

# DYMOCK CRICKET CLUB CONSTITUTION

## 1. Name

The name of the Club is Dymock Cricket Club.

## 2. Club Purposes

The principal purposes of the Club are to foster and promote participation in the amateur<sup>1</sup> sport of cricket within the community, providing facilities for playing cricket, opportunities for recreation, coaching and competition.

The Club may also foster and promote participation in other sports and recreational activities, so long as these are compatible with the principal purposes of the club and its facilities.

## 3. Affiliation

3.1 The Club is affiliated to the England and Wales Cricket Board through the Gloucestershire Cricket Board.

3.2 The Club and its members shall ensure that members, playing and non-playing, abide by the ECB Code of Conduct which incorporates the Spirit of Cricket and by the Laws of Cricket.

3.3 The Club shall adopt and implement the ECB Safe Hands – Cricket's Policy for Safeguarding Children and any future versions of the policy.<sup>2</sup>

3.4 The Club shall adopt and implement the ECB Cricket Equity Policy and any future versions of this policy.<sup>3</sup>

## 4. Permitted means of advancing the Purposes

The Committee has the power to:

4.1 acquire and provide grounds, equipment, coaching, training and playing facilities, clubhouse, transport, medical and related facilities;

4.2 provide coaching, training, medical treatment, and related social and other facilities;

4.3 take out any insurance for club committee, employees, contractors, players, guests and third parties;

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<sup>1</sup> The word "amateur" must be included if you are registered or registering as a CASC. Any change to this clause could mean that the Club doesn't qualify as a CASC.

<sup>2</sup> This clause is compulsory for ECB Clubmark.

<sup>3</sup> This clause is compulsory for ECB Clubmark.

- 4.4 raise funds by appeals, subscriptions, loans and charges;
- 4.5 borrow money and give security for the same, and open bank accounts;
- 4.6 buy, lease or licence property and sell, let or otherwise dispose of the same [provided that no disposal of the club's ground, The Pound, can be made without the prior written approval of the members voting at a general meeting]<sup>4</sup>;
- 4.7 make grants and loans and give guarantees and provide other benefits;
- 4.8 set aside or apply funds for special purposes or as reserves;
- 4.9 deposit or invest funds in any lawful manner;
- 4.10 employ and engage staff and others and provide services;
- 4.11 co-operate with any organisation, club, sporting body, government or government-related agencies; and
- 4.12 do all other things reasonably necessary to advance the purposes.

NONE of the above powers may be used other than to advance the purposes consistently with the Rules below and the general law.

## **5. Membership**

- 5.1 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. However, limitation of membership according to available facilities is allowable on a non discriminatory basis.<sup>5</sup>
- 5.2 The Club may have different classes of membership and subscription on a non discriminatory and fair basis. The Club will have an equitable pricing policy and will keep subscriptions at levels that will not pose a significant obstacle to people participating.<sup>6</sup>
- 5.3 The level of subscriptions will be decided by the Committee from time to time and notified to the members.
- 5.4 The Club will have the following classes of membership:<sup>7</sup>
  - 5.4.1 Full member- playing
  - 5.4.2 Full member – non-playing

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<sup>4</sup> The words in brackets are optional for clubs who wish the members to approve any sale or lease of the club's land. Details of the land will need to be inserted.

<sup>5</sup> This is compulsory for CASCs.

<sup>6</sup> This is compulsory for CASCs and ECB Clubmark.

<sup>7</sup> Classes of membership can be changed as appropriate for your Club but bear in mind the comments in the Guidance Note if your Club is a CASC.

5.4.3 Junior member (under the age of 18).

5.5 Application for membership of the Club shall be by completion of a membership application form.

5.6 No person shall be eligible to take part in the business of the Club, vote at general meetings or be eligible for selection for any Club team unless the applicable subscription has been paid by the due date and/or membership has been agreed by the Club Committee [Two days must also have passed since the application for membership was submitted before membership can be granted.]<sup>8</sup>

5.7 The Club Committee may refuse membership, or remove it, at their discretion but only for good cause such as conduct or character likely to bring the Club or cricket into disrepute and:

5.7.1 The Club Committee may only refuse to admit a new member if a resolution is passed at a meeting where the person in question has been notified in writing in advance and been given 14 days to submit written representations for the Club Committee to consider at the meeting. Appeal against a refusal of membership shall be to the Appeal Committee as detailed below.

