



# Annual General Meeting 2025

## APPROVAL OF CONSTITUTION

### Introduction

The Brackenhill Park Owners' Association Constitution was developed in conjunction with Tenant Information Services (TIS).

TIS in Scotland is the lead organisation delivering independent advice, scrutiny, training, and support to tenants, communities, and housing organisations to work together to influence national housing policy and practice.

This Constitution underpins the governance of the Committee and the Owner's Association and allows us as a committee to be transparent in the way we conduct business.

We would be grateful for your support in adopting formally the attached Constitution.

### Voting

Members are asked to vote FOR or AGAINST the Constitution. Voting is online at [www.brackenhillpark.org.uk/agm](http://www.brackenhillpark.org.uk/agm).

**Thank you.**

**Brackenhill Park, Hamilton Owners' Association**

## Constitution

### 1. Name

- a) The name of the group shall be The Brackenhill Park, Hamilton Owners' Association.

### 2. Objectives

The objectives of The Brackenhill Park, Hamilton Owners' Association shall be:

- a) To promote and protect the interests of all owners at Brackenhill Park on matters concerning the management and maintenance of the development, known as the Scheme Property.
- b) To ensure that every resident within the development, including owners and tenants, has an equal opportunity to engage with the Association and its work to the betterment of the development.
- c) To promote a positive community spirit within Brackenhill Park.
- d) To provide advice to the Manager of the development (property factor).

### 3. Membership

- a) Membership shall be open to all owners of properties at Brackenhill Park. Where there are two or more owners of a property, all of them shall be members.
- b) All members must be aged 16 or over.
- c) Membership shall cease on sale of property.

### 4. Advisory Committee

- a) A committee shall be elected at the Annual General Meeting (AGM) and shall serve a full twelve month term but not more than fifteen months in one term between Annual General Meetings. Office bearers may hold office for two years, and for a maximum of four years. All members of the committee will be available for re-election.
- b) The committee shall consist of at least three members, who shall have the power to co-opt other members onto the committee during the year. All committee members shall have voting rights.
- c) The committee shall elect from within their number the following office bearers: Chairperson and Secretary. The committee shall have the power to elect additional office bearers such as Vice-Chairperson or Treasurer as required.
- d) The members may fill any vacancy on the committee.
- e) The committee and office bearers shall make and carry out decisions in accordance with the objectives of the Association.

- f) Not more than two members from the same household or family may be elected to the committee simultaneously.
- g) Open meetings of the committee will be held once per quarter for any member of the Association who wishes to attend, Any member wishing to attend must intimate their wishes to do so one week in advance.
- h) There must be at least three of the committee members present for any decision to be made at a committee meeting.
- i) The property manager may attend committee meetings as and when invited by the committee.
- j) Committee members can be voted off if they have not attended three consecutive meetings without good reason or have not submitted their apologies.
- k) 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.
- l) The committee shall meet at least nine times every calendar year.

## 5. Conduct of Committee Meetings

- a) Committee members may only speak through the Chairperson.
- b) Decisions shall be agreed by a simple majority, voted in through a show of hands, or a secret ballot. Votes may be conducted electronically.
- c) Any offensive behaviour, including racist, sexist, ageist, homophobic or other inflammatory remarks shall not be permitted.
- d) 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.
- e) The Secretary shall deal with all correspondence.
- f) An agenda shall be distributed to the committee members at least four calendar days before a meeting, where possible. Items for the agenda should be forwarded to the Secretary and Chairperson at least seven calendar days before the meeting, where possible.
- g) Minutes shall be distributed to all members as soon as possible after a meeting. Minutes may be sent electronically.

## 6. Finance

- a) The Association may raise funds by obtaining grants from other bodies or by fundraising schemes, or by way of a service charge on all owners. The Association may also borrow money or invest any money held by the Association as decided at a General Meeting.
- b) If a service charge is to be implemented to enable the Association to meet any expenses, this is payable by members. A service charge is not to exceed 25% of the total service charge for that year set out in the budget approved by the Association.
- c) The Association may not carry out any trade whether or not for profit.

