



EXMOUTH CRICKET CLUB

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April 27th 2022

This Covering note attached to the Exmouth Cricket Club 2022 Constitution is to explain the reasons that the Executive Committee undertook the unusual step of amending the Constitution at this time. Exmouth Cricket Club, is a Club Mark Accredited Club. This requires that our Club Constitution meets the requirements dictated by our governing Body, the ECB (England & Wales Cricket Board).

The amendments primarily are to amend new membership applications to make us inclusive and therefore meet the requirements of remaining a Club Mark Accredited Club. Our Membership categories have also been expanded to better reflect our Cricket Club membership. There have also been amendments to some wording which did not meet some of the new ECB policy statements regarding Diversity, Safeguarding, & Anti-Discrimination.

The amendments to both the Club Constitution and the Membership Categories will be fully explained to the membership in writing prior to the next AGM. The membership will then be asked to ratify the changes formally.

These changes have been agreed by the Executive Committee.

Paul Corder

Honorary Secretary Exmouth Cricket Club

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Exmouth Cricket Club

2022 Constitution

1 Name

The name of the Club is Exmouth Cricket Club, hereafter to be referred to as “the club” and the club shall be affiliated to the England and Wales Cricket Board through the Devon Cricket Board.

2 Aims And Objectives

To foster and promote the sport of amateur cricket at all levels within the community and within the sport, providing opportunities for recreation, coaching and competition.

To manage the Exmouth Cricket Club and the Maer Ground facilities.

To ensure that all members, playing and non-playing, abide by the ECB General Conduct Regulations which incorporates the Spirit of Cricket and the Laws of Cricket.

The Club shall adopt and implement the ECB Safe Hands – Cricket’s Policy for Safeguarding Children and Adults at Risk and any future versions of the policy.

To ensure a duty of care to all members of the club by adopting and implementing the ECB Cricket Anti-Discrimination Policy and any future versions of the Policy.

To encourage all members to participate fully in the activities of the club.

3 Membership

- (a) 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, except as a necessary consequence of the requirements of cricket.
- (b) The club will keep subscriptions at levels that will not pose a significant obstacle to people participating.
- (c) Application for membership of the club shall be by completion of a membership application form either electronically or physically and by payment of the relevant annual subscription.
- (d) 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 (see para.5(d)).
- (e) The Executive 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 Executive Committee who shall appoint an Appeals Committee to hear the appeal.
- (f) 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 to vote at any General Meeting.
- (g) Membership subscription rates will be set by the Executive Committee and presented at the AGM.
- (h) The Club Membership year shall be from 1st April to 31st March Annually. (2011 AGM)

4 Classes of Membership

The Club may have different classes of membership and subscription on a non-discriminatory and fair basis.

Classes of Membership shall be as recommended by the Executive Committee from time to time and ratified at the next AGM by the membership. (2021 AGM)

“Full Voting Members” of the Club shall be the Club President together with all fully paid up members (2011 AGM). Honorary Members are invited to vote as authorised by the AGM (2010 AGM) (2021 AGM)

Colt Member. Anyone not less than 8 years and not over 17 years of age at preceding 1st September.

5 Proposal for New Membership

- (a) Every new candidate for any category of Playing membership can apply for Membership via our online membership system or by filling in an Application Form.
- (b) Every new candidate for Non-Playing membership can apply for Membership via our online membership system or by filling in an Application Form and advise, during the application process, why they wish to join the club. The Membership Secretary will review the proposal and authorise / decline the proposal based upon the information given. This decision may be appealed see para 7(a).
- (c) If any details submitted are found to be false, membership may be immediately suspended pending decision by the Executive Committee.

