

## **Hemel Hempstead Town Cricket Club**

### **CONSTITUTION**

#### **Definitions**

In this Constitution:

- i. headings of paragraphs are for convenience only and shall not bear upon the interpretation of the Articles; and
- ii. the following terms shall have the following meanings:

**The Club** The association of Members comprising the Hemel Hempstead Town Cricket Club whose Premises are situated at Heath Park, Station Road, Hemel Hempstead, Hertfordshire, HP1 1JZ and whose Club colours are black, light blue and gold.

**The Premises** The cricket pitches, nets, score box, equipment storage building and Pavilion at Heath Park.

**Sporting Facilities** The cricket pitches, nets, score box, equipment storage building and players' changing facilities.

**The Pavilion** The building at the Premises of the Club housing players' changing facilities and Social Facilities.

**Social Facilities** The bar and function rooms in the Pavilion.

**The Club Notice Board** A notice board so designated and prominently displayed in a room in the Pavilion to which all Members have access.

**The General Committee** The executive committee of the Club, whose composition is set out in Article 3 below.

**Officers of the Club** The bearers of those posts specified in Articles 3(a) to 3(k) inclusive below.

**Trustees** Not less than two and not more than four persons appointed in accordance with Article 4.1.10 below and in whom the property of the Club, excluding cash, shall be vested.

**Playing Members** Eligible members available for selection for the Club cricket teams who have represented the Club in league cricket competitions.

**Social Members** Non Playing Members of the Club not falling into other classes of membership.

**Student Members** Playing Members in full time education upon election to membership or at the time of the Annual Players Meeting.

**Vice President Members** Members of the Club so elected by the General Committee for a specified period or for life in an Annual General Meeting.

**Associate Members** Members' Spouses, partners and children who are not Playing Members.

**Honorary Members** Members of the Club so elected by the Members in an Annual General Meeting either for life or for a specified period.

**Interim Members** Applicants for membership whose application has not yet been considered by the General Committee.

**Temporary Members** Members or supporters of teams visiting the Club for the purpose of participating as players or spectators in cricket matches with the Club.

**Fully Paid-Up Members** Members who have paid in full or made arrangements satisfactory to the General Committee to pay in full the Appropriate Subscription. Members who are exempt from payment, which may include Honorary Members, are automatically Fully Paid-Up Members.

**Appropriate Subscription** The membership fee for the relevant class of membership from the tariff of fees published from time to time by the General Committee.

**Holders of Dacorum Cards** Persons deemed eligible by the Dacorum Borough Council to obtain the card so designated.

**The Club's Financial Year** Consistent with Her Majesty's Revenue and Customs tax year.

**Notification** Written communication sent by post, courier, facsimile or email to the last recorded address of the member. Proof of mailing shall be proof of delivery.

**General Meeting** An Annual General Meeting or any Special General Meeting.

## **1 Aims**

- 1.1 The aim of the Club, which shall be a non profit making organisation, shall be to provide facilities for and to promote the game of cricket at all levels throughout the district, providing opportunities for recreation and competition. To facilitate these aims:
  - 1.1.1. the Club shall be affiliated to such cricket associations and leagues as the General Committee may from time to time deem appropriate;
  - 1.1.2. the Club may engage in such other social, sporting and commercial activities as the General Committee may from time to time deem appropriate; and
  - 1.1.3. all gains or surplus income accruing to the Club shall be reinvested in the Club and there shall be no distribution of the Club's assets, either in cash or in kind to Members or to third parties with the exception of donations to those bodies named in Article 12.3 below. The Club's financial reserve should be

between £5,000 and £10,000 at the end of each financial year and it may not fall below £5,000 without specific approval of a General Meeting.

## 2 Membership

- 2.1 Membership of the Club shall be open to any person completing an application form and paying the appropriate subscription. No applicant shall be excluded from membership of the Club by reason of gender, social class, ethnic or religious background, sexual orientation or physical or mental disability.
- 2.2 Membership ("**Members**") of the Club shall consist of the following classes of members:-
- (a) Playing Members
  - (b) Social Members
  - (c) Student Members
  - (d) Vice President Members
  - (e) Associate Members
  - (f) Honorary Members
  - (g) Temporary Members
  - (h) Interim Members
- 2.2.1 Save for the first four classes, membership shall be free of charge.
- 2.2.2 Associate, Temporary and Interim Members shall not be entitled to hold office or vote at General Meetings and shall be subject to such further regulations as the General Committee may prescribe from time to time.

