



BELHAVEN TERRACE WEST OWNERS ASSOCIATION

CONSTITUTION

1. NAME

The name of the Association shall be the Belhaven Terrace West Owners Association (hereinafter referred to as "the Association").

2. MEMBERSHIP

The Members of the Association (hereinafter referred to as "the Members") shall be the respective owners of the properties within the buildings forming 17-28 Belhaven Terrace West and mews houses in Belhaven Terrace West Lane, Dowanhill, Glasgow (hereinafter referred to as "the Buildings") and their respective successors whomsoever.

3. OBJECTS

The objects of the Association shall be to identify common areas for maintenance and improvement and act as a focal point to co-ordinate the implementation of such maintenance and improvement works to the properties comprising the Buildings in the Terrace, Mews houses in the associated lane and the common garden areas relative thereto as follows:

To supervise and co-ordinate the maintenance of any of the common railings, paths, lanes, fences and others and, where necessary, enforce the terms of the title deeds of each property within the Conservation area and listed building status of the Terrace or, where the said title deeds are silent, are deemed by the Association to be common to the Members: DECLARING THAT the costs of such maintenance as aforesaid shall, where the Members consider it appropriate, desirable and in the interests of the generality of the Members and having regard to the nature and extent of the works involved and the costs thereof, be funded through the resources held by the Common Fund after mentioned as appropriate.

Without prejudice to the generality of the foregoing, in the case of major works proposed to be undertaken to the common areas aforesaid, in respect of which the Members do not consider it appropriate to draw on the said Common Fund, the costs and expenses thereof shall be borne by the Members in accordance with the proportions applicable to each property within the relevant building in the Terrace and associated lane.

4. THE COMMON FUND

The Annual Fee shall be fixed at the Annual General Meeting and must be paid by each Member within four weeks of the date of the Annual General Meeting (hereinafter referred to as "the Common Fund").

The Treasurer shall lodge the Common Fund in a bank account in name of the Association. All cheques drawn on the account shall require to be signed by the Treasurer and either the Chairperson or the Secretary as appropriate.

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The Treasurer shall keep correct accounts and books showing the financial affairs of the Association and shall submit a statement of account at each Annual General Meeting for the preceding year. The Treasurer shall have the accounts audited before submission at the Annual General Meeting by the person appointed to do so at the previous Annual General Meeting.

5. THE COMMITTEE & COMMITTEE MEETINGS

- 5.1 The Association shall appoint a Committee of management, which Committee shall exercise general supervision and control over the affairs of the Association. The Committee shall be appointed at the Annual General Meeting of the Association. The Committee shall consist of thirteen persons who are Members of the Association. It is anticipated that each building or group of buildings as in the case of the lane occupied by the individual Members shall have one representative on the committee. The Association shall relieve the Committee members of all personal liability for expenses incurred in the pursuit of the objectives of the Association.

At the first meeting of the Committee following on its election the Committee shall elect a Chairperson from their own number who shall be entitled to hold office until, the next Annual General Meeting occurring not less often than 15 months after the date of the Constitution of the Association at which meeting he or she will act as Chairperson. At each Annual General Meeting after the first Annual General Meeting the whole Committee shall retire but shall be eligible for re-election.

- 5.2 The Committee shall have the power to co-opt additional Members to the Committee (who shall for the avoidance of doubt not be entitled to vote) provided, that the total membership of the Committee does not exceed thirteen or such other number as may be agreed at an Annual General Meeting.

The voting rights attributable to each member of the Committee shall be as follows:-

Committee Representative	Building	Voting rights
1	No. 17	1
1	No. 18	1
1	No. 19	1
1	No. 20	1
1	No. 21	1
1	No. 22	1
1	No. 23	1
1	No. 24	1
1	No. 25	1
1	No. 26	1
1	No. 27	1
1	No. 28	1
1	Lane Representative	1
1	Secretary	0
1	Treasurer	0
1	Chairperson	1
16	TOTAL	14

In the absence of the Chairperson from a meeting, those members of the Committee present shall be entitled to elect a Chairperson from their own number for the purpose of the business of that meeting. Voting shall be on a show of hands except that a secret ballot may be held on the request of Five members of the Committee.

