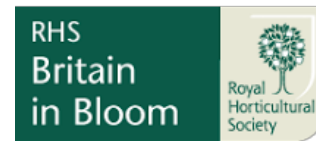


CONSTITUTION

&

PROCEDURES

Adopted at the 2022 AGM



Welcome

Welcome to our Society. We hope that you will have many years of enjoyable and productive gardening. We are a friendly and welcoming group of people so please do not hesitate to ask for help and advice. The Society has prepared useful guidance on growing plants and managing your plot, and this information can now be found on the Falmouth & District Allotments and Garden Society web site. www.falmouthallotments.org

The site is leased from Falmouth Town Council by the Society and is run by a volunteer Committee of Allotment Holders who are elected from the members at the Annual General Meeting (AGM) each February. The Committee for 2021 is listed at the end of this document. The Committee are responsible for the letting of plots, management of Society finances, keeping the site in good order and liaising with the Town Council.

The allotments are divided into three areas – A, B and C sites. For each site there are site representatives who are available to help and give advice and would be pleased to hear your views on making things even better.

This document covers the procedures the Committee follow when enforcing the rules and regulations which are intended to ensure that we can all enjoy our plots to their full potential.

The Society will publish a newsletter every quarter and this will be posted on the web site which is updated regularly www.falmouthallotments.org. Hard copies of the newsletter are also available upon request. When you visit our web site you will be able to find out more about our Society. There are also notice boards by each site entrance.

We have a thriving Social Committee. For most of the spring until near Christmas they run a Saturday Coffee Morning with drinks and cake at the club house on Site A. It's a great chance to catch up with people and find out what is happening. The final session is a Christmas coffee morning. We also have a Christmas quiz, which is very popular and entertaining.

The Society has a summer show which is always well supported. Beginners and newcomers are equally as welcome as more experienced members. There is also a domestic section for cakes and jams as well as a children's section. It's great fun!

The Society is aware of its community responsibilities. We provide a free plot for a local school and one for an adult group. Society members who have, time support other community ventures e.g. supporting Carrick Mind. Our work with these and the social activities provided for our members have earned us a Level 5 'Outstanding' award in the Britain in Bloom and in Cornwall in Bloom in 2013 of which we are justly proud.

We would like all members to be keenly aware that the Committee is made up of volunteers. Committee members serve for a period which they feel appropriate to contribute. For our Society to thrive and in a sense of fair play, all Allotment Holders with organisational experience are encouraged to be a Committee member for some of the time, though this is not compulsory.

Happy growing
Falmouth Allotments and Garden Society Committee.

FALMOUTH & DISTRICT ALLOTMENTS & GARDENS SOCIETY

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Committee contact details at the end of the document

1. NAME

The name of the Society is The Falmouth & District Allotments and Gardens Society.

2. OBJECTIVES OF THE SOCIETY

These are to:

- a. enable members of the local community to rent and cultivate a plot of land. A member must be living within 5 miles of the allotment at the time they take on a plot. If after this the member moves, whilst they still have the plot, then living up to 10 miles away would also constitute local community.
- b. enable members to meet and share their enthusiasm, knowledge and ideas for gardening and the growing of their own produce.

3. MEMBERSHIP OF THE SOCIETY

- a. The Society aims to ensure that it will not discriminate against anyone on the grounds of age, class, employment status, physical or mental disability or mental health, race, religion, sex, marital status, caring responsibilities or sexuality.
- b. The Society is open to all members of the local community.
- c. The Committee shall have the right to reject the application for membership from anyone they feel would be detrimental to the Society.

- d. There are three types of membership - Allotment Holder, Associate Member and Garden Member.
- e. An Allotment Holder is a member of the Society who acts as a tenant of one full-sized plot or one or two half-sized plots and is responsible for the upkeep and all activities that take place on the plot(s). You must cultivate your plot (by this we mean preparing the ground, planting, growing and harvesting crops/flowers) and the remainder must be cut down and free from weeds (the area must look maintained). New Allotment Holders shall be probationary for a period of six months. During this period regular assessment of the condition and progress of the plot shall be undertaken by the appropriate site representatives and reported to the Committee. At the end of the probationary period, the Committee shall determine whether the membership is to be confirmed or terminated and the individual concerned shall be notified accordingly. No member of the Society may act as an Allotment Holder on more than the equivalent of one full-size plot. An Allotment Holder may help other members with their plots.
- f. Associate Members work with and under the guidance of their Allotment Holder in sharing the cultivation of the plot and maintaining the pathways surrounding their plot.
- g. A Garden Member of the Society may take part in the social life of the Society but does not act as an Allotment Holder or as an Associate Member. However, a Garden Member may from time to time assist Allotment Holders with the cultivation of their plots.

