

# RULE BOOK



"Is medieval Dutch for 'I WILL MAINTAIN' which William Prince of Orange declared on landing in Brixham on November 5th 1688 when he claimed "I will maintain the liberties of England and the Protestant Religion"



### **1. Name**

The name of the Club is Brixham Cricket Club whose address is: The Clubhouse, North Boundary Rd, Brixham TQ5 8LH.

### **2. Club Purpose**

- to foster and promote the sport of cricket at all levels within the Community and within the sport, providing opportunities for recreation, coaching and competition.
- to manage the North Boundary Road Clubhouse site and grounds.
- to ensure all members playing and non-playing, abide by the English Cricket Board (ECB) Code which incorporates the Spirit of Cricket and by the Laws of Cricket.
- to ensure a duty of care to all members of the Club by adopting and implementing the ECB 'Safe Hands' –Cricket's Policy for Safeguarding Children –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 Equity Policy and any future versions of the Policy.
- to encourage all members to participate fully in the activities of the Club on a cricketing and social basis.

### **3. Permitted means of advancing the Purposes**

The Committee has the power to (subject to Rule 8 (a) (2) hereof which places a limit on the Committees powers to incur liabilities).

(a) To acquire and provide grounds, equipment, coaching, training, playing facilities, clubhouse facilities, transport, medical and other related facilities.

(b) In the event of the acquisition of additional property for investment purposes, this shall be held in the name of a maximum number of four trustees who shall be those persons currently elected at an Annual General Meeting held in pursuance of these rules.

(c) Take out insurance for club, employees, contractors, players, guests and third parties

(d) Raise funds by appeals, subscriptions, loans and charges

(e) Borrow money and give security for the same, and open bank accounts which bank accounts shall be in the name of the Chairman of the Club, the Treasurer and one other person appointed

for that purpose by the Committee from time to time and the mandate over which shall be decided by the Committee.

- (f) Buy, lease or licence property and sell, let or otherwise dispose of the same
- (g) Make grants and loans and give guarantees and provide other benefits
- (h) Set aside funds for special purposes or as reserves
- (i) Invest funds in any lawful manner
- (j) Employ and engage staff and others and provide services
- (k) Co-operate with and affiliate to bodies regulating or organising the Sport of Cricket, to work with clubs or bodies involved with cricket and with government and other related agencies
- (l) Do all other things reasonably necessary to advance the purposes
- (m) Join such leagues and enter such competitions from time to time which shall promote the purposes of the Club

NONE of the above powers may be used other than to advance the purposes consistently with the Rules below and the general law.

#### **4. Membership**

(a) Membership of the Club shall be open to anyone interested in the sport on application regardless of sex, age, disability, nationality, sexual orientation, religion or other beliefs.

However, limitation of membership according to available facilities is allowable on a non-discriminatory basis.

(b) The Club may have different classes of membership (as set out in the First Schedule) and subscription on a non-discriminatory and fair basis. The Club will keep subscriptions at levels that will not impose a significant obstacle to people participating and the level of subscription for each class of membership shall be set out at the Annual General Meeting.

(c) The Club Committee may refuse membership or remove it only for good cause such as conduct or character likely to bring the Club or sport into disrepute or cause alarm or distress to members, guests or employees of the Club. This shall apply whether the conduct complained of occurred within or without the Club.

(d) In the event the Club Committee shall be required to consider the withdrawal of membership the procedure set out in the Second Schedule shall be followed. An appeal against removal may be made to in the manner therein set out.

(e) Application for election to membership shall be in accordance with the Third Schedule. The membership year shall run from May 01<sup>st</sup> to April 30<sup>th</sup> (The Membership Year) and if a member fails to renew their membership by 01<sup>st</sup> June in any Membership year, the membership shall cease, they shall have none of the privileges of membership as set out in these rules and the provisions for application to become a member as set out in the Third Schedule shall apply.

(f) It is expressly declared that in the event a member ceases to be a member as set out in Rule 4(e) above (fails to renew) or in accordance with the decision of the Committee under the Second Schedule (disciplinary procedure); then that member shall not be entitled to be signed in a guest or a member for a period to be determined in the absolute discretion of the Committee.

(g) A member shall be entitled to introduce guest or guests into the club from time to time subject to the provisions of clause 4(g) above and the Fourth Schedule.

(h) It is the responsibility of a member of whatever category to inform the Secretary as to any change of address. The service of a notice at the members last known address shall be deemed sufficient under these rules.

(i) No member shall be entitled to remain as a member if they take up full time employment with the club, and they shall henceforth resign their membership.

