# D:\danny\Pictures\castle courtconst020920.jpg

# Constitution of the Castle Court Owners Association

1. **Name**

The name of the Association shall be The Castle Court Owners Association (“the Association”).

1. **Objectives**

The objectives of the Association are as follows:

* To promote and protect the interests of all owners at Castle Court on matters concerning the management and maintenance of the area within its perimeter walls including buildings, gardens and driveway.
* To ensure that everyone resident within the building, including owners and tenants, has an opportunity to become involved in the Association and its work
* To promote a positive community spirit within Castle Court.
* To establish Maintenance Accounts for the back and front courts to hold monies in advance of communal repairs for each court and to make regulations governing expenditure from those accounts.
* To establish a Common Fund to hold monies for future major repairs, improvements and grounds maintenance as shared by all residents & owners and to make regulations governing expenditure from that account.

1. **Membership**
   1. Membership shall be open to owners of properties at Castle Court.
   2. All members must be aged 16 or over.
   3. Membership shall cease on sale of property.
2. **Subscriptions**
   1. Each member of the Association shall pay an annual fee of £120, with £10 due each month or by mutual agreement (correct as at 2nd September 2020)
   2. The annual fee will be reviewed at each AGM.
   3. The fee will cover the administration and running costs of the Association. There will also be a voluntary donation policy.
3. **Committee**
   1. A committee shall be elected at the Annual General Meeting (AGM) and shall serve a full 12 month term unless they resign or sell their property. The AGM shall be held on the second weekend of May or as close as possible.
   2. The committee shall consist of at least *three* members, who shall have the power to co-opt other members on to the committee during the course of the year. All committee members shall have voting rights.
   3. The committee shall elect from within their number the following office bearers: Chairperson, Secretary, Treasurer
   4. The committee and office bearers shall make and carry out decisions in accordance with the objectives of the Association.
   5. Meetings of the committee shall be open to any member of the Association who wishes to attend.
   6. There must be at least three of the committee members present for any decision to be made at a committee meeting
   7. A property manager or appointed solicitor may attend committee meetings as and when invited by the committee.
   8. Committee members can be voted off if they have not attended three consecutive meetings without good reason and have not submitted their apologies.
   9. Committee members must declare any interest they may have in the topic under discussion and the committee shall decide if they need to forfeit their right to vote on that matter.
4. **Conduct of Committee Meetings**
5. Committee members may only speak through the chair
6. Decisions shall be agreed by a simple majority, voted in through a show of hands, or a secret ballot.
7. Any offensive behaviour, including racist, sexist, ageist, homophobic or other inflammatory remarks shall not be permitted
8. Any committee member who brings the Association into disrepute or refuses to comply with the constitution shall be expelled on the majority vote of the full committee.
9. The Secretary shall deal with or be copied into all correspondence
10. An Agenda shall be distributed to the membership at least four days before a meeting, where possible. Items for the agenda should be forwarded to the secretary at least seven days before the meeting.
11. Minutes shall be distributed to all members as soon as possible after a meeting. Minutes may be sent via or electronic communication, hand delivery or post.
12. **Finances**
    1. The Association may raise funds by obtaining grants from other bodies or by fundraising schemes. All money raised by or on behalf of the Association shall be applied to further its objectives
    2. All funds shall be kept in bank accounts that shall be opened in the name of the Association
    3. The Secretary, Treasurer and Chairperson shall be signatories on the accounts and all cheques shall require two of these signatories.
    4. Accounts shall be kept by the Treasurer, and presented to every committee meeting where they may be inspected. Failure to present the books to a meeting on three consecutive occasions shall mean the Treasurer will be asked to resign.
    5. All expenditure shall be agreed and controlled by the committee. A record of all expenditure including receipts where possible is required for all expenditure.
    6. No officer shall sign a blank cheque. All cheques shall be filled in before signatures are added.
    7. Once a year, the accounts shall be made available to owners for inspection and presented to the Annual General meeting of the Association.
    8. All correspondence of the Association should be available to the Secretary
13. **General Meetings (including Special or Emergency Meetings)**
    1. General meetings for all members of the Association shall be held regularly to discuss matters and to keep members fully informed of the Association’s activities.
    2. Members shall be given at least 14 days notice of a general meeting.
    3. Members who are unable to attend the meeting may apply to the committee to join the meeting via phone or other electronic means. The minute must record how members joined the meeting and which agenda items they took part in.
    4. All votes shall be decided by a simple majority of the members present. This applies to all general meetings of the Association.
    5. Any member, having the written support of one third or more other members, may request the committee to call a Special General Meeting of the Association. The committee shall call the Special General Meeting within 21 days of receiving this request.
14. **Annual General Meeting**
    1. An AGM shall be held in May every year to discuss the activities of the Association, to receive the audited accounts and to elect the committee.
    2. The AGM shall be held at a suitable venue to accommodate as many members as possible.
    3. The quorum shall be one third of the membership. As Castle Court has 21 addresses, the quorum is 7. All votes shall be decided by a simple majority of the members present. This applies to all general meetings of the Association.
    4. At least 14 days notice shall be given to members of the AGM.
    5. At the AGM the resignation of all committee members shall be accepted and a new committee elected.
    6. Changes to the Constitution and regulations:

This constitution and any regulations governing operation of any accounts shall only be changed at a Special General Meeting of the Association or at the AGM.

* 1. For decisions to be taken at the AGM there must be a quorum of a least one third of the membership. The voting shall be by a simple majority of members present.
  2. For a Special General Meeting, all members should be given fourteen days notice of the meeting and the proposed changes
  3. For an AGM, proposed changes must be submitted to the Secretary in writing not less than 28 days before the AGM. The Secretary must notify members of any proposed changes 7days prior to the AGM.
  4. No changes to the regulations governing the Maintenance or Building Reserve Funds shall result in the operation of the account breaching any relevant legislation including the Tenements (Scotland ) Act 2004 and any successor legislation.

1. **Dissolution of the Association**
   1. The Association may only be dissolved by a Special General Meeting called for that purpose. Such a meeting shall come about following a proposal in writing signed by a simple majority of those remaining on the committee being submitted to the Secretary.
   2. All members shall be informed of such a meeting at least 21 days before the date of the meeting.
   3. Dissolution of the group shall only take effect if agreed by two thirds of the members present and voting at the meeting.
   4. Any money received via funding bodies should be returned to the funders in relation to the funding criteria.
   5. On dissolution, any documents belonging to the Association shall be disposed of in a manner agreed by that meeting
2. **Adoption**

This constitution was adopted by members at a General Meeting of the Castle Court Owners Association on 23rd August 2020 and formally adopted at the subsequent committee meeting held on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Date).

|  |  |  |
| --- | --- | --- |
|  | Signed | Print name |
| Chairperson |  |  |
| Secretary |  |  |
| Treasurer |  |  |