, solely.
8. To work in partnership with a variety of agencies and organisations to achieve constitutional objectives.

Membership and Subscriptions

Membership shall be confined to persons who are resident in the towns of Irvine, Kilwinning, Springside and Dreghorn and its environs without distinction of political, religious or other opinions. Applications for membership must be made in writing and approved by the Management Committee.

1. Membership will be confined to persons who are resident in the above areas, whose fees are fully paid by the due date, and who undertake to cultivate their allotments in accordance with the rules and regulations of the organisation.
2. Applications from outwith this catchment area will be considered, by the full committee, on individual merits.
3. The annual Association's membership fees shall be determined and the amount stated at the previous year's Annual General Meeting (A.G.M.).
4. The due date for payment of fees is by 31st March each year. Any member who has not paid, without good cause and communicated to the committee in writing, shall be held to have resigned their membership.
5. The membership coordinator with full committee approval has responsibility for holding and publishing both the Association's waiting list and the Members waiting list in a strict consecutive manner. The full committee may refuse to add to the waiting list any person(s) who has been expelled from Eglinton Growers or any other Allotment Association elsewhere.
6. Approved applicants shall become members of Eglinton Growers. The Committee have the right to refuse any applicant and shall have the right to make special stipulations in regard to any tenancy.
7. Abusive behaviour - Members must not cause a nuisance to other plot holders or neighbouring households; this includes bad or racist language, threats, playing loud music and using illegal substances. Members are not permitted to use any form of harassment or violence, physical or verbal or written, on-site or on-line including use of social media.

Powers

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The structure of the organization consists of the elected committee members who hold regular meetings and control the activities of the Association. These officers are responsible for the monitoring and controlling of overall policy development and the objectives of the association.

Disciplinary Procedures

The management committee may by majority vote and for good reason, suspend membership, on grounds of action prejudicial to the interests of the Association. The notification of suspension must be made in writing together with details of the members right to reply, by the management committee prior to any final decision.

Serious breaches of tenancy may result in an immediate notification of suspension. Examples of a serious breach include; abusive behaviour, criminal activities, actions that can harm human, animal or environmental health. When issued a notification of suspension a member must vacate their plot(s) within 28 days of the date of issue of the notice. The member's tenancy will be terminated on the 28th day.

Management Committee

1. Management Committee consists of a minimum of 12 committee members plus one chairperson.
2. All plot holders, having successfully completed their probationary period, which is 8 weeks, shall be eligible to stand as committee members.
3. Only members who have served on the committee for 6 months, either past or present shall be eligible to stand as an office bearer.
4. Committee members and office bearers must be unrelated and not part of the same household.
5. Committee members should receive training and complete it within 2 months of accepting a place on the committee. NOTE: Training is open to all plot holders should they want to complete it before putting themselves forward for the committee.
6. The committee shall have the powers to co-opt additional members, as determined by the committee. Co-optees shall have voting rights only on the area of expertise for which they have been co-opted on.
7. The committee may appoint sub committees of its association members as deemed necessary to carry out its specified tasks. All such sub-committees shall make regular reports on their work to the committee.
8. The quorum for general committee meetings is half of the elected members also for other meetings.
9. For Annual General Meetings the number of participants shall be no less than 20 members of the association (including committee members).
10. All Committee members have equal voting rights, except the Chairperson of the committee meeting who has a casting vote.
11. All committee members and office bearers should be a role model within the allotment association.
12. The committee shall not meet less than 8 times a year.
13. Any member may propose a resolution for discussion at a general meeting. To ensure that a resolution is discussed, it should be submitted, in writing to the secretary, along with the names of the Proposer and Seconder, 14 days prior to the meeting taking place.

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14. Resolutions proposing alterations to the constitution may only be put to the Annual General Meeting (AGM) or a convened Extraordinary General Meeting (EGM).
15. If a vacancy arises on the committee all members are notified. The names of any members who wish to take the position are then notified to the members. The members then have 14 days to raise any objections. If an election is required then a meeting is called otherwise, they are elected unopposed'.

