

# CONSTITUTION

## 1. NAME

The name of the Club will be the Ivybridge Cricket Club, hereafter to be referred to as “the Club” and the Club shall be affiliated to the England & Wales Cricket Board through the Devon Cricket Board.

## 2. AIMS AND OBJECTIVES

The main purpose of the Club shall be to provide facilities for, and encourage participation in the sport of amateur cricket. The Club shall also aim to foster the spirit of competitive cricket of all age levels, as well as social activities relevant to encouraging participation in the sport of amateur cricket.

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

The Club will also ensure a duty of care to all members of the club by adopting and implementing the ECB ‘Safe Hands – Cricket’s Policy for Safeguarding Children’ and any future versions of the Policy.

The Club shall also ensure a duty of care to all members of the club by adopting and implementing the ECB Cricket Equity Policy and any future versions of the Policy.

The Club will aim to encourage all members to participate fully in the activities of the club.

The Club shall have its full powers to do all things necessary or expedient for the accomplishment of all objects specified in its Rules.

The Club shall have the power to enter into an Occupation Licence or Lease with Ivybridge Town Council (or any other relevant organisation who own or lease the premises) in order to carry out its business within the curtilage of the premises at the Silvermine Suite, Filham Park, Ivybridge, Devon, or any other premises that may become available for use for cricket within the Ivybridge area from time to time.

## 3. MEMBERSHIP AND OFFICIALS

### Membership

All members whose membership subscription is paid up for the year form the Club.

Membership of the club shall be open to anyone interested in the sport of cricket 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.

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.

### Classes of Membership

There shall be five of classes of membership available. These are:

- (a) Full (adult playing) member
- (b) Junior member (members aged under 16)
- (c) Social/non-playing member
- (d) Family member
- (e) Honorary/life member

### Application for Membership

Application for membership of the club shall be by completion of a membership application form and by payment of the relevant subscription as determined by the Annual General Meeting of the club.

**Election of Members**

Every candidate whether for Full, Social/Non-Playing, Family or Honorary membership must be proposed by one member of the Club and the proposal must be seconded by another member. Both the proposer and the seconder being Full, Social/Non-Playing, Family or Honorary members and both vouching for the candidate's fitness for membership. The name and address of every candidate proposed for membership together with the names and addresses of their proposer or seconder shall for a period of at least two clear days before such candidates be elected be posted in the Club in the manner prescribed. Election to the Club shall either be by the Club in General Meeting or by the General Committee of the Club. No reason shall be given to any candidate in the event of his or her rejection.

**Membership Rights and Obligations**

No person shall be eligible to take part in the business of the club or eligible for selection for any club team unless the appropriate subscription has been paid by the specified date or membership has been agreed by the Committee.

The Club Committee shall have discretionary powers to refuse membership, or remove it, only for good cause such as conduct or character likely to bring the club or cricket into disrepute. Appeal against refusal or removal may be made to the Committee who shall appoint an Appeals Committee to hear the appeal.

All members will be subject to the regulations of the Constitution and by joining the club will be deemed to accept these regulations and any Codes of Conduct that the club has adopted. The Constitution shall identify those members eligible to vote at any General Meetings.

Junior members shall not be eligible for a full vote at the AGM, except under special circumstances at the discretion of the majority of members.

Vice Presidents, Social/Non-Playing, Honorary/Life and Family members aged over 16 have the same voting rights as full members of the Club.

**Register of Members**

The Secretary shall keep a register of members in each category which shall be entered the following particulars: -

- (a) The name and addresses of the members
- (b) The date at which each member was entered into the register as a member, and the date at which a person ceased to be a member.
- (c) Every member shall, within fourteen days, give notice to the Secretary of any change of address, telephone number or email address.

**Cessation of Membership**

Members shall cease to be members: -

- (a) By non-payment of subscription. Any member shall not regain membership unless payment of all arrears due be made.
- (b) By expulsion.
- (c) By suspension.
- (d) By death.

**Misconduct of Members**

Members of the Committee shall have the power to order the withdrawal from the Club premises of any member who misconduct's him/herself, and such members shall have no right of re-entry to the Club premises until summoned to meet the Committee.

**Discipline and Expulsion of Members**

The Committee shall have the power to reprimand, suspend (for a period not exceeding twelve months) or expel any member who shall infringe any rule, or whose conduct whether within the Club premises or elsewhere, shall, in their opinion, render him/her unfit for membership; but no

member shall be reprimanded, suspended or expelled without first being summoned before the Committee and full opportunity afforded him/her to advance a defence nor unless two thirds at least of the members of the Committee then present and entitled to vote for his/her suspension or expulsion. Every member so summoned (unless he/she shall elect to waive his/her right to receive notice) shall receive at least three days clear notice in writing from the Secretary. Such notice shall contain a statement of the charge brought against him/her.