5.7.2 The procedure for taking disciplinary action against a member, including removing membership, is dealt with in more detail below.

5.8 All members will be subject to these Rules and by joining the Club will be deemed to accept these Rules, any Club Regulations and any Codes of Conduct that the Club has adopted. A Code of Conduct for Members and Guests must be displayed prominently to ensure that all Club guests and non-member volunteers are aware of the code and the requirement to abide by it.

5.9 The Club Secretary will keep a register of members.

5.10 Membership is not transferable and shall cease on death.

5.11 A member may resign by written notice to the Club, but the return of any subscription paid is at the discretion of the Club Committee.

## **6. All General Meetings**

6.1 All members may attend all general meetings of the Club in person.

6.2 All full members have one vote.

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<sup>8</sup> Words in squared brackets are required for clubs wishing to hold a Club Premises Certificate under the Licensing Act 2003

- 6.3 Members must be given at least 14 clear days' notice of all general meetings.<sup>9</sup> Notice may be in writing, by email, and /or by display in the Club's premises
- 6.4 The quorum for all general meetings is 20 members present or 20% of the total membership whichever is greater.<sup>10</sup>
- 6.5 If a quorum is not present within 15 minutes of the start of the meeting, the meeting will be adjourned to the following week at the same time and place or such other time and place as the Committee decide and any voting members attending the adjourned meeting will constitute a quorum.
- 6.6 The Chair or (in his or her absence) another member chosen at the meeting by the members shall preside.
- 6.7 Except as otherwise provided in these Rules or in Club Regulations every resolution shall be decided by a simple majority of the votes cast on a show of hands.
- 6.8 Formalities in connection with general meetings (such as how to put down resolutions) shall be decided by the Committee in Club Regulations and publicised to Club members.

## **7. Annual General Meetings**

The Club will hold an AGM once in every calendar year and not more than 15 months after the last AGM. At every AGM:

- 7.1.1 the Members will elect a Committee including a Chair, Treasurer and Secretary to serve until the next AGM [provided that no Committee member shall serve for more than five consecutive terms without spending one year out of office before being eligible for appointment again]<sup>11</sup>;
- 7.1.2 the Treasurer will produce accounts of the Club for the latest financial year audited as the Committee shall decide;
- 7.1.3 the Committee will present a report on the Club's activities since the previous AGM;
- 7.1.4 the Members will appoint a suitable person to audit the accounts; and
- 7.1.5 the Members will discuss and vote on any resolution (whether about policy or to change the Rules) and deal with any other business put to the meeting.

## **8. Extraordinary General Meetings (EGM)**

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<sup>9</sup> Notice periods and the method of giving notice can be changed but must be reasonable.

<sup>10</sup> Take care to ensure the quorum is set at a realistic level

<sup>11</sup> A maximum 5 year term is advisable but not compulsory.

An EGM shall be called by the Secretary within 14 days of a request to that effect from the Committee or on the written request of not less than 20 members or 20% of the total membership (whichever is the least) signed by them. Such EGM shall be held on not less than 14 nor more than 21 days' notice at a place decided upon by the Committee or in default by the Chair. If the Committee fails to call a meeting within 14 days of receiving a valid request from the members then the requisitionists may themselves call a meeting, the costs of which will be reimbursed by the Club.

## **9. The Committee**

### **9.1 Role**

Subject to these Rules the Committee shall have responsibility for the management of the Club, its funds, property and affairs.

### **9.2 Property, etc.<sup>12</sup>**

9.2.1 The property and funds of the Club cannot be used for the direct or indirect private benefit of members other than as reasonably allowed by the Rules [and all surplus income or profits are to be re-invested in the Club. No surpluses or assets will be distributed to members or third parties.<sup>13</sup>

9.2.2 The Club may provide sporting and related social facilities, sporting equipment, coaching, courses, insurance cover, medical treatment, away-match expenses, post match refreshments and other ordinary benefits of Community Amateur Sports Clubs as provided for in the Corporation Tax Act 2010.

