



## Charlton Down Cricket Club

CLUB CONSTITUTION NOVEMBER 2013

### 1. Name and Nature of the Club

- 1.1. The club will be called Charlton Down Cricket Club, hereafter referred to as “the Club” and will be affiliated to the England and Wales Cricket Board through the Dorset Cricket Board
- 1.2. The Club premises consist of: a pavilion, cricket field, car park, picnic area, cricket nets and garage

### 2. Aims and Objectives

- 2.1. To promote participation in the game of cricket to the whole community within Charlton Down and the surrounding area.
- 2.2. To manage the affairs of the club, premises and facilities.
- 2.3. To ensure that all members and applicants to become members of the Club are treated in an equitable manner, without discrimination, and are ensured a duty of care.

### 3. Membership

- 3.1. The Club will consist of Members who have completed a membership application, been issued with a membership card and paid the relevant subscription fees as determined by the Annual General Meeting of the Club and agree to the conditions in the Club Constitution.
- 3.2. All Members will be subject to the regulations of the Constitution and by joining the Club will be deemed to have accepted the regulations that the club has adopted.
- 3.3. Members will be enrolled in one of the following categories:
  - 3.3.1. Full member (including discounted full members e.g. OAPs, students)
  - 3.3.2. Junior member (under 15)
  - 3.3.3. Social member

#### 3.4. Membership Conditions Licensing Act 2003

- 3.4.1. Condition 1 is that under the rules of the club persons may not –
  - 3.4.1.1. be admitted to membership, or
  - 3.4.1.2. be admitted, as a candidate for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.
- 3.4.2. Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.
- 3.4.3. Condition 3 is that the Club is established and conducted in good faith as a club.
- 3.4.4. Condition 4 is that the club has at least 25 members.



## Charlton Down Cricket Club

3.4.5. Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

### **3.5. Membership - Additional Conditions for the Supply of Alcohol**

3.5.1. Additional Condition 1 is that (so far as not managed by the club in general meeting or otherwise general body members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members –

3.5.1.1. are members of the club;

3.5.1.2. have attained the age of 18 years; and

3.5.1.3. are elected members of the club.

3.5.2. Additional Condition 2 is that no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage, or similar payment on, or with reference to, purchases of alcohol by the club.

3.5.3. Additional Condition 3 is that no arrangements are, or intended to be, made for any person directly or indirectly any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from –

3.5.3.1. any benefit accruing to the club as a whole, or

3.5.3.2. 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.

3.5.4. All guests must be accompanied by an adult member and sign a visitors book to attain the privileges of the Club

### **4. Membership Fees**

4.1. Membership fees will be set annually and paid:

4.1.1. monthly by standing order

4.1.2. directly to the captain of any team

4.1.3. or by separate arrangement with the Club Treasurer

### **5. Management Committee**

5.1. The club will be managed through a management committee consisting of:

5.1.1. Chairman

5.1.2. Vice-chairman

5.1.3. Secretary

5.1.4. Treasurer

5.1.5. Club Captain

5.1.6. Social Secretary

5.1.7. Maintenance Manager

5.1.8. Youth Development Manager

5.1.9. Groundsman



## Charlton Down Cricket Club

5.1.10. One or more General Committee Members

- 5.2. The above will be elected by the Full members of the club at the Annual General Meeting. They will retire each year but will be eligible for re-election. Only these posts will have the right to vote at meetings of the Management Committee.
- 5.3. The above may also be appointed or removed by election of the Full members of the club at any Extraordinary General Meeting.
- 5.4. Meetings of the Management Committee will be convened by the Secretary and held no less than four times per year.
- 5.5. The quorum required for business to be agreed at the Management Committee meetings will be half the number of members in the Management Committee plus one.
- 5.6. The Management Committee will have powers to appoint sub-committees as necessary and to appoint advisors to the Management Committee as required to fulfil its business.
- 5.7. The Management Committee will be responsible for adopting new policy, codes of conduct and regulations that affect the organisation of the Club.
- 5.8. The Club has adopted the Safe Hands Policy of the England and Wales Cricket Board (<http://www.ecb.co.uk/ecb/safeguarding-children-and-child-protection/safe-hands/>)
- 5.9. The Club adopts the 'Child Protection Policy' as approved by the NSPCC and the Child Protection Sport Unit (CPSU). To ensure all children, whatever their age, culture, disability, gender, language, racial origin, religious beliefs and/or sexual identity, have the right to protection from abuse.
- 5.10. The Club ensures its members are treated fairly and equally without discrimination whatever their marital status, gender, sexuality, disability, age, colour, race, religion, nationality, ethnic or national origins.

