

# Totton & Eling

Cricket Club

## Constitution and Rules

### **1. Name of the Club**

1.1 The club will be known as Totton & Eling Cricket Club, hereinafter referred to in the Constitution and Rules as 'the club'

### **2. Logo**

2.1 The official club logo is reproduced above. This logo may only be used for purposes approved by the Club Management Committee.

### **3. The aims and objectives of the club will be**

3.1 To arrange and provide facilities for cricket matches with clubs of good standing and to carry out such other activities as will awaken or strengthen the member's interest in, or efficiency at, the National Game.

3.2 To provide an opportunity of playing in club cricket of a high standard, at a reasonable cost.

3.3 To raise such number of teams as may be possible or desirable.

3.4 To offer coaching and competitive opportunities in Cricket to young players.

3.5 To promote the club within the local community and within Cricket.

3.6 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.

3.7 To provide all its services in a way that is fair to everyone.

3.8 To ensure that present and future members receive fair and equal treatment.

3.9 To affiliate to any Association or Federation of Clubs, whose existence is calculated to further the interests of the club.

3.10 To maintain funds to enable the above objectives to be met

### **4. Membership**

4.1 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.

4.2 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.

4.3 Application for membership of the club shall be by completion of a membership application form and by payment of the relevant subscription/joining fees as determined by the Annual General Meeting (AGM) of the club.

4.4 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 Club Management Committee.

4.5 The Club Management 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.

4.6 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.

4.7 Club Membership is available in the following three classes:

- Full Member
- Junior Member
- Honorary/ Life Member

4.8 For the purposes of the Constitution, the following definitions apply:

- A Full Member is any *adult* aged 18 or over at the 1<sup>st</sup> January of the current year
- A Junior Member is any person under the age of 18 at the 1<sup>st</sup> January of the current year

4.8 Unless specified, the term Club Member applies to any person defined in paragraph 4.7

4.9 All Club 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.

4.10 A list of members in each class shall be maintained by the Club Secretary.

4.11 Members who have performed long and valued service to The Club may be granted Honorary Life Membership by a majority vote of the AGM.

4.12 All Full Members of the club must also become paid up members of Totton Sports Club

4.13 Resignations shall only be accepted in written form and must be addressed to the Club Captain, Club Chairman or Club Secretary.

4.14 Any complaint against an individual member or members should be made in writing to the Club Secretary, who will raise the matter at the next meeting of the Club Management Committee. If that committee deems necessary the individual(s) will be warned verbally by the Club Chairman, or the Club Captain in the case of a complaint against a player. Subsequent complaints through the same channels will result in a formal written warning and if necessary expulsion from membership of the club.

4.15 The Club Management Committee of the club may recommend to the AGM or an Extraordinary General Meeting (EGM), expulsion from membership any person who it regards as an undesirable member of the club. The member concerned shall be given notice of such a meeting and would be able to attend and make his/her defence. The meeting's decision, on a show of hands, shall be final. Until such decision, the member concerned shall be suspended from all club activities.

## **5. Junior Membership**

5.1 Junior Members are those players under the age of 18 years on January 1<sup>st</sup> of each year.

5.2 Junior Members may not attend club meetings.

5.3 Junior membership of the club also provides that the parent(s)/carer(s)/guardian(s) of the junior member are entitled to non-voting membership of the club as part of that junior membership. This entitles the parent(s)/carer(s)/guardian(s) no additional privileges that would otherwise be gained by paying the appropriate full membership fee(s). Any use of facilities (for example social/training/playing) may incur such charges as applicable to relevant full membership.

5.4 The club takes very seriously its responsibility with respect to young persons and recognises the particular vulnerability inherent within persons under the age of 18. In order to ensure the maximum amount of protection to young persons involved in club activities, the club undertakes to carry out the provisions of the processes, procedures and guidance contained in the ECB's "Safe Hands" policy.

