

BYE-LAWS 1 –

Amplification of The Rules of NBAS

1 Objective

1.1 The objective of the North Bournemouth Allotments Society (NBAS) (hereafter called "The Society") is to promote and manage the use of North Bournemouth Allotments in order to enable the cultivation of primarily fruit and vegetables by its members and in accordance with its Rules and Bye-laws.

2 Membership - Definition

2.1 The shareholding of the Society will be taken up by every member who has entered into an agreement with the Society for the letting of an allotment plot and whose current rental is not in arrears.

2.2 The Society shall comprise of members, co-workers and associate members.

2.3 Every member shall take up one share upon joining the Society.

2.4 Voting Rights - A member's share in the Society gives him/her the right to only one vote at General Meetings. A member shall also have the right to stand for election to the Management Committee.

2.5 Tenancy Agreement Form - One member only shall be named on the Tenancy Agreement to whom the Society's correspondence shall be addressed. One co-worker who resides in the Borough of Bournemouth and who is over eighteen years of age (see section 25 of Bye-laws 2) may also be named on the Tenancy Agreement with the member but shall have no shares in the Society and therefore no right to vote at General Meetings (except as a proxy voter) but may stand for election to the Management Committee (except for the Offices of Chairperson and Secretary) and attend General Meetings. No associate members (see section 26 of the Bye-laws 2) shall have the right to take up shares, attend meetings or to vote.

2.6 Residing Outside the Borough - No person may be a member of the Society if he/she resides outside the Borough of Bournemouth (this pertains to all members as from the AGM of 2007 but excluding those residing outside the Borough prior to this who have been given permission by the Committee to remain. However anyone moving after this AGM, either to outside the Borough of Bournemouth, or moving from one house to another outside the Borough of Bournemouth, will be subject to twelve months' notice to terminate the tenancy) (see clause 24.5 of Bye-laws 2). As from the Annual General Meeting (AGM) of 2011, new members joining the Society will be required to provide current proof of their address/identification (e.g. utility bill, bank statement, prescription). Existing members must provide proof of their address. All proof of address must be dated to within four months.

2.7 A person who is under the age of 18 years may not become a member of the Society.

2.8 Maximum of One Full Plot per Member/Household - From the AGM of 2011 no member or Council-Tax-paying household shall rent more than one full plot whilst there is a waiting list (except those who have in excess of one full plot prior to this AGM). If there is no waiting list and a surplus of vacant plots within the Borough of Bournemouth, written permission from the Committee is required for a member or Council-Tax-paying household to have more than one full plot, such permission not being unreasonably denied.

3 The Management Committee

3.1 The Management Committee shall consist of the offices of:-President, Chairperson, Secretary, Treasurer, Site Manager, Membership Secretary, and up to eighteen general committee members.

3.2 All Members of the Committee must be members or named co-workers of the Society.

3.3 Election - The Offices of President, Chairperson, Treasurer, Secretary, Site Manager, Membership Secretary and the rest of the Committee shall be elected at the Annual General Meeting (AGM) by the majority of the members present. Preferably, members/co-workers wishing to stand for one of the six principal Offices to be elected at the AGM, should do so once they have served a minimum of three years (AGM 2015) as a general Member on the Committee of Management. The Officers shall hold Office for one year subject to clause 3.7 below, but shall be eligible for re-election.

3.4 Any other Officers, that the Committee may deem necessary, shall be appointed and removed by the Committee (e.g. Shop Manager, Health & Safety Officer and Events Manager).

3.5 The Committee may, if necessary, determine any Officer's remuneration and allowable expenses and, in so far as not otherwise determined by the Rules and Bye-laws 1 & 2, their respective duties.

3.6 The Committee shall hold office for one year subject to clause 3.7 below, but shall be eligible for re-election.

3.7 Removal of an Officer/Committee Member - Any Officer or general Member of the Committee may be removed at any time by:-

(a) a majority vote of the Committee if he/she has become unfit to act or for conduct detrimental to the Society;

(b) a resolution of the majority of members present at any General Meeting called for that purpose, which may proceed to fill the vacancy.

3.8 If any Officer shall die, resign, be removed, or become unfit to act, the Committee may fill the vacancy until the next AGM, unless the vacancy has already been filled at a Special General Meeting (SGM).

