

# BELLS YEW GREEN CRICKET CLUB

Founded 1947



## CONSTITUTION

### 1. Name

- The name of the Club is Bells Yew Green Cricket Club, hereafter to be referred to as "the Club" and the Club shall be affiliated to the England and Wales Cricket Board through the Sussex Cricket Foundation

### 2. Aims and Objectives

- To foster and promote the sport of amateur cricket at all levels within the community and within the sport, providing opportunities for recreation, coaching and competition.
- To manage the Club whose prime location and postal address is The Nursery Ground, Cricketers Close, Bells Yew Green, East Sussex, TN3 9AL.
- To 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.
- To ensure a duty of care to all members of the Club by adopting and implementing the ECB 'Safe Hands – Safeguarding of Young People in Cricket' Policy and any future versions of the Policy.
- To 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.
- As appropriate to encourage members to participate in the activities of the Club.

### 3. Membership

- (a) 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.

- (b) 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.
- (a) Application for membership of the Club shall be by submission of a membership request, acceptance by the Club Committee and by payment of the relevant subscription/joining fees as determined by the Annual General Meeting of the Club.
- (b) 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, where applicable, has been paid by the specified date and membership has been agreed by the Committee.
- (c) Membership applications will be reviewed and approved at Club committee meetings. Pending committee acceptance applicants can represent the Club if playing team demands require this and if team Captain is in agreement.
- (d) The Club Committee may 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.
- (e) 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. This Constitution identifies the voting rights of all classes of membership and these are detailed in the Appendix to this document entitled Membership Criteria.

#### **4. Classes of Membership**

- There shall be five classes of membership available. These are:
  - Full Member
  - Junior Member (Under 16 years of age at the beginning of the Club Year)
  - Associate Member
  - Life Member
  - Honorary Member
- Qualification criteria, benefits, voting rights and any applicable fees are detailed in the Appendix to this document entitled 'Membership Criteria'.

- A decision to waive a member's fees must be agreed by the Management Committee.
- Junior Members transition to Full Members on September 1st in the Club / school academic year in which they reach the age of 16
- A list of members in each category shall be maintained by the Treasurer or other Officer of the Club.

## **5. Sports Equity**

- a) The Club is committed to ensuring that equity is incorporated across all aspects of its development. In doing so it acknowledges and adopts the following Sport England definition of sports equity:

Sports equity is about fairness in sport, equality of access, recognising inequalities and taking steps to address them. It is about changing the culture and structure of sport to ensure it becomes equally accessible to everyone in society.

The Club respects the rights, dignity and worth of every person and will treat everyone equally within the context of their sport, regardless of age, ability, gender, race, ethnicity, religious belief, sexuality or social/economic status.

- b) The Club is committed to everyone having the right to enjoy their sport in an environment free from threat of intimidation, harassment and abuse.
- c) All Club members have a responsibility to oppose discriminatory behavior and promote equality of opportunity
- d) The Club will deal with any incidence of discriminatory behavior seriously, according to Club discriminatory procedures.

## **6. Officers**

- The Officers of the Club shall be as follows:
  - Executive Officers
    - Chair
    - Vice Chair
    - Secretary
    - Treasurer

- Club Welfare Officer
- All Officers shall be elected at the Annual General Meeting of the Club from, and proposed by Full and Life members of the Club in accordance with the Appendix to this Constitution entitled Membership Criteria.
- 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.
- Nominations of candidates for election of Offices shall be made in writing Or via electronic transmission to the Secretary at least 21 days in advance of the Annual General Meeting date.
- Nominations can only be made by Full or Life Members and must be seconded by another Full or Life Member.
- When necessary, balloting lists must be prepared containing only the names of the candidates for the AGM.
- Each Full and Life Member present at the AGM may vote for any number of candidates not exceeding the number of vacancies.
- If insufficient candidates are nominated the Management (General) Committee may fill the remaining vacancies.
- If two or more candidates obtain equal numbers of votes the Chair of the meeting shall use his casting vote to decide which of the candidates shall be elected to the office
- Honorary Officers
  - President
  - Vice-President(s)
- Honorary Officer roles are appointed by the Club Management Committee

## **1. 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 4 other members elected from, and by, the Full and Life Members of the Club at the Annual General Meeting.

