

# Southend – on – Sea & EMT Cricket Club



## Club Constitution

### 1. Name

The full name of the Club is "Southend-on-Sea & EMT Cricket Club" hereinafter referred to as "the Club".

The Headquarters of the Club shall be the Cricket Pavilion, Southchurch Park, Southend-on-Sea, Essex, SSI 2YN or any other such address as the Club may in General Committee determine.

The colours of the Club shall be green, white and red and the badge of the Club should be the Southend Borough Council Crest with its motto 'Per Mare, Per Ecclesiam'. The crest can be amended where it is prudent and in the interests of the club to do so i.e. printing costs.

### 2. Club Purpose

The purposes of the Club are to foster and promote participation in the sport of cricket within the community, providing facilities for playing cricket, opportunities for recreation, coaching and competition.

### 3. Affiliation

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

3.4 The Club shall adopt and implement the ECB Cricket Equity Policy and any future versions of this policy.

### 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;

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 Southend-on-Sea & EMT Cricket Club can be made without the prior written approval of the members voting at a general meeting] ;

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.

4.13 The Club may hire out the pavilion and its facilities at the discretion of the General Committee for such functions and at such charges as it is deemed appropriate.

NONE of the above powers may be used other than to advance the purposes consistently with the Rules contained in this document 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.

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.

5.3 The level of subscriptions will be decided by the Committee from time to time and notified to the members.

5.3.1 Subscriptions shall become due on the 1st April each year. A subscription is deemed to be overdue if not paid by the second Saturday in May.

5.3.2 Any other monies or fees are deemed to be overdue if not paid within 14 days of the due date.

5.3.3. Any member authorised to collect monies or fees for or on behalf of the Club shall pay such monies to the Treasurer within 14 days of collection.

5.3.4 Any member who is overdue with subscriptions or fees shall be required to pay the outstanding amount plus 20% of the original amount unless the member has set up a banking arrangement agreed by the Honorary Treasurer and confirmed by the General Committee to pay subscription or fees.

5.4 The Club will have the following classes of membership:

5.4.1 Full member - playing

5.4.2 Full member - non-playing

5.4.3 Junior member (under the age of 18).

5.4.4 Life Member

5.4.5 Vice President

5.5 Application for membership of the Club shall be by completion of a membership application form. Candidates for membership of the Club shall forward their names and addresses to the Honorary Secretary

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 (or a payment proposal has been agreed by the Committee) 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.]

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 Committee 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.

5.12 Junior members (i.e. members under 18 years of age) shall have all the privileges of full members, but shall not be served with intoxicating liquor on Club premises.

## **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. (See 5.6)

6.3 Members must be given at least 14 clear days notice; in writing or by electronic methods (E-Mail, Website, or Social Media) of all general meetings.

6.4 The quorum for all general meetings is 5 members or 10% if membership falls below 50

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. 21 days notice of Annual General Meeting shall be given by circular to all members either by post or electronic mail. At every AGM;

7.1.1 The Members will elect a Committee including a Chair, Treasurer and Secretary to serve until the next AGM

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.

7.2 The quorum for all Annual General Meetings is 10 members or 10% if membership falls below 50

7.3 The Chair or whoever else those present choose shall chair meetings;

7.4 A nomination for a member to be elected as a Club Official will not be accepted at an Annual General Meeting if the member is not present or the Honorary Secretary has not received a letter, or electronic communication, confirming his willingness to stand.

7.5 A nomination for a member to be elected as a Club Official will not be accepted at an Annual General Meeting or Special Meeting if the member's subscription, or part of, or other monies owing to the Club are outstanding, unless the member has set up a bank arrangement agreed by the Honorary Treasurer and confirmed by the General Committee to repay the outstanding amounts.

7.6 Any motion put to an Annual or Special General Meeting or any other matter requiring a vote at an Annual or Special General Meeting shall be decided by a vote on show of hands. Each member shall be entitled to one vote with the exception of Members who are under 16 on 1st September preceding the meeting. In the event of a tie the Chairman of the meeting shall have the casting vote. Voting at all meetings shall be by a show of hands except where the General Committee or Chairman of the meeting decides voting can be by ballot. At all meetings decisions shall be made by simple majority.

A member whose annual subscription, or part of, or has other monies owing to the Club will not be allowed to vote at an Annual General Meeting or Special Meeting, unless prior arrangements have been agreed by the Honorary Treasurer and confirmed by the General Committee to repay the outstanding amounts.

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

An EGM shall be called by the Secretary (or Chairman if no Secretary is available) within 14 days of a request to that effect from the Committee or on the written request of not less than 10 members 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.

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.

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 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).

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 three and not more than 20 members (including Chairman, Honorary Secretary, Honorary Treasurer, Fixture Secretary, Club Captain and Youth Manager).

9.3.2 Vacancies must be filled by a resolution of the members, unless a separate licensing committee voted for by the members is established.

9.3.3 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].

9.3.4 The General Committee shall comprise the above Officers, the Captains / Managers of the elevens, at least one member from each of the sub-committees; if not already represented and anyone who holds a position of responsibility within the Club.

