



FERRING ROADS SCHEME ASSOCIATION

CONSTITUTION AND RULES (draft amended version 24 October 2020)

1. NAME

The Ferring Roads Scheme Association (the Scheme / the Association).

2. AIMS and OBJECTS of the ASSOCIATION

- 2.1 To maintain the unadopted roads and rainwater drainage systems covered by the Scheme.
- 2.2 To maintain designated garden sites covered by the Scheme.
- 2.3 To help preserve the rural atmosphere of the village of Ferring.
- 2.4 To budget on the expectation of 95% membership at any one time.

3. POLICY

- 3.1 The Association shall be non-political and non-sectarian.
- 3.2 The Association neither shall subscribe to, nor be a member of, any other organisation and shall resist absorption by any authority.

4. MEMBERSHIP

- 4.1 All roads associated with properties that fall within the confines of the Scheme are covered automatically by the Scheme once the appropriate membership Fee has been paid.
- 4.2 Members are those residing in, owning, or occupying property as stated in 4.1 above who have paid the annual non-refundable Fee as determined by the Executive Committee (EC).
- 4.3 The appropriate Fee shall be determined annually by the EC and shall be due on the 1st January each year and shall be paid not later than the following 30th June of that year.
- 4.4 In the case of flats or maisonettes within the Scheme, the owner or occupier of each flat or maisonette shall be considered as individual members of the Scheme.
- 4.5 All properties covered by the Scheme will be invoiced annually for the appropriate annual Fee.

5. GENERAL MEETINGS

- 5.1 There shall be two categories of general meetings: an Annual General Meeting (AGM) and a Special General Meeting (SGM).
- 5.2 A quorum at any General Meeting shall be 30 members who must be present in person.

6. ANNUAL GENERAL MEETINGS

- 6.1 The AGM shall be held not later than the end of May each year.
- 6.2 The Agenda shall include:

The presentation and approval of the Minutes of the previous AGM and any SGM held in the year.

The receipt and adoption of reports of the Chairman, the Treasurer (including presentation and approval of the Accounts for the previous year ending 31st December), the roads maintenance chairman / sub-committee, and the gardens chairman / sub-committee.

The election or re-election of Officers and Committee members in accordance with clause 6.4 below.

The appointment of an Auditor for the forthcoming year.
- 6.3 Any other business to be transacted at an AGM shall be notified to the Secretary not less than 10 days before the meeting, and shall be admitted to the Agenda only with the prior approval of the EC.
- 6.4 Nominations for the election of Officers and Committee members, proposed and seconded by members of the Association, and with the approval of the nominee, shall reach the Secretary at least 5 days before the meeting. If necessary, ballots will be held at the meeting, but if there are insufficient nominations to fill the vacancies these vacancies may be addressed at the meeting.

- 6.5 At least 21 clear days' notice shall be given of an AGM to the members.
- 6.6 The calling notice for the AGM (to be used as a voting paper) shall be accompanied by the Agenda and a copy of the Statement of Accounts.

7 SPECIAL GENERAL MEETINGS

- 7.1 The Chairman shall call an SGM of the members, giving not less than 21 days' notice, if, in the opinion of the Executive Committee, a matter that needed to be determined by the members was of such a nature that its determination could not wait until the next AGM.
- 7.2 Alternatively, if 50 members sign and submit a requisitioning letter, which details the business to be transacted, to the Secretary the resulting SGM shall be held not more than 42 days after its receipt by the Secretary, but not earlier than would allow for the 21 clear days' notice of such a meeting referred to above.
- 7.3 No business other than items specified on the Agenda shall be transacted at any SGM.

8 VOTING AT GENERAL MEETINGS

- 8.1 All members of the Association may attend, speak, and vote at GMs
- 8.2 Only one vote may be cast in respect of each property.
- 8.3 All voting at GMs shall be by a show of voting papers.