A suspended member shall not be entitled to use the Club premises or attend any General Meeting or hold any office during suspension, but shall remain liable to pay his/her subscription.

All complaints regarding the behaviour of members should be lodged in writing with the Secretary.

The Committee shall appoint a Disciplinary sub-committee who will meet to hear complaints within seven days of a complaint being lodged. Any member requested to attend a Disciplinary sub-committee shall be entitled to be accompanied by a friend or other representative and to call witnesses. The Committee (or its sub-committee) has the power to take appropriate disciplinary action, including the termination of membership.

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

### **Right of Appeal**

A member suspended or expelled shall have the right to appeal to the Committee against either the finding or the sanction imposed or both following disciplinary action being taken. No appeal shall be heard unless made within twenty eight days and in writing, addressed to the Secretary.

The Committee shall appoint an Appeals Committee (a maximum of three) 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 seven days of the Secretary receiving the appeal. The individual submitting 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.

### **Officers**

The Officers of the club shall be as follows:

#### **Executive Officers**

- (a) Chair
- (b) Vice Chair
- (c) Secretary
- (d) Treasurer
- (e) Club Welfare Officer
- (f) Fixture Secretary
- (g) Club Development Manager
- (h) Junior Section Co-ordinator
- (i) First XI Captain
- (j) Second XI Captain

#### **Honorary Officers**

- (a) President
- (b) Vice-Presidents

#### **Election of Officers**

All Officers shall be elected at the Annual General Meeting (AGM) of the club from, and by, the members of the club.

All Officers shall be elected for a period of one year, but shall be eligible for re-election to the same office or to another office the following year.

**Management Committee**

The affairs of the club shall be conducted by a Management (General) Committee (the Committee) comprising the Executive Officers of the club and two other members elected from, and by, the Full Members of the club. Only these members of the Committee shall be entitled to vote at Committee meetings.

The Committee will be convened by the Secretary and shall meet at agreed intervals and not less than four times per year.

The quorum required for business to be agreed at Committee meetings shall be a majority of Committee members.

**Duties of the Committee**

The duties of the Committee shall be:

- (a) To control the affairs of the club on behalf of the members.
- (b) To keep accurate accounts of the finances of the club through the Treasurer. These should be available for reasonable inspection by members and should be independently examined before every Annual General Meeting. The club shall maintain a bank current account and the following Officers shall be authorised to sign club cheques: any two from the President, Chair, Treasurer, Secretary and Junior Section Co-ordinator.
- (c) To co-opt additional members of the Committee as the Committee feel is necessary. Co-opted members shall not be entitled to a vote on the Committee and shall serve until the end of the next Annual General Meeting.
- (d) To make decisions on the basis of a simple majority vote. In the case of equal votes, the Chair shall be entitled to an additional casting vote.

**Sub-Committees**

The Committee may appoint Sub-Committees and may delegate special powers to any Sub-Committee so appointed, who may include non club members invited to advise on specialist subjects.

A Sub-Committee of five Club members will be appointed by the General Committee to be responsible for team selection of all the Club teams throughout the season.

**Decisions**

All major financial decisions are to be approved by the Committee. All recommendations by any sub-committee shall be without prejudice to the overriding authority of the Committee

**Absence or resignation of an Officer**

In the event of the absence or resignation of an Officer of the Committee, viz. Chairman, Secretary, Treasurer, it will be deemed by the Committee that the Vice Chairman, Assistant Secretary or Assistant Treasurer will take over, until such time that the Committee calls an Extraordinary (Special) Meeting or hold the AGM.

An elected Committee member ceases to be such if he or she ceases to be a 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 their case to the Committee. Appeal against removal may be made to the Appeals Committee. The Committee shall fairly decide time limits and formalities for these steps.

**Powers of the Committee**

The Committee has the power to:

- (a) acquire and provide grounds, equipment, coaching, training and playing facilities, clubhouse, transport, medical and related facilities
- (b) provide coaching, training, medical treatment, and related social and other facilities
- (c) take out any insurance for club, employees, contractors, players, guests and third parties
- (d) raise funds by appeals, subscriptions, loans and charges
- (e) borrow money and give security for the same, and open bank accounts

- (f) buy, lease or licence property and sell, let or otherwise dispose of the same
- (g) make grants and loans and give guarantees and provide other benefits
- (h) set aside funds for special purposes or as reserves
- (i) invest funds in any lawful manner
- (j) employ members (although not for playing) and engage staff and others to provide services and remunerate them;
- (k) co-operate with or affiliate firstly to any bodies regulating or organising the sport of cricket and secondly any club or body involved with cricket and thirdly with government and related agencies
- (l) do all other things reasonably necessary to advance the aims and objectives of the club.

