



Four Marks Allotments Association constitution

4 March 2017

Change to the criteria 3.4 adopted at the 2022 AGM

Additional criteria to 3.4 adopted at the 2023 AGM

1. Title

- 1.1. The group's name is Four Marks Allotments Association, hereinafter called the "Association".

2. Aims/objectives

- 2.1. The Association is set up to provide an attractive, friendly and safe environment for the local community (and their children), to grow and harvest fruit, vegetables and flowers, in harmony with wildlife. It will develop green spaces into rest areas and wildlife refuges and encourage this through the use of organic/sustainable practices and the recycling of green waste.

3. Membership

- 3.1. Application for an Association plot shall be made to the Membership Secretary who shall maintain a waiting list if demand for plots exceed availability.
- 3.2. All applicants are considered on a 'first come, first served' basis, irrespective of disability, gender or ethnic background, but subject to conditions detailed in 3.4 below.
- 3.3. A successful application will require the applicant to sign a Tenancy Agreement with Four Marks Parish Council. The applicant will undertake on an individual basis to fulfil all obligations imposed by the tenancy. This individual undertaking does not bar those helping to work that plot from becoming members of the Association.
- 3.4. Applicants signing a Tenancy Agreement (the "Tenant") must satisfy the following criteria to be allocated a plot or to be placed onto the waiting list:
 - 3.4.1. Aged 18 or over



Four Marks

Allotment Association

- 3.4.2. Reside within the civil parish boundary of Four Marks or have a Four Marks postal address (and continue to do so for the duration of the tenancy)
- 3.4.3. Not an existing plot holder or have another plot holder living at their registered address.
- 3.4.4. Not a previous plot holder (or resident at the same address) who has previously had their plot repossessed by the committee within the previous three years.
- 3.5. On signing the Tenancy Agreement and paying appropriate joining and rental fees, the Tenant automatically becomes a Member of the Association and subject to its Constitution and Rules.
- 3.6. The cultivation of a plot is often shared between family and friends. All persons residing at the same registered address as the Tenant may become a Member of the Association along with any other person(s), resident within the civil parish boundary of Four Marks or with a Four Marks postal address, that the Tenant may nominate to share work on the plot. The Tenant shall provide the names of all such family members and friends to the Membership Secretary so that full Membership records can be maintained.
- 3.7. Allotment plots are made available as full or half plots. Tenants wishing to upsize or downsize shall submit a request in writing to the Membership Secretary. If no plots of the desired size are available, the Tenant will be placed at the bottom of the current waiting list. Available plots will be allocated and the Tenant will be required to sign a new tenancy agreement. No additional joining fees will be charged but Tenants will be required to pay an additional rental fee when upsizing. No rebate of rental fees for the current calendar year will be paid for downsizing.
- 3.8. Tenants do not have the right to transfer their Tenancy Agreement to another individual but are required to submit an application to the Membership Secretary who will bring the application to the attention of the Committee for consideration. Each application will be considered on a case by case basis but the Committee will not unreasonably withhold permission in cases where the individual to whom the transfer is proposed has been actively participating in the cultivation of the plot alongside the current Member, as long as the



Four Marks

Allotment Association

proposed individual meets the criteria set out in 3.4 above and signs a new Tenancy Agreement. Otherwise, applicants on the waiting list will be given preference if the current Tenant ends their Tenancy Agreement.

4. Officers and committee

- 4.1. The Association shall have a Chair, Secretary, Treasurer and Membership Secretary to be elected annually by the AGM. Elected Officers will retire at the following AGM and may stand for re-election.
- 4.2. The Committee consists of the four Elected Officers and the Members of the Association may elect up to five extra members (Allotment Representatives) onto the Committee who will stand down at the following AGM.
- 4.3. The Committee may co-opt additional members from the Association membership where vacancies arise during the year.
- 4.4. The Parish Council have a right to a non-voting representative on the Committee.
- 4.5. The Committee shall meet every two months. At least four Committee members must be present to form a quorum and the member appointed by the Parish Council will form part of that quorum. Action points and decisions will be distributed to all committee members following the meeting.
- 4.6. The Committee may define rules for the running of the Association and maintenance of plots. Major rule changes will be proposed for consideration at the AGM. Rules will not conflict with this Constitution or the law.

