

# **Woodend Garden Association Constitution**

- 1. Name:** The organisation shall be called “The Woodend Garden Association” thereafter referred to as the “Association”.
  
- 2. Membership:**
  - 2.1 Membership of the Association is open to all the occupants residing at numbers 43, 44, 45, 46, 47, 48, 49 and 50 Broomlea Kelso TD5 7RB, and the Association shall consist of the participating occupants at the time of the date of entry stated on the lease.
  - 2.2 If any house in the Association changes hands the new occupants may apply for membership of the Association with admission subject to approval of the committee.
  - 2.3 New members will be voted on by a simple majority.
  - 2.4 Any member wishing to resign their membership must give written notice to the Association secretary.
  - 2.5 Each member will have one vote at General Meetings of the Association.
  - 2.6 The Membership fee will be set by the Committee from time to time and will cover costs of insurance and the general upkeep of the garden.
  - 2.7 Any member found to be in default of the Association’s Constitution or By-laws shall be entitled to receive two warning letters in the course of a twelve month period commencing from the date of the first letter. (The letters must state which of the Association’s Constitution or By-laws has been infringed, the improvements required and information of the right of appeal).
  - 2.8 Should the member fail to make the stipulated improvements or follow the instructions stated in the second letter the Committee shall have the right for good and sufficient reason to terminate the membership of that member provided the member shall have the right to be heard by the Committee before a final decision is made
  
- 3. The objectives of the Association shall be:**
  - 3.1 To provide an environment where community can work together to take joint action for common benefit.
  - 3.2 To protect members from damage, trespass and theft.
  - 3.3 To organise functions for members of the Association to meet socially.
  - 3.4 To take such steps as may be required by the Local Authority for the good management and cultivation of leisure gardens in Terms of the Lease.
  - 3.5 To raise funds by any lawful means excluding permanent trading. All funds raised will be used for the upkeep of the garden or donated to an agreed charity.
  - 3.6 To do anything else within the law that is deemed necessary for carrying out these objects.
  
- 4. Subscriptions:**
  - 4.1 Every household shall pay an equal proportion of the setup and on-going running costs determined by the Committee.
  
- 5. The Management Committee:**
  - 5.1 The management and business of the Association shall be entrusted to a Committee
  - 5.2 The Committee shall consist of each member of the Association.
  - 5.3 The AGM shall elect the following Officers,  
Chairperson  
Secretary  
Treasurer

## **6. Committee Meetings**

- 6.1 The Committee shall meet as and when necessary.
- 6.2 Decisions of the Committee shall be by a simple majority of those present and in the event of equality of votes the Chair (or acting Chair of that meeting) shall have a casting or additional vote.
- 6.3 Five Committee members will form a quorum.

## **7. Finance**

- 7.1 All monies received by the Treasurer shall be held securely in the name of the Association.
- 7.2 No bank account shall be opened but the Treasurer shall keep an accurate up-to-date record of cash received and paid.
- 7.3 No outlay requiring additional funding from members, above their fees and subscriptions, shall be made without agreement of the members.
- 7.4 The financial year shall be the 5<sup>th</sup> of April to the 4<sup>th</sup> of April.
- 7.5 The Association's funds shall be applied only in furtherance of the objects of the Association.

## **8. Annual General Meeting**

- 8.1 An Annual General Meeting shall be held the end of the financial year in April at a date agreed by the members..
- 8.2 At the Annual General Meeting the following business shall be conducted:
  - (1) The presentation of reports from the Chair, Secretary and Treasurer.
  - (2) The presentation and (if accepted) the passing of the accounts of the Association.
  - (3) The election of Officers.
  - (4) Any other competent business.
- 8.3 Decisions of the Annual General Meeting shall be by a simple majority of those present (unless otherwise stated) and in the event of equality of votes the Chair (or acting Chair of that meeting) shall have a casting or additional vote..

## **9. Modification of Constitution and By-laws**

- 9.1 The Constitution and By-laws may be added to, repealed or amended at any Annual General Meeting of the Association by resolution passed by a simple majority of members present and voting.
- 9.2 The Committee may from time-to-time make changes to the By-laws and such change must be ratified at the next Annual General Meeting.
- 9.3 No changes may be made to clause 10 in its entirety.

## **10. Dissolution of the Association**

- 10.1 If the Committee decides that it is necessary to dissolve the Association it shall call a Special Meeting of all members.
- 10.2 If the Committee's decision is confirmed by a simple majority of members present at the Meeting the Committee shall have power to dispose of any assets held by or in the name of the Association.
- 10.3 All remaining monies and assets, after the liabilities of the Association have been discharged, shall be distributed equally amongst the remaining members of the Association.

### **By-laws**

- (1) Every plot holder of the Association shall abide by the following by-laws in their entirety.
- (2) The plots shall be used in accordance with the Terms of Lease.
- (3) All plots must be kept weed free and in an acceptable state of cultivation.

- (4) All members shall, to the best of their ability, make every effort to share in the general maintenance and upkeep the garden.
- (5) Any member unable to tend their plot(s) for an extended period of time shall inform the association in order that the plot(s) may be temporarily maintained or re-allocated to other member(s) otherwise the plot(s) shall left in a tidy state.
- (6) In the interests of the environment all plot holders are encouraged to compost garden waste where practicable.

The Constitution and By-laws were approved at a Special Meeting of the Woodend Garden Association held on Saturday 2nd February 2019.