Determination of Committee Membership

A management committee member will cease to hold office if:

1. He/She signs a notice of resignation, either handwritten, typed or electronic, which has been accepted by the Association.
2. He/She is absent without giving notice to the committee for more than 3 consecutive committee meetings. Only if the committee resolves him/her from office by way of a resolution passed by majority vote at a committee meeting.

Finance

All monies raised by or on behalf of the Association shall be applied to further the objects of the Association and for no other purpose

The work of Eglinton Growers shall not be for the benefit of landfill site operators who may contribute to Eglinton Growers and claim credit under the Landfill Communities Fund and other funding organisations. Nor shall it be for the benefit of contributing third parties, as defined in landfill tax regulations.

No member of the Association shall normally be paid fees or receive remunerations other than reasonable out-of-pocket expenses.

All monies not immediately required by the Association shall be put into the bank account in the name of the Association. The funds of the Association shall be held in a bank account operated by the Management Committee.

The Treasurer shall, on behalf of the Management Committee ensure the:

- Maintenance of accounting records
- Preparation of annual statement of accounts
- Independent examination of the annual statements of account, until such times as our funding reaches the lower limit whereby a full audit would be required *

The financial year of the Association shall run from the 6th April until 5th April

The accounts shall be audited or examined once a year by an auditor or independent examiner prior to the Annual General Meeting (A.G.M.)

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All cheques drawn on the account must be signed by 2 signatories – one of the Management Committee and one other nominated signatory.

The treasurer is required to produce at each committee meeting a statement of accounts and all receipts, ensuring all supporting materials are available for examination.

All expenditure in excess of £50 must be preapproved by a quorum of the committee and entered into the minutes.

Annual General Meeting

There shall be an Annual General Meeting of the Association, which will be held in November each calendar year.

The Management Committee shall call every Annual General Meeting. The secretary shall give at least 4 calendar weeks notice of the Annual General Meeting to all members of the Association.

All paid up, named plot holders, will be entitled to full voting rights. Members voting rights will be limited to one vote per plot .

The committee will accept proxy votes only in exceptional circumstances and when application is made in writing prior to the Annual General Meeting.

The Management Committee shall present to each Annual General Meeting the report and accounts of the Association for the preceding financial year.

Procedures at all Meetings

The Secretary or other person specially appointed by the Management Committee shall keep a full record of proceedings at every meeting of the organisation.

Dissolution of the Association

It has been agreed and therefore deemed that no one individual of the association's committee may be charged with the power to dissolve the allotment in it's entirety. It is therefore now considered the following be prescribed procedure be considered as legally binding in all future events of the association known as Eglinton Growers.

The undermentioned prescribed processes must be instituted and have been considered and adjudged to have failed, prior to any final plan to dissolve the association may be deemed to be in force;

- The formation of a sub-committee may be formed at the request of the chairperson of the elected committee and charged with the recovery of the said association. The chairperson of the sub committee must select as an independent member from the membership and must not be a member of the association's serving committee elected at an Annual General Meeting and hitherto not be related to any member of the aforementioned elected committee.

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- The sub-committee will effectively have complete overall control of the association's routine matters. The aforementioned body will have automatic full voting rights in conjunction with the duly elected committee within the scope of this constitution and its rules and regulations save that of its chairperson who will remain any casting vote in the event of an indeterminate vote cast.
- The sub-committee must comprise an equal combination of the current elected committee, past committee members irrespective of the role held and also from the fully paid up membership. There must be no discrimination in the selection of this body and should consider every paid up member irrespective of gender, race, creed or sexuality. The exception to this rule being, no member of the sub-committee should be related to any elected committee member without showing good cause and may then be considered as acceptable upon which it must be entered into the minutes of the next meeting.
- Where applicable office bearers from the elected committee will continue to operate, but under the auspices of the sub-committee, to whom they will report.
- The chairperson of the elected committee body will relinquish his or her right to have a casting vote but will retain the right to be inclusive of any vote deemed necessary.
- Where there is no office bearer, that is Treasurer and/or Secretary, from the elected committee, then these duties whether they be singly or jointly, will be performed wholly by the sub-committee and no one individual may be deemed to have overall control in the performance of either role.
- The sub-committee's members must meet weekly to discuss and agree events, policies and strategies, to include finance and accounting. These meetings are to be minuted and the elected committee together with the full membership apprised of any progress.
- In the case of the sub-committee failing to reach any resolution of the original conflict, it is the responsibility of the overall sub-committee failing to inform the chairperson of the duly elected committee that no resolution or compromise is attainable and that he/she may then begin the process to augment the dissolution of the association.

