

# **NEWQUAY CRICKET CLUB CONSTITUTION (April 2018)**

## **1. Name:**

The Club shall be called **Newquay Cricket Club** (known henceforth as 'the Club' for the purposes of this document) and shall be affiliated to the Cornwall Cricket League and the Cornwall Cricket Board.

## **2. Aims and Objectives of the Club:**

- (a) To foster and promote the sport of cricket at all levels within the community and within the sport, providing opportunities for recreation, coaching and competition.
- (b) To ensure that all Members, playing and non-playing, abide by the ECB Code of Conduct which incorporates the Spirit of Cricket, by the Club Code of Conduct and by the Laws of Cricket.
- (c) To ensure a duty of care to all the Members of the Club.
- (d) To provide all its amenities and services in a way that shall be fair to everyone.
- (e) To ensure that all current and potential new Members receive unbiased and equal treatment.
- (f) To encourage all Members to participate fully in the activities of the Club.

## **3. Permitted means of Advancing the Purposes:**

The Committee has the Power to:

- (a) Acquire and provide Grounds, Equipment, Coaching, Training and Playing Facilities, Clubhouse, Transport, Medical and related Facilities.
- (b) Take out any Insurance for Club Committee, Employees, Contractors, Players, Guests and Third Parties.
- (c) Raise Funds by Appeals, Subscriptions, Loans and Charges.
- (d) Borrow Money and give security for the same and open Bank Accounts.
- (e) Buy, Lease or Licence Property and Sell, Let or otherwise Dispose of the same (provided that no disposal of the Club can be made without the prior written approval of the members voting at any General Meeting).
- (f) Make Grants and Loans and give Guarantees and provide other Benefits.
- (g) Set aside or apply Funds for Special Purposes or as Reserves.
- (h) Deposit or Invest Funds in any lawful manner.
- (i) Employ or Engage Staff and Others and provide Services.
- (j) Cooperate with any Organisation, Club, Sporting Body, Government or Government-related Agencies and do all the 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.

## **4. Membership:**

The 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.

Membership shall consist of the following categories:

- (a) Adult Full Members**
- (b) Concessionary Full Members**
- (c) Junior Full Members**
- (d) Standard Members**
- (e) Life Members**
- (f) Vice-Presidents**
- (g) Allstars Junior Members**
- (h) Parents or Carers of Junior Full Playing Members**
- (i) Recognised Carers of Adult Full Playing Members.**

**Standard Membership** shall apply to non-players who shall then become Members with full voting rights at General Meetings. Standard Members, who from time to time may make themselves available for selection to a team, are subject to current selection policies and match fee rates.

**Concessionary Full Membership** shall apply to:

- (α) U19s or still at 6<sup>th</sup> form or in Full-time study at a recognised College of Further Education on the 1<sup>st</sup> September of the previous year.
- (β) Full-time First-Degree students at a recognised Establishment of Higher Education.
- (γ) Post-Graduate students at the Committee's discretion.
- (δ) Young people in an approved Modern Apprenticeship or Work-Experience Scheme.

**Junior Full Membership** shall apply to all Members who are under 15 years old at midnight of the **31<sup>st</sup> of August** of the year preceding the current season.

The President of the Club shall be designated a Life Member.

(i) All Members shall be subject to the full meaning of the Constitution and, upon joining the Club, shall be deemed to accept the Regulations, Codes of Conduct and policies, adopted by the Club. These documents will be posted on the Club Website and where appropriate on recognised Club noticeboards on the Club's premises and it is the responsibility of members or parents of members to familiarise themselves with all of their contents.

(j) Application for Membership of the Club will be by completion of a Membership Application form.

(k) 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.

(l) 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 7 (seven) days to submit written representation for the Club Committee to consider at the meeting. Appeal against a refusal of Membership shall be to the Appeal Committee as detailed below in section 12.

(m) A Code of Conduct for all Members and Guests must be displayed prominently to ensure that all Club Guests and non-member Volunteers are aware of the Code and the requirements to abide by it.

(n) The procedure for taking disciplinary action against a Member, up to and including removing Membership, is dealt with in more detail in section 11.

(o) The Club Secretary will keep a register of Club Members.

(p) Membership is not transferable and shall cease on death.

(q) 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. Membership Fees:**

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.

Any matter of Membership entitlement may be dealt with upon application to the Management Committee and then at the Management Committee's discretion.

The level of Subscriptions and methods of payment shall be recommended by the Committee from time to time for ratification at General Meetings.