6 Suspension and Expulsion of Members

- (a) The Executive Committee shall have the power to suspend or expel any member who shall offend against the rules of the Club or whose conduct shall in the opinion of the Executive Committee render him/her unfit for membership of the club.
- (b) Before any such member is expelled the Hon. Secretary shall give him/her seven days written notice to attend a meeting of the Disciplinary Committee and shall inform him/her of the complaints made against him/her.
- (c) Any suspension of a member must be considered by the Disciplinary Committee as soon as possible following the suspension and in any case at the next Executive Committee meeting.
- (d) No member shall be expelled without first having the opportunity of appearing before the Disciplinary Committee and answering complaints made against him/her, and unless a simple majority of the Disciplinary Committee present at that meeting vote in favour of his/her expulsion.
- (e) An expelled member shall forfeit all claim against the Club or its officers, including any subscription paid, arising from his/her expulsion.
- (f) The Disciplinary Committee will be formed by 3 members of the Executive Committee nominated by, and not including, the Chairperson of the Executive Committee.

7 Appeal against Suspension or Expulsion.

- (a) Any member expelled, or any candidate not accepted for membership, shall have the right of appeal to an Appeals Committee provided that application to the Appeals Committee is made in writing to the Hon. Secretary within 7 days of the Disciplinary hearing, giving grounds for the appeal.
- (b) The appellant may be accompanied by another full member of the Exmouth Cricket Club, to represent him/her.
- (c) The decision of the Appeals Committee shall be final.
- (d) The Appeals Committee shall be formed by 3 members of the Exmouth Cricket Club, who were not members of the Disciplinary Committee for the original hearing.
- (e) The Appeals Committee shall be nominated by the President of the Exmouth Cricket Club, and shall not include the President or Chairperson of the Exmouth Cricket Club.

8 Guests

Every member shall be allowed to introduce guests to the Club premises provided that:-

- (a) Members will be allowed to introduce guests to the club premises and obtain drinks from the bar subject to them being at least 18 years of age. Although there will be no specific restriction on the numbers of visits a guest can make, continued visits will be at the discretion of the Executive Committee and/or Premises Licence Supervisor. It should be incumbent on the member introducing the guest to encourage him/her to join the club as a member.

- (b) Each guest shall be considered the guest of the member introducing them, and shall be accompanied by such member at all times while the guest is on the Club premises, and ensure that they abide by the rules and regulations of the Club.
- (c) No person shall be introduced as a guest into the Club premises who has been expelled from the club, or rejected for membership, or whose conduct or presence in the club premises shall be considered by the Executive Committee as objectionable or prejudicial to the interests of the Club.

9 Visitors

The new Premises Licence obtained in 2008 by the club will allow the following persons to obtain drinks from the bar:-

- (a) Visiting teams, club officials and supporters on the day of the match.;
- (b) Members of the public on match days and at other times when the bar is open subject to approval from the member of the Executive Committee and/or the Premises Licence Supervisor;
- (c) Any person attending a function arranged by the Club or when the Club Pavilion is officially hired out for a private function. These occasions will not require a "Temporary Event Notice" application;
- (d) Any person attending special events on the ground (such as weddings, representative matches) when alcoholic beverages are sold and live music played. These occasions will require a "Temporary Event Notice" application. Visitors to these occasions will also be allowed to use the Club Pavilion Bar although it should not be encouraged on the grounds of Health and Safety;

Every person purchasing an alcoholic drink must be at least 18 years of age.

Except for visiting players, the use of other facilities such as the practice net area, all weather pitch, is not open to non members unless agreed by a member of the Executive Committee or the Grounds man.

10 Ejections

- (a) Any person may be ejected from club premises (inc. buildings and ground) if their behaviour has become antisocial, causing alarm, distress or harassment to those present. This will include being or appearing to be drunk or under the influence of or attempting to supply others with illegal substances. The using of or attempting to supply any illegal substance will not be tolerated by the Club and the Police will be informed of anybody doing either.
- (b) Any person ejected shall have their details or description and description of the incident notified to the Hon. Secretary in writing by any member witnessing the incident. A countersignature of a member of the Executive Committee present will normally be expected.
- (c) Any person found on the premises who is not a member of the Club, guest or other legitimate visitor, shall be regarded as a trespasser and will be required to leave the premises immediately.