## **6. Payment of Subscriptions**

6.1 An annual club subscription shall be payable by club members to the club

6.2 Changes to annual subscriptions will be voted in by the club membership at the AGM. The current rates will be forwarded to club members and posted on the club's website

6.3 Club members are responsible for ensuring that annual club subscriptions have been paid to the Membership Secretary not later than the 31<sup>st</sup> May each year or arrangements for such have been made..

6.4 Failure by club members to adhere to paragraph 6.3 will result in an immediate suspension of that person's club membership.

6.5 Club members suspended in accordance with paragraph 6.4 will not be allowed to represent the club in any activity (including cricket matches) organised and/or arranged by the club

6.6 Suspensions implemented by paragraph 6.4 will continue until such time that the club member settles all arrears owed to the club in respect of annual club subscription(s)

6.7 In addition to the provisions of paragraphs 6.5 & 6.6, suspended club members forego all normal club meeting voting rights.

6.8 All playing members shall pay the appropriate subscription each season but, at the discretion of the Club Management Committee a rebate may be granted to new members joining after the start of the season for each complete calendar month between 1st May and the date of their first selection.

## **7. Match Fees**

7.1 Match Fees shall be payable by club members to the club for each match played

7.2 Changes to match fees will be voted in by the club membership at the AGM. The current rates will be forwarded to club members and posted on the club's website

7.3 Club members are responsible for ensuring that match fees are paid to the relevant Team Captain (or his nominated representative) on each match day.

7.4 Failure of club members to adhere to paragraph 7.3 for a period of 4 (four) weeks will result in an immediate suspension of that person's club membership.

7.5 Club members suspended in accordance with paragraph 7.4 will not be allowed to represent the Club in any activity (including cricket matches) organised and/or arranged by the club

7.6 Suspensions implemented by paragraph 7.4 will continue until such time that the club member settles all arrears owed to the club in respect of match fees

7.7 In addition to the provisions of paragraphs 7.5 & 7.6, suspended club members forego all normal club meeting voting rights

## **8. Voting Rights**

8.1 Notwithstanding paragraph 5.3, all club members may vote at club meetings.

8.2 Voting will be carried out on the basis of one vote per club member, except for the Club Chairman who is not entitled to vote except for those circumstances detailed in paragraph 8.5 (c).

8.3 In order to declare a meeting valid, it is necessary for that meeting to have a quorum of club members present. The definitions of 'quorum' are detailed in the appropriate sections below.

8.4 All resolutions and/or motions presented to any committee meeting, AGM or EGM must receive a majority of votes to be declared as 'passed'.

8.5 In the event of a failure to achieve a majority decision and where the votes for and against are tied, at his discretion the Club Chairman may:

- (a). Defer the decision to a later date
- (b). Refer the matter to the Club Management Committee in order to make recommendations to the membership and a resubmission of that motion or proposal
- (c). Make a casting vote in favour or denial of that motion or proposal

## **9. Register of Membership**

9.1 All club members must complete a formal club membership form.

9.2 The Club Secretary will maintain a register of all club members. All details gathered from the club membership form will be retained in confidence; such data includes:

- Member's name
- Member's address
- Member's telephone number(s)
- Member's email address
- Previous clubs
- Health issues
- Member's age and date of birth

9.3 The Club Welfare Officer will review all club membership forms to ensure that the club implements appropriate measures commensurate with the health and welfare needs of each club member, if necessary issuing an Action Plan to relevant Team Captains and Officials. The Welfare Officer shall report to the relevant committee meetings. Reports together with any actions taken must be minuted

## **10. Club Officers**

10.1 The Club Officers are as follows:

- Club Chairman
- Club Secretary (who will act as Vice Chairman)
- Club Treasurer (who will act as Vice Secretary)
- Club Welfare Officer
- Club Colt Coordinator
- Club Captain

10.2 A list of current serving Officers is held by each member of the Club Management Committee

10.3 Club Officers shall serve for a nominal period of twelve calendar months commencing immediately following the AGM each year.