NONE of the above powers may be used other than to advance the aims and objectives in a manner consistent with the Rules and the general law.

#### **4. MEETINGS AND TRANSACTION OF BUSINESS**

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

The AGM shall be held each year on a date to be fixed by the Committee, and will normally be before the commencement of the playing season and no more than fifteen months shall elapse between AGMs.

Twenty one days clear days written notice of the AGM shall be given to members by circulating a copy of the notice to every member at their home address and posting the notice on the club notice board. Members must advise the Secretary in writing of any other business to be moved at the AGM at least fourteen days before a meeting. The Secretary shall circulate or give notice of the agenda for the meeting to members not less than seven days before the meeting.

The business of the AGM shall be to:

- (a) Confirm the minutes of the previous AGM and any General Meetings held since the last AGM;
- (b) Receive the independently examined accounts for the year from the Treasurer;
- (c) Receive the annual report of the Committee from the Secretary;
- (d) Elect a suitably qualified accountant to independently examine the accounts;
- (e) Elect the Executive Officers of the Club (i.e. Chair, Vice-Chair etc.);
- (f) Review club subscription rates and agree them for the forthcoming year;
- (g) Transact such other business received in writing by the Secretary from members fourteen days prior to the meeting and included on the agenda.

Nominations can only be made by Full Members and must be seconded by another Full Member.

At all General Meetings, the Chair will be taken by the Chair or, in their absence, by a deputy appointed by Full Members attending the meeting. Decisions made at a General Meeting shall be by a simple majority vote from those Full Members attending the meeting. In the event of equal votes, the Chair of the meeting shall be entitled to an additional casting vote.

A quorum for a General Meeting shall be 10 Full Members and any other categories of membership entitled to vote (as outlined by the membership section of this Constitution) (usually 25% of the voting membership) and Officers of the Club including at least two from the Chair, Secretary and Treasurer.

Each Member of the Club entitled to vote shall be entitled to one vote at General Meetings.

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

Notwithstanding the foregoing, EGMs of the members may be held to consider urgent business. Such meetings must be at the request of the Committee or on a requisition, signed by one-fifth of the members or thirty such members, whichever is the less, stating the special object thereof. At least seven days prior notice of the date of the meeting must be given to members, together with written confirmation of the subject or subjects to be discussed.

##### **Committee Meetings**

The Committee shall lay down such standing orders for the transactions of its business as it may consider necessary. Meetings shall be held from time to time, as may be necessary, summoned

by the Secretary either under the direction of the Chair or at the request of the majority of the Committee members. The Agenda shall be arranged by the Secretary and the Chair will have the right to re-arrange the Agenda prior to the commencement of the meeting as he/she may think fit. Business not on the Agenda shall only be taken by special permission of the Chair.

## **5. AMENDMENTS OF THE CONSTITUTION**

The constitution of the Club may only be amended at the AGM or an EGM, convened with the required written notice of the proposal.

Notice of amendments to the constitution must be given and indicated to all members at least seven days before the meeting. No other amendments will be accepted.

Any alteration or amendment must be proposed by a Full Member of the club and seconded by another Full Member. Such alterations shall be passed if supported by not less than two-thirds of those Full Voting Members present at the meeting, assuming that a quorum has been achieved.

## **6. FINANCE**

All club monies shall be banked in an account in the name of the club. Any cheques drawn against club funds should hold the signatures of the Treasurer plus one other Officer.

The Treasurer will be responsible for the finances of the club, and for keeping a complete record of all transactions to provide a report on the financial position as required by the Committee.

The Treasurer shall ensure that the club maintains adequate and appropriate insurance to cover the activities of the club.

The Club's accounts shall be subject to independent examination by a suitably qualified individual or firm, prior to acceptance by members. These independently examined accounts shall be presented by the Treasurer at the AGM.

A copy of the balance sheet is to be made available to each member on request.

The financial year for the purposes of the balance sheet will commence on 6 November each year.

Any surplus income or gains generated during the club's accounting year are to be reinvested in the club. No surplus or asset may be distributed to members or third parties.

### **Dissolution**

If at any General Meeting of the club, a resolution be passed calling for the dissolution of the club, the Secretary shall immediately convene an EGM of the club to be held not less than one month thereafter to discuss and vote on the resolution.