5. Annual General Meeting of the membership

- 5.1. There shall be an AGM held in March of each year for which at least 21 days prior notice shall be provided to all members together with an agenda.
- 5.2. The Association Chair shall preside at the AGM. In the absence of the Association Chair, the Association Secretary shall preside.
- 5.3. A quorum shall be the attendance of Members representing at least 1/5 of occupied plots.



Four Marks

Allotment Association

- 5.4. The business of the AGM shall include reports from: the Chair, Secretary, Treasurer, and Membership Secretary. The AGM shall also include:
 - 5.4.1. Election of Officers (Chair, Secretary, Treasurer and Membership Secretary) and Allotment Representatives. Nominations for Officers and Representatives may be submitted in writing or taken from the floor, subject to the nominee's agreement.
 - 5.4.2. Proposed changes to Constitution or Rules.
 - 5.4.3. Any other business, which may be requested in writing by any Member of the Association in advance of the meeting.
- 5.5. Reporting Officers unable to attend shall submit a written report to the Chair in advance of the meeting.
- 5.6. Each Plot represented by a Member or Members shall only have one vote in connection with each motion put before the AGM. A resolution will require a simple majority. In the event of equal votes the Chair shall have the casting vote. All votes shall be taken by a show of hands unless the meeting resolves otherwise.
- 5.7. Special General Meetings may be called by the Committee or in the event of at least 20% of plot holders submitting a written application to the Secretary and/or Chair for such a meeting. The business of such meetings may be:
 - 5.7.1. Changing the Constitution
 - 5.7.2. Emergency Special General Meetings to allow members to decide on important issues
 - 5.7.3. Election of officers or committee members
 - 5.7.4. Dissolution of the Association

The notice given for Special General Meetings, definition of a quorum and voting rules remain the same as described above for AGMs, with the exception of a dissolution resolution which must be passed by Members representing at least 3/4 of occupied plots.

6. Finances



Four Marks

Allotment Association

- 6.1. The Committee sets the annual plot rental subscription and standard joining fee which shall be payable by members. Rental fees are differentiated according to plot size i.e. full and half plots.
- 6.2. Annual plot rental subscriptions shall fall due on 1st January for the calendar year. The Tenancy Agreement and Association Membership shall be deemed to have lapsed, should any Tenant's subscription not be paid within forty days of that date, unless good reason be provided to the satisfaction of the Committee.
- 6.3. Plots taken up on or after 1 June will be charged at half the annual rent.
- 6.4. Plots taken up on or after 1 September will not be charged an annual rent for the remainder of the year.
- 6.5. The Association's funds are held in the bank account of Four Marks Parish Council (FMPC), whose accounts are subject to independent annual audit. The Association's accounts shall run from 1 April – 31 March in line with those of FMPC.
- 6.6. All monies shall be administered by the Treasurer who shall account to the Committee for all monies. Association funds and property shall only be used for the purposes of the Association. The Treasurer will forward all incoming monies to FMPC for banking.
- 6.7. Funds cannot be used to pay Committee members except to refund legitimate expenses. All expense claims must be submitted to the Treasurer supported by original receipts. The Treasurer shall hold a permanent float of £100 and will reimburse Members directly. All expense claims and accompanying receipts will be forwarded to FMPC for retention and audit and to reimburse the Treasurer for monies reimbursed to Members.
- 6.8. The Treasurer shall prepare financial forecasts based on assessment of Association income and expenditure. The Treasurer shall keep the accounts which may be viewed by any Member on request.
- 6.9. The Committee will take out Public Liability insurance for the protection of Association Officers and Members.

7. Termination of membership

- 7.1. The Committee is empowered to terminate membership and repossess the plot of any Member that is found to be in breach of the



Four Marks

Allotment Association

Tenancy Agreement or the Association Rules, or if the actions of that individual are, in the opinion of the Committee, detrimental to the interests of the Association.

8. Dissolution of the association

- 8.1. The Association may be dissolved only at the AGM or at a special meeting convened for the purpose of dissolution.
- 8.2. In the event of the motion to dissolve being carried, any Association assets remaining after the satisfaction of any debts and liabilities shall remain the property of Four Marks Parish Council.
- 8.3. As land owner, Four Marks Parish Council retains the right to reclaim the allotments site for community use in the event that the use of the land becomes contrary to the agreement for the allocation of allotment plots for Four Marks residents.