11 Committee Structure

The committee structure of the club shall be as follows:-

Executive Committee; and Sub Committees for specific tasks as convened and defined by the Executive Committee. (*Amended 2015 A.G.M.*)

12 Executive Committee

- (a) The affairs of the club shall be managed by the Executive Committee comprising the Chairperson, Hon. Secretary, Hon. Treasurer, Chair of Cricket; Chair of Ground; Social Member, Chair of Estate; Welfare/Safeguarding Officer; Membership Secretary, Business Manager and an independent experienced club member. All Committee members must be full voting members of the Exmouth Cricket Club as defined in Section 4 of the Constitution. The Chairperson shall be authorised to co-opt additional members as he deems necessary.

(Amended 2015 A.G.M.) (Welfare amended to Welfare/Safeguarding in line with ECB Ruling 2021)

- (b) Only these members of the Executive Committee shall be entitled to vote at Executive Committee meetings.
- (c) All the above officers shall be elected for a period of one year at the Annual General Meeting of the club from, and by, the Full Members of the club.
- (d) An elected Executive 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 Executive Committee. Appeal against removal may be made to the Appeals Committee. The Committee shall fairly decide time limits and formalities for these steps.
- (e) Any vacancy shall be filled on an Acting basis until the next Annual General Meeting by decision of the Executive Committee.
- (f) The Executive Committee will be convened by the Secretary giving at least 7 days notice and shall meet at agreed intervals and not less than four times per year.
- (g) The quorum required for business to be agreed at Executive Committee meetings shall be four.
- (h) The Chairperson shall have power to invite any club member, a consultant or advisor to attend any meeting, as they see fit.
- (i) Minutes of every Executive Committee will be kept and duly agreed and signed.
- (j) Those minutes shall be displayed on the club notice board.
- (k) Each Executive Committee member shall make a report to the Committee of activity within their remit. *(Amended 2015 A.G.M.)*

13 Duties of the Executive Committee

- (a) To control the affairs of the club on behalf of the members.
- (b) To keep accurate accounts of the finances of the club through the Treasurer. These should be available for reasonable inspection by members and the Accounts up to the end of the previous year end must be audited before every Annual General Meeting. (2015 AGM)
- (c) To make decisions on the basis of a simple majority vote. In the case of equal votes, the Chairperson shall be entitled to an additional casting vote.
- (d) The Club Safeguarding Officer shall ensure compliance with safeguarding legislation and the ECB Safe Hands policy.

14 Sub-Committees *(amended 2015 AG.M.)*

- (a) Sub-Committees may be formed as agreed by the Executive Committee, comprising at least one Executive Committee member (as Chair) and other members as co-opted.
- (b) Each Sub-Committee shall conduct activities of the club within its jurisdiction which shall be decided by the Executive Committee.
- (c) Each Sub-Committee shall consist of members who the Sub-Committee Chairperson thinks appropriate.
- (d) Each Sub-Committee Chairperson shall report back any results/decisions to the Executive Committee for Ratification/Agreement as required.

15 Annual General Meetings (AGM)

The Annual General Meeting of the club shall be held not later than the end of November each year. (2011 AGM) The Hon. Secretary shall give twenty-one clear days written notice of the date, venue and time of the Annual General Meeting to every member at their last known address/email address (2014 AGM) as notified to the Hon. Secretary and shall post the notice on the club notice board.

The Hon. Secretary shall circulate or give notice of the agenda for the meeting at least twenty-one days before the meeting.

A Member must advise the Hon. Secretary in writing of any other business to be moved at the Annual General Meeting at least seven days before the meeting.

The business of the Annual General Meeting shall be to:-

- (a) Confirm the minutes of the previous Annual General Meeting and of any Special General Meetings held since the last Annual General Meeting;
- (b) Receive from the Treasurer the audited accounts for the year to the preceding 31st December;
- (c) Receive from the Hon. Secretary the annual report of the Executive Committee;
- (d) Elect an auditor;
- (e) Elect the Officers of the Club (viz. President, Chairperson, Hon. Secretary, Hon. Treasurer);
- (f) Elect other members of the Executive Committee; as defined in Para 12(a) (*amended 2015 A.G.M.*)
- (g) To Ratify any changes to the Membership Categories as defined by the Executive Committee (if any changes have been made during the preceding year)
- (h) Receive the subscription rates for the coming year as recommended by the Executive Committee; and
- (j) Transact such other business received in writing by the Hon. Secretary from members prior to the meeting and included on the agenda.

