

# Harling Athletics Club - Constitution

*Revision 02 of the Constitution.*

*Agreed at an Extraordinary General Meeting of the club members on 11 September 2017*

*This document supersedes the Club Constitution R01 (dated 31 October 2016)*

## **1. Name and location**

1.1 The name of the Club shall be 'Harling Athletics Club' (also referred to as 'Harling AC' but hereafter referred to as the Club) and its base will be at East Harling Sports and Social Club, Church Road, East Harling, NR16 2NA.

## **2. Purpose and Objective**

2.1 The main purposes of the club are to provide facilities for and to promote participation in the amateur sport of athletics in East Harling and the surrounding areas.

## **3. Membership**

3.1 Membership of the club shall be open to anyone interested in the sport on application, regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs, except as a necessary consequence of the requirements of athletics. The club may have different classes of membership and subscription on a non-discriminatory and fair basis. The club will keep subscriptions at levels that will not pose a significant obstacle to people participating (i.e. to be affordable). The club committee may refuse membership, or remove it, on non-discriminatory grounds and only for good cause such as conduct or character likely to bring the club or sport into disrepute. Appeal against refusal or removal may be made to the members.

3.2 All members who are over the age of 16 have equal voting rights at general meetings.

3.3 All members must agree to abide by and comply with the club's rules at all times.

3.4 The club members are made up of adults, children, coaching staff and unaffiliated members, who may pay different levels of memberships in any given year, as decided upon by the committee.

3.5 Applications for memberships will be available all year round with the membership year running from January to December in any given year. Fees will be collected at timing intervals as defined by the committee.

3.6 Membership forms must be completed in full and returned along with payment before applications will be accepted by the club.

3.7 Unaffiliated members will not be affiliated to the sport's governing body and as such will not be permitted to receive coaching or compete on behalf of the club. They will be allowed to speak and

vote at general meetings, become a volunteer or official at competitions and stand for election to the Committee. Unaffiliated membership will be available to one parent / guardian of each junior member (under the age of 16) or to anyone who helps or volunteers on behalf of the club, at the discretion of the Committee

#### **4. Welfare Policy**

4.1 The Club must maintain a Welfare Policy and have a nominated Welfare Officer in place to protect the personal interests of all members.

4.2 The Welfare Officer will be a confidential point of contact for any Club Member having a grievance with another Club Member or a Club Official. The Welfare Officer should be appropriately qualified but does not need to be a member of the Club.

#### **5. Grievance Policy**

5.1 The Club must maintain a Grievance Policy to aid the resolution of disputes or complaints arising within the club.

#### **6. Organisation and club roles**

##### **6.1 The Committee**

6.1.1 The management of the day to day affairs of a club is delegated to a committee of no less than six persons. Within the Committee the roles of Chairman, Secretary and Treasurer (together the Officers) shall initially be elected by members of the committee and subsequently re-elected annually at each Annual General Meeting. The upper limit of the management committee is to be determined by the Officers. Membership of the management committee will be determined by a vote of the members at an Annual General Meeting or an Extraordinary General Meeting. Applications for membership of the Committee will require a nomination by a voting member of the Club.

6.1.2 Two seats on the Committee will be made available to junior members (one male and one female) to represent the junior members of the club. The Junior Committee members must be over the age of 12 at the date of the Annual General Meeting where they are to be elected. Voting for the Junior Committee members will take place at club training sessions during the week preceding an Annual General Meeting and voting for these positions will be restricted to junior members of the Club only.

6.1.3 Because the Committee's powers are delegated from the members, all Committee members must agree unless the rules provide for a majority of members to determine issues. Provided the Committee acts within the powers granted to it, it is up to the members of the Committee to determine their own methods and procedures for determining resolutions. However, there is one important limitation on a Committee powers: the powers of the Committee are powers to be exercised in the interests of the Club as a whole and not in the interests of any particular section of the Committee. Where the Committee are involved in making a decision, any individual participating in that decision making process and who has a personal interest in the outcome, must declare that interest and take no further part in deciding the outcome.

