



Perry Park, Birmingham, B42 2EY

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## CONSTITUTION

### 1. NAME

The name of the club shall be 'Birmingham BMX Club' (hereafter called the club).

### 2. PURPOSE

The purpose of the club is to promote community participation in the amateur sport of BMX racing and provide opportunities to experience alternative recreational activities in the City of Birmingham.

### 3. MEMBERSHIP

a) Membership of the club is open to anyone interested in the sports provided on application, regardless of sex, age, disability, ethnicity, sexual orientation, religion or other beliefs but resident in Birmingham City and West Midlands ("the area of benefit").

b) Any member of the Committee shall by virtue of his/her membership of the Committee be a member of the club.

c) The club may have different classes of membership and subscription on a non-discriminatory and fair basis. The club will keep subscriptions at levels which will not pose a significant obstacle to people participating.

d) The club committee may refuse membership, or remove it, for good cause such as conduct or character likely to bring the club or sport/activity into disrepute, membership can also be refused at the discretion of the committee. Appeal against refusal or removal may be made to an appointed panel consisting of club members.

### 4. OBJECTS

The objects of the club shall be:

a) To acquire and provide equipment and improved venues/facilities, transport, medical and related facilities to enable members to experience alternative recreational activities (in particular BMX) under supervised and non-supervised safe conditions.

b) To take out insurance for the club, employees, contractors, players, guests and third parties.

c) To optimise physical fitness for all and in particular, develop an active lifestyle for children and young people, and improve the personal and social development of all club members.

d) To discourage all, in particular, young people from engaging in illegal activities.

e) To increase interest in the activities and membership of the club through the promotion of facilities/activities provided by the club.

f) To raise funds for the club, the local community and the surrounding area by any lawful means such as appeals, subscriptions, charges, grants and loans which the Committee deem appropriate subject to agreement.

g) To open bank accounts, deposit or invest funds in any lawful manner and borrow money and give security for the same.

h) Set aside or apply funds for specific purposes or as reserves.

i) Make grants and loans and give guarantees and provide other benefits.

j) Employ and engage staff and others and provide services.

- k) To liaise and co-operate firstly with any bodies regulating or organising the sport of BMX, secondly with any club or body involved with BMX and thirdly with government and related agencies the remit or interest of which includes crime prevention, health, safety or the welfare of children and young people.
- l) To hold competitions/events and provide coaching by instructors to increase performance/skills, training, medical treatment and related social and other opportunities.
- m) Do all other things reasonably necessary to advance the purposes.

## **5. THE COMMITTEE**

Subject to the rules as set out below the club, its funds, property and affairs shall be controlled and managed by a Committee (The Committee) which shall meet not less than 3 times a year,

The Committee shall consist of:

- a) At least 3 members who shall all be over the age of 18 years and who shall be appointed annually by the members of the project in a general meeting.

These officer posts will be Chairperson, Secretary, and Treasurer. If the Chairperson is not present within 10 minutes after the appointed time for holding a meeting the Committee members present shall choose a member being at least 18 years of age to be the Chairperson for the meeting.

- b) The Committee shall have the power to suspend any member of the club who acts in any way which in the absolute discretion of the Committee it considers to be contrary to the interests of the club or its members.
- c) Any member of the club (including members of the Committee) who are present when any item following within Sub Clause 4 (C) above is discussed by the Committee shall leave the room for the duration of such discussions.
- d) The committee may co-opt club members to serve until the end of the next AGM.
- e) Any committee member may be re-elected or co-opted without limit.
- f) A committee member ceases to be such if he or she ceases to be a club member of the club, resigns by written notice, or is removed by the committee for good cause after the member concerned has been given the chance of putting his/her case to the committee with an appeal to club members, or is removed by club members at a general meeting. The committee shall fairly decide time limits and formalities for these steps.
- g) A resolution signed by every committee member will be valid without a meeting.
- h) The committee may delegate any of their functions to sub-committees but must specify the scope of its activity and powers; the extent to which it can commit funds of the club; its membership; its duty to report back to the committee. The committee may wind up any sub-committee at any time or change its mandate and operating times.
- i) The committee will have due regard for the law on disability discrimination and child protection.

## **6. ANNUAL GENERAL MEETING**

- a) Once in each year and within 3 months of the end of the previous financial year the Committee shall convene an Annual General Meeting to which all members of the group shall be entitled to attend for the purpose of receiving the Annual Report of the Committee and the audited Statement of Accounts; of accepting resignations of Committee members; of electing Committee members in accordance with Clause 4 (b) herein; of receiving the appointment of Committee members in accordance with Clause 4 (a) herein; of appointing an independent examiner or auditor; of making recommendations to the Committee and whenever necessary of voting on proposals before the meeting including proposals to amend this Constitution in accordance with Clause 8 (b) herein.
- b) Members of the club shall be entitled to be accompanied at all general meetings by their parent/s or legal Guardian/s but only the members of the club shall be entitled to vote on any issue.
- c) Unless by prior invitation, only current members of the club who are fully paid may attend an Annual General Meeting.
- d) If for whatever reason the Committee have failed to convene an Annual General Meeting at the appropriate time during 2 successive financial years of the club then any other member of the club may call a General Meeting.