The chairperson of the duly elected committee may only commence the dissolution of the membership under the following terms;

- Upon advisement from the whole sub-committee at a meeting which is to be fully minuted, that there is a failure to reach any resolution or compromise and that there is no likelihood of the recovery of the association known as Eglinton Growers. The chairperson may then call for an EGM (Emergency General Meeting) if no AGM (Annual General Meeting) is scheduled. The chairperson must fully appraise all of the fully paid members from the association that no resolution or compromise can be reached by the sub-committee and request that a vote to be cast to dissolve the association.
- Twenty-eight days' notice of any such EGM or AGM, together with the time and venue to which it is to be held, must be advised to the full membership of the association, in writing, prior to being held and the full reason or reasons for the holding of such an event must be fully stated.
- A minimum vote of one third from the association's members will be required before the chairperson may inform the landlords of the failure of the committee, sub-committee and general membership to reach agreement either in principle or practice to resolve the original issue or issues which had prompted the dissolution process.
- It will remain the responsibility of the elected chairperson to further confirm in writing to each member of the association.

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- After cessation of a period not exceeding seven days from the date of notification to the membership, the chairperson of the last duly elected committee, may then inform the Landlord or agents of the Landlord in writing, that he tenancy is at an impasse with no further prospect of recovery.
- The membership of the association may still tend their licensed growing areas known as plots until such times as the Landlord and/or agents advise to the contrary.

It should also be noted that whilst the tenancy is returned to the Landlord, the Landlord and/or the agent/s of the Landlord may not fully close the site, but may wish just to secure the area until such times as they can decide;

- a) What is the best way for them to proceed
- b) How they wish to proceed
- c) Produce their vision for the future of the site

Changes to Constitution.

Issue 6 November 2024

Membership & Subscriptions

Section 5 : Change “The membership coordinator with full committee approval has responsibility for holding and publishing the Association’s waiting list in a strict consecutive manner” to **The membership coordinator with full committee approval has responsibility for holding and publishing both the Association’s waiting list and the Members waiting list in a strict consecutive manner.**

Management Committee

Section 2: Change “All plot holders, having successfully completed their probationary period, shall be eligible to stand as committee members” to **“All plot holders, having successfully completed their probationary period, which is 8 weeks, shall be eligible to stand as committee members.”**

Issue 5 June 2023

Membership & Subscriptions

Section 4: change “The due date for payment of fees is within 4 calendar weeks prior to the Annual General Meeting” to **The due date for payment of fees is by 31st March each year.**

Section 6: new section - **Committee’s right to refuse new applicants**

Section 7: new section - **Abusive behaviour**

Disciplinary Procedures

Section 2: new section - **Serious breaches of tenancy**

Management Committee

Section 1: change “Management Committee consists of 12 committee members” to **Management Committee consists of a minimum of 12 committee members**

Section 2: change “Only plot holders of one year standing....” to **All plot holders, having successfully completed their probationary period,...**

Section 8: change “.....6 elected members..” to **half of the** elected members

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Annual General Meetings

Section 1: change “no later than 30th April” to **in November each calendar year.**

Issue 4 April 2021

Management Committee:

Section 1: Change **15** to **12.**

Section 3: Change **one year** to **six months.**

Section 8: Change quorum from **7** to **6.**

Section 9: Change participating members from **25** to **20.**

Issue 3. April 2019

Management Committee:

Items 1, 8 and 9 were approved by Plot Holders and incorporated at the AGM April 2019.

This issue supersedes any previous issue of the constitution.