

HALLS FARM ALLOTMENT GARDENS LTD

2023 Company Rules June 2023

Contents

1	Introduction
2	Membership
3	Officers of the Management Committee
4	Committee
5	AGM
6	EGM
7	Powers and duties of the officers
8	Powers and duties of the Committee and officers
9	Notice to members
10	Financial provisions
11	Use of Company equipment
12	Amendment to the rules
13	Provisions in the event of dissolution
14	Conduct of tenants

1	Definitions:	
	The Company	means (Halls Farm Allotment Gardens Ltd), a Company Limited by guarantee
	Members	means a member of the Company, who is a guarantor
	Membership	means an annual amount payable on 1 st January
	Allotments	means an area of land leased from London Borough of Bromley to the Company protected by statute under the Allotments Acts of 1908 and 1950 for the purpose of leisure and of growing vegetables, flowers and fruit for domestic consumption and available to rent for an annual sum
	Tenant	means any person, 18 years or older,
	Allotment Plot	means a defined area of land within the allotment site that is available to rent for an annual sum
	Allotment rent	means the annual charge for renting an allotment plot for 12 months from 1 st January to 31 st December. This charge is reviewed annually by the Committee and ratified at the AGM

Introduction

1. The objects of the Company shall be as set out in the Company's Articles of Association ("the Articles")
The Company shall be a member of Bromley Allotments and Leisure Gardens Ltd and pay an annual membership fee no later than 30th June in each year.

2. Membership

Qualification of membership: The provisions are set out in the Articles and recommends:
Tenants of allotment plots on the Halls Farm site are required to be a full member of the Company.

Categories of membership:

- (a) Full members which include joint members - shall be entitled to vote at Company General Meetings.
- (b) Honorary membership may be granted by the committee. They will not be members of the company or entitled to vote.

Amount and payment of subscriptions:

- (a) Annual membership subscription for a full member shall be due on the **6th January**, or on taking over tenancy of a plot, the cost will be determined by the Directors of the Company

- (b) Full members shall pay rent and membership subscriptions and annually by **18th February** at a rate decided by the Company within parameters set by the London Borough of Bromley.
- (c) All members shall receive a yearly receipt for their subscription and shall be given a copy of the Company Rules on joining the Company.
- (d) On joining the Company, the member shall also pay a deposit of £50 called the “rentability” deposit. This Sum will be refunded to the member on exit of the Company if the member’s plot is in an immediately rentable condition as determined by the Committee. The Company shall be entitled to offset any costs incurred in the removal of non-compostable waste left on the vacated plot(s) that is of no benefit to a future tenant against the “rentability” deposit.

Termination

- (a) The provisions for termination of membership are set out in the Articles.
- (b) Additionally, membership will automatically terminate when the tenancy of the plot terminates, or is surrendered, and is not renewed.
- (c) If a member fails to pay the annual membership and rent within 30 days of 20th January in any year, the company will terminate their membership.
- (d) If the tenant is not duly observing the rules of the company.

3 Officers of the Management Committee

- (a) The Directors of the Company shall in accordance with the Articles, delegate the day-to-day operation of the Company to officers comprising a Chair, Treasurer, Secretary and other committee members. See appendix A
- (b) The Chair, Treasurer and Secretary shall be elected at the Annual General Meeting and their term of office shall be from the date of that Annual General Meeting to the date of the next
- (c) All Officers shall be eligible for re-election.
- (d) Where the position of any officer listed at (b) above falls vacant for any reason following an Annual General Meeting that position may, at the discretion of the next Committee meeting, be filled for the remainder of the year
- (e) The Chair, Treasurer and Secretary, (the officers) are empowered to act on behalf of the Company on any matter requiring an immediate decision and shall report back at the next Committee meeting

Duties of Officers

- (a) The Chair shall conduct meetings in accordance with the Articles of the Company except where the conduct is varied by these Rules and Standing Orders. They will have the casting vote
- (b) The Treasurer shall receive all monies and transact all financial business of the Company maintaining records which are satisfactory to the Financial Examiners and shall arrange for them to carry out an independent review of the accounts prior to the presentation of those accounts for approval to an Annual General Meeting
- (c) The Secretary shall deal with correspondence and keep the minutes of each meeting, they shall send copies of the Agenda of the Annual General Meeting, together with financially examined accounts if available, to all Members before the due date of the meeting and present the Report of the Company at the Annual General Meeting

