

# South Gardens Residents' Association

## Constitution

WE, THE UNDERSIGNED, having resolved to form an Association to represent the interests of the leaseholders of development known as South Gardens, Elephant Park, on matters of common interest, have further resolved to adopt the rules of the Association annexed hereto which we have signed for identification purposes.

Dated ...18<sup>th</sup> February 2018

1.0 The Association shall be called South Gardens Residents' Association ('the Association')

### Objects

2.0 The objects of the Association are:

- 2.1 to represent the leaseholders and other residents on matters of common interest;
- 2.2 to consult with the lessor and/or its managing agent;
- 2.3 to preserve and improve, where required, the amenities enjoyed by leaseholders;
- 2.4 for the purpose of aforesaid, to employ solicitors, counsel, surveyors, engineers, accountants and other professional or qualified persons to advise the Association;
- 2.5 to organize social events for the enjoyment of all residents of the development;
- 2.6 to do such other things, ancillary to the preceding objects, as may seem desirable to the Association.

### Members

- 3.1 Any leaseholder may upon application and payment of the entrance fee (if any) become a full member. Only one vote per flat/house will be given in the case of joint leaseholders. A company that is a leaseholder of a flat/house shall be eligible for membership.
- 3.2 The committee may admit any other person as an honorary member.
- 3.3 In the rules the word "Member" shall, unless the context otherwise requires, mean a full member. Honorary members shall have neither rights nor obligations, except they shall have the right to attend and speak (but not vote) at any general meeting of the association.

### Committee

- 4.1 The committee shall consist of not less than 3 members who shall be elected by remaining members of the Association. At each annual general meeting (AGM) all committee members shall resign but shall be deemed to be re-elected (if willing to act) in absence of other nominees.
- 4.2 Unless the chairperson otherwise decides, no person shall be nominated for membership of the committee unless at least 7 days prior to the annual general meeting, written notice of such nominations shall be given to the secretary, save that existing members of the committee shall be deemed to be duly nominated.

### Officers

- 5.1 The committee shall elect a chairperson (who shall be chairperson of the Association and remain such until a new one shall be elected) and shall appoint a secretary and/or treasurer. (These two roles may be combined.)
- 5.2 The secretary shall keep and make available for inspection whenever requested to do so by a member:
  - A record of the business transacted at the AGM.
  - Copies of all written and notes of all oral communications with the landlord and/or agent and any replies received.
- 5.3 The Association in general meeting shall appoint two members (not being members of the committee) to act as auditors.

### Meetings

- 6.1 The first AGM shall be held within 3 months of the end of the first financial year end.
- 6.2 Thereafter an AGM shall be held each year in the month of April and 14 days notice in writing of it shall be given to every member at his/her flat/house. A report shall be given at the AGM by the chairman indicating the Association's work over the past year.
- 6.3 Special general meetings shall be called on the requirement of the committee or of at least 25% of members. At least 14 days notice in writing thereof shall be given to every member aforesaid. The notice shall indicate in general terms the principle business to be considered at the meeting.
- 6.4 At the AGM of the Association, or at any special general meeting, 25% of the membership shall constitute a quorum, and if not present, the meeting shall be adjourned to another day when members present shall form a quorum.
- 6.5 Seven days notice in writing must be given to the secretary of any resolution to be moved at the general meeting unless such resolution is admitted by the chair at the meeting.
- 6.6 A notice containing all resolutions and nominations to be moved, with the names of those proposing and seconding each resolution or nomination, shall be kept by the secretary and be available for inspection by any member for seven days before the general meeting.
- 6.7 All members shall have the right (subject to control of the chairperson) to speak at any general meeting.
- 6.8 All members shall have the right to vote on any resolution before any general meeting.
- 6.9 Any member entitled to vote may demand a poll which shall be taken forthwith.
- 6.10 Any member entitled to vote may authorise in writing (such authority to be satisfactory to the chairperson) another member to vote on his/her behalf.

6.11 In the event of the equality of votes on any resolution the chairperson shall have the casting vote.

#### **Subscriptions**

7.1 Each person on applying to become a member of the Association shall pay an entrance fee. Until otherwise determined by Association in general meeting the entrance fee shall be £ Nil

7.2 Each member shall pay subscriptions in accordance with the resolution of the Association in general meeting.

7.3 The committee may expel any member who shall after 14 days notice, addressed to him and sent by post to or delivered at his/her apartment at South Gardens, remains in default in paying any subscription.

#### **Finance**

8.1 The treasurer shall have control of funds of the Association and, save where required for immediate expenditure, he/she shall pay the same into a bank account or building society as directed by the committee.

8.2 The property and funds of the Association shall be held and administered by the committee and resolution of the committee shall be sufficient authority for any payments from the bank or building society accounts.

8.3 The committee is not authorised to incur any overdraft.

8.4 All cheques or requests for cheques or warrants shall be signed by the treasurer or secretary and one of the committee.

8.5 The financial year shall end on 31 March up to which date any annual statement of accounts and balance sheet be submitted for approval at the subsequent annual general meeting.

#### **Indemnity**

9.1 The members of the Association shall indemnify the officers of the Association and members of the committee against all liability incurred by them in good faith on behalf and in the name of the Association acting within their authority.

#### **Alteration Of Rules**

10.1 These rules may be varied or added to by resolution of the Association in general meeting, passed by a majority of at least two thirds of the members present in person or by proxy under rule 6.10, of which resolution notice shall be given in the notice convening the meeting.

#### **Complaints**

11.1 All complaints or suggestions on matters regarding the Association shall be made to the secretary, preferably in writing.

#### **Dissolution**

12.1 The Association may be dissolved if the number of full members at any time falls below 3 and the committee so resolves, or if the Association in general meeting so resolves by a majority of at least two thirds of the members present in person or by proxy under rule 6.10 of which resolution notice shall be given in the notice convening the meeting.

12.2 On such dissolution any balance of the funds of the Association shall be distributed equally between the then members (who are not in arrears with their subscriptions) OR shall be paid to a suitable charity to be decided upon by a majority of the membership.

#### **Committee**

13.1 The members of the committee are:-

Chairperson Oliver Parsons:.....

Secretary Claire O'Regan:.....

Treasurer Steve Watson:.....

Vice Chair Kirsty Blythe:.....

Member .....

Member .....