## 3 General Committee

- 3.1. There shall be a General Committee (hereinafter "the Committee") comprising the following:
- (a) President
  - (b) Chairperson
  - (c) Honorary General Secretary (hereinafter "the Secretary")
  - (d) Honorary Membership Secretary (hereinafter "the Membership Secretary")
  - (e) Honorary Treasurer (hereinafter "the Treasurer")
  - (f) Junior Cricket Manager
  - (g) Club Captain
  - (h) Club Welfare Officer
  - (i) Bar & Functions Coordinator
  - (j) Health & Safety Officer
  - (k) Data Protection Officer
  - (l) Three Ordinary Members\*

\* The Committee has discretion to appoint up to 6 Ordinary Members.

## 4 Powers and Duties of the Committee

- 4.1 The Committee shall be responsible for the efficient management of the Club, in pursuance of which it shall have power to;
- 4.1.1 Control the finances of the Club on behalf of the Club including but not limited to entering into contracts of sale, signing lease, rental, loan, investment or other types of agreements, raising capital or charitable donations for the Club, provided that all actions of the Committee involving expenditure or a commitment to expend any sum in excess of £10,000.00 or constituting in excess of ten percent of the General Fund in the previous Financial Year's audited accounts, whichever is the lesser, shall be submitted for approval to the next General meeting of the Club where such expenditure has not previously been approved at a General Meeting. In addition, the terms of any agreement committing the Club to liabilities (outside normal trading such as lease, rental, or loan) totalling more than £5,000 in any 12 month period shall be submitted for approval to a General Meeting.
- 4.1.2 Elect new Club Members.
- 4.1.3 Agree the level of subscription for the various classes of Members by Committee resolution. The Committee may, at its discretion, discount the Appropriate Subscription for such financially disadvantaged Members as Senior Citizens and Holders of Dacorun Cards.
- 4.1.4 Reprimand, suspend or expel from membership subject to a right of appeal by the Member to a General Meeting in accordance with the procedure laid down in the bye laws any Member deemed to be guilty of conduct detrimental to the interests of the Club.
- 4.1.5 Appoint **Sub-Committees** to assist in the management of the Club and delegate any necessary powers to that Sub-Committee. The Chairperson of each Sub-Committee shall be an elected member of the Committee and the Committee Chairperson, Treasurer and Secretary shall be ex-officio members of all Sub-Committees.
- 4.1.6 Make appointments from the Club membership to fill any vacancies on the Committee that may occur between Annual General Meetings.
- 4.1.7 Co-opt Members to serve on Sub-Committees.
- 4.1.8 Make any bye laws that it considers necessary for the good administration and order of the Club, provided that such bye laws shall be lawful and shall not conflict with any of the Articles of the Constitution of the Club. A copy of these bye laws shall be permanently displayed on the Club Notice Board.
- 4.1.9 Elect or remove **Trustees**, in whom the property of the Club excluding cash (which shall be under the control of the Treasurer) shall be vested and who;
- (a) upon election by the Committee, shall be appointed by the President of the Club by deed in accordance with the Trustee Act 1925
  - (b) shall be not less than two and not more than four in number
  - (c) unless removed from office by a resolution by the Committee, shall hold office until death or resignation

- (d) shall deal with the property of the Club as the Committee may from time to time direct by resolution and the entry in the minutes of a Committee meeting shall be conclusive evidence of such resolution
  - (e) Shall have the power pursuant to a resolution of a General Meeting; to borrow and raise money in any manner and to secure the repayment of any money borrowed, raised or owing by mortgage, charge, standard security, lien or other security upon the whole or any part of the Club's property or assets (whether present or future) and to execute such documents as are required in this connection
  - (f) may be removed from the office of Trustee for any reason which may seem sufficient to a majority of the members of the Committee present and voting at any meeting of the Committee
  - (g) shall be indemnified against risk and expense out of the Club property, save where the Trustee has acted fraudulently
- 4.2 The Committee shall keep accurate accounts of the finances of the Club through the Treasurer, which accounts shall be available at all reasonable times for inspection by any Member and which shall be audited prior to the Annual General Meeting (except the September 2019 Annual General Meeting where unaudited draft accounts may be presented).
- 4.3 The Committee is hereby indemnified by the Club against any civil action, fine or tax taken or levied against it jointly or severally as a result of or arising from the proper exercise of its powers and duties under the Constitution of the Club.
- 4.4 The Committee shall have the sole authority to propose candidates either for life or for a specified period for the election to Vice President Membership. The committee may elect club sponsor candidates to Vice President Membership for a period not exceeding the term of the paid sponsorship. The Annual General Meeting may elect candidates proposed by the Committee either for life or for a specified period to Vice President Membership.
- 4.5 The Committee shall have the sole authority to propose candidates either for life or for a specified period for the election to Honorary Membership by the Annual General Meeting.

