NOTTINGHAM ONE TENANTS' ASSOCIATION CONSTITUTION

1) NAME

The Association shall be known as the 'Nottingham One Tenants Association'

2) AIMS & OBJECTIVES

a) To maintain & improve conditions for residents in the development.

b) To represent and promote the interests of leaseholders and their sub-tenants in discussions with the Freeholder, their managing agent and other organisations, eg Nottingham City Council.

c) To do such other things, ancillary to the preceding objects, as may seem desirable to the Association, eg respond to Government consultations.

d) For the purpose of the aforesaid, to employ such professional or qualified persons to advise the Association.

3) MEMBERSHIP

a) Membership of the Association shall be open to all leaseholders and sub-tenants of apartments within the Nottingham One development.

b) Membership will be predicated on payment of an annual subscription due on 1st April each year. The amount shall be fixed by resolution at each Annual General Meeting and will be per apartment. For members (who have not previously been members) joining between 1 October and 31 March the first membership period will extend to 31 March of the following year, i.e. for a maximum of 18 months. A company that is a leaseholder shall be eligible for membership.

c) Members, including joint leaseholders, will have one vote per apartment.

d) Where a person(s) or company has a lease on more than one apartment, the number of votes they have in any ballot will be reflected in the number of subscriptions paid.

e) For purposes connected with Sections 18-30 of the Landlord and Tenant Act 1985, voting shall be restricted to variable service charge payers. Voting on expenditure wholly attributable to a specific purpose, eg car parking, will be restricted to those members liable for such charges.

f) Membership of the Association shall be an acknowledgment of the acceptance of the Constitution.

g) Membership of the Association will end if any one of the following occurs: -

(i) Upon a member ceasing to be a leaseholder or sub-tenant of Nottingham One;
(ii) Upon a member giving written notice to that effect to the Secretary;
(iii) If a member fails to pay the annual subscription by the end of April each year.

h) Each eligible person shall on request be supplied with a copy of the constitution.

i) All complaints or suggestions on matters regarding the Association shall be made in writing to the Secretary. They will then be considered at the next available Committee meeting and a response provided within 14 days thereafter.

j) It shall be a condition of membership that members at all times treat each other with respect and courtesy and conduct themselves in a reasonable manner at meetings or in premises used by the Association. Any members may be excluded for a breach of this condition or for any other conduct contravening the objectives of the Association, by a majority of those present and voting at any general meeting. Any member so excluded shall have the right of appeal to the following general meeting.

4) MANAGEMENT COMMITTEE

a) The Group will be run by a Management Committee elected or re-elected at the Annual General Meeting (AGM). Members of the Committee must be members of the Association.

b) All Committee members shall resign at each AGM but shall be deemed re-elected (if willing to act) in the absence of other nominees.

c) There must always be at least three members of the Committee but no more than six.

d) Officer roles will comprise Chairperson, Treasurer, and Secretary. The Committee may also agree additional roles to be filled by other members of the Committee.

e) Unless all agree a shorter period, Committee members will be given a minimum of 14 days notice of meetings.

f) The quorum for meetings shall be a minimum of 50% of Committee members. In the absence of the Chairperson those present will elect one of their number to chair the meeting.

g) Decisions will be taken by a simple majority vote. Where there is a tie, the chair of the meeting will have a casting vote.

h) The Committee will meet as and when required subject to a minimum of two meetings held during the course of the Association's year (in addition to the Annual General Meeting). If all Committee members agree, meetings may be held fully or partly by video link. Three or more Committee members may require the Secretary to convene a meeting.

i) Where a casual vacancy (or vacancies) arises on the Committee, it/they can be filled by the Committee at its next meeting.

j) The Committee shall deal with any of the Association's management issues which require decision during the periods between AGMs, and report these to the next AGM.

k) A Committee member may be suspended from their post if, in the opinion of a majority of the Committee, they have brought the good name of the Association into disrepute. An Extraordinary Meeting of the Association will then be called to take place within 42 days to determine if the member should be removed or reinstated (unless a General meeting is already scheduled within this time).