- If the post of any Officer or ordinary general committee member should fall vacant during the Club year the Management Committee shall have the power to fill the vacancy until the succeeding Annual General Meeting.
- The Committee will be convened by the Secretary and shall meet at agreed intervals and not less than six times in each year.
- The quorum required for business to be agreed at Committee meetings shall be five.
- Decisions will be determined following a simple majority vote. In the case of equal votes then the Chair has a casting vote.
- The duties of the Committee shall be:
  - To manage the affairs of the Club on behalf of the members.
  - To keep and maintain accurate accounts of the finances of the Club
  - To adopt new policy, codes of practice and rules that affect the organization of the Club
  - To appoint any advisers to the Committee as necessary to fulfill its business.
  - To co-opt additional members to the Committee as the Committee feel is necessary. Co-opted members shall be entitled to a vote on the Committee and shall serve until the end of the Club year..
  - To appoint sub-committees as necessary and to co-opt advisers who may be non- Club members invited to advise on specialist subjects.
  - To manage Club discipline and be responsible for taking any action of suspension or discipline following such hearings.
  - 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.
- An elected Committee member ceases to be such if he or she ceases to be a member of the Club, resigns by written or electronic 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.
- For the avoidance of doubt the authority of the Management Committee extends to:

- Identifying playing facilities to meet the Club's aims and objectives and making appropriate arrangements re their use.
  - Providing equipment, coaching, training, medical equipment and appropriate related facilities
  - Arranging social events to support the Club's aims and objectives.
  - Taking out any insurance for Club, employees, contractors, players, guests and third parties
  - Raising funds by appeals, subscriptions, loans and charges
  - Borrowing money and giving security for the same, subject to the financial limit approved by members at the AGM.
  - Opening bank accounts
  - Buying, leasing or licencing property and selling, letting or otherwise disposing of the same, within the financial limit approved by members at the AGM.
  - Making grants and loans and give guarantees and provide other benefits within the financial limit approved by members at the AGM.
  - Setting aside funds for special purposes or as reserves
  - Investing funds in any lawful manner
  - Employing and engaging staff and others and providing services
  - Co-operating with or affiliating 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
  - Doing 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.
  - For the avoidance of doubt the powers of the Management Committee do not extend to:
    - Agreeing to the sale or merger of the Club to any other entity. Any such proposal must be approved by members at an EGM convened as per the AGM.
    - Undertaking any of the actions detailed above as (f),(h), (i) where financial limits apply without securing the support of members at an EGM convened as per the AGM.

## **2. Finance**

- All Club monies shall be banked in an account in the name of the Club.

- The Treasurer shall be responsible for the finances of the Club and for providing 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 financial year runs from 1 September to 31 August each year.
- The Treasurer will present an audited statement of annual accounts at the Annual General Meeting.
- Any cheques drawn against Club funds should hold the signatures of the Treasurer plus up to two Officers.

### **3. Annual General Meetings**

- The Annual General Meeting (AGM) of the Club shall be held within 60 days of the end of the Clubs financial year.
- The Club's financial year ends on 31 August. Any revision to this must be agreed at an AGM or EGM.
- 30 clear days notice of the Annual General Meeting shall be given to all members with voting rights. A copy of the notice shall be sent to these members either by letter to their home address or email to their last known email address, as well as posting the notice on the Club notice board or website.
- Members must advise the Secretary in writing of any other business to be moved at the Annual General Meeting at least 21 days before a meeting.
- The Secretary shall circulate or give notice of the agenda for the meeting to members not less than 14 days before the meeting.
- The business of the Annual General Meeting shall be to:
  - Confirm the minutes of the previous Annual General Meeting and any General Meetings held since the last Annual General Meeting
  - Receive the audited accounts for the year from the Treasurer
  - Receive the annual report of the Committee from the Secretary
  - Elect an auditor
  - Elect the Officers of the Club (i.e. President; Vice Presidents, Chair etc.)
  - Review Club subscription rates and match fees and agree them for the forthcoming year
  - Transact such other business received in writing by the Secretary from members 21 days prior to the meeting and included on the agenda.

- Approve the financial limits under which the Management Committee can operate for the forthcoming year.

#### **4. Special (Extraordinary) General Meetings**

- Special General Meetings (SGM) may be convened by the Management Committee or on receipt by the Secretary of a request in writing from not less than one-fifth of the Full and Life Members of the Club for the time being or ten full members whichever is less. At least 21 days notice of the meeting shall be given.
- A request for a SGM must state the purpose for which the meeting is required.