10.4 All nominations for honorary posts within the club must be notified to the Club Secretary at least 2 (two) days prior to the date of the AGM. All officials will be subject to Disclosure & Barring Service (DBS) checks

10.5 Members may not propose or second more than one nominee for the same position

10.5 Such nominations will be presented to the AGM and if more than one nomination has been made for any given position, a ballot shall be arranged and the majority decision accepted.

10.6 If multiple nominations fail to achieve a majority decision, the nomination receiving the fewer or fewest votes will be withdrawn and a new round of voting will be invited. This process will continue until such time that a nomination receives a majority vote.

10.7 If a single nomination fails to achieve majority support, the AGM will invite proposals and applications from amongst the members present at the AGM.

10.8 In the event that there are no nominations for any one position, then proposals, seconding and election of that Club Officer may be taken from among those present at the AGM.

## **11. Team Captains**

11.1 The Club Management Committee will be responsible for the appointment of all senior team captains after due consideration of applications received.

11.2 The relevant Junior Team Managers will nominate Junior Team Captains and Vice-Captains

11.3 Team Captains shall serve for a nominal period of twelve calendar months commencing 1<sup>st</sup> January each year.

11.4 Applications for the posts senior Team Captains shall be made to the Club Chairman by 31<sup>st</sup> October each year. The Club Chairman will present all applications to the Club Management Committee at the next committee meeting.

11.5 In the event that there are no applications for any single position, then the Club Management Committee will determine, in agreement with the person, who should take up the position.

## **12. Club Management Committee**

12.1 The powers of the Club Management Committee are detailed in Section 13. However, in general terms the Club Management Committee is set up to administer, organise and arrange matters regarding the Club on behalf of its members. It is also responsible for adopting new policies, codes of conduct and rules that affect the organisation of The Club.

12.2 The management of the club shall be invested in an AGM or EGM which shall appoint Officers, as detailed in Section 10, and a Club Management Committee to manage the affairs of the club.

12.3 The Club Management Committee comprises the following:

- Club Chairman
- Club Secretary
- Club Treasurer
- Club Captain

12.4 The Club will be managed through the Club Management Committee drawn from the named officials in paragraph 12.3 and such other members of the club as deemed appropriate. All duly elected members of the Club Management Committee will have the right to vote at meetings

12.5 A team vice-Captain may represent a Team Captain *in absentia*

12.6 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.

12.7 Appeal against removal may be made to the Appeals Committee. The committee shall fairly decide time limits and formalities for these steps.

## **13. Club Management Committee Meetings**

13.1 Club Management Committee Meetings are to be chaired by the Club Chairman

13.2 The Club Secretary shall duly record and minute the proceedings of such meetings and distribute to Club Management Committee members.

13.3 The Club Management Committee shall meet as and when deemed necessary, but at least 6 (six) times per annum.

13.4 A Club Management Committee Meeting will be deemed valid provided that it has a quorum of at least 3 (three) Club Committee Members present.

#### **14. Powers of the Club Management Committee**

14.1 The property, interests and/or assets of the Club shall be invested in the Club Management Committee. The Committee has the power to acquire and provide:

- Grounds
- Equipment
- Coaching
- Training & playing facilities
- Clubhouse
- Transport
- Medical and welfare facilities
- Social activities
- Insurance for club, employees, contractors, players, guests and third parties

14.2 The committee may also:

- Raise funds by appeals, subscriptions, loans and charges
- Borrow money and give security for the same, and open bank accounts
- Buy, lease or licence property and sell, let or otherwise dispose of the same
- Make grants and loans and give guarantees and provide other benefits
- Set aside funds for special purposes or as reserves
- Invest funds in any lawful manner
- Employ and engage staff and others and provide services
- 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
- Do all other things reasonably necessary to advance the aims and objectives of the club.