4. MANAGEMENT OF THE SOCIETY

- a. The Committee manages the site and the letting of allotment plots on behalf of the landlord, Falmouth Town Council.
- b. The management is invested in the Committee constituted from paid-up Allotment Holders of the Society. The positions of responsibility which are held for one year are CHAIRPERSON, VICE CHAIRPERSON, SECRETARY, TREASURER, SITE MANAGER, six SITE REPRESENTATIVES (whenever possible two from each site A, B & C), SHOW SECRETARY, PUBLICATIONS SECRETARY (NEWSLETTER and WEBMASTER), GRANTS & FUNDRAISING PROJECTS.
- c. The above officials shall be elected at each AGM individually and by name.
- d. Every member of the Committee undertakes to familiarise themselves with the terms of our lease with Falmouth Town Council, the current rules of our Society and agrees to fully support these.
- e. Allotment Holders may put their name forward for election and must be proposed and seconded before election. No Allotment Holder shall be elected without their prior consent.
- f. Five members from the elected Committee shall form a quorum for a Committee meeting, but included in this quorum must be at least two from: - CHAIRPERSON, VICE-CHAIRPERSON, SECRETARY, TREASURER, or SITE MANGER
- g. No member may hold more than one of these posts at any one time: CHAIRPERSON, VICE-CHAIRPERSON, SECRETARY, TREASURER, or SITE MANAGER.
- h. It may at times be necessary for members to hold more than one of the remaining posts to ensure the running of the Society. In that case that member will only have one vote on the Committee.
- i. Sub-Committees may be set up as necessary; the Committee may co-opt members to such Committees as required.

- j. The Committee will meet regularly throughout the year to ensure the effective management of the Society in February, April, June, September and November, although additional meetings may take place.
- k. The structure of the meetings must include a brief report from the Chairman, Secretary, Site Manager, Treasurer and Site Representatives.
- l. The pattern of the meetings involves the following additional items of business: -
November - preparation for the AGM and setting of Society subscription and plot rentals for the coming year. These consider the water costs (standing charge and metered usage); insurances; maintenance and repair expenses and subscriptions to national organisations. These charges must be set at a level to ensure financial viability for the coming year, but not excessive.
April - review of the February AGM and planning for the Summer Show
September - review of the summer show.
- m. Any Committee member being absent from two consecutive Committee meetings without acceptable reason shall be considered to have resigned and a letter to this effect shall be sent to them.
- n. The Secretary shall report at each meeting, any members who have missed two consecutive meetings.
- o. Communication between the Committee and the landlord (Falmouth Town Council) is via CHAIRPERSON, VICE-CHAIRPERSON, SECRETARY or TREASURER only.
- p. Written communication on behalf of the Committee with a Society member, concerning the conduct of that member is via the Secretary.
- q. The Treasurer and Site Manager work closely in collecting in and returning partial subscriptions as tenancies change throughout the year. The Site Manager may operate a 'float' and be able to pay cheques directly into the Society account with the agreement of the Committee.
- r. Monies raised via social activities shall be paid into an account which is separate from that used for membership and rent income. This separate account is to be used primarily for funding social activities for the membership. The Committee shall administer this account having regard to the wishes of those members who have raised such funds.

5. ANNUAL GENERAL MEETINGS (AGM)

- a. *An AGM shall be held in **February** and include:*

Reports from the Chairperson, Treasurer, Site Manager and Show Secretary, the election of the Committee for the coming year, and any other business.

