

# West Yorkshire Canoe Club Constitution



# **Version 1.1 of 2019**

## **1. NAME**

The club shall be known as **West Yorkshire Canoe Club**.

## **2. AIMS AND OBJECTIVES**

2.1. The aims and objectives of the Club are to promote and provide facilities for the sport and recreation of paddle sport

2.2. In furtherance of the above objectives the Club is committed to treating everyone equally regardless of sex, ethnic origin, religion, disability, or beliefs.

## **3. AFFILIATION**

3.1. The Club shall be affiliated to British Canoeing and shall incorporate its rules and regulations.

3.2. In the event that there shall be any conflict between any rule or by-law of the Club and of the rules and regulations set out above in clause 3.1 the rules above shall prevail.

## **4. MEMBERSHIP**

### **4.1. Limit**

4.1.1 Total membership of the Club shall not be limited, however if the General Committee considers that there is good reason to impose a limit from time to time then the General Committee shall put forward such proposal to a General Meeting of the Members.

### **4.2 Eligibility**

4.2.1. Any person who undertakes to behave in the best interest of the Club's objectives shall be eligible for membership regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religious or other beliefs.

### **4.3. Classes of Membership**

a. Individual members

b. Family members – the partner and or/or children under 18, or in full time education, of a full member at the start of the club financial year. There is no limit to the number of family members.

### **4.4. Election of members**

4.4.1. Candidates for election to membership shall make a written application to the Secretary of the Club on the membership form provided.

4.4.2. The power of election shall rest with the General Committee who may refuse to elect membership of an application without giving reason for so doing.

#### **4.5. Membership Forms**

4.5.1 Members must complete a membership form upon joining or renewal of membership. The data supplied will be subject to General Data Protection Regulation May 2018 (see Appendix 1 for a summary).

### **5. MEMBERSHIP FEES**

5.1. The membership fees (including different classes and joining fees) shall be determined by the Committee and shall be communicated to members 21 days before the change in membership fees.

### **6. RESIGNATION**

6.1. Any member may resign by giving one month's notice in writing to the Secretary.

6.2. A member shall be deemed to have resigned from the Club if, after a period of 30 days he/she has not paid the annual subscription along with a completed membership form which became due on 1<sup>st</sup> October.

### **7. EXPULSION AND DISCIPLINARY ACTION**

7.1. All complaints regarding the behaviour of members should be submitted in writing to the Welfare Officer. The Welfare Officer will follow British Canoeing's recommended practice.

7.2. Any member violating any of the rules or codes of conduct of the Club or being adjudged guilty of unsatisfactory conduct may, by resolution of the General Committee, be suspended or expelled.

7.3. The General Committee may temporarily suspend or exclude a member from particular activities where it is deemed in the best interests of the Club.

7.4. Any member who is temporarily excluded or suspended or has had his/her membership terminated shall have the right to appeal against such decision to an appeal panel which shall comprise of no less than 3 members, if such an appeal is sponsored by not less than 15% of the members entitled to vote.

### **8. GENERAL COMMITTEE**

8.1 The General Committee shall conduct the affairs of the Club and shall meet at regular intervals during the year, as required by the business to be transacted.

8.2. Special meetings of the General Committee shall be called by the Honorary Secretary on instructions from the Chairperson, or not less than three committee members.

8.3. The General Committee shall consist of Chairperson, Vice Chair, Honorary Secretary, Treasurer, Welfare Officer and other officers as deemed necessary.

8.4. Additionally, the General Committee may co-opt no more than 3 members and 2 junior members of the Club to its number. In the case of casual vacancy among the General Committee, the said Committee shall appoint another eligible person to act until the next AGM.

8.5. Nominations for the position of Chairperson, Hon Secretary, Hon Treasurer and other officers shall be proposed seconded and elected by ballot at the General Meeting of the Members. The term of office shall be determined at time of appointment by the Committee, and members shall be eligible for re-election. The Chairperson and Vice Chair shall fall for election in alternate years to ensure continuity, as should the Secretary and Treasurer and any other positions where possible.

8.6. All decisions of the General Committee shall be taken by a simple majority (with the Chair having a casting vote) save that expulsion of a member shall require a two thirds majority of the General Committee.