2021 AGM Original Para (g) above was to re-elect Honorary Vice Presidents and was removed and replaced with to Ratify the Membership categories if amended.

Nominations of candidates for election of Officers shall be made in Writing to the Hon. Secretary at least seven days in advance of the date of the Annual General Meeting. Nominations can be only be made by Full Members and must be seconded by another Full Member.

At the Annual General Meeting, the Chair will be taken by the Chairperson of the Club or, in their absence, by a deputy appointed by the Full Members attending the Meeting. Decisions made at an Annual General Meeting, other than under para. 17, shall be by a simple majority vote from those Full Members attending the meeting. In the event of equal votes, the Chairperson of the meeting shall be entitled to an additional casting vote.

A quorum for an Annual General Meeting shall be twenty-five Full Members together with at least one from the Chairperson, Hon. Secretary and Hon. Treasurer.

Each Full Member of the club shall be entitled to vote at an Annual General Meeting.

16 Special General Meetings (SGM)

Special General Meetings may be convened by the Executive Committee to conduct that Special Purpose.

Twenty-five or more Full Members or one fifth of the Full Members, whichever is less, may call a Special General Meeting for the Special Purpose, provided that the purpose of the meeting is notified to the Hon. Secretary in writing, together with the signatures of the applicants.

The Hon. Secretary shall notify the membership of the date, venue, time and purpose of such a Special General Meeting.

At the Special General Meeting, the Chair will be taken by the Chairperson of the Club or, in their absence, by a deputy appointed by the Full Members attending the Meeting. Decisions made at a Special General Meeting, other than under para. 17, shall be by a simple majority vote from those Full Members attending the meeting. In the event of equal votes, the Chairperson of the meeting shall be entitled to an additional casting vote.

A quorum for a Special General Meeting shall be twenty-five Full Members together with at least one from the Chairperson, Hon. Secretary and Hon. Treasurer.

17 Alterations to the Constitution

Any proposed alterations to the club constitution may only be considered at either an AGM or a SGM, except in case of urgency when the Executive Committee can provide approval until the next AGM..

Any alteration or amendment must be proposed by a Full Member of the club and seconded by another Full Member. Such alterations shall be passed if supported by not less than two-thirds of those Full Members present at the meeting, assuming that a quorum has been achieved.

Any decisions shall be immediately binding on the membership.

18 Finance

- (a) The Executive Committee shall formulate and minute detailed operating systems for the adequate control of all monies and stock;
- (b) All club monies shall be banked in an account in the name of the club;
- (c) The Hon. Treasurer shall be responsible for maintaining the financial records of the club and for providing a report on the financial position of the club;
- (d) The Hon. Secretary in conjunction with the Hon. Treasurer shall ensure that the club maintains adequate and appropriate insurance to cover the activities of the club;
- (e) Where certain budget lines are allocated to sub-committees, the sub-committee chairperson in consultation with the Hon. Treasurer shall be responsible for ensuring that they are not exceeded. Any excess not already authorised by the Executive Committee, or in an emergency, shall be reported to the next meeting of the Executive Committee;
- (f) The financial year shall end on 31st December each year;
- (g) The Hon. Treasurer will present an audited statement of the previous years annual accounts at the Annual General Meeting, and a synopsis of the current year.
- (h) All cheques drawn against club funds must be signed by **two signatories** in accordance with any of the two held on the **Bank Mandate**. (*amended 08/01/18.*). This means that the Mandate held by the Bank will agree to this Constitution for all signing purposes.
- (i) The number of Gaming and Amusement machines in the club shall be at the discretion of the Executive Committee (subject to authority of licence). It will be the responsibility of the Hon. Treasurer to ensure the machines are emptied on a regular basis and that the profits are banked. At least 2 members of the Executive Committee shall be present when machines are emptied and monies counted. A Record will be kept of this..