9 THE EXECUTIVE COMMITTEE (EC)

- 9.1 The management of the Association and the administration of the Scheme shall be vested in the EC which shall consist of 10 members elected at an AGM. If vacancies occur between AGMs the EC may co-opt members to fill such vacancies.
- 9.2 Seven members of the EC shall be elected as Officers in the following roles: Chairman, Vice-Chairman, Secretary, Treasurer, Membership Secretary, Roads Chairman, and Gardens Chairman.
- 9.3 All EC members, elected or co-opted, shall retire after three years at the next appropriate AGM, but may offer themselves for re-election. The maximum times an EC member can be re-elected is 4.
- 9.4 An EC member who has retired under clause 9.3 above may seek re-election after an elapsed period of one year.
- 9.5 The EC shall meet a minimum of 6 times each financial year, with 6 EC members constituting a quorum.
- 9.6 The Chairman of the Association shall also be Chairman of the EC. In the absence of the Chairman, the Vice Chairman (V/C) shall chair the EC meeting, and if the V/C is absent also, the EC will nominate one of their members to chair that particular meeting.
- 9.7 The EC will have discretion to invite others to the EC meetings as appropriate to conducting the Association's business, but these individuals will not be entitled to vote on any matters.
- 9.8 Decisions of the EC shall be by a majority of votes. Each member of the EC shall have one vote with the Chairman having a second or casting vote should this be necessary to resolve an issue.
- 9.9 The Chairman has the authority to suspend an EC member should circumstances demand such action.

10 SUB-COMMITTEES

- 10.1 At the first EC meeting following the AGM the EC will appoint a Chairman of the roads sub-committee and a Chairman of the gardens sub-committee from the existing members of the EC.
- 10.2 The Roads sub-committee shall consist of the Appointed Chairman and not more than six other Association members, one of whom should have some professional expertise on road construction and maintenance.
- 10.3 The EC shall have the authority to engage a professional Highways Engineer to assist the roads sub-committee if such action is found necessary.
- 10.4 The Gardens sub-committee shall consist of the appointed Chairman and not more than five other Association members.
- 10.5 The EC shall appoint other EC members to specific roles at its discretion.

11 FINANCE

- 11.1 No expense shall be incurred in the name of the Association without the approval of the EC.

- 11.2 All authorised disbursements shall be made by the Treasurer by cheque or electronic transfer from the Association's bank account
- 11.3 The Treasurer can accept payments by cheque or by electronic transfer into the Association's bank account.
- 11.4 All Association cheques shall be signed by the Treasurer plus one of the following Officers: the Chairman, the Vice Chairman, or the Secretary.
- 11.5 The Treasurer shall keep proper Accounts for the Association and present these to the EC at their regular meetings.
- 11.6 The Treasurer also shall prepare an audited Statement of Account for each year ended 31st December which will be presented at the following AGM as per clause 6.2 above.

12 AMENDMENT OF THE CONSTITUTION

- 12.1 No changes shall be made to the Constitution other than at an SGM called for that purpose.
- 12.2 Details of any proposed amendments shall be circulated to all members with the agenda for the meeting.
- 12.3 Any proposal to amend the Constitution shall require the approval of not less than two-thirds of those members present at the SGM to become effective.

APPENDIX

Supplementary notes of explanation

- a. Unadopted roads are those roads that, although having public access, are not maintained by the West Sussex County Council Highways Authority.
- b. These unadopted roads and associated drainage systems fall to the Owners and Occupiers of properties in those roads to maintain and to refurbish as necessary in order that they do not fall into disrepair but are kept in good working order.
- c. Any costs attached to these repairs are in addition to the normal Council Tax that the Council collects.
- d. These costs are payable by individual Owners, unless they are members of the Association, in which case the work is undertaken and paid for by the Association. Members are those individuals who have paid the nominal annual Fee as stated in clause 4.2 of the Constitution.
- e. A further advantage is available to Owners/Occupiers who have paid their Fee in that the Association has in place a third-party insurance policy to cover any incidents that may occur on the roads covered by the Scheme.
- f. The Roads sub-committee will develop annual programmes of work to cover maintenance and repairs of road and drainage systems within the Scheme, and these programmes will be publicised once they have been approved by the EC.
- g. Access roads, private drives, verges, footpaths, fences, hedges, ditches, trees, shrubs and plants shall not be part of the Scheme.
- h. If an Owner/Occupier fails to pay the Association Fee for two years or more, the EC will notify them that they are no longer covered by the Scheme and subsequently they will be solely responsible for any costs associated with their section of the unadopted road, and they will not be covered by the Associations' Insurance.
- i. In the event of a number of Owners/Occupiers in any one road failing to pay their Fees for two years or more, the EC will consider the removal of the whole road from the Scheme and advise all the Owner/Occupiers in that road of their decision in writing, giving one year's notice of such action.
- j. All local Estate agents and Solicitors will be appraised of the requirements of the Association to ensure prospective Owners/Occupiers of property covered by the Scheme are aware of the Schemes existence and its conditions.
- k. Any procedures adopted by the EC in the execution of the Associations business will be centred on the Constitution as written.