8.7. A quorum for a meeting of the General Committee shall not be less than four and where a quorum is not present the meeting shall be adjourned to a time and date not less than 7 days from the date of the meeting.

8.8. The General Committee may from time to time appoint from their number such sub-committees as they shall see fit and delegate to them such powers and duties as they may determine.

8.9. The members of the Committee shall be indemnified by the members of the Club against all liabilities properly incurred by them in performing their duties.

## **9. FINANCES**

9.1. The Club Treasurer will be responsible for the finances of the club.

9.2. The financial year of the club will end on 30th September. Any change to the financial year shall require the approval of the Members in General Meeting.

9.3. Financial or legal liability incurred in the rightful exercise of their office shall not, however, be the personal liability of the Committee but shall be the responsibility of the Club as a whole.

9.4. The club may not make payment to members for participation in the sport which

would contravene amateur status nor can any profit be distributed to members, but any profits earned shall be contributed to a General Fund for furthering the objects of the Club.

9.5. Every Annual General Meeting shall appoint an Honorary Auditor who shall at least once in every year examine the Accounts of the Club and ascertain the correctness of the income and expenditure accounts and of the balance sheet.

9.6. The Committee shall retain for a period of six years all financial records relating to the Club.

## **10. BORROWING**

10.1. The General Committee may borrow money on behalf of the Club from time to time up to such limits on borrowing as may be determined by the Members in General Meeting.

10.2. The General Committee shall have no power to commit the personal liability of any Member when seeking borrowing.

## **11. PROPERTY**

11.1. All property of the Club, excluding cash at bank, shall be vested in no less than three members of the General Committee acting as custodians. Such custodians shall act in accordance with the instructions of the General Committee when dealing with the property of the Club.

11.2. Any proceeds earned during the operation of the club shall be contributed to a General Fund for furthering the objectives of the Club.

11.3. The custodians shall be elected by the General Committee and shall hold such position until removed at General Meeting or death.

11.4. The custodians shall be indemnified and kept indemnified by the Members against all losses costs and liabilities they may suffer as a result of the position as a custodian.

## **12. GENERAL MEETING, ANNUAL GENERAL MEETING & EXTRAORDINARY GENERAL MEETING**

12.1. The Annual General Meeting shall be held in the Autumn of each year.

12.2. There shall be laid before the meeting a statement of accounts made up to the 30th September.

12.3. Not less than 21 days notice shall be given specifying to all Members the time and business of the General Meeting.

12.4. A resolution put to vote of the Meeting shall be decided by a show of hands of

those entitled to vote, except when more than one nomination has been received for a position on the General Committee, in which case voting will be by ballot.

12.5. Motions for discussion at Annual General Meetings, not of origin from within the General Committee, shall be lodged with the Honorary Secretary at least 7 days preceding the AGM and signed by 2 members entitled to vote 7 days before the AGM.

12.6. An Extraordinary General Meeting shall be called on the instructions of a simple majority of the General Committee, or on requisition signed by not less than 20% of the members of the Club entitled to vote.

12.7. Individual Members and one Family Member (over the age of 14 years) are entitled to vote at all meetings.

12.8. Voting is limited to any Member over the age of 14 years.

12.9. At any General Meeting, the Chairperson will preside or, in the Chairpersons absence, the Vice Chair. In the absence of both, a Chairperson for the meeting will be elected by the voting members present.

12.10. Accidental Omission to give notice of a meeting to, or the non-receipt of notice of, a meeting by any member shall not invalidate the proceedings of a meeting.

12.11. If, after half an hour from the time appointed for the meeting, a quorum is not present, the Meeting, if called at the request of the members, shall be dissolved. In any other case, the Meeting shall be adjourned until a time and place to be fixed by the General Committee. If a quorum is not present within half an hour from the time appointed for an Adjourned Meeting, the members present shall be a Quorum.

### **13. SECTION COMMITTEES**

13.1. The Club may organize various sections to cover the various activities of canoeing.

13.2. The Section Committees shall each consist of a maximum of 5 members elected by the section concerned, one of whom shall be the section Captain and/or section secretary. A Section Committee may nominate other members of the section to serve the Section Committee.

13.2. The Secretary of each section shall keep minutes of all section meetings and be prepared to produce these if required at General Committee meetings. He/ she or she shall also be responsible for the collection of all monies relating to the section and shall submit a balance sheet showing the financial state of the section at the AGM. He/she shall also be prepared at all General Committee meetings to give a statement of the section's finances.