### **6. Discipline and Appeals**

- 6.1. For matters relating to club disciplinary and appeals procedure refer to Appendix A – Charlton Down Cricket Club Disciplinary and Appeals Procedure

### **7. Trustees and Property**

- 7.1. The Trustees of the Club must be elected by the Management Committee, to hold office until death or resignation unless removed from office by a resolution of the Management Committee.
- 7.2. The number of Trustees must not be more than four or less than two.
- 7.3. The property of the club must be vested in the Trustees except for cash, which must be under the control of the Treasurer.
- 7.4. The Trustees must deal with the property of the Club as directed by resolution of the Management Committee and an entry in the Minute Book is conclusive evidence of a resolution.



## Charlton Down Cricket Club

7.5. The Trustees must be indemnified against risk and expense out of the Club's property.

7.6. The Management Committee must have the unanimous approval of the Trustees for any capital expenditure pertaining to a single item or project greater than 5% of the Club's cash assets or £1000 whichever is the lower.

### **8. Finance**

8.1. All Club monies will be banked in an account held in the name of the club. All surplus income or profits will be re-invested in the Club. No surpluses, properties or assets will be distributed to members or third parties.

8.2. The Treasurer will be responsible for the finances of the Club.

8.3. The financial year will end of the 30th September each year.

8.4. The Treasurer will present a statement of annual accounts at the Annual General Meeting.

8.5. Any cheques drawn against the Club funds must hold the signature of the Treasurer plus one other member of the Management Committee.

### **9. General Meetings**

9.1. The Secretary will give notice of the Annual General Meeting (AGM). Not less than twenty one days notice will be given to all members.

9.2. Nominations for members of the Management Committee must be sent to the Secretary prior to the AGM.

9.3. The business of the AGM will be for all Members to:

9.3.1. Receive the audited accounts of the year from the Treasurer. Previous years audited accounts must be held by the Treasurer to ensure accuracy of the information.

9.3.2. Receive a report from the Management Committee.

9.3.3. Elect members of the Management Committee and an auditor.

9.3.4. Review the Club subscription rates and agree them for the forthcoming year.

9.3.5. Transact such other business received in writing by the Secretary from members fourteen days prior to the meeting and included on the agenda.

9.4. The Management Committee has the right to call Extraordinary General Meetings (EGM) outside the AGM. Procedures for EGMs will be the same as for the AGM save that 25% of full members may call an EGM on their own initiative for the purpose of appointing or removing members of the Management Committee by giving not less than seven days notice to all members.

9.5. Decisions made at AGMs and EGMs will be by a simple majority vote from those Full members attending the meeting. In the event of equal votes the Chairman will be entitled to an additional casting vote.

9.6. The Quorum for the AGM or any EGM will be 25% of Full members.

### **10. Dissolution**



**Charlton Down Cricket Club**

- 10.1. A resolution for the dissolution of the Club can only be passed at an AGM or EGM through a majority of two thirds of the Full members present and entitled to vote and at which not less than one half of the Full members are present. In the event of such a dissolution of the Club, any assets remaining after the satisfaction of all debts and liabilities shall not be paid to or distributed among the members of the Club, but shall be given or transferred to one or more of the following approved sporting or charitable bodies.
- 10.2. A registered charitable organisation(s).
- 10.3. Another Club which is a registered CASC.
- 10.4. The sports national governing body for use by them for related community sports.

**11. Alteration to the Rules**

- 11.1. No rule of the club may be repealed or altered and no new rule may be made save by a majority of the Full members present and entitled to vote at an AGM or EGM.
- 11.2. At least twenty one days notice of the intention to propose any new rule or alteration must be given to the Secretary who must send notice to every Full member at his/her address as given in the Club register at least seven days before the AGM or EGM.

**12. Declaration**

- 12.1. Charlton Down Cricket Club hereby adopts and accepts this constitution as a set of regulations governing the actions of its members.

**Signatures of the Trustees of The Club are:**

Jonathon Butterworth ..... Dated.....

Richard Fagence..... Dated.....

Ian Doyle..... Dated.....

Co-signed by the Club Secretary

James Pretty..... Dated.....

Co-signed by the Club Chairman

Alexander Campbell..... Dated.....



## Charlton Down Cricket Club

### Appendix A - Disciplinary Procedures - November 2013

#### 1. BASIC PROCEDURES AND GUIDELINES

- a. Charlton Down Cricket Club shall operate a Disciplinary Policy in accordance with the current Disciplinary Rules operating within the jurisdiction of the England & Wales Cricket Board and the Dorset Cricket Board, except where modified below.
- b. The ECB "Code of Conduct and Spirit of Cricket" statement shall operate throughout the Club.
- c. These rules shall apply to all League, Cup, Representative, Junior and Indoor matches played under the auspices of Charlton Down Cricket Club and any functions organised by the Club.