3.9 Standing for the Committee of Management

(a) Members or named co-workers wishing to stand for the Management Committee must insert their name/signature onto the Notice of Election Board displayed in the Clubhouse together with the names/plot numbers of the proposer and seconder at least 48hrs before the General Meeting.

(b)The list of Nominees on the Notice of Election Board may be circulated by the Secretary via email to members prior to the General Meeting together with, if desired, a short statement of introduction by each Nominee which also will be inserted into a folder near the Notice of Election Board.

(c)Members/co-workers wishing to stand for one of the six principal Offices may also enter their names to be elected for a general Committee post should they fail to be elected to their preferred Office. No nominee may stand for more than one principal office and the maximum number of general Members of the Committee must not exceed eighteen.

3.10 Conflict of Interest - The Society should ascertain that no conflict of interest exists before a member/co-worker is allowed to stand for the Committee.

4 Powers and Duties of the Committee

4.1 General Powers - The Management Committee will conduct the affairs of the Society. The Committee shall have powers to deal with any matters not specifically provided for in any agreement in force between the Society and its members or in the interpretation of the Rules and Bye-laws of the Society and members shall be bound by its decision.

4.2 Vacancies - The Committee may fill any casual vacancies by co-option when necessary and such members will hold office until the next AGM.

4.3 Sub-Committees - The Committee shall have powers to delegate to a properly constituted sub-committee or working party any powers which may be properly so delegated. Sub-committees must seek the approval of the main Committee for any proposed expenditure.

4.4 The Committee will be responsible for:-

- (a) Conducting negotiations with The Council of the Borough of Bournemouth (hereafter called "The Council") for the use of North Bournemouth Allotments;
- (b) Entering into an allotment site letting agreement with The Council for North Bournemouth Allotments – "the lease";
- (c) Ensuring compliance with the terms of the lease with The Council;
- (d) The letting of individual plots, the setting and collection of rents and other levies which may be necessary from time to time;
- (e) Ensuring compliance with the tenancy Bye-laws 1 & 2;
- (f) Ensuring risk assessments are carried out on the site with regard to potential hazards and that warning signs are placed where appropriate;
- (g) Arranging adequate insurance cover for the site including Public Liability, Employer's Liability and any other appropriate insurance as required;
- (h) Providing members with horticultural supplies via the shop;
- (i) Arranging for, and forming a record of, suitably qualified persons/members to maintain buildings and land or perform other duties when necessary to fulfil the Society's obligations.

4.5 Health and Safety

The Committee shall fulfil its obligation under the law regarding written Health and Safety assessments, hold written records and carry out the following:-

- (a) An assessment on potential hazards on plots and on the site in general including all statutory requirements;
- (b) A second separate assessment shall be undertaken for the clubhouse, shop, storeroom and toilets;
- (c) A third assessment shall be undertaken by a committee member or suitably qualified individual to cover first aid and accident records, fire and safety checks, electrical and safety checks and health and safety at events and meetings. Food and food preparation will also be covered.

These written records and assessments must all be kept and made available to any officials of The Council.

5 Duties of the Officers:-

5.1 President – to represent the Society socially with any outside organisation or delegate as appropriate, support the Committee when required and may welcome members to General Meetings before handing over to the Chairperson to preside over the Meeting.

5.2 Chairperson – to initiate and chair committee meetings to ensure the correct running of the Society. The Chairperson shall also preside over General Meetings (or if unable to attend a Chairperson elected at the General Meeting shall preside). The Chairperson and the President will represent the Society socially with any outside organisation or delegate as appropriate. The Chairperson will also ensure that the Officers of the Society discharge their duties.

5.3 Secretary – will maintain correspondence on general matters, other than financial, attend meetings and keep simple minutes for acceptance, or amendment, by the Committee. The Secretary

shall also submit the Mutual Societies Annual Return, maintain the Share Register as required by the Rules, maintain the Register of Members and Duplicate Register of Members (as required by Rules 12 & 13 of the Rules), keep a Complaints File (see clause 23.3 of Bye-laws 2), and set the Agendas, on behalf of and in consultation with the Committee, for AGM's, SGM's and Committee Meetings.