All Subscriptions are to be paid by the first league game annually. The payment of the Annual Membership Fee entitles the Member to voting rights at General Meetings. Vice-Presidents and Life Members are entitled to voting rights at General Meetings.

Parents and Carers are not entitled to voting rights at General Meetings unless they are Adult Full Playing Members, Concessionary Members, Standard Members, Life Members or Vice-Presidents.

#### **6. The Management (or General) Committee**

shall consist of the following:

(a) President (b) Chairman (c) Honorary Secretary (d) Honorary Treasurer (e) Vice-Chairman (f) Grounds Manager (g) Coaching Coordinator (h) Schools Liaison Manager (i) Ladies' Section Manager (j) Volunteers Manager (k) Development Manager (l) Fund Raising/Activities Coordinator (m) Play-Cricket/Website Coordinator (n) Archivist (o) Press Coordinator (p) First Team Captain/Players' Representative (q) Chairman of Selectors, who will be elected at the Annual General Meeting. Second team, third team and fourth team captains will be automatically co-opted onto the committee upon being appointed captains of their respective teams as full voting members. There remains one vote per committee member

The Chairman, Vice Chairman, Secretary, Treasurer and President shall also serve as Officers of the Club. During the course of the year the Committee shall have the power to co-opt a Member of the Club to any as-yet undefined role or to fill any vacant position as may be necessary at any time. Any such role will be ratified at the next General Meeting.

(a) The Management Committee shall consist of those Members duly elected at the Annual General Meeting. The Management Committee shall have the duties and powers to apply the Rules, manage the Club and deal with all matters as appropriate. Decisions made by the Management Committee are final and binding.

(b) Management Committee meetings shall be held on the first Thursday of each month from October to April and whenever practicable on a monthly basis from May to September.

(c) Management Committee Members must make every effort to attend monthly meetings. The quorum at a Management Committee meeting shall be no less than **four** duly elected Members. If a quorum is not achieved at the monthly

Management Committee meeting, the Chairman shall abandon the meeting and call another meeting in the same calendar month.

(d) At Management Committee meetings the Officers, Coordinators and Managers of the club shall discuss any standing items and any further matters submitted by Members in writing in advance to the Honorary Secretary.

(e) All elected Members shall have an equal vote in matters brought to the Management Committee.

(f) Where such a vote is taken, and the vote tied, the Chairman shall have the power of a casting vote.

(g) The Management Committee has the power to propose the election of Life Members at the Annual General Meeting, based on outstanding services rendered to the Club.

(h) The property of the Club shall be considered as vested with the Management Committee who shall have complete control of funds and affairs of the Club.

(i) The Club shall have a banking account with cheques being signed by any two of the following: Chairman, Vice-Chairman, Honorary Secretary or Honorary Treasurer.

(j) The Management Committee may set up at any time Sub-Committees to deal on its behalf with pertinent matters. Such Sub-Committees shall consist of Members of the Club, of whom at least two shall be elected Members of the Management Committee. Terms of Reference will be set out by the Management Committee to whom the Sub-Committee(s) will report.

## **7. General Meetings:**

(a) The Annual General Meeting of the Club shall be held in the month of November each year. Fourteen days' notice shall be given to Members, stating the Agenda, time and place of the Meeting.

(b) All paid-up Members may attend all General Meetings of the Club in person.

(c) All Full Members have one vote.

(d) Every Resolution shall be decided by a simple majority of the votes cast on a show of hands.

(e) A statement of accounts will be presented at the Annual General Meeting by the Officers of the club.

(f) The Management Committee may also call an Extraordinary General Meeting of the Club. Fourteen days' notice shall be given to members, stating the Agenda, time and place of meeting.

(g) The Management Committee shall also, on receipt in writing of a request signed by at least fourteen Members of the Club, call an Extraordinary General Meeting. Fourteen days' notice shall be given to Members, stating the Agenda, time and place of meeting.

(h) No items of the Club's Constitution, or other rules of the Club, may be altered, deleted or added-to except by a two-thirds majority at the Annual General Meeting or an Extraordinary General Meeting.

## **8. Dissolution Statement:**

If, at a General Meeting of the Club, a resolution is 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.

If, at that Special General Meeting, the resolution is carried by at least two thirds of members present, the Management Committee shall proceed to realise the assets of the Club and discharge all debts and liabilities of the Club. The Management Committee will be responsible for the orderly winding up of the Club's affairs. After settling all liabilities of the Club, the Management Committee shall dispose of the net assets remaining to one or more of the following:

(a) Another club with similar sporting purposes which is a registered charity.