- (d) Officers may on the production of appropriate evidence claim all expenses, providing that the expenditure is wholly and reasonably incurred on behalf of the Company

4 Committee:

- (a) The Management Committee shall include a Chair, treasurer, secretary and a maximum of 7 others; Roles may include; membership secretary, shop manager, plot inspector, site and security overview, website officer.
- (b) Election of: The Committee Members shall serve for one year (unless re-elected at the Annual General Meeting). Candidates for the committee must be proposed and seconded by members and must be prepared to serve. Nominations, proposed and seconded, should be handed to the secretary at or before the date of a General Meeting.

There shall be no limit to the duration an individual may serve as an officer or committee member of the Company but each officer/committee member must seek re-election annually. Where there is no other nominee for a post and the sitting officer seeks re-election, they will automatically be re-elected

- (c) All officers shall discharge the duties of their respective posts to the best of their ability and in accordance with the Rules of the Company and maintaining confidentiality where agreed.
- (d) See Appendix A the Committee.
- (e) The management Committee has the power, at its discretion to deal with any company matters not expressly provided for in the rules of the Company
- (f) The Quorum is: 50% of the committee total, one of whom must be an Officer. In the case of 7 members, 3 is acceptable for the Committee.
- (g) A Member of the Committee who fails to attend three consecutive meetings without good reason will be deemed to have ceased to be a Member of the Committee.

Meetings

- (a) The committee shall meet after plot inspections or at any other time as shall be deemed necessary.
- (b) Duties of the committee shall be to attend all meetings of the committee and to bring forward all matters concerning the welfare of the members they represent and to be at all times open to receive suggestions from members about the affairs of the Company and the Site

5 Annual General Meeting.

The provision for AGMs is set out in AA20

- (a) The meeting shall be held within 4 months of the end of the Company's financial year.
- (b) Only Directors and Members of the Company may attend AGM.
- (c) Chair - The meeting will be Chaired by a person nominated by the Directors
- (d) Notice - full notice and particulars of which shall be given 21 days before the meeting by letter, electronic form or website.
- (e) Motions for discussion – should be notified to the secretary 7 days before the AGM.
- (f) Quorum – 20% of Members constitute a quorum.

6 EGM. As for AGMs (5 above) A minimum of 5% of members can call for a General Meeting

7 Powers & Duties of the officers. This provision is set out in AA17

The secretary shall have powers to sign tenancy agreements and notice to quit

The Chair and secretary are empowered to act on behalf of the Company on any matter requiring immediate decision, and to report their actions to the next ordinary meeting of the Committee for ratification.

8 Powers & Duties of the Committee and officers This provision is set out in AA17

Letting of plots – Secretary / membership secretary

Collection of rent – Secretary / Treasurer

Termination of tenancies Secretary / Committee

Determination of rent levels – Directors/ Committee

Plot inspectors –shall carry out Plot inspections at intervals as they consider necessary throughout the year usually end of March, May July and September. The plot inspectors shall submit a report to the Committee who will pursue any action they deem appropriate with individual members whose plots are judged to be in need of attention.

Shop Manager – day to day running of the shop, ordering stock and shop security

Site and security overview – to note any site, H & S or security issues and notify the Committee

There will be an annual H & S inspection, the results of which to be reported to the Members

Website officer – Update website and ensure a secure platform

The management committee shall determine the level of key deposits. All keys issued by the Company are subject to a deposit being paid. The management Committee reserve the right to withhold deposits for keys if not returned with two months of the determination of a tenancy

9 Notice to members – This provision is set out in AA27

(a) For Company business there will be two-way written communication between plot holders and Committee Members, principally by the Secretary. This may be by letter, email or by means of site noticeboards.

(b) The Secretary keeps an Accident Book for reporting accidents or near-accidents.