- b. All Allotment Holders will receive a copy of the agenda at least seven days before the AGM.
- c. Only paid-up Allotment Holders may vote on Society business at the AGM. Decisions are carried by a majority vote.
- d. Motions for the meeting, with a brief description, must be given in writing or by email to the Secretary at least fourteen days prior to the AGM. These motions must be proposed and seconded by two Allotment Holders.
- e. Nominations for the Committee must be given in writing or by email to the Secretary at least Fourteen days prior to the AGM.
- f. Allotment Holders may also raise issues during the Any Other Business section at the end of the meeting.

6. EXTRAORDINARY GENERAL MEETINGS (EGM)

- a. An EGM may be called either by the Committee or following a written request to the Secretary, detailing the purpose of the meeting and signed by at least five Allotment Holders.
- b. Such a meeting must take place within fourteen days of the receipt of the request by the Secretary.

7. RENTS AND SUBSCRIPTIONS

- a. Every Allotment Holder shall pay such rent for their allotment.
- b. Every Allotment Holder shall also pay an annual subscription to the Society.
- c. Rent letters will be sent out (with details of the AGM) at the beginning of January.
- d. Combined rent and subscription shall be paid to the Treasurer before the AGM each year. Failure to pay by this date will result in forfeiture of the plot and termination of the tenancy from that date.
- e. Allotment Holders who have existing Associate Members who share the cultivation of their plot(s), must pay their subscription before the AGM.

8. APPLICATION FOR MEMBERSHIP

- a. Application is open to all and prospective members must complete and return the application form in order to be placed on the waiting list, which is managed for the Committee by the Site Manager.
- b. In making an application the prospective member should be made aware that the maximum size available is a half-size plot.
- c. It is the responsibility of the prospective member to ensure that their contact details are kept up to date.

9. OFFER OF MEMBERSHIP

Offer of a plot:

- a. When an applicant reaches the top of the waiting list they will be offered the next vacant plot.
- b. The Site Manager will contact the person at the top of the waiting list to arrange a site visit and to explain the responsibilities of membership of the Society.
- c. In exceptional circumstances the Site Manager may agree that the available plot is unsuitable for the prospective member. The Site Manager will offer the plot to the next person on the waiting list. The person originally at the top of the list will be made one further offer of a plot, at the discretion of the Site Manager. If necessary, the Site Manager can seek the guidance of the Committee.
- d. It is accepted that some people may be on the waiting list for several years and that when offered a plot their circumstances may have changed, at the discretion of the Site Manager, they may be placed back on the waiting list in a position where it may be possible to be offered a plot the following year, subject to availability.
- e. All new Allotment Holders will be directed to the Society Handbook which is on the Society website and includes a copy of this constitution, the rules, contact details and useful information.
- f. If the prospective member at the top of the list cannot be contacted after fourteen days, then the next person in the list will be offered the plot. The person originally at

the top of the list will be offered the next plot. If they still cannot be contacted their name will be removed from the waiting list.

10. NEW PROBATIONARY ALLOTMENT HOLDERS

- a. **Probationary Period:** New Allotment Holders shall be probationary for a period of six months. During this period regular assessment of the condition and progress of the plot shall be undertaken by the appropriate site representatives and reported to the Committee. At the end of the probationary period, the Committee shall determine whether the membership is to be confirmed or terminated and the individual concerned shall be notified accordingly by the Secretary.
The First two months are free from non-cultivation enforcement
- b. **Two months:** If after two months there is little evidence of cultivation or maintenance taking place on the plot, a first warning will be sent to the Probationary Allotment Holder. In this letter the option of relinquishing the plot will be raised. See (10e)
- c. **Four months:** If the situation shows little or no improvement a second warning will be sent to the Probationary Allotment Holder.
- d. **Eviction:** If after two warnings at the end of the sixth month probationary period there is little or no improvement or if it is the view of the Committee that good use will not be made of the plot, the Probationary Allotment Member is evicted from the plot. Any Associate Members registered to this plot are also evicted at that time. The departing Probationary Allotment Holder will be given one month's notice to remove any possessions from the plot.
- e. **Voluntary Relinquishing of a Plot:** Sometimes people find that the responsibility of cultivating an allotment plot is more demanding than they had anticipated. The Committee would appreciate an honest appraisal by the Probationary Allotment Holder. The Probationary Allotment Holder may, during the probationary period, ask to relinquish the plot and be placed back onto the waiting list and try again at a future date. In these circumstances the remainder of their membership subscription and rental is returned. This avoids (10d) above
- f. In the unusual circumstance that the new probationary member does very little to their plot and no preparation for cultivation or cultivation is taking place, the Committee may reduce the probationary period.