## **5. Behaviour**

The Committee expect all members to behave in a proper manor, respectful to all other members and guests. The Club will not tolerate bullying, harassment, discrimination, physical or verbal violence or any other form of behaviour which an individual or group perceives as offensive. This also relates to any form of social media and includes bringing the Clubs reputation into disrepute. If there are any complaints against groups or individuals the Committee will implement the Disciplinary Procedure as set out in Schedule 2.

Please note:

- (a) A member of the Committee or a staff member have the authority to act to request persons leave the premises in the first instance to immediately reduce any inappropriate behaviour.
- (b) A reminder that members are responsible for the behaviour of any guests. If a guest is asked to leave the member must accompany them.
- (c) It is paramount that all parents/guardians are responsible for the behaviour of the children in their care whilst on Cricket Club property.
- (d) Any member of the bar staff can refuse service if they deem that an individual is in no fit state to continue to be served.

## **6. Annual General Meetings (AGM)**

The Club will hold an AGM once in every calendar year and not more than 15 months after the last AGM which AGM shall be convened in the manner set out in paragraph 5(b) above.

- (a) Unless otherwise provided for in these rules all members may attend all AGM's of the Club in person.
- (b) Such meetings need 21 days clear days written notice to members. This notice convening the meeting may be placed within the Clubhouse, by advert in the local press or by electronic communication to members. The method of such communication shall be decided by the discretion of the Club Committee.
- (c) The quorum of all AGM's is 21 members present or 10% of the total membership whichever is greater.
- (d) The Chair or (in his/her absence) another member chosen at the meeting shall preside.
- (e) Except as otherwise provided in these rules every resolution shall be decided by a simple majority of the votes cast on a show of hands.
- (f) Formalities in connection with AGM's (such as how to put down resolutions) shall be decided by the Committee and publicised to Club members.

- (g) The Members will elect a Committee including a Chair, Treasurer, President, Club Welfare Officer and Secretary (the Officers) together with 5 members (or such number as shall be considered appropriate) from the club membership who shall form the Committee to serve until the next AGM.
- (h) The Treasurer will produce accounts of the Club for the latest financial year audited in such manner as the Committee shall decide and in accordance with the provisions of the Law.
- (i) The Committee will present a report on the Clubs activities since the previous AGM.
- (j) If required, the Committee will appoint an independent examiner/auditor for the accounts
- (k) The Members will discuss and vote on any resolution (whether about policy change or to change the Rules as notified in accordance with Rule 10 hereof) and deal with any other business put to the meeting.
- (l) The Members shall ratify the appointment of Club Captain, The First Eleven Captain, the Second Eleven Captain, The Sunday and Midweek Captain and the Fixture Secretary (all of whom shall all be eligible ex officio to sit on Committee) these appointments having been made at a previous meeting of the playing members convened for that purpose.
- (m) Club members will be asked via notice that any proposals for rule amendments or Any Other Business are addressed to the Secretary, in writing, not less than 21 days prior to the date of the AGM. The proposal will then be published within the Clubhouse not less than 14 days prior to the AGM.

## **7. Extraordinary General Meetings (EGM)**

An EGM shall be called by the Secretary within 14 days of a request to that effect from the Committee or on written request of not less than 7 members signed by them (the Notice). Such EGM shall be held on not less than 14 nor more than 21 days from the date of the receipt of the Notice at a place decided upon by the Committee or in default by the Chair and notification of that meeting shall be made in accordance with Rule 5(b) hereof, provided always that the Notice shall set out the nature of the purpose of the proposed meeting and shall specify what if any rule is to be the subject of amendment. The procedure to alter or amend a rule shall be as set out in Rule 10 hereof.

## **8. The Committee**

**(A) Role**

(i) Subject to these Rules the Committee shall have responsibility for the management of the Club, its funds, property and affairs.

(ii) The Committee shall not be empowered, under any circumstance, to enter into any liability on behalf of the Club, for whatever purpose, and in whatever form by which the Committee shall incur a liability for a sum or sums in excess of £3000, so that in the event that the Committee do wish to enter into such a liability, the Committee shall have to convene an EGM in the manner set out in para 7 above for that purpose at which an EGM to propose to incur such a liability shall be approved by a simple majority of those present.

(iii) The Committee shall have the power to make from time to time, bye laws for the necessary management of the Club. The bye laws shall be the subject of a full report to members and which the Secretary will keep, in a convenient place and suitable manner (whether in hard or soft copy) for inspection.

(iv) The Committee are required for compliancy and value for money reasons to acquire 3 quotes for any works necessary either within/outside the clubhouse for monies totalling in excess of £500. The allocation of works shall be decided at Committee and a record of the quotes and detailed reasons as to the allocation of works to a Company are to be kept as a matter of record for any Committee or Club member to examine. Records are to be kept in a timeline in accordance with financial regulations.