#### 2. MAINTENANCE OF DISCIPLINE

- a. The Club Committee is the authoritative body in respect of discipline within the Club and shall take whatever measures are required to maintain an acceptable standard of behaviour and inflict appropriate penalties.
- b. A Disciplinary Panel shall be appointed by the Club Committee and will deal promptly with any complaint or incident.

#### 3. CODE OF CONDUCT

- a. All players, officials and supporters are bound by the Club Disciplinary Rules and shall conduct themselves accordingly.
- b. Unsatisfactory conduct shall include, but not be limited to:
  - i. Dissent at an umpire's decision or reaction in a provocative or disapproving manner, whether verbal or written.
  - ii. Physical abuse, intimidation, assault or attempt to intimidate or assault an umpire, official, player or spectator.
  - iii. The use of crude, foul or abusive language or the making of offensive gestures or hand signals whether directed at an individual or otherwise.
  - iv. Sledging or deliberate distraction of an opponent and persistent appealing in order to pressurise an umpire or opponent.
  - v. Any form of abuse or discrimination relating to race, religion, creed or any other nature. Wilful damage to property, equipment or playing surface.
  - vi. The use or distribution of illegal drugs or substances.
  - vii. Repeated infringements of the Spirit of the Game, either by an individual or a team where each infringement in itself does not merit any immediate disciplinary



## Charlton Down Cricket Club

action. Such instances may result in a Disciplinary Hearing and the Captain will be held responsible for the conduct of his team.

- viii. Unacceptable behaviour, by word or action, at any function organised by the Club.
- ix. Mistreatment or harassment of an individual or group either in person or via electronic equipment including, but not limited to, mobile phones, email and social networking sites.
- x. Any action that could be considered as likely to bring the Club or the Game of Cricket into disrepute or prejudice its good name or interests.

### **4. RESPONSIBILITY FOR MAINTAINING DISCIPLINE**

a. Club

The Club has the overall responsibility for the behaviour of its members and maintaining discipline.

b. Captain / Team Manager

The Captain and, in the case of junior teams the Manager of the team, is responsible at all times for ensuring that play is conducted within the spirit of the game as well as within the laws. The Captain or Team Manager can instruct a Charlton Down player to leave the field of play and take no further part in the game or make a complaint against a player after the game to the Charlton Down Cricket Club Secretary.

### **5. ACTION TO BE TAKEN FOLLOWING AN INCIDENT**

In the event of an incident occurring, Charlton Down Cricket Club will instigate an investigation and take appropriate action against offenders, irrespective of whether the incident has been reported to the League. The Captain, Team Manager or officials of Charlton Down Cricket Club should forward any complaint against a Charlton Down player by the umpires, opposition or spectators to the Charlton Down Cricket Club Secretary as soon as possible. If the Club secretary cannot be contacted complaints should be forwarded to the Club Chairman, Vice Chairman or Club Captain as soon as possible.

### **6. PLAYERS**

a. Outstanding Disciplinary Action

No player who is currently under suspension or involved in uncompleted disciplinary action imposed by any other league or member club of another league may play in matches for Charlton Down Cricket Club. Charlton Down Cricket Club must endeavour to check the disciplinary record of any player whom they intend to sign from a club in another league. Charlton Down Cricket Club may refuse to register any player until the Club is satisfied that the player's disciplinary status is acceptable.



## Charlton Down Cricket Club

b. Representative Games

Players representing other sides are subject to the Charlton Down Cricket Club Disciplinary Rules and will be answerable for any disciplinary transgressions.

### 7. REPORTING AN INCIDENT

- a. Any complaint about incidents of misconduct or improper behaviour must be notified in writing to the Club Secretary no later than five days following the incident. If the Club secretary cannot be contacted complaints should be forwarded to the Club Chairman, Vice Chairman or Club Captain as soon as possible. Any complaints reported outside this time will only be accepted in exceptional circumstances and at the discretion of the Club Chairman. The complaint should be supported with evidence, such as written statements from witnesses and other documents.
- b. Upon receipt of such a complaint, the Club Secretary shall give notice to the Respondent and copy the evidence in support.
- c. Upon receipt of the complaint the Club Secretary shall inform all members of the Cricket Committee.

### 8. CONVENING A DISCIPLINARY HEARING

The Club shall convene a Disciplinary Hearing within 14 days of receipt of the complaint and shall notify the Complainant and the Respondent of the date, if the incident occurred on the field of play then the Captain or Team Manager shall also be notified. It is the responsibility of the Complainant and the Respondent to present evidence, including arranging the attendance of witnesses, at the Disciplinary Hearing. The Charlton Down Cricket Club Disciplinary Committee can decide to proceed with matters in the non-attendance of a player unless a valid reason is given.