5.4 Treasurer - will maintain all financial records and control the income and expenditure from all sources and be primarily responsible to the Society for the prudent, solvent operation of the Society. The Treasurer will update/reconcile the Main Cash Book to the monthly bank statements, prepare the accounts for presentation to the Society at the AGM (Annual Statement of Accounts) and a simple financial statement of the accounts, checked by two other members of the Society (who are not Committee Members or their relatives) shall suffice. These members will report to the Society at the AGM, either in person or in writing to the Chairperson. The Treasurer shall open a bank account in the name of the Society and any monies received from any source shall be paid into the current account within 28 days. The Treasurer must be a suitably qualified committee member, or someone appointed by the Committee, and be aware of the need to abide by FCA rules and accounts as a Limited Mutual Society.

5.5 Site Manager – will be primarily responsible for good order on the allotment site and usually be the main source of contact for the membership and may be assisted in his/her site management duties by other committee members. Duties include:-

(a) Plot Inspections - The Site Management will carry out monthly plot inspections (see section 2 of Bye-laws 2) and may be assisted by other committee members (ideally in rotation) to ensure the allotments are properly worked and will decide the appropriate course of action for plots falling below standard (see section 1 of Bye-laws 2).

(b) Bonfire Days - The Site Manager, or where necessary, another committee member will also determine whether bonfires should go ahead on the requisite bonfire days each year. If it goes ahead, the Site Manager (or representative) must ensure compliance by the members with the Society's Bye-laws on bonfires (see section 13 of Bye-laws 2) and check all bonfires are extinguished by the allotted time.

(c) Condition of Plots to be Let – the Site Manager (together with the Health and Safety Officer, if appointed) will carry out a written risk assessment (the Risk Assessment Form) on plots (including the state of any structures present) that are vacated before they are let again and rectifying any health and safety issues arising. The Site Manager may consider photographing plots to have a permanent record of their condition for any future case of misuse.

5.6 Membership Secretary – shall be responsible for:-

(a) Overseeing the induction and form-filling procedure for new members, passing on to the Secretary any relevant documentation, including completed Tenancy Agreement/Members Declaration Forms and Plot Risk Assessment Forms, to enable the Secretary to maintain an up to date Register of Members of the Society and also a Duplicate Register of Members as required by the Rules;

(b) Managing the waiting lists for prospective new members and named co-workers. Only their names with the date of entry will be displayed on the notice board in the shop. No person residing outside the Borough of Bournemouth, or who is under the age of eighteen, may be placed on the Society's waiting lists. Plots will be allocated strictly in order of application (except where clauses 19.2, 24.4 and section 25 of Bye-laws 2 apply). All new members are required to sign the Tenancy Agreement/Members Declaration Form and a Risk Assessment Form for the plot (see section 14 of Bye laws 2) and receive a copy of the Bye-laws 2 of the Society together with a Membership Card as

proof of membership, their Share Certificate, the Tenancy Agreement/Member's Declaration Form and Risk Assessment Form.

(c) Overseeing the yearly rent collections which take place in January. Existing members will receive a Membership Card and receipt for payment of rent.

6 Signatories

6.1 The Signatories shall include the Treasurer and three other committee members and all cheques must be signed by at least two of the four signatories. The four Signatories shall be selected from the Committee of Management by Committee Members.

7 Committee Appeals

7.1 A Committee Appeal may be granted to a member who wishes to appeal against the decision of the Committee provided a written application by the member is forwarded to the Secretary within 14 days of the notification of the Committee's decision. The member must state in the written application the reason why he/she wishes an appeal.

7.2 A request for a Committee Appeal may be refused by the Committee if it is considered to be vexatious. If the appeal is granted the member may be allowed to present his appeal in person before the Committee.

7.3 The member may bring one member/co-worker of the Society to accompany them at the meeting. The member may be required to answer any questions the Committee may have regarding the complaint/dispute.

7.4 No Local Government representative or representative of an outside organization shall be allowed to be in attendance at the Committee Appeal without the written permission of the Committee.

8 General Meetings

8.1 The Annual General Meeting will be held no later than the 30th November each year.

8.2 At the Annual General Meeting:-

- (a) The Secretary's report for the previous year shall be submitted for approval;
- (b) The accounts shall be presented by the Treasurer. Two persons, with suitable experience, who are not Committee Members, will be appointed to audit the accounts. Approval from the floor for the next lay-audit shall be sought;
- (c) The plot rent shall be agreed giving at least one year's notice of any change in the rent;
- (d) The elections of the President, Chairperson, Treasurer, Secretary, Membership Secretary, Site Manager and the Committee Members shall take place.