9.2.3 The Club may also in connection with the sports purposes of the Club:

- (a) sell and supply food, drink and related sports clothing and equipment;
- (b) 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;
- (c) pay for reasonable hospitality for visiting teams and guests; and
- (d) indemnify the Committee and members acting properly in the course of the running of the Club against any liability incurred in the proper running of the Club (but only to the extent of its assets).

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<sup>12</sup> The whole of clause 9.2 is approved by HMRC for CASCs and should not be changed if the Club is a CASC.

<sup>13</sup> Words in squared brackets must be included if the club is or wishes to be a CASC. They should be deleted for non-CASCs that have a dissolution clause allowing assets to be transferred to members.

9.2.4 The Committee will have due regard to the law on disability discrimination and the safeguarding of children and vulnerable adults.

### 9.3 Composition, etc.

9.3.1 The Committee shall consist of at least five and not more than 10 members (including Officers).

9.3.2 The Officers of the Club to be elected annually shall include: Chairman; Secretary; Fixtures Secretary; Treasurer; Child Welfare Officer; Captain and Vice-Captain.

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9.3.3 Any Committee member may be re-elected<sup>15</sup> without limit.

9.3.4 A Committee member ceases to be such if he or she:

- (a) ceases to be a member of the Club; or
- (b) resigns by written notice to the Club; or
- (c) is removed by the Committee in accordance with clause [5.7] and [10].

### 9.4 Committee Meetings

9.4.1 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.

9.4.2 The Committee may decide its own way of operating. Unless it otherwise resolves the following rules apply:

- (a) at least 2 Committee members must be present for the meeting to be valid;
- (b) Committee meetings may be held either in person or by telephone, televisual or other electronic or virtual means agreed by the Committee in which all participants may communicate simultaneously with all other participants;<sup>16</sup>
- (c) the Chair or whoever else those present choose shall chair meetings;

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<sup>14</sup> If the club wishes to have a Club Premises License under the Licensing Act 2003 then co-option is not allowed and vacancies must be filled by a resolution of the members, unless a separate licensing committee voted for by the members is established.

<sup>15</sup> Insert if co-option is allowed where the Club does not wish to have a Club Premise License (see footnote 15.)

<sup>16</sup> This clause may be amended to state that meetings can only be held 'face to face' if preferred.

- (d) decisions shall be by simple majority of those voting;
- (e) a resolution in writing signed by every Committee member shall be valid without a meeting; and
- (f) the chair of the meeting shall not have a casting vote.

9.4.3 The Committee shall appoint a Club Welfare Officer to ensure compliance with safeguarding legislation and the ECB Safe Hands policy. The Club Welfare Office shall report to relevant Committee meetings and the reports, together with any action taken, must be minuted.<sup>17</sup>

#### 9.5 Bank Account

Any bank account in which any part of the Club's funds are deposited shall be operated by the Committee and shall be held in the name of the Club. Unless regulations state otherwise, all cheques and orders for payment of money from such accounts must be signed by at least two people authorised by the Committee, including at least one Committee member.<sup>18</sup>

#### 9.6 Delegation, etc.

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 the 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 terms.

#### 9.7 Disclosure

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.

### **10. Removal of Membership, Discipline and Appeals<sup>19</sup>**

10.1 Any complaints regarding the behaviour of members, guests or volunteers should be lodged in writing with the Secretary.

10.2 Any person that is the subject of a written complaint or appeal shall be notified of the procedures to be followed by the relevant committee in reasonable time to prepare for any hearing.

10.3 The Committee shall appoint a disciplinary sub-committee (Disciplinary Sub-Committee) who will meet to hear complaints within [21] days of a complaint

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<sup>17</sup> This clause is compulsory for ECB Clubmark.

<sup>18</sup> If the Club's procedures for bank accounts are different this clause should be amended.

<sup>19</sup> Clubmark requires there to be an appropriate disciplinary process. The procedure for disciplining members and hearing appeals can be changed to suit the club. For example, another option is for appeals to go to the members. However there must be a right of appeal against removal or refusal of membership and any disciplinary process must be reasonable.

being lodged. Any person requested to attend a Disciplinary Sub-Committee shall be entitled to be accompanied by a friend or other representative and to call witnesses. The Disciplinary Sub-Committee has the power to take appropriate disciplinary action on behalf of the Committee, including the termination of membership or exclusion from Club premises.