9.3.5 The General Committee can co-opt onto the committee any member if it believes it will benefit the Club.

9.3.6 The General Committee will be convened by the Honorary Secretary of the Club and be held no less than six times per year.

Five persons shall constitute a quorum of the General Committee, three for the Playing sub-committee, two for the Bar and Pavilion sub-committee and 10% of the full paying membership, life members and officers of the Club for any Annual General Meeting or Special Meeting.

In the event of any Office becoming vacant or any member of the General Committee or sub-committee retiring the General Committee shall have the power to co-opt to fill the vacancy.

The General Committee will be responsible for adopting new policy codes of conduct and rules that affect the organisation of the Club.

### 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 3 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;
- (c) The Chair or whoever else those present choose shall chair meetings;
- (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.

#### 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 should be signed by any two of the following Officers of the Club: the Chairman, the Honorary Secretary, the Honorary Treasurer, or any other General Committee Member deemed appropriate by the General Committee. Specimen signatures to be forwarded to the Bank on appointment.

#### 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. The following sub-committees will exist;

##### Selection (Playing) sub-committee

9.6.1 The Selection sub-committee shall comprise the Chairman or Club Captain and Captains and Vice Captains of all Saturday and Sunday elevens. It shall be responsible for the selection of teams, net practices, teas, playing equipment and facilities and all other matters directly related to the playing of cricket, this will include the handling of disciplinary matters surrounding matches.

Additional members e.g. Youth Manager, Midweek Manager, Tour Manager, Honorary Secretary, Honorary Treasurer and Club Coach may be co-opted to serve on the sub-committee as necessary.

##### Bar and Pavilion sub-committee

9.6.2 The Bar and Pavilion sub-committee shall comprise one member of the General Committee appointed by that committee and two members of the Club. It shall be charged with the promotion, operation and maintenance of the bar, and the purchase for and supply by the Club of intoxicating liquor, tobacco, and other bar refreshments. It shall also be charged with the day-to-day care, maintenance and upkeep of the pavilion e.g. repairs etc.

- a) The Bar sub-committee shall arrange the supply of intoxicating liquor by the Club to its members at such prices as it deems fit. Furthermore;
- b) No person shall receive at the expense of the Club any commission, percentage, or similar payment on or with reference to purchases of intoxicating liquor by the Club.

- c) No person shall directly or indirectly derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the Club to members or guests, apart from any benefit accruing to the Club as a whole and apart also from any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the Club. Any such benefit shall accrue to the Club as a whole and be enjoyed by the members, in the form of reduced prices for intoxicating liquors or improved amenities or other benefits at the Club premises, at the discretion of the Bar sub-committee.
- d) The Bar sub-committee shall keep proper accounts of the purchase and supply of intoxicating liquor and shall once in every year present to the Annual General Meeting a report and financial statement for the preceding year.

9.6.3 Any other matters not covered by the above sub-committees may be delegated to any further sub-committees as decided by the General Committee.

#### 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**

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' (unless related to match incidents – See 9.6.1), who will meet to hear complaints within **21 days** of a complaint being lodged. Any person requested to attend a Disciplinary meeting 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 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.

## **12. Club Regulations**

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

## **13. General**

13.1 Subject to any restrictions which may from time to time be imposed by the General Committee, the following persons shall be entitled to admission to the Club premises:

- Members as per Clause 12
- Member's guests
- Members of visiting teams and their guests.
- Guests in relation to hire functions

13.2 There shall be kept at the Club premises a Visitors book that both the member and his guest or guests shall sign. Members introducing guests shall be responsible for the observance of Club rules.

13.3 The General Committee shall have the power to call a Special General Meeting for the transaction of any urgent business.

13.4 Any point not provided for in the Club Constitution or Rules shall be left to the decision of the General Committee.

13.5 Alterations to the constitution of the Club shall only be made at an Annual General Meeting or Special General Meeting called for that purpose. 14 days notice in writing shall be given to the Honorary Secretary of any proposed alterations to the constitution prior to an Annual General Meeting or Special General Meeting. Formal agenda to be circulated by the Honorary Secretary at least 7 days prior to the Annual General Meeting or Special General Meeting.

## **14. Notices**

14.1 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:

- 14.1.1 24 hours after being sent by electronic means or delivered by hand to the relevant address;
- 14.1.2 Two clear days after being sent by first class post; or
- 14.1.3 Three clear days after being sent by second class post.

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

14.3 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.

## **15. Amendments**

15.1 These Rules may be amended at a general meeting by resolution passed by two-thirds of the votes cast

15.2 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.

## **16. Winding up the Club**

16.1 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.



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

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

- 16.3.1 To another Club with similar sports purposes which is a charity; and/or
- 16.3.2 To another Club with similar sports purposes which is a registered CASC; and/or
- 16.3.3 To the Club's national governing body for use by them for related community sports.
- 16.3.4 To the South Essex District Cricket Board

Adopted at a meeting held  
at Southend on Sea & EMT Cricket Club  
on 29 February 2016

Signed

Name Chris Hunt

Signature .....  
[Name and signature of chair of meeting]

Witnessed .....  
Name .....

Address .....

Occupation .....

Signature .....  
[Name, address, occupation and signature of witness]