

Constitution to govern the Community Group

known as

THE EASTINGTON COMMUNITY ORCHARDS GROUP

(ECO Group)

at

Eastington, Stonehouse, Gloucestershire

Version 0.1	First draft	April 2011
Version 1.0	Approved version	May 2011, first AGM
Version 1.1	Revised Trustees	June 2012, second AGM
Version 1.2	Additional Warden	June 2013, special cttee
Version 1.3	Revised Trustees	June 2014, fourth AGM
Version 1.4	Revised Secretary	August 2014, special cttee
Version 1.5	Revised Funding Trustee	November 2015, 5 th AGM
Version 1.6	New Chairman and Funding Trustee	January 2020, 9 th AGM
Version 1.7	New Chair, Orchard Warden and Treasurer	13 th August 2022 10 th AGM

Definitions

In this scheme:

“the area of benefit” means the Parish of Eastington.

“the committee” means the committee of management of the charity.

“the committee members” means the members of the committee (who are the charity trustees of the charity) acting under this scheme.

“the group members” means anyone who registers with the committee their interest in doing voluntary work in the orchards or otherwise supporting the charity.

"trusts" means the provisions which at any given time regulate the purposes and administration of the charity.

ADMINISTRATION

1. Administration

The Community Group is to be administered by the committee in accordance with this scheme.

2. Name of the Community Group

The name of the Community Group is The Eastington Community Orchards Group colloquially known as ECO Group

OBJECTS

3. Objects of the Community Group

- (1) The object of the Community Group is the provision and maintenance of several areas of ground for the purpose of restoring or creating these as orchards for the benefit of the inhabitants of the area of benefit, without distinction of political, religious or other opinions.
- (2) A proportion of these orchards shall be for outdoor recreation and leisure time occupation with the object of improving the conditions of life for the inhabitants of the area of benefit.
- (3) A further proportion of these orchards shall be for the productive growing of fruit locally, to be shared by members from the area of benefit in some ratio according to work effort volunteered. Such ratio to be decided by the Community Group from time to time as befits the co-operative management of the orchards.

POWERS OF THE COMMITTEE

4. Powers of the committee

In addition to any other powers which they have, the committee may exercise the following powers in furtherance of the objects of the Community Group.

- (1) Power to make rules and regulations consistent with this scheme for the management of the Community Group. The rules may include the terms and conditions upon which each orchard may be used by inhabitants of the area of benefit and members of the Community Group
- (2) Power to enter into legal agreements for renting, leasing or purchasing land to further the objectives of the Community Group
- (3) Power to appoint staff (who must not be trustees) and pay them reasonable remuneration, including pension provision for them and their dependants.

CUSTODIAN TRUSTEE

5. Custodian trustee

Eastington Parish Council will be the custodian trustee of the Community Group

PRINCIPLES of ORGANISATION

6. Co-operative ownership and activity

- (1) Orchards shall be owned, rented or leased by the Community Group. All fruit trees and bushes, tools and fixtures, shall likewise remain in the ownership of the Community Group save where a specific leasing agreement grants part-ownership to the leasor.
- (2) Any person who resides within the area of benefit may apply for membership of the Community Group by registering their interest with the secretary.
- (3) Save where a joint or part leasing or ownership occurs with a third party, land will not be sub-divided amongst members but worked on a co-operative basis.
- (4) Each orchard or group of small orchards shall be managed by an elected Orchard Warden who will be a committee member ex-officio.
- (5) Under the direction of the Orchard Warden, members shall work on a voluntary, co-operative basis to plant and maintain the orchards. A system of Fruit Tokens may be used to reward members for work hours performed which shall be redeemable at harvest time in a manner and ratio determined by the Committee
- (6) The Committee may decide that a proportion of the fruit crop in any year may be sold for the benefit of the charity, whether as fresh fruit, juices or other processing.

COMMITTEE

7. Committee of management

- (1) There shall be no less than 5 elected and no more than 10 elected committee members to include Chair, Treasurer, Secretary, Funding Secretary and 1 Orchard Warden for each orchard or group of small orchards.
- (2) The members of the committee are the managing trustees of the Community Group.
- (3) The term of office of all committee members will end at the end of the annual general meeting following the date on which they came into office. They may be re-elected or re-appointed.

8. Co-opted committee members

- (1) The committee may appoint not more than 2 co-opted members. The appointment must be made at a special meeting of the committee. The appointment will be effective from the end of that meeting until the end of the following annual general meeting.
- (2) If no suitably qualified Secretary or Treasurer is elected at the AGM, some other suitable person (s) may be co-opted (who may be employed upon such reasonable terms, including terms as to notice, as the committee think fit).

9. New committee members

The committee must give each new committee member on their first appointment:

- a. a copy of this scheme and any amendments made to it;
- b. a copy of the Community Group's latest report and statement of accounts.

