

# **HIGHBURY SOUTH ALLOTMENTMENT ASSOCIATION**

## **RULES AND CONSTITUTION**

Approved by the AGM, 22/01/15

### **1. INTRODUCTION**

These Rules and Constitution and any subsequent modifications must be agreed by majority vote of attending members at a quorate General Meeting (see point 8 below).

The document draws upon the Newcastle City Allotment Associations model constitution, published in July 2012; associated guidance documents on permitted buildings and structures, cultivation, bonfires and termination of tenancies; the rules set out in the joining agreement of Highbury South Allotment Association; the requirements of the Freemen of Newcastle on whose land most of our allotments are located; and established custom and practice at the Highbury South site. Guidance documents will be accessible online via the Association website or on request from the Secretary.

### **2. AIM**

2.1 To offer opportunities for residents of Newcastle upon Tyne to enjoy gardening in a safe, attractive, relaxed, friendly and well-structured environment.

### **3. OBJECTIVES**

3.1 To provide an association where allotment holders can work together to produce vegetables, fruit and flowers.

3.2 To advance understanding relating to the benefits of gardening.

3.3 To actively promote and encourage appropriate wildlife.

3.4 To provide a suitable location for bee-keeping.

### **4. POWERS**

4.1 To employ and pay staff (who should not be members of the Management Committee).

4.2 To co-operate and exchange information and advice with other organisations such as other allotment associations, voluntary bodies, charities and statutory authorities.

4.3 To raise funds by any lawful means except permanent trading.

4.4 To do anything else within the law that is necessary in carrying out its objectives.

4.5 To recruit new members.

4.6 To terminate the membership of a member, in accordance with these rules.

### **5. MEMBERSHIP**

5.1 Membership is open to, and required of, all allotment-holders at Highbury South. By agreement with the Committee, more than one person may be recognised as holders of a plot providing that their contact details are provided.

5.2 New members must be resident in Newcastle upon Tyne. However, this requirement will not be applied retrospectively to existing members.

5.3 Allotment-holders are expected to be considerate to others and to minimise noise and other forms of disturbance. If an issue with neighbours cannot be resolved amicably, it should be referred to an officer of the Committee.

5.4 All members except honorary members must pay the annual subscription which will be set for quarter, half and full plots, and approved by the AGM. Concessionary rates may be offered.

5.5 Subscriptions must be paid within one month of the AGM. A member who is three months behind with their subscription will be deemed to have resigned, but can rejoin if they bring their subscription up-to-date within a further 30 days. Rejoining after this additional period will only be allowed at the discretion of the Committee.

5.6 Maintaining the site requires that major and minor shared paths are mown regularly in the growing season and that various tasks such as clearing undergrowth and repairing fences are undertaken. Allotment-holders are required to contribute with their neighbours to keeping paths in good condition, They will be expected, circumstances permitting, to participate in at least one working party per year.

5.7 Members who resign should notify the Secretary and return any keys in return for any previously paid key deposit. Rentals and joining fees will not normally be refunded.

5.8 The Association is committed to making every effort to ensure that issues involving members are amicably resolved. However, the Committee may terminate the membership of any member for good and sufficient reason. Decisions will be made by at least two members of the Committee, one of whom is the Chair or Secretary. Members have the right to appeal to the Committee. Appeals must be made to the Association Chair in the first instance, normally within 14 days of membership being terminated, as specified by Newcastle City Council. Appeals will be considered by at least three members of the Committee who were not directly involved in the initial decision at an open meeting. The allotment-holder who is appealing may nominate a representative to support their case. The Committee members who made the decision to terminate a tenancy may give evidence, but should not otherwise participate in the appeal process. Plot-holders whose appeals have been rejected by the Association may appeal to the Newcastle City Council Ombudsman.

5.9 Committee representatives will hold inspections at least three times per year, with respect to keeping plots weed-free and cultivated (see next section). Plot-holders will be required to bring a plot deemed unsatisfactory up to standard within a specified time period. If the necessary improvements have not been completed within the required period, a second and final notification will be sent. First and second notifications will remain 'active' for two years after they have been issued. These time periods may be extended at the absolute discretion of the Committee representatives in response to special circumstances. At the end of the second notice period, the Committee representatives will decide whether its requirements have been met and if not, the tenancy will be terminated 28 days after the decision. Plot-holders may appeal to the Association and subsequently to Newcastle City Council as stated in section 5.8.

## **6. PLOT CULTIVATION AND USE**

6.1 Members should not use plots for any commercial purpose, keeping animals (including birds) or storage of vehicles.

6.2 Plots should be kept weed-free and in full cultivation. At least 75% of the plot, excluding areas shaded by large trees at the edge of the site, should be available for open cultivation. Paths are counted as cultivated land for this purpose. They should be no more than three feet wide or take up more than 25% of the total plot area. Cultivated crops can include flowers, fruit and vegetables. Only dwarf and semi-dwarf varieties of free-standing fruit trees, and cordons or similar trained along a permitted support structure such as a wire fence should be planted. All or most of the land other than path should be used to cultivate crops at least once per year. The remainder may be used for permitted structures such as greenhouses and cloches (see Section 7) and compost heaps. Excessive clutter on plots should be avoided. Its removal may be required following inspections.

6.3 Trees other than fruit trees should not be grown, and should be removed whilst small if they self-seed. Established non-fruit trees should not be pruned or removed without permission from the Committee. Blackberry and other vigorous bushes should be kept under control through pruning after the growing season, and should not be more than about three feet wide after they have been cut back.

6.4 Permitted weed-killers should be used with care to ensure that they do not encroach on other plots and paths and should never be used on paths. Pesticides such as slug-killers should be used in a manner which protects wildlife as much as possible, for example through the use of netting. Rat poison should not be left in the open. The Secretary will dispense rat poison on request.