10 Financial Provisions

(a) Bank accounts – The Company will maintain an on-line bank accounts with Metro Bank

(b) Authorising payment. Any of those authorised by the Directors as signatories.

(c) Authorising cheques. 2 signatures are required.

(d) On line transactions must be ratified by the Treasurer and a cheque signatory.

(e) Any item of expenditure over £400 must be approved in advance by the committee

(f) Handling and banking of cash and cheques is the responsibility of the treasurer

(g) The Financial year shall commence on 1st January and end on 31st December.

(h) Preparation of accounts: The Treasurer shall prepare an annual statement of the Company accounts, which shall be reviewed by 2 financial examiners and presented to the Annual General Meeting for approval. A copy of the management accounts to be submitted to the London Borough of Bromley as requested by them

- (i) The Treasurer shall ensure the lease rental (which is subject to change as set out in the lease by reference to the Retail Price index or its equivalent) is paid to Bromley Allotments and Gardens Limited by 30th June each year
- (j) The treasurer shall prepare and submit the balance sheet for the Company to Companies House, one year after incorporation this being, 31st October 2019, first accounting return will be 29th July 2021 and every year thereafter and submitted within the deadlines of Companies house. The confirmation statement is due on 11th November 2020 and annually thereafter.
- (k) 2 Financial Examiners, not being a Director or officer of the Company shall be elected at each Annual Meeting
- (l) Honoraria will be awarded to members at the discretion of the Company
- (m) Accounting records must be kept for 3 years from the date they were made.

11 Use of Company equipment

- (a) The Company may provide a limited range of equipment for use by members and joint tenants only
- (b) Except in the following circumstances equipment provided must not be taken or used off site
 - (a) Removal for repair or servicing
- (c) An Officer or Committee member must instruct members / plot holders on the use of a specific item of Company equipment. The member uses equipment provided by the Company at their own risk.
- (d) Where there is evidence that damage to Company equipment is wilful or due to negligent use, the Company reserves the right to seek recompense from the person using the equipment when the damaged occurred.
- (e) The company will provide appropriate safety equipment

12 Amendment to rules. Company rules are established by Directors (AA28)

No alteration or addition to the Company Rules may be made except by a two-thirds majority of those voting at the Annual General Meeting or at a Special Meeting convened for that purpose. The Secretary shall give written notice to the Members of any proposed change to the Rules no later than 21 days prior to an Annual General Meeting or Special Meeting for the purpose of changing the Rules being convened

The rules may be amended by the Committee and ratified at the AGM

13 Provisions in the event of dissolution This provision is set out in AA5

14 Conduct of members Include additional requirements.

- (a) Each individual member of the Company is required to:
- (b) Abide by the allotment Site Rules & Conditions of Tenancy as well as the Company Rules as well as interim rules the Committee may consider necessary to introduce in the interests of the good management, Safety, general maintenance of the site and the care and wellbeing of members and integrity of the Company
- (c) A member who proposes to cultivate a plot on the Halls Farm site shall not commence cultivation until they become a member of the Company and the tenancy agreement has been signed and returned to

the Secretary. Any member who transfers from one plot to another must sign a new agreement before commencing to cultivate the new plot. Notice of intent to terminate rental of a plot must be given to the Secretary or to a Committee Member.