(b) Another club with similar sporting purposes which is a registered Community Amateur Sports Club.

(c) The Cornwall Cricket Board.

## **9. Equity Statement:**

**The Club** adopts the ECB Equity Policy.

Membership of the Club is open to the entire community, without the need for proposer or seconder for membership.

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 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, gender, disability, race, ethnic origin, nationality, colour, parental or marital status, pregnancy, religious belief, class or social background, sexual preference or political belief.

The Club is committed to everyone having the right to enjoy their sport in an environment free from threat of intimidation, harassment and abuse.

All Club Members have a responsibility to oppose discriminatory behaviour and promote equality of opportunity.

The Club will deal with any incidence of discriminatory behaviour seriously, according to the Club's disciplinary procedures.

## **10. Welfare Statement:**

The Club is fully committed to ensure a duty of care by adopting and implementing the ECB's Safe-guarding Policy Statement and any future versions of the policy.

**The Club shall appoint a Welfare Officer who shall be properly vetted and qualified by holding a Safe Guarding Young Cricketers and Safe Hands Accreditation.**

**This Post must be continuously occupied.**

**The Welfare Officer shall report to the Management Committee upon request and shall in any event keep the committee informed of any incidents on a need to know basis.**

It is the responsibility of the Club's Welfare Officer to pass on any child protection or welfare concerns to the County Welfare Officer who will thereupon be accountable and responsible for any further actions and would investigate, as appropriate, following local authority guidelines and the ECB policy of the welfare of young people in cricket.

The Club has separate policies on safe-guarding children and safe-guarding vulnerable adults.

## **11. Disciplinary Procedures:**

(a) The disciplinary procedures apply to all Members of the Club, playing or non-playing.

(b) Any breach of the Club's Code of Conduct, or breach of any Club rule, shall be reported to the Chairman.

(c) Upon receipt of such a report the Chairman may take no action, except to make a written record, if he considers the breach to be minor, or he may call a disciplinary hearing of the Club, if he considers the breach to be major.

(d) In the case of a disciplinary hearing, the Chairman shall form a Disciplinary Committee, comprising the Chairman and two of the following members: First team Captain, Chairman of Selectors, Secretary or Club Welfare Officer. No member mentioned in the initial report may take part in the disciplinary process.

(e) The Member deemed to be in breach of the Code of Conduct will be advised of the details of the report and will be given 7 (seven) working days' notice in writing, of the date, time and place of the disciplinary hearing, and will be invited to attend. He/she may be supported at the disciplinary hearing by a friend. The Member will be allowed to state his/ her case and to call witnesses.

(f) After the hearing and after the Member has withdrawn, the Disciplinary Committee will consider what action it will take. The Committee will be mindful of the Disciplinary Tariff System adopted by the Cornwall Cricket League. It may decide to take no action; to require the Member to submit an apology; to issue a warning as to future conduct; to suspend a player for one or more matches; to suspend the Member for a stated period; to expel the Member from the Club; or any other action it deems appropriate. The Chairman shall inform the Member in writing within three working days of the action it has decided to take.

(g) A Member who has received such disciplinary action shall have the right to appeal against the decision of the Disciplinary Committee. If he/she chooses to do so he/she shall inform the Chairman, in writing within seven working days of receiving the notification, stating the grounds for the appeal. The Chairman shall, in such a case, call an Appeals Committee, to be chaired by the President or Vice-Chairman. The Appeals Committee will comprise at least two other Club Officers who were not part of the Disciplinary Committee. The Member will be advised in writing of the date, time and place of the Appeals Hearing and will be invited to attend. He/she may be accompanied by a friend, and will be allowed to state his/ her case, and to call witnesses.

(h) After the hearing and after the Member has withdrawn, the Appeals Committee will consider whether to confirm, vary or reverse the original decision of the Disciplinary Committee. The Member shall be informed in writing within three working days of the decision of the Appeals Committee. The decision of the Appeals Committee is final.

Note: For references to ECB, please go to [www.ecb.co.uk](http://www.ecb.co.uk)

For references to the Cornwall Cricket League, please go to [www.cornwallcricket.co.uk](http://www.cornwallcricket.co.uk)

All **Club** policies and documents are to be found on [www.newquaycc.co.uk](http://www.newquaycc.co.uk)

**Amended and ratified at the Spring EGM, 16 March 2014**

**Amended and ratified (5.3 & 6.1) Spring EGM, 1 March 2015**

**Amended and ratified AGM Nov 2016**

**Amended and ratified Spring EGM April 2018**