Register of committee members

- c. The committee must keep a register of the name and address of every committee member and the dates on which their terms of office begin and end.
- d. Before acting as a committee member, every committee member must (whether on their first appointment or on any later re-appointment) sign in the register a declaration of acceptance and willingness to act in the trusts of this scheme.

MEETINGS OF COMMITTEE

10. Ordinary meetings

- e. The committee must hold at least 2 ordinary meetings in each year.
- f. Ordinary meetings require at least 10 days' notice.
- g. The chairman, or any two committee members, may call an ordinary meeting at any time.

11. Special meetings

- a. The chairman, or any two committee members, may call a special meeting at any time.
- b. Special meetings require at least 7 days' notice, except that meetings to consider the appointment of a co-opted committee member require at least 21 days' notice.
- c. The notice calling a special meeting must include details of the business to be transacted at the meeting.
- d. A special meeting may, but need not, be held immediately before or after an ordinary meeting.

12. Quorum

- e. Subject to sub-clause (2) below, no business may be transacted at a meeting unless there are present at least one-third of the total number of committee members.
- f. If there are fewer than one third of the total number of members in office, the committee may take such action as is required for the purpose of filling vacancies in its number, but it may not do any other business.

13. Voting

- g. Every matter must be decided by majority decision of the members present and voting at a duly convened meeting of the committee.
- h. The chairman of the meeting may cast a second or casting vote only if there is a tied vote.

14. Recording of meetings

The committee must keep a proper record of its meetings. The record must be retained by the secretary who must allow the members access to it.

15. Members to act jointly

The members must exercise their powers jointly, at properly convened meetings.

ANNUAL GENERAL MEETING

16. Annual general meeting

- i. There must be an annual general meeting of the charity in May of each year, or as soon as possible thereafter.
- j. All inhabitants of the area of benefit of 18 years and upward must be allowed to attend and vote at the meeting. The committee may allow inhabitants who are under 18 to attend (but not vote at) the meeting.
- k. The first annual general meeting after the date of this scheme must be called by the existing trustees within 12 months of that date. Every other meeting must be called by the committee.
- l. Public notice of the meeting must be given in the area of benefit at least 14 days before the meeting.
- m. The chairman of the existing trustees will chair the first meeting. The chairman of the committee will chair subsequent meetings. The persons present must elect one of their number to chair the meeting if the chairman is not present.
- n. At the meeting the committee must present the report and accounts for the last financial year. The existing trustees will present the report and accounts to the first meeting.
- o. Every matter must be decided by majority decision of those present and voting. The chairman of the meeting may cast a second or casting vote only if there is a tied vote.

COMMUNITY GROUP PROPERTY

17. Use of income and capital

The committee must firstly apply:

- i. the Community Group's income; and
- ii. if the committee think fit, expendable endowment

in meeting the proper costs of administering the Community Group and of managing its assets (including the repair and insurance of its buildings and orchards).

After payment of these costs, the committee must apply the remaining income in furthering the objects of the Community Group.

AMENDMENT OF SCHEME

18. Power of amendment

- (1) The committee (subject to the provisions of this clause) may from time to time amend the trusts if they are satisfied that it is expedient in the interests of the charity to do so.
- (2) The committee must not make any amendment which would have the effect directly or indirectly of:
 - (a) altering or extending the purposes of the Community Group
 - (b) authorising the committee to do anything which is expressly prohibited by the trusts of the Community Group
- (3) The committee must obtain the prior written approval of the Custodian Trustee before making any amendment which would have the effect directly or indirectly of:
 - (a) conferring a benefit of any kind on all or any of the current members or their successors;
 - (b) restricting the existing right of any person (other than the members) to appoint or remove a member, or trustee for the charity, or to intervene in the administration of the Community Group, without the consent of that person;
 - (c) varying the name of the Community Group
- (4) A decision to make an amendment must be approved at an annual general meeting of the Community Group at which:
 - (a) at least 14 clear days' public notice has been given in the area of benefit, the notice stating the business to be considered; and
 - (b) such amendments are approved by a two-thirds majority of the inhabitants of the area of benefit present and voting at the meeting.
- (5) The committee must:
 - (a) prepare a written memorandum of each amendment, which must be signed at the meeting at which the amendment is made by the person chairing the meeting;
 - (b) send to the Custodian Trustee a certified copy of the memorandum within three months of the date of the meeting; and
 - (c) retain the memorandum as part of the governing document.

GENERAL PROVISIONS

19. Questions relating to the Scheme

The Custodian Trustee may decide any question put to them concerning:

- i) the interpretation of this scheme; or
- ii) the propriety or validity of anything done or intended to be done under it.

SCHEDULE

PART 1

Trustees, August 2022

Tom Low	Chair
Andrea Steeden-Crane	Treasurer
David Aston	Secretary
John Livingstone	Orchard Warden, Coneygree Orchard
Debbie Cunningham	Orchard Warden, Browning's Orchard
Emma Levan	Funding Trustee