*N.B. None of the powers described in 14.1 & 14.2 may be used other than to advance the aims and objectives of the Club in a manner consistent with Constitutional Rules and the general law.*

14.3 Club Management Committee Members shall have full voting rights at any or all Sub-Committee meetings.

14.4 The Club Management Committee has the power to suspend or expel any club member in the following circumstances:

Where a club member has been deemed guilty of conduct, prejudicial to the good name of the club

Where a club member has failed to abide by the rules of the club's constitution

14.5 The Club Management Committee shall have power to fill such vacancies as may arise in its constitution between AGMs.

14.6 The Club Management Committee shall have power to amend, withdraw or promulgate Annexes & Appendices to the constitution as deemed necessary.

14.7 The Club Management Committee shall have the power to declare a seat vacant should a member absent themselves from three consecutive meetings without satisfactory explanation.

14.8 In extraordinary or emergency circumstances, the Club Management Committee shall have the power to amend or emend the constitution if at that time; it is believed to be in the best interests of the club and its membership.

14.9 Any changes made under paragraph 14.8, are subject to permanent approval at the next General Meeting of the club membership (AGM or EGM).

### **15. Club Sub-Committees**

15.1 The Club Management Committee shall have the power to appoint such Sub-Committees as may from time to time be necessary to carry out activities on behalf of the Club Management Committee.

15.2 The Club Secretary retains a list of currently active Sub-Committees.

15.3 The scope of work and activities to be undertaken by a Sub-Committee will be detailed in the Sub-Committee's Terms of Reference (TORs).

15.4 It is the responsibility of the Club Management Committee to promulgate Sub-Committee TORs.

15.5 The Chairman of a Sub-Committee is required to follow the TOR provided to them whilst carrying out their duties and responsibilities.

15.6 It is not necessary for Sub-Committees to vote and approve decisions made within the context of their role as defined by the relevant TOR.

15.7 Where necessary the Club Management Committee shall receive reports from such Sub-Committees at its meetings.

15.8 Sub-Committees may comprise any club members on a voluntary basis.

15.9 The formation or continuance of Sub-Committees shall be the responsibility of the Club Management Committee who will actively seek volunteers to Chair such Sub-Committees on their behalf.

### **16. Team Selection Committee**

16.1 The Team Selection Committee shall be drawn from the following members:

- Member of the Club Management Committee
- Senior Team Captains (or vice captains in their absence)
- Any other person as invited by the Club Management Committee

16.2 The Chairman of the Team Selection Committee shall be the Member of the Club Management Committee. Three members shall be a quorum at such a meeting and the Chairman shall have a second casting vote.

### **17. Club Sub-Officers**

17.1 The Club Management Committee shall have the power to appoint such Sub-Officers as may from time to time be necessary to carry out activities on behalf of the committee.

17.2 The Club Secretary retains a list of currently active Sub-Officers

17.3 The scope of work and activities to be undertaken by a Sub-Officer will be detailed in the Sub-Officer's Terms of Reference (TOR).



17.4 It is the responsibility of the Club Management Committee to promulgate Sub-Officers' TORs.

17.5 The Sub-Officer is required to follow the TOR provided to them whilst carrying out their duties and responsibilities.

## **18. Annual General Meeting**

18.1 The Club shall hold an Annual General Meeting (AGM) not later than 31<sup>st</sup> January each year.

18.2 The Club Secretary shall give 21 (twenty one) days written notice of AGMs to all club members. The notice will also invite nominations for those roles described in previous sections.

18.3 The format of the AGM will be detailed in the Agenda for that meeting, but will include:

- (1). A confirmation of the minutes of the previous AGM and any General Meetings held since the last AGM
- (2). The Club Chairman's Report
- (3). Receive the audited accounts for the year from the Club Treasurer
- (4). Team Captain Reports
- (5). The election of:
  - A financial auditor
  - Committee members
  - Honorary Members (when required)
- (6). Amendments to the Club's Constitution
- (7). Review club subscription rates and match fees and agree them for the forthcoming year
- (8). Transact such other business received in writing by the Club Secretary from members not less than 14 (fourteen) days prior to the meeting