(v) No Committee member shall be paid or financially benefit from Club activities or their role on the Committee unless it is agreed in exceptional circumstances by a majority vote by the remainder of the Committee. If agreed this should be to enhance the activities of the Club and only be for a temporary period not exceeding 6 months. Any approved payments for a temporary period should be declared to members via a notice.

**(B) Property**

(i) 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 are reinvested in the Club.

(ii) The Club may provide sporting and related social activities, sporting equipment, coaching, courses, insurance cover, medical treatment, away match expenses, post-match refreshments and other ordinary benefits of Brixham Cricket Club in the Finance Act 2002.

(iii) The Club may also in connection with the sports purposes of the Club:

(a) Sell and supply food, drink and related sports clothing and equipment

(b) Employ members (though not for playing) and remunerate them for providing goods and services, on fair terms set by the Committee without the person concerned being present

(c) Pay for reasonable hospitality for visiting teams and guests

(iv) Indemnify the Committee and members acting properly during the running of the Club against any liability incurred in the proper running of the Club (but only the extent of its assets)

(v) The Committee will have due regard to the law on disability discrimination and child protection.

**(C) Composition etc**

(i) A quorum of the Committee shall be five. The Committee shall consist of those persons set out in para 6(a) hereof. The Committee members may co-opt Club members (up to the maximum permitted number) to serve until the next AGM.

(ii) Any Committee member may be re-elected or re-co-opted without limitation.

(iii) A 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 his/her case to the Committee with an appeal to the Club members, or is removed by Club members at a general meeting. The Committee shall fairly decide time limits and formalities for these steps.

**(D) Committee Meetings**

(i) Whenever a Committee member has personal interest in a matter to be discussed he/she must declare it, withdraw from that part of the meeting (unless asked to stay), not be counted in the quorum for that agenda item and withdraw during the vote and have no vote on the matter concerned.

(ii) The Committee may decide its own way of operating. Unless it otherwise resolves the following rules apply:

(a) At least 5 members must be present for the meeting to be valid.

(b) Committee meetings must be held face to face.

(c) The Chair or whomever present choose shall chair the meetings.

(d) Decisions shall be made by a simple majority voting.

(e) A resolution in writing signed or confirmed by electronic mail by every Committee member shall be valid without a meeting.

(f) The Chair of the meeting shall have a casting vote.

**(E) Delegation**

The Committee may delegate any of the functions to the following sub-committees:

(i) The Bar and Social Committee

(ii) The Cricket Committee

(iii) The Selection Committee

(iv) The Disciplinary Committee

(v) Any other Committee formed for any purpose within the scope of these rules.

The sub-committee must specify the scope of its activity and power; the extent to which it can commit funds of the club; its membership and its duty to report back to the Committee. Provided

always that the Club Committee shall have the power to revoke or amend any decision of the sub-committee and further that The Committee may wind up any sub-committee at any time or to change its mandate and operating terms. The Chair of the Club shall be entitled to be present at any sub-committee meeting.

**(F) Disclosure**

Annual club reports and statement of accounts must be made available for inspection by any member and all club records may be inspected by any Committee member.

**(G) Personal Liability of Committee Members**

No member of the Committee shall incur liability on behalf of the Club without the express authority of the Committee and in the event that such liability is incurred with a third party who acts upon reliance of the apparent authority of the Committee member, the Committee member shall have personal liability in respect of that liability and will indemnify the Club against all liabilities arising therefrom, provided however that this shall apply only to such liabilities incurred from the date of adoption of these rules.

**9. The Role of Treasurer**

The Treasurer shall

- (a) Keep up to date records of all financial dealings of the Club
- (b) Ensure that all monies received by the Club are placed in the Clubs bank account as soon as received or as soon as practicable after receipt.
- (c) Produce the report as required under rules 6(b) hereof
- (d) Have power with agreement from the Chair but not further or otherwise to incur liabilities and expend Club funds up to a maximum level of £50 save that it is declared that this rule shall not limit the power of the Treasurer to incur supplies of goods such that are necessary for the normal trading activity of the Club.

**10. Amendments**

- (a) These rules may be amended at a general meeting by two thirds of the votes cast but not (if relevant) to jeopardise the Clubs incorporated status as set out in

the Memorandum of Associates of the Brixham Cricket Club nor to jeopardise the Clubs charitable status.

- (b) A proposal to amend these rules shall be made by way of written notice to the Secretary
- (c) The Club purposes may be changed to include other eligible sport if the Committee unanimously agree and the members also agree the change by a 75% majority of the votes cast.