If at that EGM, the resolution is carried by at least two-thirds of the Full Voting Membership present at the meeting, the Committee shall thereupon, or at such date as shall have been specified in the resolution, proceed to realise the assets of the club and discharge all debts and liabilities of the club.

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

Any net assets remaining on dissolution of the club are to be applied for either:

- (a) The purposes of the England and Wales Cricket Board (ECB), or any governing body of cricket in England and Wales which may succeed it, for use in related community sport.
- (b) The purposes of another Community Amateur Sports Club as defined by H M Revenue and Customs.
- (c) The purposes of a charity.

## **7. SUBSCRIPTIONS**

The level of annual subscriptions for the various classes of members will be ratified or fixed by the members at the AGM preceding the year in question.

For the purposes of membership, the subscriptions are for the period commencing 1<sup>st</sup> April until 31<sup>st</sup> March of the following year.

Subscriptions are due on 1<sup>st</sup> April, and must be paid before 31<sup>st</sup> May of the same year, after which date membership will be deemed to have lapsed.

Prospective members wishing to join the Club after 31<sup>st</sup> May will be required to remit the subscription for the appropriate class of membership, or part thereof as decided by the Committee, and in each case, the subscription must be paid within twenty eight days of the first application for the said membership, after which time the said membership will be deemed to have lapsed.

Membership cards will only be issued to fully paid up Club members.

## **8. PROPERTY, FUNDS AND CRICKET EQUIPMENT**

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 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
- (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).

All cricket equipment and trophies purchased by or donated to the Club shall remain the property of Ivybridge Cricket Club.

## **9. RULES**

The Secretary shall be bound to give a copy of the rules to any member of the club, on demand, on such payment (not exceeding 50p) as the committee may from time to time decide.

These rules may be amended only at a General Meeting called for that purpose. Notice of any proposed amendment shall be posted in the Clubhouse for at least seven days previous to the meeting at which the amendment is to be submitted. Any amendment shall require the votes of at least two-thirds of the members present and entitled to vote at such meetings.

Written notice of any amendment of rules must be given by the Secretary to the Chief Officer of Police and to the Clerk of the Local Magistrates Authority within twenty eight days of the amendment.

The Committee shall have the power to make such bye-laws as it may consider necessary for the good government and order of the club provided that no such bye-laws shall conflict in any way with the rules. A copy of such byelaws shall be posted in the clubhouse.

## **10. INTRODUCTION OF VISITORS**

A member of the club may personally introduce guests, but no member may introduce more than three guests at any one time. The visitor and the member introducing him/her shall sign their names in a book kept for that purpose.

Visiting groups and persons attending functions may be granted temporary membership at the discretion of the Committee, provided that at least two days notice is given to members by a notice displayed conspicuously in the clubhouse. Such persons shall be collectively granted temporary membership. The names of all individual persons in a visiting group shall be recorded in the visitors' book, making use of team cards for opposition cricket teams where possible. Temporary membership shall in no case confer the right to attend or vote in any meetings of the club.

The followings shall not be admitted as visitors: -

- (a) Former members who have been expelled.
- (b) Members who are under suspension.

Visitors who are not temporary members shall not make a purchase of intoxicating liquor.

The Committee may debar a member introducing any particular person as a visitor if they so think fit. Members shall be responsible for the behaviour of their guests, and in the event of any misconduct by the guest(s) the member responsible for their introduction may be subject to disciplinary action, which may include suspension of the privilege of introducing guests for a period not exceeding twelve months and/or suspension of membership, or expulsion of membership.

**11. HOURS OF OPENING AND CLOSING OF THE CLUB PREMISES**

The Club shall be opened and closed at such hours as may from time to time be fixed by the Committee, and as posted in the Club.

**12. PERMITTED HOURS FOR SUPPLY OF INTOXICANTS**

The permitted hours shall be such as may from time to time be determined by the Committee in accordance with the provisions of the Licensing Act 2003 and as notified by South Hams District Council subject to the issue of an order under section 160, 161 or 172 of the said Act.

No persons under the age of 18 shall be supplied with or allowed to consume intoxicating liquor on the premises.

**13. DECLARATION**

Ivybridge Cricket Club hereby adopts and accepts this Constitution as a current operating guide regulating the actions of all members.

**SIGNED** Steve Ansell

**STEVE ANSELL – CLUB CHAIRMAN**

**DATE** 27 November 2009

**SIGNED** Tim Lancaster

**TIM LANCASTER – CLUB SECRETARY**

**DATE** 27 November 2009