19 Bar -Hours Of Business

- (a) Permitted Hours. The club bar may be opened to supply intoxicating liquor to members, guests and visitors between 10am and 11.30pm (closure time midnight) on everyday of the week (i.e. Monday to Sunday inclusive). On New Years Eve and New Years Day continuous opening for 24 hours is permitted.
- (b) The names of persons serving in the bar at anytime throughout the year should be placed on an adjoining notice board. This list should be updated as required. A notice stipulating only persons of 18 years and over will be served with alcoholic drinks should be visible at the bar entrance, All bar staff should be made fully aware of this restriction.
- (c) Temporary Event Notices for the pavilion bar will not be required at any time unless it is intended to sell hot food after 11 pm or for live music to form part of a function.
- (d) Where special occasions take place on the ground and includes either the sale of alcoholic beverages or the playing of live music, it may be necessary to obtain a Temporary Event Notice giving full details of the type of event. The cost of obtaining such a Notice will normally be passed to the hirer or third party concerned. Such events will require the approval of the Executive Committee.

20 Property and Funds

- (a) 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;
- (b) The club may supply and sell food and related sports clothing and equipment;
- (c) The club may employ members (though not for playing) and remunerate them for providing goods and services, on fair terms set by the Executive Committee without the person concerned being present;

- (d) The club may pay for reasonable hospitality for visiting teams and guests;
- (e) The club may indemnify the Executive Committee and club 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).

21 Profit

- (a) No member may receive any profit, salary or pecuniary advantage from funds or transactions of the Club, except for professional services rendered at the request of the Executive Committee or appropriate Sub-Committee;
- (b) No member or employee may receive for him/himself any commission or pecuniary advantage accrued from the purchase or supply of intoxicating liquor by the club.

22 Dissolution

- (a) If the number of members falls below twenty-five, or if the Club shall resolve at a General Meeting by a majority of two thirds of voting members present of intent to dissolve the Club, the Executive Committee shall thereupon, or at such date as shall have been specified in the resolution, take steps to convert into money all property of the Club;
- (b) From the proceeds the Executive Committee shall discharge all debts and liabilities of the Club including the cost of conversion;
- (c) Any balance shall be dispersed as resolved at the General Meeting. This shall be either to (i) [Deleted], or (ii) another club with similar sports purposes which is a registered charity, or (iii) another club with similar purposes which is a registered Community Amateur Club, or (iv) the Club's governing body for use by them for related community sport.

23 Insurance

The Executive Committee will maintain with an Insurance Company of repute a policy or Policies of insurance in respect of the Club's buildings and premises and the fittings and contents thereof and the equipment belonging to the Club against all normal risks to the full replacement value thereof together with appropriate cover against Public Liability in respect of guests and visitors to the Club's premises.

24 Trustees

- (a) There shall be three Trustees of the Club;
- (b) The property of the Club shall be vested in the Trustees to be dealt with as the Club shall from time to time direct by resolution of which an entry in the Minutes Book shall be considered evidence;
- (c) The Trustees and each of them shall be fully indemnified by the Club from payments made and all liabilities incurred from time to time by them or any of them as such Trustees and every act or thing done or suffered by the Trustees shall so far as regards the safety and protection of the persons dealing with him/her or them absolutely bind the Club and every member thereof;
- (d) Every Trustee shall remain until death or resignation or until an Annual General Meeting or Special General Meeting of the members think proper to remove any or all of them and to elect a new Trustee or Trustees in his/her or their place.
- (e) For the purpose of giving effect to such nomination the President is hereby nominated as the person to appoint new Trustees of the Club within the meaning of s36 of the Trustee Act 1925 and he/she shall by Deed duly appoint the person or persons so nominated by the Executive Committee as the new Trustee or Trustees of the Club and provisions of the Trustee Act 1925 shall apply to such appointment.

Issued 1st November 2021 after approval at the A.G.M. 30th October 2021

Reissued 27th April 2022 to meet ECB Safeguarding Policies which dictated amendments from existing wordings. Changes are to Section 2; Section3(a) amended; Section 5(a) & 5(b); Removal of Section 5(c) &5(d); renumber 5(e) as 5(c) and the addition of Section 13(d).