

## 6 Legal Aspects 2

### ***Composting Clubs***

Forming a Composting Club is one way of fulfilling the criteria for exemption from licensing.

All members of the club – who may be suppliers of *compostable* material and/or users of the compost – are registered as ‘occupiers of the composting site’. In this way the project may gain exemption from the requirement to have a waste disposal licence (see *Legal Aspects 1*)

Although local authorities differ in their interpretation of the legislation, many waste regulation authorities look favourably on any enterprise which removes material from the waste stream. However, a Composting Club’s status may not be recognised, and it is advisable to check with your local authority before proceeding.

The legislation regarding Composting Clubs is in its infancy. Interpretation of the law varies from area to area and is likely to change with time. Check the current situation with the CCN.

If you decide to form a composting Club you will need to write a constitution for it. This provides a legal framework for your enterprise as well as a basis for running your group.

### ***The Club constitution***

In order to satisfy two of the criteria for licence exemptions (see *Legal Aspects 1*), a constitution has to be written for the Club which lists all its members as occupiers of the site. The Seagull enterprise in Skegness (see *Case Studies*) has a system for automatically making any buyer of its compost a member of their Club thus satisfying the occupancy section. Discuss this with the local waste disposal authority in order to gain an exemption certificate.

The constitution is a formal document which should have a definite structure and cover the following points:

#### **1. Name**

A name should be chosen which is not misleading, preferably short and memorable such as “Rotters” or “Run A Muck”

#### **2. Objects**

An outline of all that the Club will do. All of its proposed activities must be written down within this section. Any activity not included will be unauthorised. An example of this might be “recycling of garden waste and education and awareness of recycling issues”.

3. **Powers**

The means by which the Club will achieve its objects. A general clause like “The Club shall have the power to do all things necessary for the fulfilment of its objects” will cover all eventualities.

4. **Membership**

Mention of occupancy of the site by all members should be made here. The Club must not leave itself liable to abuse of the occupancy clause by the members, however. The advice of a solicitor is strongly recommended.

5. **Subscriptions**

Describes who should pay how much for membership, for example £1 membership or free to anyone delivering raw material or buying compost.

6. **Indemnity**

Ensure that members are not liable for any loss suffered by the Club, unless wilfully caused by the member, and are entitled to reimbursement of any expenses incurred while working for the Club.

7. **Meetings**

Details types of meetings to be held (such as committee meetings, annual general meetings, extraordinary general meetings), who may convene a meeting, who may attend and vote, the quorum (minimum attendance) required for proceedings to be valid and the notice required to be given to members beforehand.

8. **Club Committee**

Covers the officers to be appointed (for example Chair, Treasurer, Secretary and so on), methods of appointing and removing committee members, powers of the committee, meeting procedures and quorum required for committee meeting proceedings to be valid.

9. **Finance**

Details the period of the financial year (for example April – March or January – December), the responsibilities of the Treasurer (such as the annual accounts, book keeping) and how finances will be audited if necessary.

10. **Alterations to the constitution**

States the notice required to hold a meeting to make alterations and the majority required for alterations to be carried out. This usually takes place at the annual general meeting or an extraordinary general meeting.

11. **Dissolution**

Outlines the procedure to be followed if a Club decides to fold. This decision usually requires a majority at a Club committee meeting followed by a majority at an extraordinary general meeting.

## ***Help with your constitution***

The preparation of legal documents may be a little intimidating at first. However, help in the construction of your Club constitution may be sought from CCN or BTCV. Alternatively, any successful venture operating as a Composting Club may be willing to talk to you.

## ***Other relevant cards***

- Getting Started
- Planning the Enterprise
- Legal Aspects 1
- Case Studies

## ***Useful contacts***

- BTCV
- Community Composting Network