## 6.2 The Chairman

6.2.1 The Chairman is responsible for the overall running of the Club with the assistance of the Treasurer and Secretary during his period of office. The Chairman will usually be asked to report on the year's proceedings at the Annual General Meeting. The Chairman's main duties are in relation to the conduct of Club meetings, both members meetings and Club Committee meetings. In that he/she has three functions:

- (i) To preserve order;
- (ii) To take care that the proceedings are conducted in a proper manner; and
- (iii) To ensure that the sense of the meeting is properly ascertained

6.2.2 The Chairman must carry out these duties in good faith. This means, for example, the Chairman must not favour any particular section of a Committee or the membership but should exercise his/her powers impartially. The Chairman should see that the business of meeting runs smoothly. In the event of disruption at meetings the Chairman should consider adjourning the meeting for calm to be restored. The Chairman should not allow a meeting to commence or continue unless there is a quorum present (See Meetings section for Quorum definitions).

## 6.3 The Secretary

6.3.1 The Secretary is usually responsible for the day-to-day running of the Club and normally deals with correspondence, collection of subscriptions, maintaining a list of members and organises meetings although certain functions can be delegated to other people who may serve on the Club Committee.

6.3.2 The Secretary should have regard to the provisions of the data protection legislation. Consideration should also be given to holding members information in a secure manner to protect against theft. The Secretary is also responsible for meeting any licensing requirements.

6.3.3 For Club Committee meetings the Secretary should prepare an agenda and send a copy together with any accompanying documents to each member of the Club Committee. At the meeting the Secretary should take notes and subsequently prepare minutes. Minutes of Club Committee meetings may be kept private but **ALL DECISIONS MUST BE MINUTED**. It is also recommended best practice for the Club Committee to issue periodic briefings to members of key decisions made and matters discussed.

6.3.4 The Secretary has a number of duties with regard to a general meeting. Before the meeting the Secretary must collect any resolutions which are to be proposed together with nominations for the election of Officers. The Secretary is responsible for giving notice of the meeting and preparing the agenda. On a practical level the Secretary needs to make sure there is a room available for the meeting, which may involve hiring facilities. At the meeting the Secretary should ensure that the minutes of the last general meeting once approved by the membership are signed by the Chairman and then kept safely. Certain of these functions may be delegated to a Minutes Secretary. Minutes of members meetings must be widely publicised to the membership and must be retained for at least 6 years.

## **6.4 The Treasurer**

6.4.1 The Treasurer is responsible for the financial accounting of the Club. The Treasurer is required to make regular reports at meetings of the Club as to the financial position and prospects of the Club.

6.4.2 The Treasurer should be one of the signatories of the Club's bank account and, along with the other signatories must ensure that the money is applied solely for the purposes of the Club. Dual signatories are required for ALL cheques. A countersignatory must not be a member of or a close family of the Treasurer. The Club's financial year will be from 1st January to 31st December. All monies received by the Club shall be paid into an account in the name of Harling A.C. at a recognised UK Bank. The Treasurer shall be responsible for all monies received and disbursed on behalf of the Club and shall maintain a formal record of these transactions. An annual financial statement shall be presented at each Annual General Meeting. The Club will aim at all times to be self-supporting.

6.4.3 The responsibility for the Club's taxation affairs may be delegated to suitable member of the Management Committee. However, the Treasurer must be kept informed of the Club's taxation situation.

## **7. Meetings**

### **7.1 Annual General Meeting (AGM)**

7.1.1 An AGM must be held within three months of the end of the financial year.

7.1.2 At this meeting all outgoing members of the Management Committee should relinquish their roles prior to the election of a new Management Committee for the forthcoming year. All outgoing committee members are entitled to stand for re-election, if they so wish, together with any new nominees.

7.1.3 Resolutions and plans for the Club over the coming year should be agreed by the voting members in order to give a mandate to the Management Committee.