- d) All funds shall be kept in a bank or building society account that is either in the name of the Association, or in the name of the Manager of the development as agents of the Association.
- e) If any funds are raised to form a Reserve Fund, these must be held separately from other Association funds, in accordance with 6c.
- f) The Secretary, Treasurer and Chairperson shall be signatories on the account and all cheques shall require two of these signatories.
- g) Accounts shall be kept by the Treasurer and brought to every committee meeting where they may be inspected. Failure to bring the accounts to a meeting on three consecutive occasions shall mean the Treasurer be asked to resign.
- h) All expenditure shall be agreed and controlled by the committee. Receipts are required for all expenditure.
- i) No officer shall sign a blank cheque. All cheques shall be filled in before signatures are added.
- j) Once a year, the accounts shall be examined and presented to the Annual General Meeting of the Association along with an Independent Examiner's report of the accounts.
- k) All correspondence of the Association, including the bank statement, shall be addressed to the Secretary.

## 7. General Meetings (including Annual, Special or Emergency Meetings)

- a) Any member, including the Manager (property factor) may call a General Meeting at any time.
- b) A General Meeting must be called by the Manager if:
  - a. a revised draft budget requires to be considered,
  - b. if at least 25% of members have requested to do so, or
  - c. if the majority of the Advisory Committee have requested.
- c) Any member may call a General Meeting in special circumstances if:
  - a. The Manager fails to call a General Meeting within fourteen days of being required to do so.
  - b. Or, if the Association does not have a manager.
- d) Members must be given at least fourteen calendar days' notice of a General Meeting, with the notice stating the date, time and place that meeting shall be held, and the business to be discussed.
- e) Members who are unable to attend the meeting in-person may apply to join via other electronic means. Application must be made to the Secretary at least seven days before the meeting. The minutes must record how members joined the meeting and which agenda items they took part in.
- f) One vote is allocated to each home within the development. Any right to vote is exercisable by the owner of each home, or by someone nominated in writing by the owner of that home, which the Secretary has been notified. Where a home has two or more owners, the vote allocated to that home may be exercised by any of them but if those persons disagree as to how the vote should be cast, then no vote is counted for that home. This applies to all General Meetings of the Association.
- g) All votes shall be decided by a simple majority of the votes cast.

- h) The quorum shall be owners from at least 40% of properties on the development. A General Meeting is not to begin unless there is a quorum, and if there is still no quorum twenty minutes after the scheduled start time, the meeting is to be postponed by not less than fourteen days but no more than twenty-eight days later.
- i) A General Meeting may only be postponed once. If at a postponed General Meeting, there is still insufficient quorum, then the members who are present or represented are deemed to be a quorum and the General Meeting shall proceed.
- j) If a General Meeting has begun, it may continue even if the number of members present ceases to be a quorum.

## 8. Annual General Meeting

- a) An AGM shall be held every year, but not more than fifteen months, to discuss the activities of the Association, to receive the audited accounts, and to elect the Advisory Committee.
- b) The AGM shall be held at a suitable venue to accommodate as many members as possible.
- c) The Manager is required to attend the Annual General Meeting and copies of the draft budget is to be made available to all members.
- d) At least twenty-eight calendar days' notice should be given to all members of an AGM.
- e) At the AGM, the resignation of all committee members shall be accepted and a new committee elected.

## 9. Changes to the Constitution and regulations

- a) 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.
- b) For decisions to be taken, there must be a quorum of at least 40% of the membership. The voting shall be by a simple majority of members present, or those who have indicated to vote by proxy.
- c) For a Special General Meeting, all members shall be given at least fourteen days' notice of the proposed changes.
- d) For an AGM, proposed changes must be submitted to the Secretary in writing not less than twenty-eight days before the AGM. The Secretary must notify members of any proposed changes twenty-one days prior to the AGM.

## 10. Dissolution of the Association

- a) 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.
- b) All members shall be informed of such a meeting at least twenty-eight days before the date of the meeting.

- c) Dissolution of the Association shall only take effect if agreed by at least two thirds of the members present and voting at the meeting.
- d) All funds and documents relating to the Association shall be disposed of in accordance with the wishes of the meeting. Any money received via funding bodies should be returned to the funders in relation to the funding criteria. Any funds paid by members should be returned to members. Any other funds should be disbursed to local charities.
- e)

11. Adoption

This constitution was adopted by members at a General Meeting of The Brackenhill Park, Hamilton Owners’ Association and formally adopted at the subsequent committee meeting held on: **Wednesday, 17<sup>th</sup> September 2025.**

Chairperson	Secretary
Name:	Name:
Signature:	Signature:
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