## **11. Winding Up the Club**

- (a) The members may vote to wind up the Club if not less than three quarters of those present and voting support that proposal at a properly convened general meeting.
- (b) The Committee will then be responsible for the orderly winding up of Club affairs.
- (c) After settling all the liabilities of the Club, the Committee shall dispose of the net assets remaining to one or more of the following:
  - (i) To another Club with similar sports purposes which is a registered charity and/or
  - (ii) To another Club with similar purposes which is a registered Community Amateur Sports Club and/or
  - (iii) To the Clubs governing body for use by them for related community sports.

# **The First Schedule**

## **Categories of Membership**

### **1. Senior Playing Members**

Shall be members of the Club, over the age of 21 at the date of commencement of the membership year who shall be entitled to participate in the playing of cricket and the use of the Club facilities which are available for the use of Club Members.

### **2. Intermediate Playing Members**

Shall be members of the Club, over the age of 18 and under the age of 21 at the date of commencement of the membership year who shall be entitled to participate in the playing of cricket and the use of the Club facilities which are available for the use of Club Members.

### **3. Non-Playing members**

Shall be members of the Club who shall not be entitled to participate in the playing of cricket but shall be entitled to the use of Club facilities.

### **4. Honorary Life Members**

Shall be members of the Club who in the opinion of the Committee have provided such meritorious service to the Club that they shall be elected to permanent honorary life membership.

### **5. Vice Presidents**

Shall be playing members or non-playing members who shall pay an enhanced membership fee provided that such an enhanced membership fee shall always be more than 25% of the membership fee appropriate to the relevant category of membership for which they would normally qualify.

### **6. Family Membership**

Shall be available to any member falling into categories 2-5 together with their partner and children if under the age of 18 at the start of the membership year and shall be entitled to the use of Club facilities, save that the proviso as to Junior members (supply of alcohol and voting) shall apply to child members under this heading.

#### **7. Junior Members**

Shall be members of the Club who shall be under the age of 18 at the start of the membership year, provided always that such members shall not be entitled to such privileges of membership as set out in Rules 5-8 of the Rules (the attendance of meetings and voting) nor shall they be entitled to stand for or be elected to membership of the Committee nor shall they be supplied with alcohol unless they achieve the age during the Membership year in which case they shall be entitled to service of alcohol as at the date of attainment of the age of 18 and not before.

#### **8. Function Membership**

Shall be persons who (a) attend functions at the Club and (b) are not otherwise members of the Club as set out in these Rules. These members will not be entitled to any of the privileges as set out in these Rules save for the supply of alcohol on the day of the function. In order to qualify for this category of membership a full list of proposed function members shall be delivered in writing to the Club at least 48 hrs before and function provided always that the Club may decline to permit any proposed function member to utilise the facilities of the Club. In that event no reason need be given to the proposed function member.

#### **9. Summer Membership**

Shall be available between the months of May and September and such persons shall not be entitled to the privileges of membership as set out in Rules 5-8.

#### **10. Visiting Membership**

Shall be available to bona fide clubs and organisations attending the Clubs premises in pursuance or furtherance of the objects of the Club. Members of such visiting clubs and organisations may be signed in en-bloc by way of an entry into the Visitors book kept for that purpose such persons shall not be entitled to the privileges of membership as set out in rules 5-8.

#### **11. Event Membership**

Shall be available to members of the public who attend the clubs' premises for formal organised cricket events or events similar in nature in which case such persons shall be entitled to the use of the Clubs premises on the day or days of the event such persons shall not be entitled to the privileges of membership as set out in Rules 5-8.

## **12. Senior membership**

Senior membership will be available from 65 years of age for both male and female members.

All categories of membership and pricing can only be amended and accepted at an AGM.

## **The Second Schedule**

### **Disciplinary Procedure**

In the event a complaint is made as to the conduct of a member as envisaged under rule 4(c) hereof the following shall apply:

1. Such a complaint must be made to the Chairman or Secretary of the Club either in writing or verbally as the Committee shall decide.
2. The member about who the complaint is made shall be notified in writing as to the nature of the complaint, which notification shall contain details of the complaint. The notification shall be made to the member within 7 days of the receipt of the written or verbal complaint and the Secretary shall cause the nature of the complaint to be conveyed to the Disciplinary Committee.
3. The notification will also set out a date at which the Disciplinary Committee shall decide upon the complaint.
4. In the period between making the complaint and the date for consideration of the complaint the Committee shall impose such interim sanction upon the member as it considers appropriate. No reason needs to be given for the imposition of the interim sanction.
5. The date for consideration of the complaint shall be at least 7 days but no more than 14 days after the notification to the member as set out in para. 2 of this schedule.