- 5.3 Eight representative members of the Committee shall constitute a quorum for attendance. A voting majority will be deemed sufficient with the agreement of eight or more of the total possible 14 voting rights.
- 5.4 In the event of a member of the Committee being unable to attend any meeting of the Committee, that member shall, on giving reasonable prior notice to the Secretary be entitled to appoint another Member (whether a member of the Committee or not) to attend and vote in the place of the absent member for the purpose of the business of that meeting. On any vote it would be reasonable for a representative member to request time for consultation with the respective owners in his/her building(s).
- 5.5 The Committee shall be empowered to appoint a Secretary and a Treasurer to the Association from their own number. Meetings of the Committee may be convened at any time by the Chairperson, or by the Secretary on the Chairperson's instructions or on the instructions of any four members of the Committee. Notice of meetings of the Committee shall state the date, place and time of the meeting and the general nature of the business to be discussed.
- 5.6 Minutes of all meetings of the Committee shall be recorded and shall be available for inspection by any Member on request from the Secretary.

6. ANNUAL GENERAL MEETING

- 6.1 The first Annual General Meeting shall be held not later than six months from the date of adoption of this Constitution and subsequent Annual General Meetings shall take place annually thereafter. At least fourteen days notice in writing of the Annual General Meeting shall be given to all Members by the Chairperson or Secretary. The business of the Annual General Meeting shall be:-
 - 6.1.1 Chairman's Introduction
 - 6.1.2 Committee's Report
 - 6.1.3 Committee's Accounts.
 - 6.1.4 Election of Committee members.
 - 6.1.5 Review of Annual Fee.
 - 6.1.6 Any Other competent business.

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6.2 Nominations for vacancies on the Committee may be made at the Annual General Meeting and in the event of there being more than thirteen nominations, the Committee shall be elected by ballot. At the Annual General Meeting the presence of 50%* of the building(s) representation shall constitute a quorum.

7. MEETINGS

The Chairperson or the Secretary shall convene an Extraordinary General Meeting when requested to do so by the Committee or on a requisition in writing from at least 5 Members. At least fourteen days notice in writing of any Extraordinary General Meeting shall be given to Members. In any such notice there shall be stated in writing the business for which the meeting is to be called and no other business shall be competent at the meeting. The presence of 50 % * of the building(s) representation at an Extraordinary General Meeting shall constitute a quorum.

In the event of a Member being unable to attend any General Meeting, whether Annual or Extraordinary, the Members shall, on giving reasonable prior notice to the Secretary or other member of the Committee, be entitled to appoint another Member to vote in place of the absent Member, provided that a form of proxy signed by the absent Member is presented to the Chairperson prior to commencement of the General Meeting in question.

8. VOTING

Except as provided in paragraph 6.2 hereof, voting at all General Meetings of the Association shall be by a show of hands. At the request of at least one third of the Members present, voting shall be by secret ballot. Any motion put before the meeting shall be carried provided that it is passed by at least 80% of the voting Members (including votes received by proxy). On any vote it would be reasonable for a representative member to request time for consultation with the respective owners in his/her building(s).

9. REGISTER OF MEMBERS

The Committee shall maintain an up to date register of the membership of the Association.

10. ALTERATION OF THE CONSTITUTION

The Constitution may only be altered by a Resolution passed at a General Meeting and no alteration may be made which would result in a lessening of the Objects of the Association as set out in paragraph 3 hereof. Details of the proposed alterations must be given to all Members in the Notice calling the meeting. Such a Resolution shall require to be approved by at least 80% of the voting Members (including votes received by proxy).

11. ACCEPTANCE OF CONSTITUTION

All Members in terms of paragraph 2 of this Constitution accept that they are bound by the whole terms of this Constitution.

*Quorum reduced from 60% by a resolution passed by the Members on 23 May 1995

* Proposed change to reflect new ownership of houses 22-26 on 15th August 2006

* Changes proposed to accommodate new development by L&S. This entails including representation from 17-19 and a representative for the mews houses in the lane on 3rd April, 2021.