- a. Any member of the Cricket Committee may request a meeting of the Cricket Committee in advance of the Disciplinary Hearing for the specific purpose of discussing the complaint and the selection of the Disciplinary Committee.

### 9. DISCIPLINARY HEARING

- a. The hearing is not a Court of Law but an enquiry into the circumstances giving rise to the complaint. No legal representation will be allowed. The Disciplinary Committee shall comprise of three members of the Cricket Committee. The Chair shall appoint one of the members to make a written note of the Disciplinary Hearing. The decision, penalty and other matters arising for determination at the Disciplinary Hearing shall be on the basis of a simple majority vote. In the event of a split decision, the Chair shall have the casting vote.
- b. No person who is connected in any way with the complaint shall be involved in convening or officiating at the Disciplinary Hearing or on an Appeal.





## Charlton Down Cricket Club

- c. The Disciplinary Committee shall comprise of three members of the Cricket Committee and be selected by the Club Chairman or most senior, available member of the Cricket Committee within the given timescale.
- d. The decision of the Disciplinary Committee shall be given at the meeting, will be confirmed in writing as soon as possible thereafter by the Club Secretary and will be put into effect at the date thereof subject to any possible appeal. In the event of an appeal being lodged, the penalty shall be suspended until determination. No further discussion or submissions will be taken at the meeting.
- e. The Chair shall determine the conduct of the hearing which shall be in accordance with the procedures laid down hereafter.
- f. Any Playing Member, Life Member or member of the Cricket Committee may attend the Disciplinary Hearing unless prohibited by 9 (b) above. Anyone attending the Disciplinary Committee may contribute to the Hearing subject to recognition by the Chair.

### **10. PENALTIES**

The Disciplinary Committee shall impose such penalties as they consider appropriate. The Charlton Down Cricket Club Disciplinary Committee can reserve the right to take into account the conduct of a player during previous seasons. If a member is found guilty of breaching ECB and Dorset Cricket Club or Board directives, the Charlton Down Cricket Club Disciplinary Committee has the power to:

- a. Recommend the Charlton Down Cricket Club Cricket Committee should dismiss the member.
- b. Suspend the member for a number of games depending on the seriousness of the incident.
- c. Give the member a written warning about their future conduct.

### **11. APPEAL PROCEDURE**

- a. The Complainant and the Respondent may appeal the decision of the Disciplinary Committee providing new evidence is forthcoming. The Club Secretary must receive new evidence in writing to enable the Disciplinary Committee to decide if an appeal is warranted. If not warranted, the decision is final. If warranted, the Secretary should set a date for an appeal as soon as possible. An appeal against the decision of the Disciplinary Committee shall be given in writing, setting out the reasons thereof, and must be received by the Club Secretary no later than seven days from the date of the decision made at the hearing. The Disciplinary Appeal Committee shall have the power to accept an appeal out of time only in exceptional circumstances.



## Charlton Down Cricket Club

- b. Upon receipt of an Appeal, the Secretary shall convene a meeting of the Disciplinary Appeal Committee and give no less than seven days notice to the Complainant and the Respondent.
- c. The Appeal is also not a Court of Law and no legal representation shall be allowed. The Disciplinary Appeal Committee shall comprise of at least three members of the Cricket Committee, excluding any who comprised the Disciplinary Committee, whose decision is under appeal. In the event that there are insufficient qualified persons to sit on the Disciplinary Appeal Committee, the Club may appoint other members of the Club to sit. The Disciplinary Appeal Committee shall nominate one of its members as Chair. The Chair shall appoint one of the members to make a written note of the appeal hearing.
- d. The Disciplinary Appeal Committee shall have the power to uphold or vary the decision and to uphold, increase or decrease the penalties (if any) imposed or to order a fresh hearing.
- e. The decision of the Disciplinary Appeal Committee shall be final and binding on all parties and shall be confirmed in writing by the Club Secretary as soon as possible thereafter.
- f. The Chair shall determine the conduct of the appeal which shall be in accordance with the procedures laid down hereafter.

### **12. LEAGUE DISCIPLINARY PROCEDURES**

If action is taken by the Dorset County Cricket League, or any other cricket league operating within the jurisdiction of the England & Wales Cricket Board and the Dorset Cricket Board, against a Charlton Down player, the Secretary will ensure all procedures are adhered to and will accompany the Charlton Down player to a hearing.

### **13. NOTIFICATION AND RECORDING OF OFFENCES**

All information relating to Disciplinary matters will be retained by the Club and be available to all Officers of Clubs and Leagues affiliated to the ECB.