11. ALLOTMENT HOLDER'S RESPONSIBILITIES

- a. The Allotment Holder may select family members or friends to become their Associate Members. The Allotment Holder must ensure that the Associate Members that are registered to their plot are aware: -
 - i. of the rules and responsibilities of membership of the Society.
 - ii. that they must not start working the plot until their membership subscription has been paid.
 - iii. that there is no automatic transfer of tenancy for the plot should the Allotment Holder leave the Society. (See Section 13)

12. STATUS of ASSOCIATE MEMBERS WHEN ALLOTMENT HOLDERS LEAVE THE SOCIETY

When Allotment Holders leave the Society, the following will apply to the remaining Associate Member.

- a. Where the Associate Member has been sharing the cultivation and maintenance of the plot for a period that exceeds or approximates to the average time spent on the waiting list, they are given first refusal to take on the plot. (This person may not actually be on the waiting list) If the Associate Member does not wish to take up this offer, they would also have to vacate the plot. The Committee may agree that the Associate Member may remain until the end of the growing season.
- b. When the Probationary Allotment Holder fails to complete the six month probationary period, all members registered to that plot are to vacate the plot with the plot holder.
- c. When an Associate Member has been working a plot, but the Allotment Holder leaves after a period that is less than the typical time spent on the waiting list, their future membership will be at the discretion of the Committee.

13. GAINING ANOTHER HALF PLOT and SWAPPING PLOTS

- a. Applications can be made on the standard on-line forms (paper copies available upon request). If plots are fully allocated, a waiting list of applicants shall be maintained by the Site Manager. All plot vacancies shall be offered in the first instance, in chronological order, to applicants on the waiting list (which may include existing plot holders seeking an additional half plot).
- b. Existing Allotment Holders of half-size plots who wish to acquire an additional half-size plot must register their wishes in writing to the Site Manager and join the bottom of the waiting list. Any member will be allowed a maximum of 1x full size plot in total. When an existing plot holder's name comes to the top of the waiting list, the Site Manager shall first discuss that applicant's record with other members of the Committee to establish that he or she has maintained a fully productive and tidy plot and that the rent and any other charges are fully paid to date. In such a case the next available half-size plot will be offered to that Allotment Holder. The Allotment Holder may decline the offer if they are prepared to wait for a second half-size plot to become available closer to their existing plot.
- c. Existing Allotment Holders of a half-size plot wishing to upgrade to a full-size plot and relinquish their existing half-size plot, may decline the offer of a new full-size plot if they are prepared to wait for a plot on their chosen site.
- d. Allotment Holders who may wish to swap their plots should discuss this with the Site Manager / Site Rep who will advise the Committee and decide on an appropriate strategy.
- e. Associate Members on being offered their own plot may decline the available plot and wait for a more suitable or convenient plot to become available.
- f. The Site Manager may, in exceptional circumstances, seek formal approval at a meeting of the Committee to deviate from these procedures where it is in the best interests of the Society.
- g. Outgoing tenants must remove all their personal belonging with within 14 days of vacating a plot.
- h. A retiring allotment holder who has purchased and erected structures on the plot can remove those structures or offer them for sale to existing members or to the new in-coming member within a timescale agreed with the Site Manager. Some structures have become the property of the Society. The in-coming member may then make use of these and pay a one-off fee (for use not ownership) depending

upon their condition. This fee will be agreed with the Site Manager. The allotment holder must maintain those structures in good order for the period of their tenancy.