5) GENERAL MEETINGS

a) An Annual General Meeting of the Association shall be held once a year (within 13 months of the previous AGM). Notice of the meeting must be published at least 21 days in advance. The notice will inform Members that they have the opportunity to make nominations for election or stand for election themselves and to vote for the officers and other committee members at the meeting.

b) Extraordinary General Meetings (EGM) shall be called on the requirement of the Committee or of at least 10% of members. Notice of the meeting must be published at least 21 days in advance. The notice shall indicate in general terms the principle business to be considered at the meeting.

c) Failure to give notice to any Member shall not invalidate such notice.

d) The quorum for General Meetings will be a minimum of 10 members and, if not present, the meeting shall be adjourned to another day when members present shall form a quorum.

e) At the AGM:

- The minutes of the previous AGM will be presented for approval.

- The outgoing Committee will report on the Association's activities and financial position in the past year.
- The Committee and Officers for the following year will be elected. Officers to be elected are Chairperson, Treasurer, Secretary.
- Two members (not being members of the Committee) will be elected to act as Auditors. Should no one wish to stand, the Committee will appoint independent Auditors to act until the next AGM.
- To fix the annual subscription for the following financial year.
- Any proposed resolutions will be debated and voted on.

f) No person shall be nominated for an Officer post or membership of the Committee or as an Auditor unless, at least 7 days prior to the AGM, written notice of such nominations, together with the names of the proposer and seconder who must be members, shall be given to the Secretary; save that existing members of the Committee and the existing Auditors shall be deemed to be duly nominated. Members may self-propose.

g) If the number of persons standing to be an Officer, Committee Member or Auditor exceeds the number of vacancies then an election by the single transferrable vote system will be undertaken. Voting will be by secret ballot.

h) If posts remain vacant on the day of the AGM they shall be filled by nominations on the day or, failing that, in the case of Committee posts by co-option of the Committee thereafter.

i) All resolutions, except those relating to constitutional amendments will be decided by a simple majority of members present and voting.

j) Constitutional amendments require a two thirds majority of those voting at the meeting to be effective. Abstentions are not counted.

k) The Secretary must receive notice in writing of any resolution to be moved at the AGM at least 7 days before the meeting. Such notice to include the names of the proposer and seconder who must be members. Notwithstanding the foregoing, the Chairperson of the AGM has the power to admit emergency resolutions.

l) Any proposal to amend the constitution must be accompanied by a statement of reasons and submitted in writing. The proposal and statement of reasons must be received by the Secretary at least 28 days prior to the meeting at which they are to be considered. Such proposals to include the names of the proposer and seconder who must be members. Proposals to amend the constitution together with supporting information must be published with the notice of the meeting.

m) All members shall have the right (subject to control of the Chairperson and time constraints) to speak at any general meeting.

n) All members shall have the right to vote on any resolution before any general meeting.

o) 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.

p) In the event of the equality of votes on any resolution the Chairperson shall have the casting vote.

q) The Secretary shall keep and, when requested by a member, make available for inspection (within a reasonable time period): -

- A record of the business transacted at the Committee meetings, AGMs & EGMs
- Copies of all written, and notes of all oral, communications with the freeholder and/or their agent and any replies received.

6) Finance

a) 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.

b) On behalf of the Committee, the Treasurer shall have control of the Association's funds and keep proper accounts and shall obtain receipts for all payments made. Save where required for immediate expenditure; he/she shall pay funds received into a bank account or building society as directed by the Committee.

c) On ceasing office the Treasurer will, as soon as reasonably practicable, hand over all cheque books, cards and other account information, and shall cooperate to ensure any bank mandates are changed.

d) Committee Members shall have their reasonable expenses reimbursed by the Association provided that expenses are approved in advance and receipts are provided.

e) The Committee is not authorised to incur any overdraft.

f) 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 AGM.

7) Indemnity

a) 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.

8) Dissolution

a) The Association may be dissolved if the number of full members at any time falls below 10 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 of which resolution notice shall be given in the notice convening the meeting.

b) 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.

Founding Committee

Chairperson …………………………………… Signed ……..………………….

Apartment No(s) ……………….

Secretary …………………………………… Signed ……..………………….

Apartment No(s) ……………….

Treasurer …………………………………… Signed ……..………………….

Apartment No(s) ……………….

Member …………………………………... Signed ……..………………….

Apartment No(s) ………………..

Member …………………………………... Signed ……..………………….

Apartment No(s) ………………..

Member …………………………………... Signed ……..………………….

Apartment No(s) ………………..

Date 14 May 2019, Rev 1 to para 3)b) on 5 December 2023