6. The Disciplinary Committee shall consist of The Chairman and three members of the Committee or shall be of such other constitution as the Committee shall from time to time decide.
7. The member shall be given the opportunity to attend the meeting of the Disciplinary Committee with or without a friend. Such friend may be entitled to address the Disciplinary Committee at the discretion of the Chairman of the Committee. In the event the member fails to attend the meeting the Disciplinary Committee may make such decision as it considers appropriate in the members absence.
8. In the event a complaint is made against two or more members arising from the same incident the Disciplinary Committee may in its absolute discretion hear the complaints either together or in isolation.
9. At the hearing of the complaint the member shall be told the nature of the complaint.
10. The member making the complaint shall be entitled to attend the hearing but there is no compulsion to do so. The identity of the complainant does not have to be disclosed to the member about whom the complaint is made.
11. The member or his friend shall be entitled to address the Disciplinary Committee.
12. The Disciplinary Committee may hear about such matters that they consider to be relevant, and it must be borne in mind that the hearing is not to be treated as a formal court of law so that the rules of evidence applicable to such courts will not apply.
13. When the Disciplinary Committee has heard the evidence relating to the complaint the member will be asked to retire and the Disciplinary Committee shall consider the matter and make its final decision.
14. Such final decision may be communicated to the member at the end of the Disciplinary Committee's considerations or shall be communicated to the member in writing.
15. In the event that the decision is communicated in writing the Disciplinary Committee may again impose such interim sanction as it feels fit, which shall be communicated to the member in person, provided always that the communication of the final decision shall be made within 3 days of the hearing.

## **Appeals**

In the event that the member subject to the final decision so wishes, he/she have the right to appeal to the Appeals Committee set up for that purpose. That appeals Committee shall consist of the Committee less the three members thereof (but including the Chairman) who decided the final decision, although they shall attend for the purpose of informing the Appeals Committee of their final decision.

The same procedure shall apply as for the original disciplinary hearing save that the member appealing shall give notice to the Secretary of their wish to appeal within 5 days of receipt of the final decision.

The Appeal Committee shall hear the appeal within 7 days of the receipt of the Appeal notice and the date for the appeal shall be communicated to the member appealing.

## **The Third Schedule**

### **Procedure for Application to Membership**

1. Every candidate for membership (save junior members) shall complete an application form. The application shall be submitted to the Club Secretary and shall be made on a form prescribed by Committee from time to time. The application for membership shall be displayed in a prominent position within the Clubhouse for a continuous period of at least two days from the date. Any objection to the application must be made in writing to the Club Secretary.
2. The Committee may only refuse to admit a new member if a resolution is passed at a meeting where the person in question has been notified in advance and been given 14 days to submit written representations for the Committee to consider at the meeting. Appeal against refusal of membership shall be to an appeals sub-committee of three members appointed by the committee whose decision shall be final.
3. No person shall be admitted to membership without a clear interval of at least 2 days between the application and the admission. At the time of the application for membership

the applicant shall forward the subscription appropriate to the membership sought. In the event that the application is rejected a refund in full will be returned.

4. Any person expelled from membership shall apply for re-admission as set out in this schedule, and for the avoidance of doubt such person shall not be entitled to be signed in as guest member. The Committee, may impose such conditions on the applicant in respect of their re-admission as it sees fit.
5. Function members shall be entitled to membership in the way set out in the First Schedule hereto.

## **The Fourth Schedule**

### **Guests**

Members shall be entitled to introduce guests to the Club providing that no person who has been expelled from membership or has been declined admission to membership shall ever be introduced as a guest. In the event a member has lapsed his/her membership (failed to renew) that person may be admitted at the discretion of the Committee.

The member introducing the guest shall enter the visitors name in the Visitors book kept for that purpose together with his own name and address.

No member shall be entitled to introduce more than 10 guests on any one occasion and no guest shall be so admitted on more than 6 occasions in total in any one Membership year.

The member signing in the guest or guests shall be responsible for the actions of the guest and in the event that a complaint is made as to the conduct of a guest they (the member) shall be liable to the Disciplinary Procedure as set out in these Rules.

For avoidance of doubt persons attending the Club as members of other bona fide sporting clubs or visiting teams shall be entitled to use the facilities of the Club so long as the necessary signing in steps are taken as set out in preceding parts of these Rules.

**These Rules were last updated and accepted by members as a matter of record at the AGM taken place within the Clubhouse at Brixham Cricket Club 27 Feb 2020.**