14. SITE INSPECTIONS

- a. The Committee will conduct site inspections to ensure that good use is being made of all plots, with active cultivation and well-maintained boundary paths and hedges and the Leat (B and C sites only).
- b. Site inspections will be performed at the beginning of each month between March and October.
- c. A photographic record will be made of all site inspections
- d. The site inspections are performed by at least five members of the Committee, but must include at least two from: - CHAIRPERSON, VICE-CHAIRPERSON, SECRETARY, TREASURER, SITE MANAGER
- e. The Secretary will write to Allotment Holders who have made a significant improvement to their plots or where congratulations are appropriate.
- f. Where a plot is apparently falling out of use the following will apply: -
 - i. the condition will be noted and recorded, and the Committee informed.
 - ii. The site representative will contact the plot holder to find out if there are extenuating circumstances. If this interaction takes more than 14 days to complete, the site representative will inform the Committee and a Notice to improve letter will be sent via email*.

If contact is made and extenuating circumstances are apparently established, the plot holder will explain the situation in writing/email to the site representative, who will relay this to the Committee. The latter will make a judgement and reach a consensus by email.

The exception to this interim personal contact will be if a site representative had spoken to the plot holder, warning that the site was in poor condition during the previous month. In which case this clause would not apply.

- iii. If no improvement after (i) and (ii) above a first warning will be sent via email* by the Secretary to the Allotment Holder.
- iv. At the following site inspection, if there has still been little or no improvement, a second warning will be sent by email* by the Secretary to the Allotment Holder with an agreed timescale to improve.
- v. Failure to improve will result in an eviction notice being emailed* by the Secretary to the Allotment Holder. The plot must be vacated within one month of receipt of this letter. The site key must be returned to a member of the Committee and the key deposit returned. Outgoing tenants must remove all personal equipment and privately owned sheds and greenhouses (13h applies). Although on occasion the Committee may extend this period depending upon circumstances.
- vi. In determining the above actions, the Committee must consider any personal circumstances of which they have been informed that is preventing Allotment Holders from maintaining their plots.
- g. Where an Allotment Holder has more than one half plot, should any one of these plots become subject to above eviction can be applied to one of the plots without the need to evict the Plot Holder from all their plots.

15. MEMBERS IN CONTRAVENTION OF SOCIETY RULES

- a. The Committee will terminate the membership of any member whose conduct has been proved to the satisfaction of the Committee, to have been detrimental to the interests of the Society or against another member.
- b. If an Allotment Holder's behaviour on site contravenes membership rules or gives cause for concern it can be reported to a member of the Committee in the first instance. Members should not directly intervene unless there is an immediate health & safety risk.
- c. Allotment Holders or Associate Members who are finally removed from the Society's roll may not reapply for membership for one year. Then, in exceptional circumstances, the Committee may allow re-admittance to the Society through the usual channels.

16. APPEALS PROCEDURE

This appeals procedure has been provided by Hine Downing Solicitors and was adopted at the 2014 AGM.

ROUTE OF APPEAL FOR ALLOTMENT HOLDERS IN CONTRAVENTION OF SOCIETY RULES

- a. If an Allotment Holder believes that the Committee's decision to issue a warning or eviction is unfair, they may appeal in writing to the Committee against such decision. Such an appeal must be sent by recorded delivery to the Secretary within seven days of service of the letter of eviction. An appeal should consist of an explanatory letter addressing the specific breach of the Society Rules.
- b. The Committee must consider the appeal and reply to the Allotment Holder within fourteen days of service of the appeal.
- c. If an appeal is accepted, the warning or eviction shall be rescinded, the Allotment Holder will retain the plot and membership will continue. Where an appeal is accepted and relates to an Allotment Holder's failure to cultivate or maintain the relevant plot in accordance with the Society Rules, the Allotment Holder will be given a rectification period (determined by the Committee) to bring the plot to the required standard, after which the Committee will decide whether further action need be taken.
- d. Where an Allotment Holder has repeatedly breached the Society's Rules, all earlier breaches, any action taken by the Committee in respect of the same, and any appeals arising from those earlier breaches may be considered by the Committee when making its decision.
- e. Where a warning or eviction has been the result of an Allotment Holder's failure to cultivate or maintain the relevant plot in accordance with the Society Rules, an appeal should consist of an explanatory letter addressing the lack of cultivation or maintenance. The appeal may also include a written statement provided by any relevant person whose evidence might reasonably be regarded as being of use to the Committee in reviewing its decision. Relevant persons may include those with plots directly adjacent to the Allotment Holder in question, and such other persons who the Committee (in their sole and absolute discretion) shall choose to have regard when reviewing its decision.
- f. Where a warning or eviction has been the result of an Allotment Holder's failure to behave in a manner conducive to the Society Rules, an appeal should consist of an explanatory letter addressing the behaviour concerned. The appeal may also include a written statement provided by any relevant person whose evidence might