### **7.2 Extraordinary General Meeting (EGM)**

7.2.1 An EGM may be called at any time by the Chairman, where constitutional or important Club matters require a mandate from the Members.

7.3 All general Meetings are private to the members of the Club who are entitled to attend and vote. It is however, at the discretion of the Chairman to allow non-Club members to attend although they would normally not have the right to speak.

### **7.4 Committee Meetings**

7.4.1 A minimum of four meetings of the Management Committee shall be held each year, one of which may be incorporated into the AGM.

7.4.2 The Chairman may allow non-Committee members to attend although they would not have the right to vote on decisions affecting the club.

## **7.5 Voting**

7.5.1 The two main methods of voting used at meetings of Clubs are a show of hands and a poll. Any member may demand a poll unless the rules provide otherwise. A poll is a precise method of ascertaining votes because each vote is recorded either on an individual voting slip or by signing a voting list. Sometimes, to ensure secrecy, particularly in the election of Officers a secret ballot process may be used.

## **7.6 Quorum**

7.6.1 A quorum for any General Meetings shall be at least 10 members.

7.6.2 A quorum for any committee meeting shall be at least  $\frac{2}{3}$ rds of the total Committee members.

7.6.3 If any meeting fails to achieve a quorum, the meeting should be adjourned for at least one week and all eligible meeting attendees informed of the new date. For the re-sitting of the meeting there will be no quorum requirement.

## **8. Insurance**

8.1 At all times, it is imperative that the club has appropriate, comprehensive insurance cover.

## **9. Liability of Members/Officers**

9.1 A member of a Club has a liability to pay his/her annual subscription and such other fees as properly determined by the Club. There is no general right of any Club Committee member or Officer to seek to obtain an indemnity from the membership for any losses or expenses suffered by them in the performance of their duties. However, an individual member or group of members may become liable for losses arising if a Court finds them to have been negligent. This will particularly be the case if an individual member is made specifically responsible for any particular aspect of the Club's activities.

9.2 Normally liability for contracts made with a Club depends upon who authorised the particular contract e.g. if a contract is authorised by the Club Committee then it is the Club Committee that is liable. Individual members must take care to ensure that the basis upon which they enter into any contract on behalf of the Club is clearly understood by the person with whom they are dealing to avoid the contract being treated as entirely personal to the member. A member may also incur personal liability if he/she exceeds any authority given to him/her by the Club. In relation to any contract on which all members are liable any member who pays more than their proper share is entitled to recompense from the other members. Similarly, a Committee member may claim recompense from other members of the Committee in respect of a Committee liability. However, an individual member of a Club or Club Committee member who becomes liable on a contract personally is not entitled to an indemnity from the other members of the Club unless there is a rule to that effect.

## **10. Affiliation**

10.1 The Club shall be affiliated to England Athletics and this affiliation will be in the name of 'Harling Athletic Club'. The Club will undertake to abide by England Athletics regulations, requirements and code of practice at all times.

## **11. Subsidiary undertaking**

11.1 The club shall be permitted to have a subsidiary undertaking in the form of a Company limited by share capital or guarantee. The Board of Directors of this company shall be determined and elected by the Management Committee of the Club. The Committee has the power to appoint or remove Directors or other officers of the Limited company at their discretion.

## **12. Non-Distribution to Members Clause**

12.1 All surplus income or profits are to be reinvested in the club. No surpluses or assets will be distributed to members or third parties.

## **13. Application of Assets Upon Dissolution**

13.1 Upon dissolution of the club any remaining assets shall be given or transferred to a registered CASC, a registered charity or the sport's governing body for use by them in related community sports.

13.2 In respect of the point above, it is recognised that this doesn't prevent the club from repaying any unspent grant monies to a grant-making body, where this was a condition of the grant being made, prior to the dispersal of funds.

## **14. Amendment to the Constitution**

14.1 These rules may be added to, repealed or amended by resolutions at an Annual General Meeting or Extraordinary General Meeting where approval is by two-thirds majority vote.