6.5 Hosepipes must not be used directly on the ground, but may be used to fill water butts. The baths should only be used to fill clean receptacles such as watering-cans, and not to wash items such as plants and pots.

6.6 Fires should only be lit in the period permitted by Newcastle City Council, and with due regard for safety.

6.6 Litter must not be dropped anywhere on the site. Unwanted items should be disposed of off-site where possible. The Association will provide a skip annually for non-green items. Vegetable matter should be composted, burnt during the permitted period for fires, or removed from the site. Plastics, carpets and other manufactured items likely to give off fumes should not be burnt.

6.7 Vehicles should not be driven on the site beyond the manure area except in the permitted months specified by the Committee; and should not be used when wet weather makes damage to tracks likely. Cars should not be parked in front of the main Jesmond Dene Road gate when a sign is up indicating that access is required.

6.8 Plot-holders must not cause nuisance, annoyance, danger or injury to themselves, other plot-holders or residents of adjoining properties.

6.9 Dogs must be kept on leads whilst on the site at all times, and any dog mess must be cleared up immediately by the person who is in charge of a dog.

## **7. PERMITTED BUILT STRUCTURES**

7.1 No constructions taller than one metre other than those specified below are permitted. Huts, other than a communal ones maintained by the Association, and polytunnels are not permitted. A structure for bee-keeping in one visually unobtrusive location will be allowed.

7.2 Permission must be obtained from the Secretary before allowed structures taller than one metre, specified in points 7.3 and 7.4, are erected.

7.3 A single greenhouse can be built on a half or whole plot. Greenhouses are not allowed on quarter plots. Greenhouses must be 8' x 6', have a metal frame, be

aligned North-South and be located on the corner of a plot. Prior approval for the siting of greenhouses must be obtained from the Secretary.

7.4 Wire fences and fruit-cages taller than 1 metre are permitted, providing that any wiring or covering can be completely seen through, and they are safe and not visually obtrusive. Fruit-cages may be covered with wide see-through netting which does not obstruct views in any direction.

## **8. GENERAL MEETINGS**

8.1 At least 14 days notice must be given to members of any general meeting, including the AGM.

8.2 A general meeting can be held at any time at the discretion of the Committee, and must be held if at least 10 members write to the Chair stating their reason for calling one.

8.3 Decisions cannot be taken at a general meeting unless a minimum of 15% of paid-up members are present. If this requirement is not met, the meeting can be adjourned for a minimum of 14 days. At the reconvened meeting, decisions based on a majority vote can be made providing that at least three members are present, including at least one member of the Committee.

8.4 An AGM will be held at least once per calendar year to: receive Committee reports and accounts for the previous year, copies of which should be made available in advance; set rentals; elect officers and other Committee members for the following year; and deal with any matters which members raise, providing that the Chair accepts them as legitimate business for the AGM.

8.5 Questions raised at a quorate AGM will be decided by majority voting, with the Chair having a casting vote.

8.6 The AGM will directly elect Committee officers to roles it has approved and other Committee members. If some of these positions cannot be filled at the AGM, the Chair may make direct appointments with Committee approval. If an office becomes vacant during the course of the year, the Chair may make an acting appointment which will stand until the next AGM.

8.7 Minutes of meetings must be kept, made available to members and approved at the following AGM.

## **9. THE MANAGEMENT COMMITTEE**

9.1 The Association Management Committee will be responsible for the management of the site. Specific duties include: supplying a list of committee members and contact details to the Council; proposing the yearly subscription for the plots to the AGM; collecting and issuing receipts for yearly subscriptions; and keeping accounts.

9.2 The Committee will seek to implement best allotment practices by: adhering to Newcastle upon Tyne plot and cultivation standards; implementing its buildings and structures guidance; ensuring that new plot-holders are residents of Newcastle upon Tyne; reporting crimes to the police and Newcastle City Council for inclusion in their crime register; and ensuring that Council policies on individual plot-holding and trees are kept to.

9.3 The Committee will include at least three members who take the roles of Chair, Treasurer and Secretary.

9.4 Committee members will normally hold office until the end of the AGM of the year following their election or re-election.

9.5 Office-holders must stand down after a maximum of five years.

9.6 The Committee will meet as required, but not less than twice per year. Decisions cannot be taken unless at least three members are present, and will be decided by majority vote, with the Chair having a casting vote.

9.7 A Committee member may be removed for serious misconduct such as theft or abusive behaviour providing that all other members agree and the person has been given the right to put their case forward. Such persons have the right to appeal to Newcastle City Council.

9.8 The Committee must keep minutes of its meetings which it makes available to members, and keep personal records safe and confidential.

9.9 If Committee members have a conflict of interest, they must declare it and leave the meeting while the matter is discussed.

## **10. FINANCE**

10.1 Funds belonging to the organisation must be paid into a bank or building society account which is held in the name of the Association.

10.2 Transactions require two signatories who have been authorised by the Committee and who do not live in the same house or have a family relationship.

10.3 Members of the Committee cannot receive payment from the Association other than to defray reasonable out-of-pocket expenses and modest honoraria. The Committee may agree to waive annual rental in recognition of exceptional service.

10.4 Funds belonging to the Association can only be used to further its aims, with prospective Committee and retrospective AGM approval.

10.5 The Committee may offer honorary membership of the Association, either for life or for a specified period, in recognition of exceptional service. Honorary members may or may not be plot-holders.

## **11. DISSOLUTION**

11.1 The Association can only be dissolved through a majority vote at a properly constituted general meeting (see section 8.3).