18.4 An AGM will be deemed valid provided that it has a quorum of at least 11 (eleven) club members present

## **19. Extraordinary General Meetings**

19.1 An Extraordinary General Meeting (EGM) may be convened:

- (1) When deemed necessary by the majority of the Club Management Committee  
or
- (2) When the Club Management Committee has received the written request of at least 8 (eight) club members

19.2 The Club Secretary shall give 7 (seven) days notice to all club members of such meetings.

19.3 An EGM will be deemed valid provided that it has a quorum of at least 11 (eleven) club members present.

## **20. Finance**

20.1 The club is not instituted for financial profit or gain and no dividend, bonus or similar payment will be made to any member. Any surplus of income over expenditure shall be used for furthering the aims and objectives of the club.

20.2 The financial year of the club shall be from the 1st January to the 31st December.

20.3 The funds of the club shall be administered by the Club Treasurer, acting under the instruction of the Club Management Committee.

20.4 The Club Management Committee shall be trustees of the club funds.

20.5 The Club will indemnify the committee and members acting properly in the course of running the Club against any liability incurred in the proper running of the club (but only up to the extent of the club assets)

20.6 The accounts of the club shall be examined annually by two honorary auditors appointed at the AGM.

20.7 The Club Treasurer shall be responsible for the following:

- Monitoring and implementing the club's financial policies and recommending any corrective or other action necessary to further these policies
- Undertaking a continuous systematic review of the financial and related operations of the club, and in this connection, shall have authority to:
  - a) Have access to all records, documents and correspondence relating to financial and other transactions of the club, and
  - b) Require and receive such explanations as are necessary concerning any matter under examination, and
  - c) Require any Officer, member or employee of the club to produce cash, materials or any other club property under his control.
- The compilation of estimates of expenditure and income in respect of all activities of the club.
- The approval of budget allocations within the limit of likely resources available and consistent with the club's policies as determined by an AGM or EGM or Club Management Committee Meeting.
- Approve employment of members (though not for playing) and remunerate them for providing goods or services
- Pay reasonable hospitality costs for visiting teams and guests
- Ensuring that all proposals for extraordinary or unforeseen expenditure are subjected to critical financial appraisal,
- Recommending methods of raising income as required.
- Arrange for the accounts to be audited annually.

20.8 The Club Management Committee shall issue to the Club Treasurer proper written authority to make payments on behalf of the club for each spend or series of spends

20.9 Only the Club Chairman or Club Secretary may sign written authorities to make payments

20.10 Bank cheques drawn on behalf of the club must be signed by two of the following:

- The Club Treasurer
- The Club Secretary
- The Club Chairman
- The Club Captain

## **21. Financial Support for Club Members**

21.1 Club members unable to meet the financial responsibility of annual club subscription and/or match fees may make representation to the Club Management Committee for deferment or postponement of those sanctions detailed in Sections 6 & 7 under paragraphs 6.4 and/or 7.4.

21.2 In the circumstances detailed in paragraph 21.1 and provided that the Club Management Committee is satisfied as to the circumstances surrounding the club member, the Club Management Committee may propose an appropriate methodology for the club member to make remunerative payments in the future.

21.3 The Club Management Committee is responsible for ensuring that any submission made by a club member under paragraph 21.1, is dealt with sympathetically and in total confidence and that all reasonable & practicable assistance is provided to the club member in meeting his financial commitments with respect to annual club subscription and/or match fees.

21.4 Any arrangements identified and offered to a club member by the Club Management Committee under paragraphs 21.2 & 21.3 is binding on the individual club member and default of such arrangements will result in normal sanctions being applied.

## **22. Insurance**

22.1 The Club arranges for the provision of Public Liability and Employers' Liability insurance on an annual basis.

22.2 The club does not arrange for personal accident insurance on behalf of individual club members. Therefore club members are reminded of the need to adequately protect themselves against damages incurred (including loss of salary, pay and other remuneration as well as private and/or specialist medical provision) that may be required as a result of playing sports such as cricket.