## **5 Meetings of the Committee**

- 5.1 Meetings of the Committee shall be convened by the Secretary or Chairperson in the absence of the Secretary at any time but at intervals of not more than three months having given at least seven days Notification to each member of the Committee.
- 5.2 The Chairperson of the Club or the Secretary shall preside at all Committee meetings but if neither shall be present, the members present and entitled to vote shall elect a Chairperson for the meeting.
- 5.3 A quorum for Committee meetings shall be six members of the Committee, at least two of whom shall be elected Officers of the Club. If the total number of available Committee members including the President should fall below six a

Special General Meeting must be convened by the remaining Committee members.

- 5.4 Each member of the Committee shall have one vote at Committee meetings save for the Chairperson who, in the event of an equality of votes, shall have a second or casting vote.

## 6 Other Club Meetings

6.1 **The Annual General Meeting** of the Club shall be held not later than the last day of September in each year, commencing September 2019. Not less than 14 days Notification of the Meeting and of the agenda shall be given by the Secretary or Chairperson in the absence of the Secretary to all Fully Paid-Up Members and upon the Club Notice Board. The business of the Annual General Meeting shall be:

6.1.1 To receive reports by the Secretary and by the Treasurer together with audited accounts for the previous Financial Year (except the September 2019 Annual General Meeting where unaudited draft accounts may be presented);

6.1.2 To elect an auditor to serve from the date of the Annual General Meeting until the next Annual General Meeting;

6.1.3 With the exception of those defined in Articles 3(f) and 3(g) above, to elect the members of the Committee in accordance with Article 7 below of the Constitution, so that the Committee shall be capable of being quorate, and to serve from the date of the Annual General Meeting until the next Annual General Meeting;

6.1.4 To vote upon any persons who have been properly proposed as Honorary Members or Vice President Members;

6.1.5 To hear any representations against reprimand, suspension or expulsion of a Member either by the Member in person or by a representative appointed by the Member for the purpose and to determine the appeal by majority vote; and

6.1.6 To transact such other business received in writing by the Secretary or Chairperson in the absence of the Secretary from Fully Paid-Up Members not less than 7 days prior to the meeting for inclusion on the agenda.

6.2 **Special General Meetings** may be convened at any time by the Committee and shall be convened by the Committee within 21 days of the date of a request in writing to the Secretary or Chairperson in the absence of the Secretary signed by ten Fully Paid-Up Members. 7 days Notification of such a meeting and of the agenda shall be given to all Fully Paid-Up Members and upon the Club Notice Board. No business other than that specified in the notice convening the meeting shall be transacted at such a meeting save at the discretion of the Chairperson of the meeting and with the concurrence of the majority of the Fully Paid-Up Members present.

- 6.2.1 A Special General Meeting called for the purpose of hearing an appeal against reprimand, suspension or expulsion shall follow the procedure laid down in Article 6.1.5 above.
- 6.3 The Chairperson of the Club or the Secretary shall preside at all General Meetings save that, in their absence, a Chairperson may be elected for the meeting by the Fully Paid-Up Members attending who are over the age of 16.
- 6.4 The **Annual Players Meeting** shall be held not later than the last day of January in each year, commencing January 2020, for the purpose of electing the Club Captain, Captains and Vice Captains of the Club teams, and the Junior Cricket Manager, to serve until the next Annual Players Meeting. Only Fully Paid-Up Playing Members shall be eligible to vote at this meeting and only members who have represented the Club from time to time in league competitions over the period of at least two seasons shall be eligible to stand as Club Captain.
- 6.5 The quorum at any meeting convened under this Article of the Constitution shall be ten Fully Paid-Up Members over the age of 16 or Playing Members over the age of 16, as appropriate.