## **7. SPECIAL GENERAL MEETING**

The Chairperson of the Committee may at any time at her/his discretion and shall within 21 days of receiving a written request to do so signed by not less than half those having the power to vote on the Committee and giving reasons for the request, call a Special General Meeting to which all members of the group shall be entitled to attend for the purpose of altering the Constitution in accordance with Clause 8 (b) herein and of considering any matter which is referred to them by the Committee and for any other purpose.

## **8. CALLING AND RECORD OF MEETINGS**

- a) Notice of all Committee meetings together with an agenda shall be sent to the Committee by the Secretary not less than 14 days before the date of the meeting and in the case of a General meeting to all members of the club not less than 21 days before the date of the meeting;
- b) The Secretary shall keep minutes of the proceedings of the Committee in books kept for that purpose.
- c) Ordinary meetings of members will be work-orientated social meetings, which will not be minuted. The Management Committee will undertake the role of encouraging ideas from members and allocating tasks.
- d) Annual club reports and statements of account must be made available for inspection by any member and all club records may be inspected by any committee member.

## **9. RULES OF PROCEDURE AT ALL COMMITTEE MEETINGS**

- a) Voting – all questions other than any alternative to this Constitution arising at any meetings shall be decided by a consensus or, upon the matter being formally put and seconded, by a simple majority of those present and entitled to vote on a show of hands and no member shall exercise more than one vote PROVIDED that in the case of an equality of votes the Chairperson shall have a second or casting vote;
- b) Constitution – no alteration to this constitution shall be approved other than by the members of the group in a General Meeting where not less than two-thirds of the members present and voting approve such alteration;
- c) Quorum – there shall be a quorum when at least  $\frac{1}{4}$  of the number of the members for the time being or 3 members whichever is the greater are present at the meeting;
- d) Debate – a motion shall fall if there is no seconder for it. Any motion may be subject to amendment providing that the amendment is formally put and seconded. The amendment will then be debated and voted upon before the substantive motion is put. If the amendment is lost the motion shall continue to be debated un-amended or subject to any other amendment; if the amendment is carried then the motion as amended shall become the substantive motion before the meeting. An amendment should seek only to refine or adjust the detail of the substantive motion; if it goes to the heart of the motion or created a contrary intent then the Chairperson shall not admit it as an amendment for debate.
- e) Whenever a committee member has a personal interest in a matter to be discussed he/she must declare it, withdraw from that part of the meeting (unless asked to stay), not be counted in the quorum for that agenda item and withdraw during the vote and have no vote on the matter concerned.

## **10. FINANCE**

- a) The Committee shall ensure that the finances of the club are properly managed and are used only for the purposes of the club.
- b) The Committee shall cause a separate Banking account to be opened in the name of the club into which all income shall be paid and out of which all expenditures not met from other sources shall be paid.
- c) The Treasurer, Secretary, and Chairperson shall be the authorised signatories to the Banking account from which no money shall be capable of being drawn without signatories from the Treasurer and either the secretary or chairperson/vice chairperson.
- d) The financial year of the club shall be from 1 April to 31 March the following year in each and every year.
- e) The Treasurer shall keep proper accounts of the finances of the club in books kept for that purpose;
- f) At the end of each financial year the Treasurer shall cause the accounts of the club to be examined by an independent examiner within the meaning of section 43 (3) of the Charities Act 1993;

g) The funds of the club shall only be applied for the purposes of the club and no payment shall be made to any member except by way of reimbursement of expenses properly and necessarily incurred on behalf of the club.

h) The club may provide sporting and related social facilities, sporting equipment, coaching courses, insurance cover, medical treatment, away race expenses, post-race refreshments and other ordinary benefits of community amateur sports clubs as provided for in the Finance act 2002.

i) The club may also in connection with the sports purposes of the club: sell and supply food, drink and related sports clothing and equipment; employ members (though not for playing) and remunerate them for providing goods and services, on fair terms set by the committee without the person concerned being present; pay for reasonable hospitality for visiting teams/clubs and guests and indemnify the committee and members acting properly in the course of running the club against any liability incurred in the proper running of the club (but only to the extent of its assets).

## 11. INVENTORY

The Committee shall cause an inventory to be made within one month of the adoption of this Constitution. Such inventory to be thereafter maintained, of all equipment, furniture and other items belonging to or in the care and control of the group which have the reasonable opinion of the Committee an existing value of FIVE POUNDS (£5.00) or more. The inventory shall show the owner of any item, which is not owned by the club.

## 12. DISSOLUTION

In the event that the club should cease to operate for whatever reason for any period in excess of 12 consecutive months or if at any time it is unable to pay its debts as and when they become due then the club shall by this Clause automatically be dissolved. Upon such event, any property, money or other assets of the club shall, after the payment of all the debts and liabilities of the club, be forthwith applied to other organisations with the Area of Benefit for purposes which include BMX, cycling, alternative recreational activities and the education and/or welfare of young persons. If no such organisation exists at that time, then the assets of the club shall be applied to any organisation meeting these criteria within the administrative area of West Midlands or to BMX's national governing body for use for the sport. In both instances, the destination of the assets shall be at the sole discretion of the Agencies having taken into account the ownership of any property in the control of the club but not owned by the club such property being returned to its rightful owner.

**This Constitution was approved and adopted by the members of the Birmingham BMX Club in General Meeting on the 28<sup>th</sup> day of February 2022.**

**Signed            L Rennison            Chairperson**

**Signed            M Shore                Secretary**

**Signed            C Pratt                 Treasurer**

**Witnessed by**

**Name Mark Barnes**