- (d) Maintain the security of the gate padlock code by not sharing with anyone other than a member and always spinning the numbers on entering and leaving the site to disguise the code.
- (e) Members must not enter another person's plot, use their equipment/gardening materials or take away their produce without that person's express permission
- (f) Be responsible for the wellbeing, safety and conduct for the duration of their presence on the site of any person(s) whom they may bring to the site and who are not members of the Company. Members are requested to keep accompanying children under their control and not to allow them to enter other people's plots or participate in games which involve running around the site. Children should not be allowed to play near the stream.
- (g) Members should note that dogs may be brought on site provided that they pose no threat to other people on site, any mess is cleared up and taken away, they are kept on a lead at all times and they are not allowed to stray on to other members plots
- (h) Members may have temporary structures such as a shed or glasshouse but excluding fruit and vegetable cages on an individual allotment garden which must not exceed 2.5metres in height and a footprint of 6 feet x 4 feet. Any temporary structures constructed on the property shall be kept in good repair and condition. Permission to erect a shed or greenhouse must be obtained from the Committee
- (i) Use water on the site in a responsible manner. The use of sprinklers or unattended hoses is prohibited. Water will be available from tanks all year. Hosepipes can be used between 1st April and 30th September.
- (j) Members must keep their plots cultivated, free of weeds and tidy. Right hand and main path edges to be kept trimmed. Failure to do so may precipitate the Company giving notice to the member to quit.
- (k) Members are encouraged to volunteer to at least one work day during the year.
- (l) Plot allocation: Unless decided otherwise by the Committee in the light of circumstances pertaining at the time, no member shall have tenancy of more than two plots at any time. Where an existing member has a tenancy of a plot, they must apply to the lettings officer for an additional plot. Such application shall be considered taking due account of the applicant's past record as a tenant and any other circumstances considered relevant. In the event of the application being approved the applicant will take their place on any waiting list in existence at the time
- (m) Plot inspections: The Committee shall appoint 2 members to carry out whole site plot inspections throughout the year. The plot inspectors will submit a report to the Committee for consideration following which they will pursue action as they deem appropriate with individual members whose plot(s) are considered to be in need of attention. Additional plot inspections may be carried out by the Committee where there is a particular concern about the condition of a plot and adjoining pathway and the Committee may contact those members where remedial action is required
- (n) Members must not bring the following materials on to the site: tyres, asbestos, chemicals which are not recognised for horticultural use or more than 1 litre of fuel for mechanical tools. Members must remove from site, any plastics e.g. plant pots, seed trays etc not in use on their plot.
- (o) Bonfires are permitted between 1st October and 30th April at any time and from 1st May to 30th September before 9am and after 6pm. Only non-compostable plant waste originating from the site may be burned. All other rubbish must be removed from the site. Rubbish and other materials must not be brought to the site for burning. Reference should also be made to the LB Bromley nuisance from

garden bonfires leaflet. Fires should not be left unattended and must be extinguished before leaving the site.

- (p) Not to allow fruit trees to become unmanageable or to exceed 2.6 meters in height or to cast substantial shadow on another member's plots. Where members do not prune any such tree, following due notification, the Committee reserves the right to prune the tree and to charge the member, or ex member if the plot has been given up, for the work done
- (q) Members must display the number of their plot in such a way that it may be read from the main pathway leading to the plot.

15 Provisions for dealing with matters not expressly provided for in the rules – Should a situation arise which is not covered by the rules of the Company, the Directors and /or Management Committee is empowered to deal with other matters at their discretion

APPENDIX A

The Committee -relationship to members.

The Committee is a group of unpaid volunteers who ensure that:

- all plots are in active cultivation
- agreed rules and procedures are kept to by all members.
- site and buildings are secure and well maintained
- clear and accurate financial records are kept, including those of the shop
- there is liaison with BALGL and LB Bromley.

The Committee is not 'in charge' of the site but relies upon the goodwill and support of members in a relationship of mutual trust. However, the Committee is also responsible to members and LB Bromley for good standards of cultivation, financial probity and adherence to the site lease and there will be times when it will have to act in an objective and firm manner to ensure compliance within the terms of the site Lease.

In order to achieve the above the Committee undertakes to communicate clearly with all members, by email , letter or phone but most importantly by developing positive relationships with all members, by seeking out and listening to members' concerns and opinions, and by dealing with any difficulties transparently and with fairness.

It will take action as agreed at Committee meetings, operating as a body and not via personal preferences in a consistent and reasonable manner.

Committee meeting minutes, and other key information will be on display on both notice boards and regular Newsletters and Horticultural Newsletters will also support this.

Community events such as Work Days, AGM, BBQs and Rent Days will be well publicised as will other vital information such as changes to padlock codes, taking into account that not all members have access to email.

It is essential that procedures such as plot inspections are seen to be fair and that concerns and follow up actions are carefully recorded.

The Committee will at all times demonstrate respect and maintain agreed confidentiality.

June 2023