## **7 Voting Procedures and Elections**

- 7.1 Election of Committee Members, Captains and Vice Captains of the Club teams shall be by secret ballot.
- 7.2 With the exception of proposals to alter the Constitution, resolutions and elections shall be decided by simple majority of Members attending and eligible to vote save that in the case of equality of votes the Chairperson shall have a second or casting vote.
- 7.3 Only Fully Paid-Up Members over the age of 16 shall be eligible to vote and save for the elections defined in Article 7.1 above, all voting shall be by a show of hands.
- 7.4 Candidates for election to the Committee and at the Annual Players Meeting shall be nominated by two Members of the Club and shall signify their willingness to stand in writing. Signed nominations shall be delivered to the Secretary or Chairperson in the absence of the Secretary in advance of the appropriate meeting.
- 7.5 The Secretary shall be the first Officer of the Club to be elected and any candidate defeated for any post on the Committee may subsequently stand for any other posts at that meeting.

## **8 Election and Resignation of Members**

- 8.1 Each applicant for membership of the Club shall complete an application form, which shall be displayed on the Club notice board at least two weeks prior to consideration by the Committee. In the case of applications for Social Membership, the application shall be accompanied by the appropriate

membership fee, which shall be returned in full in the event of failure of the membership application.

- 8.2 Election to membership shall be at the sole discretion of the Committee.
- 8.3 Interim Membership may be conferred at the discretion of either the Chairperson or Secretary on any applicant for membership.
- 8.4 A Member may terminate his/her membership at any time by notice in writing to the Secretary or Membership Secretary.

## **9 Renewal of Membership**

- 9.1 Each Playing Member shall renew his/her membership annually by arranging to pay the Appropriate Subscription on or before the day of the Annual Players Meeting.
- 9.2 Each other Member shall renew his/her membership annually by arranging to pay the Appropriate Subscription by the end of March and in any case by the end of April at which time membership will lapse.

## **10 Guests and Other Visitors**

- 10.1 Whenever practical, the Club shall allow members of the general public to use its Sporting Facilities.
- 10.2 Subject to the licensing laws, use of the Social Facilities shall not be denied unreasonably to members of the general public and the Committee may, at its discretion, admit to, hire or lend these facilities to individuals or organisations that are not or do not include Members.
- 10.3 No person who has been expelled from, or refused membership, or who is indebted to the Club shall be admitted to the Club as a guest or other visitor.
- 10.4 Should the Secretary or, in his/her absence, his/her representative deem it desirable in the interests of the Club, any Members, guests or visitors may be required to leave the Club Premises.

## **11 Constitutional Amendments**

- 11.1 The Constitution may only be amended in a General Meeting.
- 11.2 A proposal to amend the Constitution must be:
  - 11.2.1 signed by two Fully Paid-Up Members over the age of 16 and the Club Captain; and
  - 11.2.2 submitted to the Secretary or Chairperson in the absence of the Secretary not less than thirty days prior to the General Meeting at which it is to be considered.



- 11.3 An amendment to the Constitution shall be valid only if it is passed by a majority of two thirds or more of the Fully Paid-Up Members over the age of 16 present at the General Meeting at which the proposal to amend the Constitution is considered.

## **12 Dissolution**

- 12.1 If at any General Meeting of the Club, a resolution is passed calling for the dissolution of the Club, the Secretary or Chairperson in the absence of the Secretary shall immediately convene a Special General Meeting to be held not less than thirty days and not more than sixty days thereafter to discuss and vote on the resolution.
- 12.2 If, at that Special General Meeting, the resolution is approved by at least two thirds of Members attending and eligible to vote, the Committee shall thereupon, or at the date specified in the resolution, proceed to realise the assets of the Club and to discharge all debts and liabilities of the Club.
- 12.3 After the discharge of all debts and liabilities of the Club, the net assets of the Club shall be applied to the purposes of one or more of the following:
- 12.3.1 Cricket's governing body for use in community related sport;
  - 12.3.2 Any organisation registered under the Community Amateur Sports Club Scheme or its successor; and
  - 12.3.3 Any registered charity having aims similar to those of the Club.

Date: 25<sup>th</sup> September 2019

Proposed: Richard Grayson

Second: Trevor Radcliffe

Counter-signed (club captain): Nick Hodgins