#### **5. Chair**

- At all General Meetings, the Chair will be taken by the Chair or, in their absence, by the Vice Chair or in their absence, a deputy appointed by Full and Life Members attending the meeting. Decisions made at a General Meeting shall be by a simple majority vote from those Full and Life 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 12 Full Members and Officers of the Club including at least 1 from the Chair, Secretary and Treasurer.
- Each Full and Life Member of the Club shall be entitled to one vote at General Meetings.

#### **6. Subscriptions**

- Every Full and Junior member shall pay a subscription to be decided annually at the Annual General Meeting.
- The subscription is deemed to be a debt due to the Treasurer of The Club.
- If any member fails to pay his subscription by the 1st July the Treasurer or the Secretary will send notice, electronically or in writing, to their address, electronic or postal, as recorded in the books of the Club, calling on the member to pay his subscription within seven days. If the member fails to do so then the Management Committee may terminate the membership without further notice.



### **13. Life Members**

- The Management Committee may elect Life Members in recognition of their service to the Club.

### **14. Trustees**

- The trustees must be elected by the Management Committee to hold office until death or resignation unless removed from office by resolution of the Management Committee.
- There must be not less than two and no more than four trustees of the Club who shall be members of the Club
- The trustees must deal with the property of the Club as directed by a resolution of the Management Committee and an entry in the minute book is conclusive evidence of a resolution.
- The trustees must be appointed by the Management Committee and the property of the Club (other than cash which must be under the control of the Treasurer) must be vested in them to be dealt with by them from time to time as the Management Committee from time to time directs by resolution and an entry in the minute book is conclusive evidence of a resolution.
- The trustees are hereby indemnified against risk and expense out of the Club property.
- The trustees hold office until death or resignation or until removed from office by a resolution of the Management Committee, which may for any reason which may seem sufficient to a majority of the members of the Management Committee present and voting at any meeting remove any trustee from the office of trustee
- Where by reason of death, resignation or removal of a trustee a new trustee needs to be appointed, or if the Management Committee deems it expedient to appoint an additional trustee or trustees, the Management Committee may by resolution nominate the person or persons to be appointed as the new trustees or trustees.
- To give effect to a nomination:
  - The Chair is nominated as the person to appoint new trustees of the Club within the meaning of the Trustees Act 1925 section 36, and
  - The Chair must by deed appoint the person or persons nominated by the Management Committee as the new trustee or trustees of the Club, and

- The provisions of The Trustee Act 1925 apply to any appointment.
- Any statement of fact in a Deed of Appointment of the new trustees, in favour of the person dealing bona fide and for value with the Club or Management Committee is conclusive evidence of the facts so stated

## **15 Alterations to the Constitution**

- Any proposed alterations to the Club Constitution may only be considered at an Annual or Special General Meeting, convened with the required written notice of the proposal. 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.

## **16. Property and Funds**

- 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 shall be reinvested in the Club.
- 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 and guests
  - 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).

## **17. Discipline and Appeals**

- a) All concerns, allegations or reports of poor practice/abuse relating to the welfare of children and young people will be recorded and responded to swiftly and appropriately in accordance with the Club's child protection policy and procedures. A young person is defined as anyone under the age of 18 years. The Club Welfare Officer is the lead contact for all members in the event of any child protection concerns.
- b) All complaints regarding the behaviour of members should be presented and submitted in writing or by e mail to the Secretary.

- a) The Management Committee will meet to hear complaints within seven days of a complaint being lodged. The Committee shall appoint a Disciplinary sub-committee who will meet to hear complaints within 14 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.
- c) The committee has the power to take appropriate disciplinary action including the termination of membership.
- d) The outcome of a disciplinary hearing should be notified in writing to the person who lodged the complaint and the member against whom the complaint was made within five days of the hearing.
- a) There shall be a right of appeal to the Committee against either the finding or the sanction imposed or both following disciplinary action being taken. 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 14 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.

## **18. Dissolution**

- a) If at any General Meeting of the Club, a resolution be passed calling for the dissolution of the Club, the Secretary shall immediately convene a Special General Meeting of the Club to be held not less than one month thereafter to discuss and vote on the resolution.
- b) All Club members and other parties deemed by The Management Committee to be interested must be advised of the meeting via either an electronic or paper notification delivered to their recorded postal or electronic address.
- c) A Quorum of 75% of Club Members entitled to voting rights and as set out in the Appendix to this document and entitled Membership Criteria is required for the EGM to validate the meeting.
- d) If at that Special Meeting, the resolution is carried by at least three quarters) of the Full Voting Membership present at the meeting, the Trustees of the Club 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.