13.3. Section Committees may draw up rules and regulations necessary for the

efficient management of the section, but such rules and regulations shall not become operative until approved by the General Committee.

13.4. Section Committees shall meet at such intervals as are required to satisfactorily conduct the business of the Section, or upon a demand signed by not less than twenty percent of the members of the section committee.

#### **14. SAFETY RULES**

The General Committee shall be empowered to draw up rules for the safe conduct of canoeing activities and should be adhered to by all members, including the following:

- All club paddlers, when canoeing, must wear an approved PFD/buoyancy aid/lifejacket, except during pool sessions.
- Juniors may not paddle without a competent adult present
- All members must paddle in groups of no less than three.
- Juniors, under the age of 18, must wear approved helmets when paddling outside a pool environment, as per British Canoeing Guidelines

#### **15. DISSOLUTION AND TERMINATION**

15.1. The Club shall not dissolve except by a resolution of an Extraordinary General Meeting passed by a three quarters majority of the Members present and entitled to vote. A date for dissolution must be set and dissolution will take place immediately on that date.

15.2. Following dissolution of the Club any surplus assets (after the discharge of all liabilities) shall be handed over to a body or bodies with similar objectives or to a charity or charities agreed at the meeting.

#### **16. AMENDMENTS TO THE CONSTITUTION**

16.1. The agreement to change the Constitution will only be by majority vote at an Annual General Meeting or Extraordinary General Meeting.

16.2. A resolution to give effect to a change in constitution must be passed by the majority at the AGM

#### **17. POWER OF DECISION**

Any matter not provided for in this constitution, or any question over the interpretation of it shall be dealt with by the General Committee whose decision shall be final

**Approved by vote at WYCC AGM on 26<sup>th</sup> November 2019**

**Chair Person R.Cooke**

A handwritten signature in black ink, appearing to read 'R. Cooke', written over a horizontal line.

**Date 26<sup>th</sup> November 2019**



## Appendix 1

### A BRIEF SUMMARY OF THE General Data Protection Regulation 2018

The mutually agreed General Data Protection Regulation (GDPR) came into force on May 25, 2018, and was designed to modernise laws that protect the personal information of individuals.

The EU GDPR (General Data Protection Regulation) is a pan-European data protection law, which superseded the EU's 1995 Data Protection Directive and all member state law based on it, including the UK's DPA 1998 (Data Protection Act 1998), on 25 May 2018.

The EU GDPR extends the data rights of individuals (data subjects) and places a range of new obligations on organisations that process EU residents' personal data.

The UK DPA (Data Protection Act) 2018 modifies the EU GDPR by filling in the sections of the Regulation that were left to individual member states to interpret and implement.

It also applies a "broadly equivalent regime" – known as "the applied GDPR" – to certain types of processing that are outside the EU GDPR's scope, including processing by public authorities, and sets out data processing regimes for law enforcement processing and intelligence processes.

Unless a data subject has provided informed consent to data processing for one or more purposes, personal data may not be processed unless there is at least one legal basis to do so. **Article 6** states the lawful purposes are:<sup>181</sup>

- (a) If the data subject has given consent to the processing of his or her personal data;
- (b) To fulfill contractual obligations with a data subject, or for tasks at the request of a data subject who is in the process of entering into a contract;
- (c) To comply with a data controller's legal obligations;
- (d) To protect the vital interests of a data subject or another individual;
- (e) To perform a task in the public interest or in official authority;
- (f) For the legitimate interests of a data controller or a third party, unless these interests are overridden by interests of the data subject or her or his rights according to the Charter of Fundamental Rights (especially in the case of children).

If informed consent is used as the lawful basis for processing, consent must have been explicit for data collected and each purpose data is used for (**Article 7**; defined in **Article 4**). Consent must be a specific, freely-given, plainly-worded, and unambiguous affirmation given by the data subject; an online form which has consent options structured as an opt-out selected by default is a violation of the GDPR, as the consent is not unambiguously affirmed by the user. In addition, multiple types of processing may not be "bundled" together into a single affirmation prompt, as this is not specific to each use of data, and the individual permissions are not freely-given. (Recital 32)