22.3 Details of the exact nature and scope of the club insurance policy may be requested from the Club Secretary

22.3 Members of the club play in games at their own risk and the Club Management Committee will not be held responsible for any injury sustained travelling to, or from, or during games, nor damage, to, or loss of any personal effects carried on such occasions.

## **23. Property and Funds**

23.1 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 shall be reinvested in the club.

23.2 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 and remunerate them for providing goods and services, on fair terms set by the Club Management Committee without the person concerned being present
- Pay for reasonable hospitality for visiting teams and guests
- Indemnify the Club Management 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).

## **24. Alterations to the Club Constitution and Associated Rules**

24.1 Excepting those circumstances detailed in Section 14 paragraph 14.7, no alterations to the club's constitution or associated rules may be made except at the AGM or at an EGM convened for that purpose.

## **25. Miscellaneous**

25.1 The Club Secretary or their nominee shall keep minutes of all AGM, EGM and Club Management Committee Meetings. Formal minutes of Sub-Committee Meetings need not be kept but reports of business transacted at all such meetings (except team selection) shall be submitted to the full Club Management Committee.

25.2 The Club Chairman, Head Coach, Captains of each senior XI, Club Secretary and Club Treasurer shall render to every AGM reports of the past year. In addition, the Club Treasurer shall submit a Statement of Annual Accounts.

## **26. Policy Regarding Younger Children**

26.1 The club runs a junior section as it recognises the importance this plays in ensuring the future development of the club.

26.2 To ensure a duty of care to all members the club will adopt and implement the ECB 'Safe Hands – Crickets Policy for Safeguarding Children' and any future versions of the policy

26.3 Junior members are allowed to practice on the ground, only when supervised, on their practise sessions, or with the permission of a member of the Club Management Committee. They may attend senior practice when invited to by a member of the Selection Committee.

26.4 Club members will ensure that their children, whilst on club premises, behave in an acceptable manner at all times and in accordance with the club rules.

26.5 The club shall adopt and implement both the ECB One Game Strategy and the Clubs Inclusion & Diversity Policy and any future versions of these documents

## **27. Transport**

27.1 The club shall organise transport to and from away matches, which shall be arranged by the appropriate Team Captain or Team Manager.

## **28. Health and Safety Policy**

28.1 The club is strongly committed to encouraging members to train hard and compete, but the health, well-being and safety of each individual is always of paramount concern.

## **29. Equity Policy**

29.1 The club shall adopt and implement the ECB Cricket Equity Policy and any future versions of that policy

## **30. Dissolution**

30.1 The club may not be dissolved nor its funds divided except with the consent of not less than two-thirds of its members voting in a ballot.

30.2 The club may not be amalgamated with another organisation except with the consent of not less than two-thirds of the members voting in a ballot

30.3 A resolution to dissolve the club can only be passed at an AGM or EGM

30.4 In the event that the club is no longer a viable proposition as a cricket club at such request as aforesaid with the sanction or a resolution passed at the AGM or an EGM of members of the club (of which the minute book shall be conclusive) sell the property of the club and execute any conveyance for this purpose. Any funds received from this source and in these circumstances shall be donated to cricketing charities at the discretion of the trustees and shall not be distributed amongst the membership of the club. The considerations of Rule 4, paragraph 4.14 must be adhered to in order for this action to be taken.

**31. Amendment of Rules**

31.1 These rules shall not be altered or amended except by a two-thirds majority of the votes cast at an AGM or EGM.

**32. Rules of the Game**

32.1 The rules of the Marylebone Cricket Club (MCC) shall be the rules of the club as regards the game.

**33. Other Club Business**

33.1 The Club Management Committee shall make a final and binding decision on any matters not governed by the rules inherent within this constitution.

33.2 The Club Chairman's decision on all proceedings, interpretation and scope of these rules shall be final.

**33. Declaration**

33.1 Totton & Eling Cricket Club hereby adopts and accepts this constitution as a current operating guide regulating the actions of its members

**Signed**

**Date**

**Name:**

**Position: Club Chairman**

**Signed**

**Date**

**Name:**

**Position: Club Secretary**