8.3 A quorum will be twenty members at General Meetings.

8.4 Notice for General Meetings - Members shall be given between 7 and 28 days' notice of any General Meeting, stating the business to be transacted at the meeting. The notice shall be sent to every member at his address entered in the Register of Members and only the business of which notice has been given shall be considered at the meeting.

8.5 Member's Resolutions for the AGM - A resolution tabled by members to be moved at an AGM must be received by the Secretary in writing no later than one month prior to the AGM and contain the signatures of at least ten members. The resolution shall be included in the Agenda for the AGM provided it is not considered by the Committee to be vexatious.

8.6 Rights to Attend and Vote at a General Meeting - Only members, named co-workers or those appointed as proxy voters may attend and speak at General Meetings but only members may vote

(either in person or voting by proxy). Where space is at a premium priority shall be given to members. Guests must have the written approval of the Committee to attend a General Meeting. Generally, any guests would be given permission to attend only if they are carers or have specialist knowledge on a given subject relevant to the Agenda.

8.7 At General Meetings, resolutions will be passed by a majority of voting members present, including any proxy votes. In the event of a tie, the presiding officer shall have the casting vote in addition to his/her vote as a member. The Chairperson, or if unable to attend a chairperson elected at the General Meeting, shall preside.

8.8 Special General Meetings may be called by the Committee, or upon the request in writing to the Secretary of at least twenty members. A request for a Special General Meeting may be refused by the Committee if it is considered to be vexatious. Any such meeting shall be convened by the Secretary within four weeks of the request being made but should the Secretary fail to do so, the members signing the requisition may convene the meeting themselves giving the notice mentioned in clause 8.4. In this event, the Secretary must supply a list of voting members and contact details if the Secretary fails to call a meeting.

8.9 Proxy Voting

The Secretary may accept proxy voting forms from members who are unable to attend a General Meeting if received no later than 48 hours before the meeting. A proxy voting form obtained from the Secretary must be filled out directing the Chairperson, member, named co-worker or any named individual how you wish to vote and on what issue (e.g. the election of Officers or Committee Members or a member's resolution).

8.10 No political or sectarian issue shall be raised, or resolutions of that character proposed, either at any Committee or General Meeting of the Society.

9 Committee Meetings

9.1 The Committee shall meet at least four times a year – to be held on a date agreed at the previous Committee Meeting.

9.2 A quorum will be four members at Committee Meetings.

9.3 A Special Committee Meeting (SCM) shall be held on the requisition in writing to the Secretary of at least three Committee Members or whenever a majority of committee members deem it necessary.

9.4 Committee business shall be decided by the majority of those present. In the event of a tie, the Chairperson shall have the casting vote in addition to his/her vote as a member of the Committee. The Chairperson, or if unable to attend, a chairperson elected at the Committee Meeting, shall preside.

9.5 No Local Government representative, or representative of an outside organization shall be allowed to be in attendance at a Committee Meeting or Special Committee Meeting (SCM), without the written permission of the Committee.

9.6 Any committee member not attending three ordinary Committee Meetings within the election year, without accepted apologies, may be asked to stand down or be removed by a majority vote of the Committee (see clause 3.7(a) Bye-laws 1) and a new member would be co-opted as required.

10 Amending the Rules and Bye-laws

10.1 The Rules may be amended by a resolution of three-fourths majority of the members present at a General Meeting, and the Bye-laws may be amended by a resolution of the majority of the members present at a General Meeting including any proxy votes (unless the suggested amendment

also directly effects the Rules where a three-fourths majority will still be required). Between 7 and 28 days' notice of the proposed amendment shall be given in the notice convening the meeting. However, no change may be proposed for consideration which would be contrary to clause 4.4 (b) of this Amplification of The Rules relating to compliance with the terms of the agreement (Lease) with The Council.

11 Termination of the Society

11.1 On cessation of the Society, for whatever reason, any monies remaining after payment of all expenses, outstanding debts and claims, shall go to a similar organisation or to charity as decided by the Special General Meeting. No member will gain from the dissolution of the Society.

12 Bye-laws 1

12.1 The foregoing may be read as the Bye-laws 1 of North Bournemouth Allotments Society Limited, made in accordance with Rule 59 of the registered Rules of North Bournemouth Allotments Society Limited.