10.4 The outcome of the disciplinary hearing shall be put in writing to the person who lodged the complaint and the person against whom the complaint was made within 14 days following the hearing.

10.5 There shall be a right of appeal within 14 days of receipt of the disciplinary decision or decision to refuse membership:

10.5.1 against the Disciplinary Sub-Committee's findings or the sanction imposed or both; and

10.5.2 against the Committee's refusal to admit a new member

in either case, the Committee shall appoint an appeals committee ("Appeals Committee"). The Appeals Committee shall have a maximum of three members which shall not include members involved with the initial disciplinary hearing but may include non-members of the Club. The Appeals Committee shall consider the appeal within 21 days of the Secretary receiving the appeal. The individual who submitted the appeal shall be entitled to be accompanied by a friend or other representative and to call witnesses. The decision of the Appeals Committee shall be final and binding on all parties.

## **11. Property Trustees**

11.1 Any property or assets of the Club may be vested in between two and four trustees (The Trustees). The Trustees shall hold the same for and on behalf of the members of the Club.

11.2 The Committee shall have power by notice in writing to appoint such trustees from the membership of the Club, and may remove them at any time, by resolution of the Committee.

11.3 The Trustees shall deal with the Club's property and assets as directed by the Committee from time to time.

11.4 The Trustees shall be entitled to be indemnified against any cost or expense properly incurred in dealing with the property or the assets out of the Club's funds.

11.5 The Trustees shall be entitled to be indemnified against all liabilities and in respect of all debts properly incurred on behalf of the Club including all interest costs and expenses associated with such liabilities and debts out of Club funds.

11.6 References to The Trustees in 11.4 and 11.5 shall also include former trustees and their personal representatives.



## **12. Club Regulations**

The Committee may make Club Regulations consistent with these Rules and will publicise these to the members.

## **13. Notices**

13.1 Notices to be sent out in accordance with these Rules may be sent by hand, by post or by suitable electronic means and will be treated as being received:

13.1.1 24 hours after being sent by electronic means or delivered by hand to the relevant address;

13.1.2 Two clear days after being sent by first class post; or

13.1.3 Three clear days after being sent by second class post.

13.2 Notice of all general meetings must also be put on the Club's notice board(s) and website (if any).

13.3 A technical defect in the giving of notice of which the members or the Committee are unaware at the time does not invalidate decisions taken at a meeting.

## **14. Amendments**

14.1 These Rules may be amended at a general meeting by resolution passed by two-thirds of the votes cast [but not (if relevant) so as to jeopardise the Club's status as a Community Amateur Sports Club as first provided for by the Corporation Tax Act 2010 and not in any event to alter its purposes (unless the procedure set out in 9(b) has been followed) or winding up provisions.]<sup>20</sup>

14.2 The Club Purposes may be changed to include another eligible sport if the Committee unanimously agree and the members also agreed the change by a 75% majority of votes cast.

## **15. Winding Up the Club**

15.1 The members may vote to wind up the Club if not less than three quarters of those present and voting support that proposal at a properly convened general meeting.

15.2 The Committee will then be responsible for the orderly winding up of the Club's affairs.

15.3 After settling all liabilities of the Club, the Committee shall dispose of the net assets remaining to one or more of the following:

15.3.1 to another Club with similar sports purposes which is a charity; and/or

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<sup>20</sup> Include words in square brackets for CASCs.

15.3.2 to another Club with similar sports purposes which is a registered CASC; and/or

15.3.3 to the Club's national governing body for use by them for related community sports.<sup>21</sup>

**Adopted at a meeting held**

at Dymock Cricket Club, The Pound, Dymock

on 13<sup>th</sup> August 2013

**Signed**

Name: Martin Fowke, Chairman

Signature: Martin Fowke

[Name and signature of chair of meeting]

Witnessed: Richard Lee

Name: Richard Lee

Address: Glyn Iddens, Leddington, Ledbury, Gloucestershire, HR8 2LG

Occupation: Chartered Accountant

Signature: Richard Lee

[Name, address, occupation and signature of witness]

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<sup>21</sup> Compulsory wording for a CASC.