reasonably be regarded as useful to the Committee in reviewing its decision. Relevant persons may include those who witnessed the detrimental behaviour reported, and such other persons who the Committee (in their sole and absolute discretion) shall choose to have regard when reviewing its decision.

17. EXPENDITURE

- a. No Society member may purchase any item or incur a cost on behalf of the Society unless it is agreed by a majority vote of the Committee and recorded in the Committee minutes. For an urgent decision the Committee may vote by email and the voting responses stored and the result recorded at the next Committee meeting. The remuneration for those expenses so incurred (having been agreed in advance) requires the submission of receipts, before reimbursement can be made.

18. WORKING PARTIES

To ensure that those involved in working parties are covered by our insurances the following legal advice was kindly provided by Hine Downing.

- a. The Committee may form working parties to perform tasks that will be of benefit to Society members.
- b. Any such working party will take all reasonable measures to ensure the health and safety of the other users of the site. It is the responsibility of the working party to seek advice and or direction from the Committee if they are uncertain as to the application of the health and safety regulations.
- c. In doing so the Committee must: -
 - i. select a member of the Society to act as Working Party Leader who has the necessary skills and experience to deliver the project safely, who will direct the work of the working party.
 - ii. ensure that those members taking part in the working party have the necessary competences and capacity to complete the task.
 - iii. decide upon the size of a financial float which is held by the Working Party Leader, but who may not make individual purchases or place orders which exceed the value of this float unless agreed by the Committee as in (18)
 - iv. ensure that the completed project, depending upon its nature, is safe for Society members.
- d. Any working party must observe all conditions and covenants contained in any lease or conveyance under which the Council holds the land that applies to the allotment Society (where the same shall apply)

19. CONTRACTORS WORKING ON SITE

Engaging the services of a contractor on site must be agreed by the Committee as defined in G17 of the rules.

- a. All contractors working on site should be bona fide and have the necessary insurances.
- b. The Committee may appoint contractors as needed as defined in and must ensure, so far as is reasonable to do so, good value for Society members.
- c. Any contractor must observe all conditions and covenants contained in any lease or conveyance under which the Council holds the land that applies to the allotment Society (where the same shall apply).

- d. Both the Society and members appointing contractors to work on site must ensure that copies of the contractor's competence certification and employee/ public liability insurance is forwarded to the Secretary prior to works commencing.

20. AMENDMENTS

- a. The Constitution and Rules may be amended by a resolution receiving a two-thirds majority at an AGM or EGM convened for the purpose.

21. NOTES

1. Cultivation involves the regular sowing or planting of crops, tending and their harvesting. The plot should be maintained, essentially free of weeds, without weed seed heads blowing seeds onto neighbouring plots. The covering of an area of a plot with a tarpaulin for more than a few months is not regarded as cultivation. The plot should be in productive use or the soil turned over ready for cultivation. Green manures may be used during the winter months.
2. Existing members who are Allotment Holders of more than one full-size plot for historical reasons may continue to do so.
3. Allotment Holders must consult their Site Representatives when new or replacement structures are sited. Structures must be sited 0.5m from the boundary. This applies to polytunnels and fruit cages those constructed before February 2013 may remain in place but relocated when re-sited or rebuilt).
4. It is a requirement of the lease that the site and all plots are maintained in a state of good husbandry.

Acknowledgements and useful websites:

Royal Horticultural Society. www.rhs.org.
Allotment—Grow Your Own. www.allotment.org.uk
National Allotment Society. www.nsalg.org.uk
Amateur Gardening: www.amateurgardening.com

Website: <https://falmouthallotments.org/>

Find us on Facebook: [Falmouth Allotment Society Members Group](#)

*Where a member has given permission for contact via email – if not Royal Mail signed for service will be used.